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PRIVACY ACT OF 1974—FURTHER NOTICE TO AGENCIES

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

Title 3—The President

CHAPTER I—EXECUTIVE OFFICE OF THE PRESIDENT

PART 100—STANDARDS OF CONDUCT

PART 101—PUBLIC INFORMATION PROVISIONS OF THE ADMINISTRATIVE PROCEDURES ACT

Redesignation

EDITORIAL NOTE: The regulations formerly codified as 3 CFR Chapter V, Executive Office of the President, Parts 100 and 101 are redesignated as 3 CFR Chapter I, Executive Office of the President, Parts 100 and 101.

Title 5—Administrative Personnel

CHAPTER I—CIVIL SERVICE COMMISSION

PART 213—EXCEPTED SERVICE

Department of the Treasury

Section 213.3305 is amended to show that the position of Deputy Assistant Secretary (Trade and Raw Materials Policy), Office of the Assistant Secretary (Trade, Energy, and Financial Resources Policy Coordination), Office of the Secretary is excepted under Schedule C.

Effective June 12, 1975.

Section 213.3305(a)(21) is added as set out below:

§ 213.3305 Treasury Department.

(a) *Office of the Secretary.*

* * * * *

(21) Deputy Assistant Secretary (Trade and Raw Materials Policy).

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

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

[FR Doc.75-15484 Filed 6-11-75;8:45 am]

Title 7—Agriculture

CHAPTER IV—FEDERAL CROP INSURANCE CORPORATION, DEPARTMENT OF AGRICULTURE

PART 412—PUBLIC INFORMATION

Freedom of Information

Pursuant to the authority contained in the Federal Crop Insurance Act, as amended, Part 412 of the Federal Crop Insurance Regulations contained in 7 CFR, is hereby revised by deleting Part 412 in its entirety and substituting a new Part 412 of the above identified regulations.

This revision of Part 412 is being made in accordance with the regulations found in section 552 of Title 5 U.S.C., as amended by Pub. L. 93-502 and the rules promulgated by the United States Department of Agriculture on February 19, 1975 (40 FR 7341) in order to more properly conform to said rules.

This part delineates the procedures to be followed by members of the public in requesting documents under the Freedom of Information Act, and by the Secretary of Agriculture in searching for and providing documents and for other purposes.

The rules herein do not fall within the criteria set forth in the Department of Agriculture's interim guidelines relating to the Inflationary Impact Statement required by the Office of Management and Budget Circular A-107.

In that a delay in implementing these regulations would be contrary to the public interest, the relevant provisions of the Administrative Procedures Act (5 U.S.C. 553(b) and (c)) requiring notice of proposed rule making, opportunity for public participation, and delay in effective date are inapplicable.

The Regulations on Public Information, 7 CFR Part 412, are revised to read as follows:

Sec.
412.1 General statement.
412.2 Public inspection and copying.
412.3 Index.
412.4 Requests for records.
412.5 Appeals.

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

§ 412.1 General statement.

This part is issued in accordance with the regulations of the Secretary of Agriculture at 7 CFR 1.1–1.16, and Appendix A, implementing the Freedom of Information Act (5 U.S.C. 552). The Secretary's regulations, as implemented by the regulations in this part, govern the availability of records of the Federal Crop Insurance Corporation to the public.

§ 412.2 Public inspection and copying.

5 U.S.C. 552(a)(2) requires that certain materials be made available for public inspection and copying. Members of the public may request access to such materials maintained by the Federal Crop Insurance Corporation at the Office of the Assistant Manager for Administration from 8:15 a.m. to 4:45 p.m., or the office of any field director during the regular operating hours of that office. The addresses of such offices are currently set forth in 36 FR 23325, as amended, June 12, 1975 (40 FR 24993). When the information desired is not available at a given location, the office where the request is received will assist the applicant by directing the request to another office where the information may be obtained. Except for such information as is generally available to the public, requests should be in writing and submitted in accordance with 7 CFR 1.3 and 412.4 and 412.5 of this Part.

§ 412.3 Index.

5 U.S.C. 552(a)(2) requires that each agency publish or otherwise make available a current index of all materials required to be made available for public inspection and copying. The Federal Crop Insurance Corporation will maintain a current index providing identifying information for the public as to any matter issued, adopted, or promulgated by the Corporation since July 4, 1967, and required by section 552(a)(2). Pursuant to Freedom of Information Act provisions, the Federal Crop Insurance Corporation has determined that in view of the small number of public requests for such index, publication of such index would be unnecessary and impracticable. Copies of the index will be available upon request in person or by mail to the Records Management Officer, Federal Crop Insurance Corporation, Room 4617, South Building, U.S. Department of Agriculture, Washington, D.C. 20250.

§ 412.4 Requests for records.

The Assistant Manager for Administration located in Washington, D.C., and all field office directors at the addresses listed in 36 F.R. 23325, as amended, June 12, 1975 (40 FR 24993), are authorized to receive requests for records submitted in accordance with 7 CFR 1.3(a) and to make determinations regarding whether to grant or deny these requests and other determinations in accordance with 7 CFR 1.4(c).

§ 412.5 Appeals.

Any person whose request under § 412.4 above is denied shall have the right to appeal such denial. This appeal shall be submitted in accordance with 7 CFR 1.3(e) and addressed to the Manager, Federal Crop Insurance Corporation, USDA, Washington, D.C. 20250.

Effective date: This revision shall be effective June 12, 1975.

Approved by the Board of Directors on May 15, 1975.

Issued this 27th day of May, 1975.

[SEAL] PETER F. COLE,
Secretary, Federal Crop Insurance Corporation.

EARL L. BUTZ,
Secretary.

[FR Doc.75-14076 Filed 6-11-75;8:45 am]

CHAPTER VII—AGRICULTURAL STABILIZATION AND CONSERVATION SERVICE (AGRICULTURAL ADJUSTMENT), DEPARTMENT OF AGRICULTURE

SUBCHAPTER B—FARM MARKETING QUOTAS AND ACREAGE ALLOTMENTS

[Amendment 6]

PART 726—BURLEY TOBACCO

Burley Tobacco Marketing Quota Regulations, 1971–72 and Subsequent Marketing Years

In 40 FR 20095 notice was given of a proposal to amend the regulations to permit the transfer of burley tobacco quotas to any farm within a county without regard to whether the receiving farm has a burley tobacco quota. Interested persons were given until May 23 in which to submit views or arguments. The views and arguments which were received were duly considered.

The proposed amendment to the regulations is hereby adopted with the addition of the effective date and authority clause.

Because farmers are now planting their tobacco crop, it is essential that these regulations be made effective at the earliest possible date. Accordingly, this document is being made effective June 12, 1975.

1. Section 726.68 is amended by revising paragraph (b)(1) and adding new paragraph (y) to read as follows:

§ 726.68 Transfer of burley tobacco farm marketing quotas by lease or by owner.

* * * * *

(b) *Persons eligible—(1) Lease.* Effective begining with the 1975 crop, the owner and operator (acting together if different persons) of any old farm for which a burley tobacco farm marketing quota is or will be established for the year in which a transfer by lease is to take effect may transfer all or any part of the farm marketing quota established for such farm to any other owner or operator of a farm in the same county. The quota established for a farm as pooled quota under Part 719 of this chapter may be transferred during the 3-year life of the pooled quota.

* * * * *

(y) *Establishing farm yield.* Prior to approval of a transfer agreement, the county committee shall establish a farm yield as instructed by the Deputy Administrator, Programs for the farm to which the quota is to be transferred unless a farm yield has been established previously for the farm.

2. Section 726.81(f)(1) is revised to read as follows:

§ 726.81 Issuance of marketing cards.

* * * * *

(f)(1) *Farm quota data entered on keting card and supplemental card.* Any marketing card issued to market tobacco shall show when issued, in the spaces provided on the reverse side, the pounds computed by multiplying 110 percent times the effective farm marketing quota: *Provided,* That where a farm marketing quota is transferred by lease to a farm having no farm marketing quota (basic quota), such entry shall be limited to the effective farm marketing quota.

(Secs. 301, 312, 313, 314, 316, 318, 319, 362, 363, 372–375, 377, 378, 52 Stat. 38, as amended, 46, as amended, 47, as amended, 48, as amended, 62, as amended, 75 Stat. 469, as amended, 81 Stat. 120, as amended, 52 Stat. 63, as amended, 65, as amended, 66, as amended, 85 Stat. 23, 70 Stat. 206, as amended, 72 Stat. 995, as amended (7 U.S.C. 1301, 1312, 1313, 1314, 1314b, 1314d, 1314e, 1362, 1363, 1372–1375, 1377, 1378).

Effective date: June 12, 1975.

Signed at Washington, D.C., on June 6, 1975.

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

[FR Doc.75-15318 Filed 6-11-75;8:45 am]

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

[Valencia Orange Reg. 502]

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 June 13–19, 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.

§ 908.802 Valencia Orange Regulation 502.

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

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

(i) The committee has submitted its recommendation with respect to the quantities of Valencia oranges that should be marketed during the next succeeding week. Such recommendation, designed to provide equity of marketing opportunity to handlers in all districts, resulted from consideration of the factors enumerated in the order. The committee further reports that the fresh market demand for Valencia oranges continues to be generally strong for larger size fruit. Prices f.o.b. averaged $3.69 per carton on a reported sales volume of 898,000 cartons last week, compared with an average f.o.b. price of $3.57 per carton and sales of 845,000 cartons a week earlier. Track and rolling supplies at 576 cars were up 29 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 June 10, 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 June 13, 1975, through June 19, 1975, are hereby fixed as follows:

(i) District 1: 280,000 cartons;

(ii) District 2: 520,000 cartons;

(iii) District 3: Unlimited movement."

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

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

Dated: June 11, 1975.

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

[FR Doc.75-15535 Filed 6-11-75;12:07 pm]

[Lime Reg. 35, Amdt. 1]

PART 911—LIMES GROWN IN FLORIDA

Quality and Size Requirements

The amendment to Lime Regulation 35 continues on and after June 16, 1975, the same grade and size requirements for the handling of fresh Florida limes as are currently in effect through June 15, 1975. The amendment reflects the composition of the currently available supply of limes and is necessary to provide consumers with acceptable size and quality fruit.

On May 5, 1975, notice of proposed rulemaking was published in the FEDERAL REGISTER (40 FR 19479), regarding a proposed amendment to said regulation to be made effective pursuant to the marketing agreement, as amended, and Order No. 911, as amended (7 CFR Part 911), regulating the handling of limes grown in Florida. The proposed amended regulation was recommended by the Florida Lime Administrative Committee established pursuant to the said marketing agreement and order. This program is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674).

The aforesaid notice allowed interested persons until May 28, 1975, to submit written data, views, or arguments for consideration in connection with the proposed amended regulation. None were received.

After consideration of all relevant matters presented, including the proposal set forth in the aforesaid notice, the recommendation and information submitted by the Florida Lime Administrative Committee (established pursuant to the marketing agreement and order), and other available information, it is hereby found and determined that the amended regulation, as hereinafter set forth, is in accordance with the provisions of the said amended marketing agreement and order and will tend to effectuate the declared policy of the act.

It is hereby further found that good cause exists for not postponing the effective date of this amended regulation until 30 days after publication thereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which it is based became available and the time when it 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. Shipments of Florida limes are presently subject to regulation by grade, size, pack and container, pursuant to the amended marketing agreement and order; the amended regulation herein specified, except for the new effective dates, is identical with that currently in effect; the recommendation and supporting information for regulation were promptly submitted to the Department after an open meeting of the Florida Lime Administrative Committee on April 9, 1975; such meeting was held to consider recommendations for regulation, after giving due notice of such meeting, and interested persons were afforded an opportunity to submit their views at this meeting and thereafter with respect to the May 5, 1975, notice of proposed rulemaking; the provisions of this amended regulation are identical with the proposed regulation contained in said notice, and information concerning such provisions and effective time has been disseminated among handlers of such limes; it is necessary, in order to effectuate the declared policy of the act, to make this regulation effective during the period hereinafter set forth so as to provide for the continued regulation of the handling of Florida limes, and compliance with the amended regulation will not require any special preparation on the part of the persons subject thereto which cannot be completed by the effective time hereof.

The amended regulation is based upon an appraisal of current and prospective crop and market conditions for Florida limes. Florida lime production for the 1975-76 season is estimated at 2.1 million bushels, 16.7 percent larger than the previous record. Fresh shipments for the 1975-76 season began on April 1, 1975, and shipments in increased volume are being made as the season progresses. Total fresh shipments are expected to require about 840,000 bushels of such production. Ample supplies of acceptable sizes and grades of limes are available to fill fresh market demands. The re-establishment of the proposed regulation is designed to prevent the handling of lower grade and smaller limes, which do not provide consumer satisfaction and to promote orderly marketing in the interest of producers and consumers, consistent with the objectives of the act.

The provisions of § 911.337 (Lime Regulation 35; 40 FR 17830) are hereby revised to read as follows:

§ 911.337 Lime regulation 35.

Order. (a) During the period June 16, 1975, through April 30, 1976, no handler shall handle:

(1) Any limes of the group known as true "seeded" limes (also known as Mexican, West Indian, and Key limes and by other synonyms), grown in the production area, which do not meet the requirements of at least U.S. No. 2 Grade for Persian (Tahiti) Limes, except as to color: *Provided*, That true limes which fail to meet the requirements of such grade may be handled within the production area, if such limes meet all other applicable requirements of this section and the minimum juice content requirement prescribed in the U.S. Standards for Persian (Tahiti) Limes, and are handled in containers other than the containers prescribed in § 911.329 for the handling of limes between the production area and any point outside thereof;

(2) Any limes of the group known as large-fruited or Persian "seedless" limes (including Tahiti, Bearss and similar varieties) which do not grade at least U.S. Combination, Mixed Color: *Provided*, That stem length shall not be considered a factor of grade, and tolerances for fruit affected by decay and for fruit failing to meet the requirements set forth in the U.S. Standards for Persian (Tahiti) Limes shall apply: *Provided further*, That Persian limes which fail to meet the requirements of such grade may be handled within the production area, if such limes meet all other applicable requirements of this section and meet the same minimum juice content requirement prescribed in the U.S. Standards for such limes and are handled in containers other than the containers prescribed in § 911.329 for the handling of limes between the production area and any point outside thereof; or

(3) Any limes of the group known as large-fruited or Persian "seedless" limes (including Tahiti, Bearss, and similar varieties) which are of a size smaller than 1⅞ inches in diameter.

(b) Notwithstanding the provisions of paragraph (a)(3) of this section, not more than 10 percent, by count, of the limes in any lot of containers, other than master containers of individual bags, may fail to meet the applicable minimum size requirement: *Provided*, That no individual container of limes having a net weight of more than four pounds may have more than 15 percent, by count, of the limes which fail to meet such applicable size requirement.

(c) Terms used in the amended marketing agreement and order shall, when used herein, have the same meaning as is given to the respective term in said amended marketing agreement and order; and terms relating to grade and diameter, as used herein, shall have the same meaning as is given to the respective term in the United States Standards for Persian (Tahiti) Limes (§§ 51.1000-51.1016).

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

Dated: June 9, 1975, to become effective June 16, 1975.

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

[FR Doc.75-15319 Filed 6-11-75;8:45 am]

Title 14—Aeronautics and Space

CHAPTER I—FEDERAL AVIATION ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

[Airworthiness Docket No. 75-WE-28-AD; Amdt. 39-2237]

PART 39—AIRWORTHINESS DIRECTIVES

Lockheed-California Company Model L-1011-385-1 Series Airplanes; Amendment

Amendment 39-2194, 40 FR 19193, May 2, 1975, AD 75-10-02, requires accomplishment of visual check of the galley door ditch latches prior to taxiing from ramp and a flight log entry prior to each flight reflecting the accomplishment of this visual check on Lockheed-California Company L-1011-385-1 Series airplanes, certificated in all categories, which incorporate the galley door type design configuration.

Thereafter, the agency adopted a telegraphic amendment to AD 75-10-2, dated May 23, 1975, distributed to all known United States operators of Lockheed L-1011-385-1 Series airplanes, certificated in all categories, incorporating the galley door design, by individual telegrams dated May 23, 1975. This amendment was adopted after receipt of information from the Air Transport Association, on behalf its member airlines protesting the mandatory maintenance log entry required in paragraph (a)(2)(ii), this entry to be made prior to each flight. Given the high cockpit workload of the flight crew in those minutes after loading of the passengers and prior to takeoff, the ATA represented that the requirement of the entry within the time span required by paragraph (a)(2)(ii) could have an adverse effect on safety. The ATA also represented that the entry, as such, did not make a positive contribution to safety and did not assure the integrity of the galley door latching system, and therefore requested reconsideration of the previous agency denial to delete paragraph (a)(2)(ii), as presented in a petition from the ATA, dated May 9, 1975. The ATA presented, as an alternative, a proposal to authorize a procedure which would be acceptable to the FAA Principal Maintenance Inspector assigned to the carrier, in addition to the log book entry. Use of a flight attendant galley log was also suggested.

After review of the ATA proposals, the agency determined that an amendment to AD 75-10-02, affording greater flexibility with respect to the accomplishment of the recordation of the check could be adopted to achieve the purposes of the AD, without adversely effecting public safety. The amendment was adopted and distributed telegraphically to provide the earliest possible use of the more flexible procedure.

The agency, in AD 75-10-2, did not intend to create a situation, however remote, whereby the flight crew duties after taxiing from the ramp and prior to takeoff would be adversely affected. At the same time, the agency believes that a standard procedure, whereby the accomplishment of the check is regularly recorded, is a necessary incident to the action to be done per the AD. The agency therefore, has determined that paragraph (a)(2)(ii) should not be deleted, but may be amended so as to ensure: (1) flight crew awareness prior to each flight of the results of the visual check performed per (a)(2)(i); and (2) recordation of the check in a record within a reasonable time to ensure compliance by each operator. The amendment to Amendment 39-2194, AD 75-10-2, is hereby published in the FEDERAL REGISTER.

Amendment 39-2194, AD 75-10-2, of § 3913 is amended as follows:

1. Delete sub-paragraph (a)(2)(ii).

2. Add new sub-paragraph (a)(2)(ii) and (iii) to read:

(ii) If the check required by (i), above, is performed by other than the flight crew, the results of the check will be made known to the flight crew prior to each flight.

(iii) Record the accomplishment of the check in a record maintained by the operator.

3. The note at the end of (a)(2)(ii) is retained after the new (a)(2)(iii). Amend the note at the last line to read, in pertinent part, "* * * (1) and (2), above."

This amendment is effective June 18, 1975 for all persons except those to whom it was made effective by telegram dated May 23, 1975, which contained this amendment.

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

Issued in Los Angeles, Calif., on June 4, 1975.

ROBERT H. STANTON,
Director,
FAA Western Region.

[FR Doc.75-15303 Filed 6-11-75;8:45 am]

[Airspace Docket No. 75-SO-63]

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

Control Zone; Redesignation

The purpose of this amendment to Part 71 of the Federal Aviation Regulations is to redesignate the Cocoa (Patrick AFB), Fla., control zone.

The Cocoa (Patrick AFB) control zone is described in § 71.171 (40 FR 354) and is presently effective 24 hours per day. Since the USAF has reduced the hours of the weather observation facility to 0800-2400 hours, local time, daily, it is necessary to redesignate the control zone as part-time. Since this amendment lessens the burden on the public, notice and public procedure hereon are unnecessary.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective immediately, as hereinafter set forth.

In § 71.171 (40 FR 354), the Cocoa (Patrick AFB), Fla., control zone is amended as follows:

"This control zone is effective from 0800 to 2400 hours, local time, daily." is added to the description.

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

Issued in East Point, Ga., on June 4, 1975.

W. B. RUCKER,
Acting Director,
Southern Region.

[FR Doc.75-15306 Filed 6-11-75;8:45 am]

[Airspace Docket No. 75-NW-17]

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

Control Zone and Transition Area; Alteration

The purpose of this amendment to Part 71 of the Federal Aviation Regulations is to alter the description of the Grant County, Washington, Control Zone and the Moses Lake, Washington, Transition Area.

Due to interference caused by an adjacent revolving sprinkler irrigation system, the present Moses Lake VOR has become unusable, and it is necessary to relocate the VOR facility to a site on the Grant County Airport. New instrument approach procedures have been established using the new facility and will be effective August 14, 1975. In order to provide controlled airspace protection for those using the procedure, the description of the Grant County Control Zone and the Moses Lake Transition Area must be altered to contain three procedures.

To provide the additional safety afforded by the controlled airspace, the effective date of these alterations needs to be coincident with the effective dates of the procedures.

Since a situation exists whereby safety requires due and timely adoption of this amendment, it is found that notice and public procedures thereon are impracticable. However, in order to allow sufficient time for the change to be reflected on appropriate aeronautical charts, this amendment will become effective more than 30 days after publication in the FEDERAL REGISTER.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended effective August 14, 1975, as hereinafter set forth.

In § 71.171 (40 FR 354), the description of the Grant County Control Zone is altered to read as follows:

GRANT COUNTY, WASHINGTON

Within a 5-mile radius of the Grant County Airport, Moses Lake, Washington (Latitude 47°12'29" N, Longitude 119°19'05" W), within 2 miles each side of the Ephrata VORTAC 156° radial extending from the 5-mile radius to 3 miles southeast of the VORTAC, excluding the Ephrata, Washington, Control Zone, within 2 miles each side of the Grant County ILS localizer south course, extending from the 5-mile radius zone to the Pelican Radio Beacon, within 2.5 miles each side of the Moses Lake VOR 050° radial

extending from the 5-mile radius zone to 15.5 miles northeast and within 4 miles each side of the Moses Lake VOR 063° radial extending from the 5-mile radius 14.8 miles northeast. This control zone shall be effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airman's Information Manual.

In § 71.181 (40 FR 441), the description of the Moses Lake, Washington, Transition Area is revised to read as follows:

MOSES LAKE, WASHINGTON

That airspace extending upward from 700 feet above the surface within a 19-mile radius of Grant County Airport (Latitude 47°12'29" N, Longitude 119°19'05" W), within 7 miles southeast and 12 miles northwest of the Ephrata VORTAC 043° and 223° radial extending from 8 miles southwest to 19 miles northeast; that airspace extending upward from 1200 feet above the surface * * *.

The remainder of the description remains as published.

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

Issued in Seattle, Wash., on June 2, 1975.

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

[FR Doc.75-15305 Filed 6-11-75;8:45 am]

[Airspace Docket No. 75-NE-10]

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

Transition Area; Designation

On page 13519 of the FEDERAL REGISTER dated March 27, 1975, the Federal Aviation Administration published a notice of proposed rulemaking which would designate a 1,200-foot Transition Area in the northwest section of the State of Maine and the northeast section of the State of New Hampshire.

Interested parties were given thirty (30) days after publication in which to submit written data or views. No objections to the proposed regulations have been received.

In view of the foregoing, the proposed regulations are hereby adopted effective 0901 G.m.t., August 14, 1975.

(Sec. 307(a), Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)))

Issued in Burlington, Mass., on May 30, 1975.

QUENTIN S. TAYLOR,
Director,
New England Region.

In consideration of the foregoing, the Federal Aviation Administration proposes to amend § 71.181 of Part 71 of the Federal Aviation Regulations by adding the following 1200-foot transition area:

SUGARLOAF, MAINE

That airspace extending upward from 1200-feet above the surface within an area bounded by a line beginning at latitude 45°04'20" N, longitude 71°27'00" W to latitude 45°17'00" N, longitude 71°20'10" W to latitude 45°20'40" N, longitude 70°39'30" W to latitude 45°21'40" N, longitude 70°39'-00" W to latitude 45°22'30" N, longitude 70°08'10" W to latitude 45°25'00" N, longitude 69°48'00" W to latitude 45°23'00" N, longitude 69°48'00" W to latitude 45°14'50" N, longitude 69°50'20" W to latitude 45°07'-50" N, longitude 69°50'20" W to latitude 45°07'50" N, longitude 69°28'00" W to latitude 44°50'00" N, longitude 69°47'10" W to latitude 44°39'00" N, longitude 69°47'10" W to latitude 44°16'10" N, longitude 70°14'00" W to latitude 44°13'50" N, longitude 70°12'-00" W to latitude 44°02'10" N, longitude 70°37'50" W to latitude 44°04'00" N, longitude 70°40'10" W to latitude 44°06'00" N, longitude 70°37'00" W to latitude 44°06'10" N, longitude 70°59'10" W to latitude 44°-14'30" N, longitude 70°52'30" W to latitude 44°21'00" N, longitude 70°57'10" W to latitude 44°29'30" N, longitude 71°01'10" W to latitude 44°31'00" N, longitude 70°55'00" W to latitude 44°39'00" N, longitude 71°00'00" W to latitude 44°54'50" N, longitude 71°-01'50" W to latitude 44°53'00" N, longitude 71°18'00" W, to point of beginning, excluding Canadian airspace.

[FR Doc.75-15304 Filed 6-11-75;8:45 am]

[Docket No. 14686; Amdt. No. 972]

PART 97—STANDARD INSTRUMENT APPROACH PROCEDURES

Recent Changes and Additions

This amendment to Part 97 of the Federal Aviation Regulations incorporates by reference therein changes and additions to the Standard Instrument Approach Procedures (SIAPs) that were recently adopted by the Administrator to promote safety at the airports concerned.

The complete SIAPs for the changes and additions covered by this amendment are described in FAA Forms 3139, 8260-3, 8260-4, or 8260-5 and made a part of the public rulemaking dockets of the FAA in accordance with the procedures set forth in Amendment No. 97-696 (35 FR 5609).

SIAPs are available for examination at the Rules Docket and at the National Flight Data Center, Federal Aviation Administration, 800 Independence Avenue SW., Washington, D.C. 20591. Copies of SIAPs adopted in a particular region are also available for examination at the headquarters of that region. Individual copies of SIAPs may be purchased from the FAA Public Document Inspection Facility, HQ-405, 800 Independence Avenue SW., Washington, D.C. 20591 or from the applicable FAA regional office in accordance with the fee schedule prescribed in 49 CFR 7.85. This fee is payable in advance and may be paid by check, draft or postal money order payable to the Treasurer of the United States. A weekly transmittal of all SIAP changes and additions may be obtained by subscription at an annual rate of $150.00 per annum from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402. Additional copies mailed to the same address may be ordered for $30 each.

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

In consideration of the foregoing, Part 97 of the Federal Aviation Regulations is amended as follows, effective on the dates specified:

1. Section 97.23 is amended by originating, amending, or canceling the following VOR-VOR/DME SIAPs, effective July 24, 1975.

Hawthorne, Calif.—Hawthorne Municipal Arpt., VOR-A, Amdt. 1
Jacksonville, Fla.—Craig Municipal Arpt., VOR Rwy 31, Amdt. 2
Lacon, Ill.—Marshall County Arpt., VOR-A, Orig.
Moab, Utah—Canyonlands Field, VOR-A, Amdt. 4
Naples, Fla.—Naples Municipal Arpt., VOR/DME-A, Orig.
Rockford, Ill.—Greater Rockford Arpt., VOR Rwy 12, Amdt. 14
West Bend, Wisc.—West Bend Municipal Arpt., VOR Rwy 13, Orig.
West Bend, Wisc.—West Bend Municipal Arpt., VOR Rwy 24, Orig.
Winamac, Ind.—Arens Field, VOR/DME-A, Orig.

2. Section 97.25 is amended by originating, amending, or canceling the following SDF-LOC-LDA SIAPs, effective July 24, 1975.

Rockford, Ill.—Greater Rockford Arpt., LOC (BC) Rwy 18, Amdt. 7

* * * effective May 29, 1975:

Ontario, Calif.—Ontario Int'l. Arpt., LOC (BC) Rwy 7, Amdt. 3

3. Section 97.27 is amended by originating, amending, or canceling the following NDB/ADF SIAPs, effective July 24, 1975.

Monterey, Calif.—Monterey Peninsular Arpt., NDB Rwy 10, Amdt. 7
Rockford, Ill.—Greater Rockford Arpt., NDB Rwy 36, Amdt. 17
Trenton, Mo.—Trenton Municipal Arpt., NDB wy 17, Amdt. 1
Trenton, Mo.—Trenton Municipal Arpt., NDB Rwy 35, Amdt. 3
Trinidad, Colo.—Las Animas County Arpt., NDBXA, Amdt. 1

* * * *effective May 30, 1975:*

Miami, Fla.—Dade-Collier Training and Transition Arpt., NDB Rwy 9, Amdt. 8

4. Section 97.29 is amended by originating, amending, or canceling the following ILS SIAPS, effective July 24, 1975.

Monterey, Calif.—Monterey Peninsula Arpt., ILS Rwy 10, Amdt. 19
Rockford, Ill.—Greater Rockford Arpt., ILS Rwy 36, Amdt. 20

* * * *effective July 3, 1975:*

Corpus Christi, Tex.—Corpus Christi Int'l. Arpt., ILS Rwy 35, Orig.

* * * *effective May 30, 1975:*

Miami, Fla.—Dade-Collier Training and Transition Arpt., ILS Rwy 9, Amt. 8

5. Section 97.33 is amended by originating, amending, or canceling the following RNAV SIAPs, effective July 24, 1975.

West Bend, Wisc.—West Bend Municipal Arpt., RNAV Rwy 13, Amdt. 1

(Secs. 307, 313, 601, 1110, Federal Aviation Act of 1948 (49 U.S.C. 1438, 1354, 1421, 1510); sec. 6(c), Department of Transportation Act, (49 U.S.C. 1655(c) and 5 U.S.C. 552(a)(1)))

NOTE: Incorporation by reference provisions in §§ 97.10 and 97.20 approved by the Director of the Federal Register on May 12, 1969, (35 FR 5610).

Issued in Washington, D.C., on June 5, 1975.

JAMES M. VINES,
Chief,
Aircraft Programs Division.

[FR Doc.75-15307 Filed 6-11-75;8:45am]

CHAPTER II—CIVIL AERONAUTICS BOARD

SUBCHAPTER A—ECONOMIC REGULATIONS

[Regulation ER-911, Amdt. 2]

PART 227—TARIFFS OF AIR CARRIERS AND FOREIGN AIR CARRIERS: REDUCED RATES FOR FURLOUGHED MILITARY PERSONNEL AND IMMEDIATE FAMILIES OF MILITARY PERSONNEL

Repeal of Part

Adopted by the Civil Aeronautics Board at its office in Washington, D.C. June 9, 1975.

In enacting Part 227 in 1956,[1] the Board stated that its principal purpose was to relieve carriers voluntarily furnishing preferential rate overseas and foreign air transportation to members of the armed forces desiring to visit their homes and families from the burden of defending the legality of such action against challenges of undue discrimination.[2] Subsequently, in Transcontinental Bus System v. C.A.B.[3] it was determined that military standby tariffs were not unjustly discriminatory since the reduced rates were justified by competitive considerations, and that the tariffs adopted the air transport industry to the needs of the national defense.

In light of this decision, and the further fact that tariffs providing for reduced-rate overseas and foreign air transportation for furloughed military personnel and their immediate families are on file with the Board, the Board concludes that Part 227 no longer serves a useful purpose. It will therefore be repealed.

Since Part 227, which is permissive in nature, is essentially a statement of policy and its repeal imposes no burden, the Board finds that notice and public procedure thereon are unnecessary, and repeal may be made effective immediately.

Accordingly, the Civil Aeronautics Board hereby repeals Part 227 of the Economic Regulations (14 CFR Part 227) effective immediately.

(Sec. 204, 403(b), Federal Aviation Act of 1958, as amended, 72 Stat. 743, 758 (as amended by 74 Stat. 445) (49 U.S.C. 1324, 1373))

By the Civil Aeronautics Board.

Adopted: June 9, 1975.

Effective: June 9, 1975.

[SEAL] EDWIN Z. HOLLAND,
Secretary.

[FR Doc.75-15395 Filed 6-11-75;8:45 am]

SUBCHAPTER D—SPECIAL REGULATIONS

[Regulation SPR-84, Reissuance of Part 377]

PART 377—CONTINUANCE OF EXPIRED AUTHORIZATIONS BY OPERATION OF LAW PENDING FINAL DETERMINATION OF APPLICATIONS FOR RENEWAL THEREOF

Adopted by the Civil Aeronautics Board at its office in Washington, D.C. June 9, 1975.

Part 377 is being republished without substantive change primarily to reflect the recodification and enactment into positive law of former section 9(b) of the Administrative Procedure Act as 5 U.S.C. 558(c), and by adding a footnote to § 377.2 which directs attention to the facts (a) that the Board has not promulgated rules of general applicability with regard to authorizations issued under sections of the Federal Aviation Act other than those specified in § 377.2 and (b) that the Board has held that a renewal application filed prior to the expiration of a foreign air carrier permit issued under section 402 of the Act is timely and that 5 U.S.C. 558(c) continues such a permit in force until final disposition of the renewal application.

Since the amendments to Part 377 being made herein are nonsubstantive in nature, the Board finds that notice and public procedure thereon are unnecessary, and the amendments may be made effective immediately.

Accordingly, the Civil Aeronautics Board hereby reissues Part 377 (14 CFR 377), as set forth below, effective immediately.

By the Civil Aeronautics Board.

Effective: June 9, 1975.

Adopted: June 9, 1975.

[SEAL] EDWIN Z. HOLLAND,
Secretary.

Subpart A—General Provisions

Sec.
377.1 Definitions.
377.2 Applicability of part.
377.3 Authorizations not licenses with reference to an activity of a continuing nature.
377.4 Procedure to obtain Board interpretation.

Subpart B—Renewal Applications and Procedure Thereon

377.10 Requirements for, and effect of, renewal applications.
377.11 Processing of defective renewal applications.

Subpart A—General Provisions

§ 377.1 Definitions.

As used in this part:

"Authorization" means any agency certificate, approval, statutory exemption or other form of permission granted pursuant to sections 101(3), 401, 408, 409, 412 and 416 of the Federal Aviation Act of 1958, as amended. Where any operating authorization creates more than one separate route, each of these shall be deemed a separate authorization for the purposes of this part.

"Renewal application" means any application filed in conformity with the requirements of this part which requests either a renewal or a new license and is intended to invoke the provisions of the last sentence of 5 U.S.C. 558(c).

"Route" means an authorization which permits an air carrier to render unlimited regularly scheduled service between a specifically designated pair of terminal points and intermediate points, if any.

§ 377.2 Applicability of part.

This part contains the Board's rules implementing the provisions of the last sentence of 5 U.S.C. 558(c)[1] with regard to applications for renewal of temporary authorizations granted pursuant to sections 101(3), 401, 408, 409, 412 and 416 of the Federal Aviation Act of 1958, as amended: *Provided*, That nothing in this part shall be construed as preventing the Board from terminating at any time, in accordance with law, any authorization or any extension thereof, or as a determination that any given authorization is a license with reference to an activity of a continuing nature within the meaning of 5 U.S.C. 558(c).[2]

§ 377.3 Authorizations not licenses with reference to an activity of a continuing nature.

(a) The Board hereby determines that the following authorizations are not licenses "with reference to an activity of

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[1] ER-208, adopted and effective January 9, 1956.

[2] Subsequently the Part was amended for the purpose of permitting air carriers and foreign air carriers to file tariffs providing for reduced-rate transportation for certain limited travel by members of the immediate families of military personnel stationed overseas, ER-346, effective January 17, 1962.

[3] 383 F.2d 466 (C.A. 5, 1967), cert. den. 390 U.S. 920 (1968).

[1] "When the licensee has made timely and sufficient application for a renewal or a new license in accordance with agency rules, a license with reference to an activity of a continuing nature does not expire until the application has been finally determined by the agency."

[2] The Board has not promulgated rules of general applicability to implement 5 U.S.C. 558(c) with regard to authorizations issued under sections of the Federal Aviation Act other than those specified in § 377.2. The Board has held that a renewal application filed prior to the expiration of a foreign air carrier permit issued under section 402 of the Act is timely and that 5 U.S.C. 558(c) continues such a permit in force until final disposition of the renewal application. e.g. Transportes Aereos Nacionales, 18 C.A.B. 377, 380 (1954); Alitalia-Linee Aeree Italiane, Procedure, 47 C.A.B. 1121, 1122 (1967).

a continuing nature" within the meaning of 5 U.S.C. 558(c):

(1) Authorizations granted for a specified period of 180 days or less;

(2) Authorizations other than those granted pursuant to section 401 of the Act which by their terms are subject to termination at an uncertain date upon the happening of an event, including fulfillment of a condition subsequent or occurrence of a contingency. When such an authorization by its terms terminates alternatively upon the happening of an event or the arrival of a specified date, the occurrence of the event prior to the specified date ends the authorization and no previously or subsequently filed renewal application shall be effective to extend such authorization.

§ 377.4 Procedure to obtain Board interpretation.

In any case not expressly provided for by these rules, the Board will determine upon written request by the holder of a temporary authorization or by any competitively affected air carrier or upon its own initiative, whether under 5 U.S.C. 558(c) an authority granted would be continued in force beyond the expiration date therein specified until final determination of a timely and sufficient renewal application. Written requests for such a determination shall be filed at least 60 days prior to the date herein prescribed for the timely filing of applications for renewal: *Provided*, That filing of such written request shall not affect the requirements for timeliness of renewal applications contained in this part or other applicable Board regulation or order.

Subpart B—Renewal Applications and Procedure Thereon

§ 377.10 Requirements for, and effect of, renewal applications.

(a) *Identification of authorization covered by renewal application.* Each renewal application shall identify the authorization or authorizations to which it is intended to relate. The application shall indicate the applicant's intention to rely upon 5 U.S.C. 558(c) as implemented by this part. In case of applications for renewal of an authorization for route service, the renewal application shall specifically identify the separate routes which the applicant proposes to continue serving pursuant to the expiring authorization, pending final determination of the renewal application.

(b) *Contents of renewal application.* The application must contain all the information required by law and the Board's regulations, and meet the requirements thereof as to form. The new authorization sought need not be of the same duration as the expiring authorization. If the application relates to renewal of route authority, it must contain, as a minimum, a request for renewed authority to render route service between the terminals named in each separate route for which renewal is requested.

(c) *Timeliness.* The application must be filed and served in compliance with applicable provisions of law and the Board's regulations not later than 60 days before the expiration date of the outstanding temporary authorization to which it relates. In the case of certificates of public convenience and necessity issued under section 401, it must be filed not later than 180 days before the expiration date thereof: *Provided*, That (1) nothing herein shall supersede a requirement for earlier filing in any provision of law, the Board's Regulations, any Board orders or any temporary authorization; (2) where an authorization pursuant to section 401 of the Act terminates by its terms upon the happening of an event which could not be foreseen, a renewal application filed within 30 days from the time the carrier has notice that the event will occur, or has occurred, shall be deemed timely; and (3) applications for renewal by substantially equivalent certificate authority of fixed-term route authorizations granted by exemption and for interim extension of the exemption, submitted pursuant to §§ 302.909 and 399.18 of this chapter, shall be filed not later than 90 days before the expiration of such exemption authorizations.

(d) *Effect.* In the case of authorizations which constitute licenses with reference to activities of a continuing nature within the meaning of 5 U.S.C. 558 (c), the filing of an application complying in all respects with the requirements of paragraphs (a) through (c) of this section shall extend the authorization to which it relates as then outstanding in its entirety, together with all applicable terms, conditions and limitations, until the application has been finally determined by the Board. In the case of routes granted under section 401 of the Act, the duty to render adequate service continues to attach to every point as provided in the expired authorization which is extended pursuant to this provision. The date of final determination of the application shall be the date when the final order determining the application takes effect, or when the applicable period for filing of petitions for rehearing, reargument or reconsideration expires, or when a timely filed petition therefor is denied, whichever occurs latest.

§ 377.11 Processing of defective renewal applications.

When the Board determines that a renewal application does not comply with the requirements of this part, or that it does not relate to a license with reference to an activity of a continuing nature, it will so notify the applicant. The applicant may amend his application to cure the deficiency as a matter of right at any time prior to the date when the application was due pursuant to § 377.10(c).

(Sec. 204(a), Federal Aviation Act of 1958, 72 Stat. 743, (49 U.S.C. 1324; 5 U.S.C. 558(c)).

[FR Doc.75-15394 Filed 6-11-75;8:45 am]

Title 16—Commercial Practices

CHAPTER I—FEDERAL TRADE COMMISSION

[Docket 8897]

PART 13—PROHIBITED TRADE PRACTICES, AND AFFIRMATIVE CORRECTIVE ACTIONS

Bristol-Myers Company, and Ogilvy & Mather, Inc.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45)

In the Matter of Bristol-Myers Company, a corporation, and Ogilvy & Mather Inc., a corporation.

Order setting aside the initial decision of the Administrative Law Judge and dismissing the complaint against a New York City seller and distributor of aerosol spray anti-perspirants and its advertising agency for alleged false television demonstrations.

The Final Order dismissing complaint, is as follows:[1]

This matter having been heard by the Commission upon the appeal of respondents from the Administrative Law Judge's initial decision, and upon briefs and oral argument in support thereof and in opposition thereto, and the Commission, for the reasons stated in the accompanying opinion, having concluded that the Administrative Law Judge's initial decision should be set aside and that the complaint should be dismissed:

It is ordered That the Administrative Law Judge's initial decision be, and it hereby is, set aside.

It is further ordered That the complaint be, and it hereby is, dismissed.

Commissioner Nye not participating, the Final Order was issued by the Commission April 22, 1975.

CHARLES A. TOBIN,
Secretary.

[FR Doc.75-15343 Filed 6-11-75;8:45 am]

[Docket C-2661]

PART 13—PROHIBITED TRADE PRACTICES, AND AFFIRMATIVE CORRECTIVE ACTIONS

Jonel Pay Plan, Inc. and John R. Young

Subpart—Advertising falsely or misleadingly: § 13.73 Formal regulatory and statutory requirements; 13.73-92 Truth in Lending Act; § 13.155 Prices; 13.155-95 Terms and conditions; 13.155-95(a) Truth in Lending Act. Subpart—Misrepresenting oneself and goods—Prices: § 13.1823 Terms and conditions; 13.1823-20 Truth in Lending Act. Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1852 Formal regulatory and statutory requirements; 13.1852-75 Truth in Lending Act; § 13.1905 Terms and conditions; 13.1905-60 Truth in Lending Act.

[1] Copies of the Complaint, Initial Decision, Opinion and Final Order, filed with the original document.

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

In the Matter of Jonel Pay Plan, Inc., a corporation, and John R. Young, individually and as as officer of said corporation.

Consent order requiring a Warwick, R.I., moneylender in connection with financing insurance premiums, among other things to cease violating the Truth in Lending Act by failing to disclose to consumers, in connection with the extension of consumer credit, such information as required by Regulation Z of the said Act.

The Decision and Order, including further order requiring report of compliance therewith, is as follows: [1]

It is ordered That respondents Jonel Pay Plan, Inc., a corporation, its successors and assigns, and its officers, and John R. Young, individually and as an officer of said corporation, and respondents' agents, representatives and employees, directly or through any corporation, subsidiary, division or other device, in connection with any extension of consumer credit or advertisement to aid, promote or assist, directly or indirectly, any extension of consumer credit, as "consumer credit" and "advertisement" are defined in Regulation Z (12 CFR 226) of the Truth in Lending Act (Pub. L. 90–321, 15 U.S.C., 1601, et seq.), do forthwith cease and desist from:

1. Failing to use the term "unpaid balance of cash price" to describe the difference between the cash price and the total downpayment, as required by § 226.8(c)(3) of Regulation Z.

2. Failing to disclose the annual percentage rate accurately to the nearest quarter of one percent, in accordance with § 226.5 of Regulation Z, as required by § 226.8(b)(2) of Regulation Z.

3. Stating, utilizing or placing any additional information in conjunction with the disclosures required to be made by Regulation Z, which information misleads, confuses, contradicts, obscures or detracts attention from disclosure of information required to be disclosed by Regulation Z, in violation of § 226.6(c) of Regulation Z.

4. Failing to make all disclosures required by Regulation Z, clearly, conspicuously and in meaningful sequence, as required by § 226.6(a) of Regulation Z.

5. Failing, in any consumer credit transaction or advertisement, to make all disclosures determined in accordance with § 226.4 and § 226.5 of Regulation Z, at the time and in the manner, form and amount required by §§ 226.6, 226.8, and 226.10 of Regulation Z.

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

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

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

It is further ordered That the respondents herein shall, within sixty (60) days after service upon them of this order, file with the Commission a report, in writing, setting forth in detail the manner and form in which they have complied with this order.

The Decision and Order was issued by the Commission May 5, 1975.

CHARLES A. TOBIN,
Secretary.

[FR Doc.75-15345 Filed 6-11-75;8:45 am]

[Docket C-2658]

PART 13—PROHIBITED TRADE PRACTICES, AND AFFIRMATIVE CORRECTIVE ACTIONS

Georgia Agency Company, Inc., et al.

Subpart—Advertising falsely or misleadingly: § 13.10 Advertising falsely or misleadingly; § 13.15 Business Status, advantages, or connections; 13.15–5 Advertising and promotional services; 13.15–225 Personnel or staff; 13.15–250 Qualifications and abilities; § 13.50 Dealer or seller assistance; § 13.55 Demand, business or other opportunities; § 13.60 Earnings and profits; § 13.135 Nature of product or service; § 13.143 Opportunities; § 13.185 Refunds, repairs, and replacements; § 13.195 Safety; 13.195–30 Investment; § 13.205 Scientific or other relevant facts; § 13.260 Terms and conditions; § 13.280 Unique nature or advantages. Subpart—Corrective actions and/or requirements: § 13.533 Corrective actions and/or requirements; 13.533–20 Disclosures; 13.533–45 Maintain records; 13.533–45(k) Records, in general; 13.533–55 Refunds, rebates, and/or credits. Subpart—Delaying or withholding corrections, adjustments or action owed: § 13.675 Delaying or withholding corrections, adjustments or action owed. Subpart—Failing to maintain records: § 13.1051 Failing to maintain records. Subpart—Misrepresenting oneself and goods—Business status, advantages or connections: § 13.1370 Business methods, policies, and practices; § 13.1553 Services.—Goods § 13.1608 Dealer or seller assistance; § 13.1615 Earnings and profits: § 13.1685 Nature: § 13.1697 Opportunities in product or service; § 13.1725 Refunds; § 13.1740 Scientific or other relevant facts; § 13.1745 Source or origin; § 13.1760 Terms and conditions; § 13.1770 Unique nature or advantages. Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1855 Identity; § 13.1870 Nature; § 13.1890 Safety; § 13.1892 Sales contract, right-to-cancel provision; § 13.1895 Scientific or other relevant facts; § 13.1900 Source or origin; § 13.1905 Terms and conditions. Subpart—Offering unfair, improper and deceptive inducements to purchase or deal: § 13.1935 Earnings and profits; § 13.2015 Opportunities in product or service; § 13.2045 Sales assistance; § 13.2063 Scientific or other relevant facts. Subpart—Securing agents or representatives by misrepresentation: § 13.2120 Dealer or seller assistance; § 13.2125 Demand or business opportunities; § 13.2130 Earnings; § 13.2132 Exclusive territory; § 13.2148 Scientific or other relevant facts: § 13.2155 Source or origin of product; § 13.2160 Success, history or standing; § 13.2165 Terms and conditions.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45.)

In the Matter of Georgia Agency Company, Inc., a corporation, and Richard A. Bryant, Jr. and Richard R. Royal, individually and as officers of said corporation, and Doyle Fleming, individually and as principal stockholder of said corporation.

Consent order requiring an Atlanta, Ga., seller of aerosol product distributorships and franchises, among other things to cease misrepresenting earnings and profits, nature of products, and survey results; making unsubstantiated advertising claims; and failing to disclose certain information, such as right-to-cancel provision and cooling-off period, prior to the signing of contracts.

The Decision and Order, including further order requiring report of compliance therewith, is as follows: [1]

It is ordered, That respondents, Georgia Agency Company, Inc., a corporation, its successors and assigns, and its officers, and Richard A. Bryant, Jr. and Richard R. Royal, individually and as officers of said corporation and Doyle Fleming, individually and as principal stockholder of said corporation, and respondents' agents, representatives and employees directly or through any corporation, subsidiary, division or other device, in connection with the advertising, offering for sale, sale or distribution of aerosol health and beauty aid products, fire extinguishers, lubricants and novelty items or any other products, services, distributorships or franchises in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

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

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

A. Representing, directly or by implication, that:

1. (a) Persons investing in respondents' distributorships, franchises or purchasing respondents' products will receive any stated amount of income or gross or net profits or other earnings, or misrepresenting in any manner, earnings, profits or other benefits to be derived by purchasers of respondents' distributorships, franchises or products.

(b) Any stated sums of money are past earnings of distributors or purchasers of respondents' products unless such sums are based upon the actual figures for all distributorships granted by the respondents in operation during the entire preceding twelve (12) month period, and without disclosing clearly and conspicuously immediately adjacent to any such representation that "representations are based on the representative net earnings or profits of all independent distributors of this company in operation during the past year. These figures should not be considered as accurate representations of potential earnings or profits of any specific distributor."

2. Respondents will obtain satisfactory or profitable locations for sale of the products purchased from them; *Provided, however,* That nothing herein shall be construed to prohibit respondents from truthfully and non-deceptively representing that they have obtained locations or assisted in obtaining locations if respondents clearly and conspicuously disclose, in immediate conjunction therewith, the average net or gross earnings realized by all distributors from sales of its products in locations obtained by respondents or through their assistance.

3. National advertising will be conducted by or provided for by respondents.

4. The distributorship investment is fully rebatable or refundable under the contract without fully disclosing, both orally and in writing in the contract, the procedure by which such a refund may be obtained including the amount of product which must be purchased, based on the prospective distributor's investment in order to obtain full reimbursement of the investment.

5. Brand name products are used in the manufacture of respondents' products or misrepresenting in any manner the type, nature or origin of respondents' products.

6. Respondents conduct surveys or investigations to find desirable market areas for their products or suitable retail locations for the sale of their products.

7. Geographic territories granted to distributors are exclusive or that the subsequent disposition by distributors of products are geographically restricted.

8. The formula employed in the manufacture of respondents' products is exclusive.

9. The products of respondents that are sold to distributors are fast moving or easy to sell.

10. Persons named as references are distributors, successful or otherwise, unless such persons have been actual distributors as described in Section C-3 of this Order.

11. There is a charge as part of the distributorship investment or otherwise for any goods or services specified in the distributorship contract or application that are not actually shipped or provided by respondents.

12. Retail accounts secured by respondents pay or will pay cash for respondents' products.

B. Making any claim in any advertising or promotional material for which the respondents do not have in their possession valid substantiating data, which data shall be made available to prospective distributors or the Commission or its staff upon demand.

C. Failing to furnish any prospective distributor with all of the following information, in writing and in a clear permanent form, at the time when contact is first established between such prospective distributor and the respondents or their representatives:

1. The official name(s) and address(es) of the corporate respondent, the parent firm or holding company of the respondent, if any; all affiliated companies that will engage in business with the distributor.

2. The business experience of the respondents, including the length of time the respondents have conducted a business of the type to be operated by the distributor, have granted distributorships for such business and have granted distributorships in other lines of business.

3. A list of the names and addresses of ten (10) persons who purchased distributorships, for products or product lines similar to, or the same as, those being offered by respondents to any prospective distributor.

4. A statement of the conditions and terms under which the respondents allow the distributor to sell, lease, assign, or otherwise transfer his distributorship, or any interest therein.

5. A statement of the number of persons who have signed distributor agreements for whom locations have not yet been agreed upon by both the respondents and the distributor.

All of the forgoing material is to be contained in a single package, is to be made available to the Commission or its staff upon demand, and is to carry a distinctive and conspicuous cover sheet with the following information (and no other) imprinted thereon in bold face type of not less than ten (10) point size:

INFORMATION FOR PROSPECTIVE DISTRIBUTORS REQUIRED BY THE FEDERAL TRADE COMMISSION

This package of information is provided for your own protection. It is in your best interest to study it carefully before making any commitment.

If you do sign a contract, you may cancel it, and obtain a full refund of any money paid, for any reason within five business days after signing. Details appear on the contract itself.

The information contained herein has not been reviewed or approved by the Federal Trade Commission, but any misrepresentation constitutes a violation of Federal law. If you feel you have been misled, you should contact the Federal Trade Commission in Washington, or the Federal Trade Commission Regional Office nearest you.

D. Failing to include immediately above and on the same page as the distributor's signature line of any contract establishing or confirming a distributorship agreement, the following statement in bold face print at least 50 percent larger than any other print in the body of such contract, or in bold face print of a contrasting color:

As used in this Order, the following definitions shall apply:

1. "Prospective distributor" means any person who approaches, or is approached by, respondents or their agents or representatives for the purpose of investigating a distributorship between such person and respondents;

2. "Time when contract is first established" means the earlier of the time when:

(a) A direct personal meeting first occurs between respondents or their agents or representatives and a prospective distributor, or

(b) Any document or promotional literature is distributed to a prospective distributor;

3. "Business day" means any calendar day except Sunday, or the following business holidays: New Year's Day, Washington's Birthday, Memorial Day, Independence Day, Labor Day, Columbus Day, Veteran's Day, Thanksgiving Day, and Christmas Day.

It is further ordered That respondents: Inform orally all prospective customers and provide in writing in all contracts that the contract is not final and binding until respondents have completely performed their obligations thereunder by shipping all supplies and products to the customer and performing all services, and said customer has thereafter signed a statement indicating his satisfaction;

Notice: You are entitled to certain important information concerning this transaction, entitled "Information for prospective distributors required by the Federal Trade Commission." It is in your best interest to demand and study such information. You may cancel this contract for any reason within five business days after you sign it. If you do choose to cancel, you will be entitled to receive full refund of any money paid within five business days after Georgia Agency Company, Inc., receives notice of your cancellation. You may use any reasonable method to notify Georgia Agency Company, Inc., of your cancellation within the five business day grace period. For your own protection, you may wish to use certified mail with return receipt requested, or a telegram, either of which should be sent to the address below. [Respondents will insert here the address to which such notices should be sent.] To cancel this transaction, the notice of cancellation must be sent not later than midnight of [Respondents will insert date.]

E. Failing to cancel any contract for which a notice of cancellation was sent

by any reasonable means within five (five) business days after the contract's execution, of failing to refund any money paid by distributor within five (5) business days after the date of receipt of such notice of cancellation.

Refund immediately all monies to (1) customers who have refused to sign statements indicating satisfaction with respondents' shipments of supplies and products, and (2) customers showing that respondents' contract, solicitations or performances were attended by or involved violations of any of the provisions of this Order.

It is further ordered That respondents require that distributors pay no more than one-third of the amount of the contract price prior to the shipment of goods and the establishment of accounts to the satisfaction of the distributor.

It is further ordered That respondents maintain files containing all inquiries or complaints from any source relating to acts or practices prohibited by this Order, for a period of two (2) years after the receipt, and that such files be made available for examination by a duly authorized agent of the Federal Trade Commission during the regular hours of the respondents' business for inspection and copying.

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

It is further ordered That the individual respondents named herein promptly notify the Commission of the discontinuance of their present business or employment and of their affiliation with a new business or employment. Such notice shall include respondents' current business address and a statement as to the nature of the business or employment in which they are engaged as well as a description of their duties and responsibilities.

It is further ordered That respondents deliver a copy of this Order to Cease and Desist to all present and future employees, agents and representatives engaged in the offering for sale or sale of respondents' distributorships or products or in any aspect of preparation, creation or placing of advertising and that respondents secure a signed statement acknowledging receipt of said Order from each such person.

It is further ordered That the corporate respondent distribute a copy of this Order to each of its operating divisions or departments.

It is further ordered, That the respondents herein shall within sixty (60) days after service upon them of this order, file with the Commission a report, in writing, setting forth in detail the manner and form in which they have complied with this order.

The Decision and Order was issued by the Commission, April 22, 1975.

CHARLES A. TOBIN,
Secretary.

[FR Doc.75-15344 Filed 6-11-75;8:45 am]

[Docket C-2657]

PART 13—PROHIBITED TRADE PRACTICES, AND AFFIRMATIVE CORRECTIVE ACTIONS

Peter Sczerbinski and Budget Service Co.

Subpart—Advertising falsely or misleadingly: § 13.73 Formal regulatory and statutory requirements; 13.73-92 Truth in Lending Act; § 13.155 Prices; 13.155-95 Terms and conditions; 13.155-95(a) Truth in Lending Act. Subpart—Misrepresenting oneself and goods—Prices: § 13.1823 Terms and conditions; 13.1823-20 Truth in Lending Act. Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1852 Formal regulatory and statutory requirements; 13.1852-75 Truth in Lending Act; § 13.1905 Terms and conditions; 13.1905-60 Truth in Lending Act.

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

In the Matter of Peter Sczerbinski, an individual trading and doing business as Budget Service Company.

Consent order requiring a Cranston, R.I., moneylender in connection with the financing of insurance premiums among other things to cease violating the Truth in Lending Act by failing to disclose to consumers, in connection with the extension of consumer credit, such information as required by Regulation Z of the said Act.

The Decision and Order, including further order requiring report of compliance therewith, is as follows: [1]

It is ordered That respondent Peter Sczerbinski, an individual trading and doing business as Budget Service Company, or under any other name or names, his successors and assigns, and respondent's agents, representatives, and employees, directly or through any corporation, subsidiary, division or other device, in connection with any extension of consumer credit or advertisement to aid, promote or assist, directly or indirectly, any exension of consumer credit as "consumer credit" and "advertisement" are defined in Regulation Z (12 CFR 226) of the Truth in Lending Act (Pub. L. 90-321, 15 USC 1601 et seq.), do forthwith cease and desist from:

1. Failing to use the term "unpaid balance of cash price" to describe the difference between the cash price and the total downpayment, as required by § 226.8(c)(3) of Regulation Z.

2. Failing to disclose the sum of the cash price, all charges which are included in the amount financed but which are not part of the finance charge, and the finance charge, and to describe that sum as the "deferred payment price" as required by § 226.8(c)(8)(ii) of Regulation Z.

3. Failing to disclose the annual percentage rate, computed in accordance with § 226.5 of Regulation Z, as required by § 226.8(b)(2) of Regulation Z.

4. Failing to disclose the annual percentage rate accurately to the nearest quarter of one percent, in accordance with § 226.5 of Regulation Z, as required by § 226.8(b)(2) of Regulation Z.

5. Stating, utilizing or placing any additional information in conjunction with the disclosures required to be made by Regulation Z, which information misleads, confuses, contradicts, obscures or detracts attention from disclosure of information required to be disclosed by Regulation Z, in violation of § 226.6(c) of Regulation Z.

6. Failing to make all disclosures required by Regulation Z clearly, conspicuously, and in meaningful sequence, as required by § 226.6(a) of Regulation Z.

7. Failing, in any consumer credit transaction or advertisement, to make all disclosures, determined in accordance with § 226.4 and § 226.5 of Regulation Z, at the time and in the manner, form and amount required by §§ 226.6, 226.8, and 226.10 of Regulation. Z.

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

It is further ordered That respondent promptly notify the Commission of the discontinuance of his present business or employment in those instances in which the respondent affiliates with any new business or employment which is engaged in the extension of consumer credit. Such notice shall include respondent's current business address and a statement as to the nature of the business or employment in which he is engaged as well as a description of his duties and responsibilities.

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

The Decision and Order was issued by the Commission, April 22, 1975.

CHARLES A. TOBIN,
Secretary.

[FR Doc.75-15346 Filed 6-11-75;8:45 am]

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

Title 18—Conservation of Power and Water Resources

CHAPTER I—FEDERAL POWER COMMISSION

PART 1—RULES OF PRACTICE AND PROCEDURE

Notice of Public Sessions and Proceedings

JUNE 6, 1975.

In the last few months the number of motions filed requesting extensions of time has increased considerably. A large proportion of these motions have been filed late, i.e., in violation of the "four-fifths rule" in § 1.13(d) which provides that motions for extensions of time may be filed before expiration of four-fifths of the period originally prescribed or as previously extended. The result is that parties often do not have sufficient notice of the filing of a motion to permit answers, and consequently in some cases their interests may have been prejudiced. Motions cannot be acted upon in an orderly, timely way and a burden has been placed upon the Commission in acting upon late motions.

The "four-fifths rule" has not been enforced for several years. It appears that its enforcement would be conducive to the orderly functioning of the Commission. Section 1.13(d) provides for the filing of motions after the expiration of the specified period, where reasonable grounds are shown for failure to act within the period.

Notice is hereby given that effective as of the date of issuance of this notice, § 1.13(d) of the rules of practice and procedure will be enforced.

By direction of the Commission.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-15386 Filed 6-11-75;8:45 am]

Title 24—Housing and Urban Development

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

SUBCHAPTER B—NATIONAL FLOOD INSURANCE PROGRAM

[Docket No. FI 597]

PART 1914—AREAS ELIGIBLE FOR THE SALE OF INSURANCE

Status of Participating Communities

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

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

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

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

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

Section 1914.4 of Part 1914 of Subchapter B of Chapter X of Title 24 of the Code of Federal Regulations is amended by adding in alphabetical sequence new entries to the table. In each entry, a complete chronology of effective dates appears for each listed community. The date that appears in the fourth column of the table is provided in order to designate the effective date of the authorization of the sale of flood insurance in the area under the emergency or the regular flood insurance program. These dates serve notice only for the purposes of granting relief, and not for the application of sanctions, within the meaning of 5 U.S.C. 551. The entry reads as follows:

§ 1914.4 List of eligible communities.

* * * * * *

State	County	Location	Effective date of authorization of sale of flood insurance for area	Hazard area identified	State map repository	Local map repository
*	*	*	*	*	*	*
Connecticut	Litchfield	New Hartford, town of	June 2, 1975, emergency	Sep. 13, 1974		
Idaho	Twin Falls	Twin Falls, city of	do	June 7, 1974		
Kentucky	Grayson	Caneyville, city of	do	May 10, 1974		
Maine	Waldo	Waldo, town of	do	Feb. 14, 1975		
Maryland	Allegany	Midland, town of	do	Aug. 9, 1974		
Massachusetts	Hampshire	Cummington, town of	do	July 19, 1974		
Michigan	Wexford	Cadillac, city of	do	June 14, 1974		
Mississippi	Simpson	D'Lo, town of	do	June 7, 1974		
Do.	Pontotoc	Ecru, town of	do	Feb. 1, 1974		
Nebraska	Otoe	Otoe, village of	do	Apr. 25, 1975		
New Mexico	Luna	Deming, city of	do	Mar. 29, 1974		
New York	Oswego	Pulaski, village of	do	May 10, 1974		
Do.	Orange	Tuxedo, town of	do	Apr. 12, 1974		
North Dakota	Rolette	Dunseith, city of	do	Jan. 23, 1974		
Ohio	Holmes	Holmesville, village of	do	Mar. 22, 1974		
Do.	Belmont	Martins Ferry, city of	do	Feb. 8, 1974		
Do.	Putnam	Ottoville, village of	do	May 3, 1974		
Oregon	Coos	Lakeside, city of	do			
Texas	Lamar and Red River.	DePort, city of	do	June 28, 1974		
Do.	Cameron	Los Fresnos, city of	do	June 7, 1974		
Do.	Bowie	Maud, city of	do	April 12, 1974		
Do.	Dallas	Wilmer, city of	do	Feb. 1, 1974		
Do.	Nueces	Aqua Dulce, city of	June 19, 1970, emergency; Mar. 26, 1971, regular; Dec. 31, 1971, suspended; May 28, 1975, reinstated.	Mar. 27, 1971		
Washington	Clark	Battle Ground, town of	June 2, 1975, emergency	May 24, 1974		
West Virginia	Randolph	Huttonsville, town of	do	Nov. 15, 1974		
Wisconsin	Shawano	Cecil, village of	do	July 19, 1974		
Do.	Marathon	Hatley, village of	do	do		
Wyoming	Natrona	Evansville, town of	do			
Do.	Converse	Glenrock, town of	do	Jan. 9, 1974		

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

Issued: May 27, 1975.

J. ROBERT HUNTER,
Acting Federal Insurance Administrator.

[FR Doc.75-14990 Filed 6-9-75;8:45 am]

Title 33—Navigation and Navigable Waters

CHAPTER I—COAST GUARD, DEPARTMENT OF TRANSPORTATION

[CGD 75-70]

PART 117—DRAWBRIDGE OPERATION REGULATIONS

West Palm Beach Canal, Florida

This amendment changes the regulations for the U.S. Route 1 highway bridge across the West Palm Beach Canal, Florida to require that the draw open on signal if at least 24 hours notice is given. This amendment was circulated as a public notice dated April 4, 1975, by the Commander, Seventh Coast Guard District and was published in the FEDERAL REGISTER as a notice of proposed rule making (CGD 75–70) on March 27, 1975 (40 FR 13518). Three responses were received and they either supported, or had no comment regarding, the proposal.

Accordingly, Part 117 of Title 33 of the Code of Federal Regulations is amended by revising § 117.441a to read as follows:

§ 117.441a West Palm Beach Canal, Florida; U.S. 1 bridge.

The draw shall open on signal if at least 24 hours notice is given.

(Sec. 5, 28 Stat. 362, as amended, sec. 6(g)(2), 80 Stat. 937; 33 U.S.C. 499, 49 U.S.C. 1655(g)(2); 49 CFR 1.46(c)(5), 33 CFR 1.05–1(c)(4)).

Effective date. This revision shall become effective on July 14, 1975.

Dated: June 9, 1975.

R. I. PRICE,
Rear Admiral, U.S. Coast Guard, Chief, Office of Marine Environment and Systems.

[FR Doc.75-15397 Filed 6-11-75;8:45 am]

Title 36—Parks, Forests, and Public Property

CHAPTER I—NATIONAL PARK SERVICE, DEPARTMENT OF THE INTERIOR

PART 7—SPECIAL REGULATIONS, AREAS OF THE NATIONAL PARK SERVICE

Yosemite National Park, California; Camping

A proposal was published on page 12806 of the FEDERAL REGISTER of March 21, 1975, to add paragraph (e)(3) to § 7.16 of Title 36 of the "Code of Federal Regulations."

The purpose of this amendment is to introduce a new regulation for Yosemite National Park. The result should be better safeguarding of foods from wildlife in the Park's campgrounds, particularly from the American black bear.

Interested persons were given 30 days within which to submit written comments, suggestions, or objections with respect to the proposed amendments. No comments, suggestions or objections have been received and the proposed amendments are hereby adopted without change and as set forth below. These amendments shall take effect June 12, 1975.

Section 7.16 is amended with the addition of paragraph (e)(3) as follows:

§ 7.16 Yosemite National Park.

* * * * *

(e) * * *

(3) All food or similar organic material must be kept completely sealed in a vehicle or camping unit that is constructed of solid, nonpliable material, or must be suspended at least 10 feet above the ground and four feet horizontally from any post or tree trunk. This restriction does not apply to food that is being eaten or is being prepared for eating.

* * * * *

LESLIE P. ARNBERGER,
Superintendent, National Park Service.

[FR Doc.75-15272 Filed 6-11-75;8:45 am]

Title 40—Protection of Environment

CHAPTER I—ENVIRONMENTAL PROTECTION AGENCY

SUBCHAPTER C—AIR PROGRAMS

[FRL 379-1]

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

Prevention of Significant Air Quality Deterioration

On December 5, 1974 (39 FR 42510), the Administrator of the Environmental Protection Agency promulgated final regulations for preventing the significant deterioration of air quality in each state. This notice contains minor amendments to the December 5 promulgation.

All State implementation plans were disapproved with respect to prevention of significant deterioration of air quality in a general disapproval statement set forth in § 52.21(a). In the amendments published below, a specific disapproval is incorporated into the applicable subpart for each state in Part 52 and the general disapproval statement of § 52.21(a) is modified accordingly. Similarly, the specific requirements of paragraphs (c), (d), (e), and (f) in § 52.21 for preventing significant deterioration are incorporated by reference into each subpart. The applicability provisions of § 52.21 (c) and (d) are changed accordingly. Although these changes have no substantive effect, they are made so that all approval/disapproval actions and promulgations appear in the appropriate subpart designated for each State so that all regulations applicable to a particular implementation plan are located in one place.

The definition of "construction" is modified below to remove the reference to "affected facility," since this term is used differently in 40 CFR Part 60 (Standards of Performance for New Stationary Sources) and could create confusion. The definition of "commenced" is modified to be consistent with the definition of that term set forth in Part 60. These changes correct inadvertent errors in the December 5 regulations; no substantive alteration of the regulation is intended by these modifications.

The provisions of § 52.21(c)(3)(ii), which set forth the requirements for redesignating areas, are modified to require consultation with the elected leadership of local and other substate general purpose governments in the area covered by the proposed redesignation. Due to the significant land use implications of these regulations, this provision is being added to ensure that the elected leaders of cities and counties affected by the redesignation have substantial input to the reclassification decision.

The provisions of § 52.21(c)(3)(vi), specifying the standards the Administrator will use in approving or disapproving a request for reclassification, are changed below to require that a State must have requested and received delegation of the new source review before a State may reclassify any area. The previous wording would have permitted a State to reclassify areas, even though their request for delegation might have been unapprovable. Since the intent of this provision was to ensure that a State implement the new source review as a precondition to reclassification, this change is made to be consistent with that intent.

It has come to the Administrator's attention that the above provision could be inequitable in cases where a State does not have adequate legal authority to accept delegation. Even though a State may be willing to accept the delegation, lack of legal authority may prevent the State from doing so. Therefore, an exemption from this precondition for reclassification is added below for cases where lack of legal authority prevents a State from accepting delegation. The exemption provision added below distinguishes between the administrative/technical functions of the new source review and the enforcement functions. It makes clear that EPA can delegate only the administrative/technical functions and will implement any necessary enforcement functions and that this arrangement will satisfy the requirements for accepting delegation.

Paragraph (c)(1) of the December 5 regulations required States to notify the Administrator by June 1, 1975, of those areas which are pervasively above any national standard for sulfur dioxide or particulate matter and therefore would be exempt from the area classification requirements of paragraph (c). This provision has been modified to remove the

June 1, 1975 date and to allow a State to submit this notification at any time. It should be noted that a State is not required to submit this notification, since the existence of an allowable incremental increase in air quality has little impact in an area that must decrease air quality in order to attain the national standards. Additional guidance for States wishing to exempt an area that pervasively exceeds standards is available from EPA's Regional Offices.

An error in the wording of paragraph (d)(1) is also corrected below; the revised wording indicates that a source which is modified, but does not increase the amount of sulfur oxides or particulate matter, is not subject to the new source review requirements of paragraph (d). In addition, the words at the end of paragraph (d)(3) are changed from "since the effective date of this paragraph" (i.e., January 6, 1975) to "January 1, 1975." This is to make this wording consistent with the rest of the regulation, which requires that significant deterioration be based on the deterioration occurring since January 1, 1975. Finally, typographical errors in paragraphs (d) and (e) are corrected by inserting the word "extent" in the last phrase of subdivision (d)(4)(iii), and by inserting the phrase "by no more than 30 days" in subdivision (e)(1)(vi). Again, these changes correct minor drafting errors and no change in the scope of the regulations is intended.

The requirements of paragraph (d)(3)(ii)(*b*) are modified below to require that a State proposing to reclassify an area must notify any Indian Governing Body or Federal Land Manager whose lands may be affected by the reclassification.

Paragraph (f)(2)(i) of the December 5 regulations requires appropriate consultation between air pollution control agencies and land use planning agencies in cases when EPA delegates the new source review requirement to the State or local level. The provisions of paragraph (f)(2)(i) are modified below to require that this consultation involve the State or local agency primarily responsible for managing land use, as opposed to the land use planning agency. Since the required consultation involves actions on individual requests to construct, the Administrator feels it more appropriate for the consultation to involve the agency primarily responsible for implementing any applicable land use plan than the agency responsible for developing the land use plan.

It has come to the Administrator's attention that there is some confusion concerning the need to precisely determine baseline air quality concentrations in all areas of the country. Baseline air quality data are not needed in order to implement the regulations, since significant deterioration is defined in terms of air quality increments rather than absolute air quality levels. Of course, in Class III areas, the basis for approval or disapproval is related to absolute air quality levels (i.e., the national standards), and in such cases information on existing air quality is needed. However, the approval/disapproval decision as related to possible violations of the national standards is not a new requirement added by the significant deterioration regulations. Such procedures are presently being implemented by most States under their implementation plans, which were approved as meeting the requirements of § 51.18 of this chapter.

The term "baseline air quality" is used in an abstract sense to establish the "starting point" for defining significant deterioration. It is essentially based on air quality as of 1974, although the specific concentration need not be known. To eliminate the confusion generated by the term baseline air quality data, this phrase has been eliminated from the regulation. The language of paragraph (c)(2) has been modified to specify that the Class I and II increments refer to air quality increases occurring since January 1, 1975. However, the impact of sources granted approval to construct or modify prior to January 1, 1975 but which were not yet operating prior to that date, would not be counted against the applicable increments. The language of paragraph (d)(2)(i) has also been modified to be consistent with the above changes. These changes in no way alter the original intent of the regulation.

As indicated in the December 5 preamble, these regulations will be carried out through EPA's Regional Offices in accordance with the provisions of § 52.16, which also lists the addresses of each Regional Office.

The December 5 preamble also indicated that the technical procedures for determining the air quality impact of a new source would generally be based on the following publications: "Guidelines for Air Quality Maintenance Planning and Analysis," Vols. 10 and 12. These publications, along with the technical support document for the significant deterioration regulations, are available from the National Technical Information Service, 5258 Port Royal Road, Springfield, Va. 22151. Orders should include the publication number and payment as follows:

Technical Support Document—EPA Regulations for Preventing the Significant Deterioration of Air Quality publication number P. B. 240215/AS, $5.25.

Vol. 10, "Reviewing New Stationary Sources," publication number 237535/AS, $4.75.

Vol. 12, "Applying Atmospheric Simulation Models to Air Quality Maintenance Areas," publication number 237750/AS, $4.25.

The Administrator finds good reason for promulgating these amendments without having first proposed them and for making them effective June 12, 1975, since:

1. The modifications are generally minor clarifications and corrections.

2. The only changes which modify the intent of the December 5 regulations involve minor procedural changes and therefore add no major substantive requirements.

(Secs. 110(c) and 301(a), Clean Air Act as amended (42 U.S.C. 1857c-5(c) and 1857g (a)).)

Dated: June 5, 1975.

RUSSELL E. TRAIN,
Administrator.

Subpart A—General Provisions

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

1. Section 52.21 is amended by revising paragraphs (a), (b)(1), (6), and (7), (c)(1), (2)(i) and (iii), (3)(ii)(*b*) and (vi)(*a*), (d)(1), (2)(i), (3), and (4)(iii), (e)(1)(vi), and (f)(2)(i); and by adding new paragraphs (c)(3)(ii)(*e*) and (vi)(*f*), to read as follows:

§ 52.21 Significant deterioration of air quality.

(a) *Plan disapproval.* Subsequent to May 31, 1972, the Administrator reviewed State implementation plans to determine whether or not the plans permit or prevent significant deterioration of air quality in any portion of any State where the existing air quality is better than one or more of the secondary standards. The review indicates that State plans generally do not contain regulations or procedures specifically addressed to this problem. Specific disapprovals are listed, where applicable, in Subparts B through DDD of this part. No disapproval with respect to a State's failure to prevent significant deterioration of air quality shall invalidate or otherwise affect the obligations of States, emission sources, or other persons with respect to all portion of plans approved or promulgated under this part.

(b) *Definitions.* For the purposes of this section:

(1) "Facility" means an identifiable piece of process equipment. A stationary source is composed of one or more pollutant-emitting facilities.

* * * * *

(6) "Construction" means fabrication, erection or installation of a stationary source.

(7) "Commenced" means that an owner or operator has undertaken a continuous program of construction or modification or that an owner or operator has entered into a contractual obligation to undertake and complete, within a reasonable time, a continuous program of construction or modification.

(c) *Area designation and deterioration increment.* (1) The provisions of this paragraph have been incorporated by reference into the applicable implementation plans for various States, as provided in Subparts B through DDD of this part. Where this paragraph is so incorporated, the provisions shall also be applicable to all lands owned by the Federal Government and Indian Reservations located in such State. The provisions of this paragraph do not apply in those counties or other functionally equivalent areas that pervasively exceeded any national ambient air quality standards during 1974 for sulfur dioxide or particulate matter and then

only with respect to such pollutants. States may notify the Administrator at any time of those areas which exceeded the national standards during 1974 and therefore are exempt from the requirements of this paragraph.

(2)(i) For purposes of this paragraph, areas designated as Class I or II shall be limited to the following increases in pollutant concentration occurring since January 1, 1975: * * *

(iii) The air quality impact of sources granted approval to construct or modify prior to January 1, 1975 (pursuant to the approved new source review procedures in the plan) but not yet operating prior to January 1, 1975, shall not be counted against the air quality increments specified in paragraph (c)(2)(i) of this section.

(3) * * *

(ii) * * *

(b) Other States, Indian Governing Bodies, and Federal Land Managers whose lands may be affected by the proposed redesignation are notified at least 30 days prior to the public hearing, and

* * * * *

(e) The redesignation is proposed after consultation with the elected leadership of local and other substate general purpose governments in the area covered by the proposed redesignation.

* * * * *

(vi) * * *

(a) Any redesignation proposed pursuant to subdivisions (ii) and (iii) of this subparagraph shall be approved unless the Administrator determines (1) that the requirements of subdivisions (ii) and (iii) of this subparagraph have not been complied with, (2) that the state has arbitrarily and capriciously disregarded relevant considerations set forth in subparagraph (3)(ii)(d) of this paragraph, or (3) that the State has not requested and received delegation of responsibility for carrying out the new source review requirements of paragraphs (d) and (e) of this section.

* * * * *

(f) The requirements of paragraph (c)(3)(vi)(a)(3) that a State request and receive delegation of the new source review requirements of this section as a condition to approval of a proposed redesignation, shall include as a minimum receiving the administrative and technical functions of the new source review. The Administrator will carry out any required enforcement action in cases where the State does not have adequate legal authority to initiate such actions. The Administrator may waive the requirements of paragraph (c)(3)(vi)(a)(3) if the State Attorney-General has determined that the State cannot accept delegation of the administrative/technical functions.

* * * * *

(d) *Review of new sources.* (1) The provisions of this paragraph have been incorporated by reference into the applicable implementation plans for various States, as provided in Subparts B through DDD of this part. Where this paragraph is so incorporated, the requirements of this paragraph apply to any new or modified stationary source of the type identified below which has not commenced construction or modification prior to June 1, 1975. A source which is modified, but does not increase the amount of sulfur oxides or particulate matter emitted, or is modified to utilize an alternative fuel, or higher sulfur content fuel, shall not be subject to this paragraph.

* * * * *

(2) * * *

(i) The effect on air quality concentration of the source or modified source, in conjunction with the effects of growth and reduction in emissions after January 1, 1975, of other sources in the area affected by the proposed source, will not violate the air quality increments applicable in any other areas. The analysis of emissions growth and reduction after January 1, 1975, or other sources in the areas affected by the proposed source shall include all new and modified sources granted approval to construct pursuant to this paragraph; reduction in emissions from existing sources which contributed to air quality during all or part of 1974; and general commercial, residential, industrial, and other sources of emissions growth not exempted by paragraph (c)(2)(iii) of this section which has occurred since January 1, 1975.

* * * * *

(3) In making the determinations required by paragraph (d)(2) of this section, the Administrator shall, as a minimum, require the owner or operator of the source subject to this paragraph to submit: site information; plans, description, specifications, and drawings showing the design of the source; information necessary to determine the impact that the construction or modification will have on sulfur dioxide and particulate matter air quality levels; and any other information necessary to determine that best available control technology will be applied. Upon request of the Administrator, the owner or operator of the source shall also provide information on the nature and extent of general commercial, residential, industrial, and other growth which has occurred in the area affected by the source's emissions (such area to be specified by the Administrator) since January 1, 1975.

(4) * * *

(iii) Whenever any new or modified source is subject to action by a Federal Agency which might necessitate preparation of an environmental impact statement pursuant to the National Environmental Policy Act (42 U.S.C. 4321), review by the Administrator conducted pursuant to this paragraph shall be coordinated with the broad environmental reviews under that Act, to the maximum extent feasible and reasonable.

(e) * * *

(1) * * *

(vi) The Administrator may extend each of the time periods specified in paragraph (e)(1)(ii), (iv), or (v) of this section by no more than 30 days or such other period as agreed to by the applicant and the Administrator.

* * * * *

(f) * * *

(2) * * *

(i) Where the agency designated is not an air pollution control agency, such agency shall consult with the appropriate State and local air pollution control agency prior to making any determination required by paragraph (d) of this section. Similarly, where the agency designated does not have continuing responsibilities for managing land use, such agency shall consult with the appropriate State and local agency which is primarily responsible for managing land use prior to making any determination required by paragraph (d) of this section.

* * * * *

Subpart B—Alabama

2. Subpart B is amended by adding § 52.60 as follows:

§ 52.60 Significant deterioration of air quality.

(a) The requirements of section 101(b)(1) of the Clean Air Act are not met, since the plan does not include procedures for preventing the significant deterioration of air quality.

(b) *Regulation for preventing significant deterioration of air quality.* The provisions of § 52.21 (b), (c), (d), (e), and (f) are hereby incorporated by reference and made a part of the applicable implementation plan for the State of Alabama.

Subpart C—Alaska

3. Subpart C is amended by adding § 52.96 as follows:

§ 52.96 Significant deterioration of air quality.

(a) The requirements of section 101(b)(1) of the Clean Air Act are not met, since the plan does not include procedures for preventing the significant deterioration of air quality.

(b) *Regulation for preventing significant deterioration of air quality.* The provisions of § 52.21(b), (c), (d), (e), and (f) are hereby incorporated by reference and made a part of the applicable implementation plan for the State of Alaska.

Subpart D—Arizona

4. Subpart D is amended by adding § 52.144 as follows:

§ 52.144 Significant deterioration of air quality.

(a) The requirements of section 101(b)(1) of the Clean Air Act are not met, since the plan does not include procedures for preventing the significant deterioration of air quality.

(b) *Regulation for preventing significant deterioration of air quality.* The provisions of § 52.21(b), (c), (d), (e), and (f) are hereby incorporated by reference and made a part of the applicable

implementation plan for the State of Arizona.

Subpart E—Arkansas

5. Subpart E is amended by adding § 52.181 as follows:

§ 52.181 Significant deterioration of air quality.

(a) The requirements of section 101 (b) (1) of the Clean Air Act are not met, since the plan does not include procedures for preventing the significant deterioration of air quality.

(b) *Regulation for preventing significant deterioration of air quality.* The provisions of § 52.21(b), (c), (d), (e), and (f) are hereby incorporated by reference and made a part of the applicable implementation plan for the State of Arkansas.

Subpart F—California

6. Subpart F is amended by adding § 52.269 as follows:

§ 52.269 Significant deterioration of air quality.

(a) The requirements of section 101 (b) (1) of the Clean Air Act are not met, since the plan does not include procedures for preventing the significant deterioration of air quality.

(b) *Regulation for preventing significant deterioration of air quality.* The provisions of § 52.21(b), (c), (d), (e), and (f) are hereby incorporated by reference and made a part of the applicable implementation plan for the State of California.

Subpart G—Colorado

7. Subpart G is amended by adding § 52.343 as follows:

§ 52.343 Significant deterioration of air quality.

(a) The requirements of section 101 (b) (1) of the Clean Air Act are not met, since the plan does not include procedures for preventing the significant deterioration of air quality.

(b) *Regulation for preventing significant deterioration of air quality.* The provisions of § 52.21(b), (c), (d), (e), and (f) are hereby incorporated by reference and made a part of the applicable implementation plan for the State of Colorado.

Subpart H—Connecticut

8. Subpart H is amended by adding § 52.382 as follows:

§ 52.382 Significant deterioration of air quality.

(a) The requirements of section 101 (b) (1) of the Clean Air Act are not met, since the plan does not include procedures for preventing the significant deterioration of air quality.

(b) *Regulation for preventing significant deterioration of air quality.* The provisions of § 52.21(b), (c), (d), (e), and (f) are hereby incorporated by reference and made a part of the applicable implementation plan for the State of Connecticut.

Subpart I—Delaware

9. Subpart I is amended by adding § 52.432 as follows:

§ 52.432 Significant deterioration of air quality.

(a) The requirements of section 101(b) (1) of the Clean Air Act are not met, since the plan does not include procedures for preventing the significant deterioration of air quality.

(b) *Regulation for preventing significant deterioration of air quality.* The provisions of § 52.21(b), (c), (d), (e), and (f) are hereby incorporated by reference and made a part of the applicable implementation plan for the State of Delaware.

Subpart J—District of Columbia

10. Subpart J is amended by adding § 52.499 as follows:

§ 52.499 Significant deterioration of air quality.

(a) The requirements of section 101(b) (1) of the Clean Air Act are not met, since the plan does not include procedures for preventing the significant deterioration of air quality.

(b) *Regulation for preventing significant deterioration of air quality.* The provisions of § 52.21(b), (c), (d), (e), and (f) are hereby incorporated by reference and made a part of the applicable implementation plan for the District of Columbia.

Subpart K—Florida

11. Subpart K is amended by adding § 52.530 as follows:

§ 52.530 Significant deterioration of air quality.

(a) The requirements of section 101(b) (1) of the Clean Air Act are not met, since the plan does not include procedures for preventing the significant deterioration of air quality.

(b) *Regulation for preventing significant deterioration of air quality.* The provisions of § 52.21(b), (c), (d), (e), and (f) are hereby incorporated by reference and made a part of the applicable implementation plan for the State of Florida.

Subpart L—Georgia

12. Subpart L is amended by adding § 52.581 as follows:

§ 52.581 Significant deterioration of air quality.

(a) The requirements of section 101(b) (1) of the Clean Air Act are not met, since the plan does not include procedures for preventing the significant deterioration of air quality.

(b) *Regulation for preventing significant deterioration of air quality.* The provisions of § 52.21(b), (c), (d), (e), and (f) are hereby incorporated by reference and made a part of the applicable implementation plan for the State of Georgia.

Subpart M—Hawaii

13. Subpart M is amended by adding § 52.632 as follows:

§ 52.632 Significant deterioration of air quality.

(a) The requirements of section 101 (b) (1) of the Clean Air Act are not met, since the plan does not include procedures for preventing the significant deterioration of air quality.

(b) *Regulation for preventing significant deterioration of air quality.* The provisions of § 52.21 (b), (c), (d), (e), and (f) are hereby incorporated by reference and made a part of the applicable implementation plan for the State of Hawaii.

Subpart N—Idaho

14. Subpart N is amended by adding § 52.683 as follows:

§ 52.683 Significant deterioration of air quality.

(a) The requirements of section 101 (b) (1) of the Clean Air Act are not met, since the plan does not include procedures for preventing the significant deterioration of air quality.

(b) *Regulation for preventing significant deterioration of air quality.* The provisions of § 52.21 (b), (c), (d), (e), and (f) are hereby incorporated by reference and made a part of the applicable implementation plan for the State of Idaho.

Subpart O—Illinois

15. Subpart O is amended by adding § 52.738 as follows:

§ 52.738 Significant deterioration of air quality.

(a) The requirements of section 101 (b) (1) of the Clean Air Act are not met, since the plan does not include procedures for preventing the significant deterioration of air quality.

(b) *Regulation for preventing significant deterioration of air quality.* The provisions of § 52.21(b), (c), (d), (e), and (f) are hereby incorporated by reference and made a part of the applicable implementation plan for the State of Illinois.

Subpart P—Indiana

16. Subpart P is amended by adding § 52.793 as follows:

§ 52.793 Significant deterioration of air quality.

(a) The requirements of section 101 (b) (1) of the Clean Air Act are not met, since the plan does not include procedures for preventing the significant deterioration of air quality.

(b) *Regulation for preventing significant deterioration of air quality.* The provisions of § 52.21(b), (c), (d), (e), and (f) are hereby incorporated by reference and made a part of the applicable implementation plan for the State of Indiana.

Subpart Q—Iowa

17. Subpart Q is amended by adding § 52.833 as follows:

§ 52.833 Significant deterioration of air quality.

(a) The requirements of section 101 (b) (1) of the Clean Air Act are not met,

since the plan does not include procedures for preventing the significant deterioration of air quality.

(b) *Regulation for preventing significant deterioration of air quality.* The provisions of § 52.21(b), (c), (d), (e), and (f) are hereby incorporated by reference and made a part of the applicable implementation plan for the State of Iowa.

Subpart R—Kansas

18. Subpart R is amended by adding § 52.884 as follows:

§ 52.884 Significant deterioration of air quality.

(a) The requirements of section 101 (b)(1) of the Clean Air Act are not met, since the plan does not include procedures for preventing the significant deterioration of air quality.

(b) *Regulation for preventing significant deterioration of air quality.* The provisions of § 52.21(b), (c), (d), (e), and (f) are hereby incorporated by reference and made a part of the applicable implementation plan for the State of Kansas.

Subpart S—Kentucky

19. Subpart S is amended by adding § 52.931 as follows:

§ 52.931 Significant deterioration of air quality.

(a) The requirements of section 101 (b)(1) of the Clean Air Act are not met, since the plan does not include procedures for preventing the significant deterioration of air quality.

(b) *Regulation for preventing significant deterioration of air quality.* The provisions of § 52.21(b), (c), (d), (e), and (f) are hereby incorporated by reference and made a part of the applicable implementation plan for the State of Kentucky.

Subpart T—Louisiana

20. Subpart T is amended by adding § 52.985 as follows:

§ 52.985 Significant deterioration of air quality.

(a) The requirements of section 101 (b)(1) of the Clean Air Act are not met, since the plan does not include procedures for preventing the significant deterioration of air quality.

(b) *Regulation for preventing significant deterioration of air quality.* The provisions of § 52.21(b), (c), (d), (e), and (f) are hereby incorporated by reference and made a part of the applicable implementation plan for the State of Louisiana.

Subpart U—Maine

21. Subpart U is amended by adding § 52.1029 as follows:

§ 52.1029 Significant deterioration of air quality.

(a) The requirements of section 101 (b)(1) of the Clean Air Act are not met, since the plan does not include procedures for preventing the significant deterioration of air quality.

(b) *Regulation for preventing significant deterioration of air quality.* The provisions of § 52.21(b), (c), (d), (e), and (f) are hereby incorporated by reference and made a part of the applicable implementation plan for the State of Maine.

Subpart V—Maryland

22. Subpart V. is amended by adding § 52.1116 as follows:

§ 52.1116 Significant deterioration of air quality.

(a) The requirements of section 101(b)(1) of the Clean Air Act are not met, since the plan does not include procedures for preventing the significant deterioration of air quality.

(b) *Regulation for preventing significant deterioration of air quality.* The provisions of § 52.21(b), (c), (d), (e), and (f) are hereby incorporated by reference and made a part of the applicable implementation plan for the State of Maryland.

Subpart W—Massachusetts

23. Subpart W is amended by adding § 52.1161 as follows:

§ 52.1161 Significant deterioration of air quality.

(a) The requirements of section 101(b)(1) of the Clean Air Act are not met, since the plan does not include procedures for preventing the significant deterioration of air quality.

(b) *Regulation for preventing significant deterioration of air quality.* The provisions of § 52.21(b), (c), (d), (e), and (f) are hereby incorporated by reference and made a part of the applicable implementation plan for the State of Massachusetts.

Subpart X—Michigan

24. Subpart X is amended by adding §52.1180 as follows:

§ 52.1180 Significant deterioration of air quality.

(a) The requirements of section 101(b)(1) of the Clean Air Act are not met, since the plan does not include procedures for preventing the significant deterioration of air quality.

(b) *Regulation for preventing significant deterioration of air quality.* The provisions of § 52.21(b), (c), (d), (e), and (f) are hereby incorporated by reference and made a part of the applicable implementation plan for the State of Michigan.

Subpart Y—Minnesota

25. Subpart Y is amended by adding § 52.1234 as follows:

§ 52.1234 Significant deterioration of air quality.

(a) The requirements of section 101 (b)(1) of the Clean Air Act are not met, since the plan does not include procedures for preventing the significant deterioration of air quality.

(b) *Regulation for preventing significant deterioration of air quality.* The provisions of § 52.21(b), (c), (d), (e), and (f) are hereby incorporated by reference and made a part of the applicable implementation plan for the State of Minnesota.

Subpart Z—Mississippi

26. Subpart Z is amended by adding § 52.1280 as follows:

§ 52.1280 Significant deterioration of air quality.

(a) The requirements of section 101 (b)(1) of the Clean Air Act are not met, since the plan does not include procedures for preventing the significant deterioration of air quality.

(b) *Regulation for preventing significant deterioration of air quality.* The provisions of § 52.21(b), (c), (d), (e), and (f) are hereby incorporated by reference and made a part of the applicable implementation plan for the State of Mississippi.

Subpart AA—Missouri

27. Subpart AA is amended by adding § 52.1339 as follows:

§ 52.1339 Significant deterioration of air quality.

(a) The requirements of section 101 (b)(1) of the Clean Air Act are not met, since the plan does not include procedures for preventing the significant deterioration of air quality.

(b) *Regulation for preventing significant deterioration of air quality.* The provisions of § 52.21(b), (c), (d), (e), and (f) are hereby incorporated by reference and made a part of the applicable implementation plan for the State of Missouri.

Subpart BB—Montana

28. Subpart BB is amended by adding § 52.1382 as follows:

§52.1382 Significant deterioration of air quality.

(a) The requirements of section 101 (b)(1) of the Clean Air Act are not met, since the plan does not include procedures for preventing the significant deterioration of air quality.

(b) *Regulation for preventing significant deterioration of air quality.* The provisions of § 52.21(b), (c), (d), (e), and (f) are hereby incorporated by reference and made a part of the applicable implementation plan for the State of Montana.

Subpart CC—Nebraska

29. Subpart CC is amended by adding § 52.1436 as follows:

§ 52.1436 Significant deterioration of air quality.

(a) The requirements of section 101 (b)(1) of the Clean Air Act are not met, since the plan does not include procedures for preventing the significant deterioration of air quality.

(b) *Regulation for preventing significant deterioration of air quality.* The provisions of § 52.21(b), (c), (d), (e), and (f) are hereby incorporated by reference and made a part of the applicable

implementation plan for the State of Nebraska.

Subpart DD—Nevada

30. Subpart DD is amended by adding § 52.1485 as follows:

§ 52.1485 Significant deterioration of air quality.

(a) The requirements of section 101 (b)(1) of the Clean Air Act are not met, since the plan does not include procedures for preventing the significant deterioration of air quality.

(b) *Regulation for preventing significant deterioration of air quality.* The provisions of § 52.21(b), (c), (d), (e), and (f) are hereby incorporated by reference and made a part of the applicable implementation plan for the State of Nevada.

Subpart EE—New Hampshire

31. Subpart EE is amended by adding § 52.1529 as follows:

§ 52.1529 Significant deterioration of air quality.

(a) The requirements of section 101 (b)(1) of the Clean Air Act are not met, since the plan does not include procedures for preventing the significant deterioration of air quality.

(b) *Regulation for preventing significant deterioration of air quality.* The provisions of § 52.21(b), (c), (d), (e), and (f) are hereby incorporated by reference and made a part of the applicable implementation plan for the State of New Hampshire.

Subpart FF—New Jersey

32. Subpart FF is amended by adding § 52.1603 as follows:

§ 52.1603 Significant deterioration of air quality.

(a) The requirements of section 101 (b)(1) of the Clean Air Act are not met, since the plan does not include procedures for preventing the significant deterioration of air quality.

(b) *Regulation for preventing significant deterioration of air quality.* The provisions of § 52.21(b), (c), (d), (e), and (f) are hereby incorporated by reference and made a part of the applicable implementation plan for the State of New Jersey.

Subpart GG—New Mexico

33. Subpart GG is amended by adding § 52.1634 as follows:

§ 52.1634 Significant deterioration of air quality.

(a) The requirements of section 101 (b)(1) of the Clean Air Act are not met, since the plan does not include procedures for preventing the significant deterioration of air quality.

(b) *Regulation for preventing significant deterioration of air quality.* The provisions of § 52.21 (b), (c), (d), (e), and (f) are hereby incorporated by reference and made a part of the applicable implementation plan for the State of New Mexico.

Subpart HH—New York

34. Subpart HH is amended by adding § 52.1689 as follows:

§ 52.1689 Significant deterioration of air quality.

(a) The requirements of section 101 (b)(1) of the Clean Air Act are not met, since the plan does not include procedures for preventing the significant deterioration of air quality.

(b) *Regulation for preventing significant deterioration of air quality.* The provisions of § 52.21 (b), (c), (d), (e), and (f) are hereby incorporated by reference and made a part of the applicable implementation plan for the State of New York.

Subpart II—North Carolina

35. Subpart II is amended by adding § 52.1778 as follows:

§ 52.1778 Significant deterioration of air quality.

(a) The requirements of section 101 (b)(1) of the Clean Air Act are not met, since the plan does not include procedures for preventing the significant deterioration of air quality.

(b) *Regulation for preventing significant deterioration of air quality.* The provisions of § 52.21 (b), (c), (d), (e), and (f) are hereby incorporated by reference and made a part of the applicable implementation plan for the State of North Carolina.

Subpart JJ—North Dakota

36. Subpart JJ is amended by adding § 52.1829 as follows:

§ 52.1829 Significant deterioration of air quality.

(a) The requirements of section 101 (b)(1) of the Clean Air Act are not met, since the plan does not include procedures for preventing the significant deterioration of air quality.

(b) *Regulation for preventing significant deterioration of air quality.* The provisions of § 52.21 (b), (c), (d), (e), and (f) are hereby incorporated by reference and made a part of the applicable implementation plan for the State of North Dakota.

Subpart KK—Ohio

37. Subpart KK is amended by adding § 52.1884 as follows:

§ 52.1884 Significant deterioration of air quality.

(a) The requirements of section 101(b)(1) of the Clean Air Act are not met, since the plan does not include procedures for preventing the significant deterioration of air quality.

(b) *Regulation for preventing significant deterioration of air quality.* The provisions of § 52.21(b), (c), (d), (e), and (f) are hereby incorporated by reference and made a part of the applicable implementation plan for the State of Ohio.

Subpart LL—Oklahoma

38. Subpart LL is amended by adding § 52.1929 as follows:

§ 52.1929 Significant deterioration of air quality.

(a) The requirements of section 101(b)(1) of the Clean Air Act are not met, since the plan does not include procedures for preventing the significant deterioration of air quality.

(b) *Regulation for preventing significant deterioration of air quality.* The provisions of § 52.21(b), (c), (d), (e), and (f) are hereby incorporated by reference and made a part of the applicable implementation plan for the State of Oklahoma.

Subpart MM—Oregon

39. Subpart MM is amended by adding § 52.1987 as follows:

§ 52.1987 Significant deterioration of air quality.

(a) The requirements of section 101(b)(1) of the Clean Air Act are not met, since the plan does not include procedures for preventing the significant deterioration of air quality.

(b) *Regulation for preventing significant deterioration of air quality.* The provisions of § 52.21(b), (c), (d), (e), and (f) are hereby incorporated by reference and made a part of the applicable implementation plan for the State of Oregon.

Subpart NN—Pennsylvania

40. Subpart NN is amended by adding § 52.2058 as follows:

§ 52.2058 Significant deterioration of air quality.

(a) The requirements of section 101(b)(1) of the Clean Air Act are not met, since the plan does not include procedures for preventing the significant deterioration of air quality.

(b) *Regulation for preventing significant deterioration of air quality.* The provisions of § 52.21(b), (c), (d), (e), and (f) are hereby incorporated by reference and made a part of the applicable implementation plan for the State of Pennsylvania.

Subpart OO—Rhode Island

41. Subpart OO is amended by adding § 52.2083 as follows:

§ 52.2083 Significant deterioration of air quality.

(a) The requirements of section 101 (b)(1) of the Clean Air Act are not met, since the plan does not include procedures for preventing the significant deterioration of air quality.

(b) *Regulation for preventing significant deterioration of air quality.* The provisions of § 52.21(b), (c), (d), (e), and (f) are hereby incorporated by reference and made a part of the applicable implementation plan for the State of Rhode Island.

Subpart PP—South Carolina

42. Subpart PP is amended by adding § 52.2131 as follows:

§ 52.2131 Significant deterioration of air quality.

(a) The requirements of section 101 (b)(1) of the Clean Air Act are not met,

since the plan does not include procedures for preventing the significant deterioration of air quality.

(b) *Regulation for preventing significant deterioration of air quality.* The provisions of § 52.21(b), (c), (d), (e), and (f) are hereby incorporated by reference and made a part of the applicable implementation plan for the State of South Carolina.

Subpart QQ—South Dakota

43. Subpart QQ is amended by adding § 52.2178 as follows:

§ 52.2178 Significant deterioration of air quality.

(a) The requirements of section 101 (b)(1) of the Clean Air Act are not met, since the plan does not include procedures for preventing the significant deterioration of air quality.

(b) *Regulation for preventing significant deterioration of air quality.* The provisions of § 52.21(b), (c), (d), (e), and (f) are hereby incorporated by reference and made a part of the applicable implementation plan for the State of South Dakota.

Subpart RR—Tennessee

44. Subpart RR is amended by adding § 52.2233 as follows:

§ 52.2233 Significant deterioration of air quality.

(a) The requirements of section 101 (b)(1) of the Clean Air Act are not met, since the plan does not include procedures for preventing the significant deterioration of air quality.

(b) *Regulation for preventing significant deterioration of air quality.* The provisions of § 52.21(b), (c), (d), (e), and (f) are hereby incorporated by reference and made a part of the applicable implementation plan for the State of Tennessee.

Subpart SS—Texas

45. Subpart SS is amended by adding § 52.2303 as follows:

§ 52.2303 Significant deterioration of air quality.

(a) The requirements of section 101 (b)(1) of the Clean Air Act are not met, since the plan does not include procedures for preventing the significant deterioration of air quality.

(b) *Regulation for preventing significant deterioration of air quality.* The provisions of § 52.21 (b), (c), (d), (e), and (f) are hereby incorporated by reference and made a part of the applicable implementation plan for the State of Texas.

Subpart TT—Utah

46. Subpart TT is amended by adding § 52.2346 as follows:

§ 52.2346 Significant deterioration of air quality.

(a) The requirements of section 101 (b)(1) of the Clean Air Act are not met, since the plan does not include procedures for preventing the significant deterioration of air quality.

(b) *Regulation for preventing significant deterioration of air quality.* The provisions of § 52.21 (b), (c), (d), (e), and (f) are hereby incorporated by reference and made a part of the applicable implementation plan for the State of Utah.

Subpart UU—Vermont

47. Subpart UU is amended by adding § 52.2380 as follows:

§ 52.2380 Significant deterioration of air quality.

(a) The requirements of section 101 (b)(1) of the Clean Air Act are not met, since the plan does not include procedures for preventing the significant deterioration of air quality.

(b) *Regulation for preventing significant deterioration of air quality.* The provisions of § 52.21(b), (c), (d), (e), and (f) are hereby incorporated by reference and made a part of the applicable implementation plan for the State of Vermont.

Subpart VV—Virginia

48. Subpart VV is amended by adding § 52.2451 as follows:

§ 52.2451 Significant deterioration of air quality.

(a) The requirements of section 101 (b)(1) of the Clean Air Act are not met, since the plan does not include procedures for preventing the significant deterioration of air quality.

(b) *Regulation for preventing significant deterioration of air quality.* The provisions of § 52.21(b), (c), (d), (e), and (f) are hereby incorporated by reference and made a part of the applicable implementation plan for the State of Virginia.

Subpart WW—Washington

49. Subpart WW is amended by adding § 52.2497 as follows:

§ 52.2497 Significant deterioration of air quality.

(a) The requirements of section 101 (b)(1) of the Clean Air Act are not met, since the plan does not include procedures for preventing the significant deterioration of air quality.

(b) *Regulation for preventing significant deterioration of air quality.* The provisions of § 52.21(b), (c), (d), (e), and (f) are hereby incorporated by reference and made a part of the applicable implementation plan for the State of Washington.

Subpart XX—West Virginia

50. Subpart XX is amended by adding § 52.2528 as follows:

§ 52.2528 Significant deterioration of air quality.

(a) The requirements of section 101 (b)(1) of the Clean Air Act are not met, since the plan does not include procedures for preventing the significant deterioration of air quality.

(b) *Regulation for preventing significant deterioration of air quality.* The provisions of § 52.21(b), (c), (d), (e), and (f) are hereby incorporated by reference and made a part of the applicable implementation plan for the State of West Virginia.

Subpart YY—Wisconsin

51. Subpart YY is amended by adding § 52.2581 as follows:

§ 52.2581 Significant deterioration of air quality.

(a) The requirements of section 101 (b)(1) of the Clean Air Act are not met, since the plan does not include procedures for preventing the significant deterioration of air quality.

(b) *Regulation for preventing significant deterioration of air quality.* The provisions of § 52.21(b), (c), (d), (e), and (f) are hereby incorporated by reference and made a part of the applicable implementation plan for the State of Wisconsin.

Subpart ZZ—Wyoming

52. Subpart ZZ is amended by adding § 52.2630 as follows:

§ 52.2630 Significant deterioration of air quality.

(a) The requirements of section 101 (b)(1) of the Clean Air Act are not met, since the plan does not include procedures for preventing the significant deterioration of air quality.

(b) *Regulation for preventing significant deterioration of air quality.* The provisions of § 52.21(b), (c), (d), (e), and (f) are hereby incorporated by reference and made a part of the applicable implementation plan for the State of Wyoming.

Subpart AAA—Guam

53. Subpart AAA is amended by adding § 52.2676 as follows:

§ 52.2676 Significant deterioration of air quality.

(a) The requirements of section 101 (b)(1) of the Clean Air Act are not met, since the plan does not include procedures for preventing the significant deterioration of air quality.

(b) *Regulation for preventing significant deterioration of air quality.* The provisions of § 52.21 (b), (c), (d), (e), and (f) are hereby incorporated by reference and made a part of the applicable implementation plan for Guam.

Subpart BBB—Puerto Rico

54. Subpart BBB is amended by adding § 52.2729 as follows:

§ 52.2729 Significant deterioration of air quality.

(a) The requirements of section 101 (b)(1) of the Clean Air Act are not met, since the plan does not include procedures for preventing the significant deterioration of air quality.

(b) *Regulation for preventing significant deterioration of air quality.* The provisions of § 52.21 (b), (c), (d), (e), and (f) are hereby incorporated by ref-

erence and made a part of the applicable implementation plan for Puerto Rico.

Subpart CCC—Virgin Islands

55. Subpart CCC is amended by adding § 52.2779 as follows:

§ 52.2779 Significant deterioration of air quality.

(a) The requirements of section 101 (b)(1) of the Clean Air Act are not met, since the plan does not include procedures for preventing the significant deterioration of air quality.

(b) *Regulation for preventing significant deterioration of air quality.* The provisions of § 52.21 (b), (c), (d), (e), and (f) are hereby incorporated by reference and made a part of the applicable implementation plan for the Virgin Islands.

Subpart DDD—American Samoa

56. Subpart DDD is amended by adding § 52.2827 as follows:

§ 52.2827 Significant deterioration of air quality.

(a) The requirements of section 101 (b)(1) of the Clean Air Act are not met, since the plan does not include procedures for preventing the significant deterioration of air quality.

(b) *Regulation for preventing significant deterioration of air quality.* The provisions of § 52.21 (b), (c), (d), (e), and (f) are hereby incorporated by reference and made a part of the applicable implementation plan for American Samoa.

[FR Doc.75-15414 Filed 6-11-75;8:45 am]

[FRL 360-3]

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

Tennessee: Disapproval of Legal Authority

On May 31, 1972 (37 FR 10842), the Administrator approved portions of the Tennessee plan to attain and maintain the national ambient air quality standards. At that time, the plan was disapproved as failing to satisfy the requirements of 40 CFR 51.11(a)(3) since the State lacked legal authority to control motor vehicle activity during emergency episodes of air pollution. It has since come to the attention of the Administrator that there are other deficiencies in the State's legal authority to enforce the emission limiting regulations of its approved plan. The purpose of the present notice is to describe these deficiencies and to clarify the Agency's intentions in their regard.

On September 13, 1973, in Opinion No. 52, rendered to the Tennessee Department of Public Health, the State's Assistant Attorney General, C. Hayes Cooney, ruled that: (1) State agencies are not included in the definition of "person" as found in section 53-3409(f) of the Tennessee Code Annotated; and (2) State agencies are not subject to local air pollution regulations adopted pursuant to a private act which does not specifically provide for regulation of a State agency. These opinions were reiterated in a letter of January 24, 1974, from the Tennessee Attorney General's office to the Agency's Region IV office. Since the State of Tennessee lacks legal authority to enforce its emission limiting regulations in the case of facilities owned or operated by the State, the Administrator hereby disapproves the plan in this particular. Elsewhere in this publication, the Administrator proposes for incorporation in the Tennessee plan a definition of "person" which includes sources owned or operated by the State. It is the Administrator's intention to enforce, in the case of State-owned or operated facilities, the existing emission limits of the approved Tennessee plan, including those enacted by local governments, as needed to assure attainment and maintenance of all national ambient air quality standards in the State, and as called for by the original control strategies of the State's plan.

On July 3, 1974, the Technical Secretary of the Tennessee Air Pollution Control Board informed the Agency's Regional Administrator that the Tennessee Air Pollution Control Division had ceased to have legal authority to control: (1) agricultural limestone production, through the enactment of Tennessee House Bill 1490 on February 21, 1974; and (2) woodwaste boilers, through the enactment of Tennessee House Bill 1845 on March 22, 1974. Accordingly, the Administrator hereby disapproves the Tennessee plan as lacking legal authority to control these two categories of sources. It is the Agency's intention to enforce, in the case of such sources, the existing emission limiting regulations of the approved Tennessee plan, including those enacted by local governments, as needed to assure the attainment and maintenance of all national ambient air quality standards in Tennessee, and as called for by the original control strategies of the State's plan.

These actions are effective July 14, 1975.

(Sec. 110(a), Clean Air Act [42 U.S.C. 1857c-5(a)])

Dated: June 6, 1975.

RUSSELL E. TRAIN,
Administrator.

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

Subpart RR—Tennessee

In § 52.2224, paragraphs (c), (d), and (e) are added as follows:

§ 52.2224 Legal authority.

* * * * *

(c)(1) The requirements of § 51.11(a)(2) of this chapter are not met since the definition of "person" set forth in the Tennessee Air Quality Act and in the State implementation plan does not include facilities owned or operated by the State. Therefore, section 52-3409(f) of the Tennessee Code Annotated and section 30 of Chapter II of the Tennessee Air Pollution Control Regulations are disapproved.

(d) The requirements of § 51.11(a)(2) of this chapter are not met since the State lacks legal authority, as a result of the enactment of House Bill 1490 by the 1974 Tennessee legislature, to control emissions from the quarrying and processing of agricultural limestone. Therefore, section 53-3424 of the Tennessee Code Annotated is disapproved.

(e) The requirements of § 51.11(a)(2) of this chapter are not met since the State lacks legal authority, as a result of the enactment of House Bill 1845 by the 1974 Tennessee legislature, to control emissions from air contaminant sources which use woodwaste only as fuel. Therefore, the last sentence of section 53-3422 of the Tennessee Code Annotated is disapproved.

[FR Doc.75-15276 Filed 6-11-75;8:45 am]

Title 41—Public Contracts and Property Management

CHAPTER 5A—FEDERAL SUPPLY SERVICE, GENERAL SERVICES ADMINISTRATION

PART 5A-7—CONTRACT CLAUSES

Predetermined Cubic Measurements Clause

This change to the General Services Administration Procurement Regulations (GSPR) provides a clause for use in solicitations when cubic measurements are required for bid evaluation purposes and these measurements can be predetermined with reasonable accuracy for inclusion in the solicitation.

1. The table of contents for Part 5A-7 is amended to retitle § 5A-7.103-89 as follows:

5A-7.103-89 Bid evaluation factors—weights and dimensions.

Subpart 5A-7.1—Fixed-Price Supply Contracts

2. Section 5A-7.103-89 is revised as follows:

§ 5A-7.103-89 Bid evaluation factors—weights and dimensions.

(a) *Guaranteed maximum shipping weights and/or dimensions.* A clause substantially as follows (included in GSA Form 1424) shall be included in solicitations when guaranteed maximum shipping weights and/or dimensions (or cubic measurements) are required for determining transportation costs to be applied in the evaluation of offers (see § 1-19.202-3).

GUARANTEED MAXIMUM SHIPPING WEIGHTS

(Clause is applicable where so specified in the solicitation.)

The guaranteed maximum shipping weights (and dimensions if applicable) are required for determination of transportation costs. Bidder must state his guaranteed weights (and dimensions if applicable) in the bid or it will be rejected. If delivered items exceed the guaranteed maximum shipping weights (and dimensions if applicable), the bidder agrees that the contract price shall be reduced by an amount equal to the difference between the transportation costs computed for bid evaluation purposes based on bidder's guaranteed maximum shipping weights (and dimensions if applicable) and the transportation costs that should have been used for bid evaluation purposes based on correct shipping data.

In this regard, Seller's Invoices shall show the actual shipping weight (and actual cube, where applicable), in addition to the other requirements of Article 13, Standard Form 33A, Solicitation Instructions and Conditions.

To activate the above clause and to provide spaces for offerors to insert the required information, a clause similar to the following shall be included in the solicitation. When standard pack quantities are not prescribed in the applicable specification, a column should also be included providing spaces for offerors to insert the number of units per shipping container.

WEIGHTS AND/OR MEASUREMENTS

Pursuant to Clause 38 of GSA Form 1424, Guaranteed Maximum Shipping Weights, offerors are required to furnish, in the spaces provided below, the following information:

(1) When f.o.b. origin prices are submitted—the actual or estimated maximum gross weight and cubage per shipping container.

(2) When f.o.b. inland carrier, point of exportation prices are submitted—the actual or estimated maximum cubage per shipping container.

Item	Shipping weight	Cubage

(b) *Predetermined cubic measurements.* As an alternative to requiring offerors to specify their guaranteed maximum cubic measurements per shipping container, measurements may be stated in the solicitation when they can be established with reasonable accuracy. In these cases, a clause substantially as follows shall be included in the solicitation.

PREDETERMINED CUBIC MEASUREMENTS

For the purpose of evaluating bids and for no other purpose, the cubic measurements per shipping container for each item (National Stock Number) as set forth below will be applied by the Government in determining ocean transportation and related costs.

National stock number	*Cube per shipping container*

The contractor shall state actual cubic measurements when shipping data must be specified on export movement documents required to be furnished under this contract.

(Sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c))

Effective date. These regulations are effective on the date shown below.

Dated: May 27, 1975.

M. J. TIMBERS,
Commissioner, FSS.

[FR Doc.75-15283 Filed 6-11-75;8:45 am]

CHAPTER 101—FEDERAL PROPERTY MANAGEMENT REGULATIONS

SUBCHAPTER E—SUPPLY AND PROCUREMENT

[FPMR Amendment E-161]

PART 101-26—PROCUREMENT SOURCES AND PROGRAMS

Administration of Warranties

This amendment sets forth procedures for effecting corrective action on those items and services purchased or leased from or through General Services Administration's procurement sources and programs where warranties apply. Procedures on warranties pertaining to automotive vehicles and components thereof are not covered and will be promulgated separately.

The table of contents for Part 101-26 is amended to include the following new entry:

101-26.100-3 Warranties.

Subpart 101-26.1—General

Section 101-26.100-3 is added as follows:

§ 101-26.100-3 Warranties.

(a) Through its procurement sources and programs GSA provides for certain types of items and services which are covered by warranties. Such warranties allow ordering activities additional time after acceptance within which to assert a right to correct certain deficiencies in supplies or services furnished. The additional time period and the specific corrective actions for which the contractor is responsible are usually stated in the warranty. Items and services subject to warranties are normally identified by a warranty marking or notice. Such marking or notice will state that a warranty exists, its extent of coverage, its duration, and whom to notify concerning defects.

(b) Using activities shall take the following actions when items or services (except automotive vehicles and components) covered by warranty provisions are found to be defective during the warranty period.

(1) Activities in the conterminous United States shall:

(i) Contact the contractor in writing and request corrective action (contacts by telephone shall be confirmed in writing);

(ii) After such contact, return the item without cost to the Government by the most economical means, provided the contractor is willing to have the item returned; or

(iii) Turn the case over to the inquiry and adjustment activity of the appropriate GSA support region when the contractor refuses to correct or fails to replace either a defective item or an aspect of a service under the warranty. Include in the case file copies of all correspondence with the contractor. In addition, furnish all available data pertaining to the end item; i.e., requisition number, contract and/or purchase order number, national stock number, name of end item, manufacturer, model number, serial number, description of part (including part number if available), or aspect of service to be corrected or replaced, and the reason for failure of the item or service, if known. This information shall be provided on the appropriate reporting form designated for this purpose.

(2) Activities outside of the conterminous United States shall:

(i) When it is known that the manufacturer has an overseas sales and service department, contact that department and request it to correct or replace the defective item or service; or

(ii) When either a sales or service department is not available overseas or the contractor refuses to correct or fails to replace a defective item or service under the warranty, submit a FEDSTRIP/MILSTRIP requisition with document item identifier code A05 to the inquiry and adjustment activity of the appropriate GSA support region. Insert in the remarks column as exception data "Warranty Replacement Item." Along with the FEDSTRIP/MILSTRIP requisition, using the appropriate reporting documents, submit all available data regarding the end item; i.e., requisition number, contract and/or purchase order number, national stock number, name of end item, manufacturer, model number, serial number, description of part (including part number if available), or aspect of service to be corrected or replaced, and the reason for failure of the item or service, if known. The GSA support region will initiate action to obtain the necessary replacement and arrange for shipment to the using activity.

(c) Executive agencies, prior to initiating requests to GSA for assistance in obtaining corrective action from suppliers on items or services covered by a warranty, should evaluate the administrative costs involved to ascertain whether such costs exceed the value of the commercial privilege being made available under the warranty. Where the Government seeks to establish a legal precedent in significant recurring warranty situations, less consideration should be given to possible substantial administrative costs to be incurred for such purpose.

(Sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c))

Effective date. This regulation is effective June 12, 1975.

Dated: May 30, 1975.

DWIGHT A. INK,
Acting Administrator of General Services.

[FR Doc.75-15284 Filed 6-11-75;8:45 am]

Title 43—Public Lands: Interior

CHAPTER II—BUREAU OF LAND MANAGEMENT

APPENDIX—PUBLIC LAND ORDERS

[Public Land Order 5501]

ALASKA

Amendment of Public Land Order No. 5174, as Amended

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952 (17 FR 4831), and sections 11(a)(3), 17(d)(1), and 17(d)(2)(A) of the Alaska Native Claims Settlement Act of December 18, 1971, 85 Stat. 688, 696, 708, and 709, it is hereby ordered as follows:

1. Public Land Order No. 5174 of March 9, 1972, as amended, withdrawing lands for selection under section 12 of the Act by the Village Corporations and the Regional Corporation for the approximate area covered by the operation of the Cook Inlet Association, is hereby amended to delete the following described lands for the reason that said lands have been tentatively approved to the State of Alaska:

SEWARD MERIDIAN

T. 5 N., R. 18 W. (E½) (Protracted descriptions).

2. The referenced public land order is further amended, subject to valid existing rights, to add the following described lands to paragraph 1 of said order;

T. 5 N., R. 18 W. (W½) (Protracted descriptions).

Dated: June 5, 1975.

JACK O. HORTON,
Assistant Secretary of the Interior.

[FR Doc.75-15349 Filed 6-11-75;8:45 am]

Title 45—Public Welfare

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

PART 130—LIBRARY SERVICES AND CONSTRUCTION

Limited English-Speaking Ability

Notice of proposed rulemaking was published in the FEDERAL REGISTER on March 20, 1975 (40 FR 12671) under section 841 of the Education Amendments of 1974 (Pub. L. 93-380) which amended the Library Services and Construction Act. These amendments are to assure that priority will be given to library programs and projects to serve areas with high concentrations of persons of limited English-speaking ability. Interested parties were given thirty days to submit written comments, suggestions or objections regarding the proposed regulations.

One comment was received. The commenter suggested that the Office of Education specify sources of information that States should use to identify those individuals who were not born in the United States or whose native language is other than English, or individuals who come from an environment where a language other than English is dominant. Because of the need to give the States early assistance in identifying such individuals, suggested sources were shared with the States through the Office of Education's Regional Library Services Program Officers well in advance of the publication of the proposed amendments to the regulations. The suggested sources were: (1) census data on specific States in the 1970 Census of Population, (2) maps from the Geography Division, Bureau of the Census, 1970, with States and counties color-coded to show minorities and ethnic groups by county, (3) bilingual data from State and local educational statistics, (4) bilingual data from State and local service agencies, (5) the "Director of Public Elementary and Secondary Schools in Selected Districts, Enrollment and Staff by Racial/Ethnic Groups", Fall 1972, DHEW Office of Civil Rights, OCR 74-5. Since this information is in the nature of administrative recommendations which may be changed from time to time and since the information has already been conveyed to the States through the Regional Library Program Officers, it has not been added to the regulations.

These proposed amendments were transmitted to Congress on March 17, 1975 pursuant to section 431(d) of the General Education Provisions Act (20 U.S.C. 1232(d)). The time set forth therein for congressional action has expired without such action having been taken.

Effective date. These regulations shall become effective June 12, 1975.

(Catalog of Federal Domestic Assistance Programs: No. 13.408, Construction of Public Libraries—Title II; No. 13.464, Library Services Grants—Title I; No. 13.465, Library Services—Interlibrary Cooperation—Title III)

Dated: May 21, 1975.

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

Approved: June 6, 1975.

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

The regulations are therefore, amended, as follows:

§ 130.4 [Amended]

1. In § 130.4 *Library services.* (a) Delete the word "and" at the end of paragraph (b)(1)(ii);

(b) Substitute a semicolon and the word "and" for the period at the end of (b)(1)(iii); and

(c) Add "(iv) Library services to areas of high concentration of persons of limited English-speaking ability."

§ 130.16 [Amended]

2. In § 130.16 *Basic State plan.* (a) Substitute a comma for the period at the end of paragraph (a)(2);

(b) Add at the end of paragraph (a)(2) "and to programs and projects which serve areas with high concentration of persons with limited English-speaking ability (as defined in section 703(a) of Title VII of the Elementary and Secondary Education Act of 1965, as amended)."

§ 130.17 [Amended]

3. In § 130.17 *Criteria for determining adequacy of public library services.* (a) Delete the word "and" at the end of paragraph (c);

(b) Substitute a semicolon and the word "and" for the period at the end of paragraph (d); and

(c) Add "(e) Persons of limited English-speaking ability."

4. Add after § 130.18 a new section to read as follows:

§ 130.18a Areas with high concentration of persons of limited English-speaking ability.

In developing criteria in the basic State plan designed to assure that priority will be given to programs or projects which serve areas with high concentration of persons of limited English-speaking ability, the State library administrative agency shall consider "(a) individuals who were not born in the United States or whose native language is a language other than English; and (b) individuals who come from environments where a language other than English is dominant as further defined by the Commissioner by regulations; and by reason thereof, have difficulty speaking and understanding instructions in the English language. (Section 703(a) of Title VII of the Elementary and Secondary Education Act of 1965, as amended).

(20 U.S.C. 880b-1(a)(1))

5. *Appendix A—State-Federal Agreement.* In Paragraph B2 of Appendix A delete the period after "low-income families", and add "; and concentration of persons of limited English-speaking ability."

[FR Doc.75-15401 Filed 6-11-75;8:45 am]

CHAPTER XIII—OFFICE OF HUMAN DEVELOPMENT, DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

PART 1303—PROCEDURES FOR APPEALS FOR HEAD START DELEGATE AGENCIES, AND FOR OPPORTUNITIES TO SHOW CAUSE AND HEARINGS FOR HEAD START GRANTEES

On June 6, 1974, there was published in the FEDERAL REGISTER (39 FR 20071) a notice of proposed rule making prescribing procedures for special notice and opportunity to appeal by agencies or organizations which would like to serve as delegate agencies of Head Start grantees, for reasonable notice and opportunity to show cause to Head Start grantees in cases of suspension of financial assistance or denial of application for refunding by OCD, and for full and fair hearings for Head Start grantees in cases of termination of financial assistance by OCD. Interested persons were invited to submit written comments, suggestions or objections on or before July 8, 1974. Letters were received from two directors of Head Start programs and from a public interest organization concerned with the rights and welfare of children. Also, pending the final publication of these procedures, the Economic Opportunity Act of 1964 was amended

by the Headstart, Economic Opportunity, and Community Partnership Act of 1974, approved January 4, 1975. These amendments, in relevant part, are hereinafter referred to as the Headstart-Follow Through Act. Changes made reflect both the comments received and the requirements of the new legislation.

One of the Head Start directors expressed the view that matters between grantees and delegate agencies should be for local decision by the grantee. Section 604(1) of the Economic Opportunity Act (now section 519(1) of the Headstart-Follow Through Act), however, provides for an appeal to the Federal administrator of the program. Therefore, even if it were considered good policy to do so, OCD involvement in these procedures may not be eliminated. This director inquired also with respect to the absence of mention of parent involvement in these procedures. It is assumed that the reference was to decision making in the appeals process. The answer is that the statute places decision making in the Federal administrator with no authority to delegate it outside the Federal government. Under these circumstances, parent involvement would not be appropriate.

The second Head Start director did not think it to be fair that the appellant in these matters does not have personal access to the Director, OCD, before final decision of the Director is made. The regulations do offer opportunities for appellants to meet informally with the "responsible HEW official," who will usually be a Regional Office official. In certain instances, this official will be on the staff of the central office. OCD believes that in providing for the making of a written record as well as the informal meeting at the lower level of the administrative appeal, with a right to review by the Director, OCD, the procedures establish an administrative appeals process that is essentially fair. That it might not appear to offer courtroom justice is inherent in a quasi-judicial process which utilizes some of the machinery of administration. No change has been made under this comment.

The public interest organization made comments and suggestions on several important issues. These were all given careful consideration, and have led to amendments of the proposed regulations in four instances. The organization questioned the distinction made between current and prospective delegate agencies. OCD believes that the distinction is both reasonable and permitted under the statute. Also questioned was the authority and discretion of grantees in dealing with delegate agencies. This was exemplified in the proposed regulations by provisions under which the grantee would be sustained on the appeal unless it were found that it had acted unfairly and without a rational basis. It was suggested, with respect to current delegate agencies, that the grantee be required to notify the delegate agency of defects and deficiencies, offer to assist in making corrections, and give a reasonable opportunity to make corrections. This comment and suggestion was believed to be well taken and has been adopted in the amendment of § 1303.2–1 by the addition of paragraph (c), appropriate amendments to § 1303.2–3 (a) and (b), and in the amendment of §1303.2–4 by the addition of paragraph (b).

The organization took issue with the difference in the procedures for denial of refunding and termination of financial assistance. While OCD believed that the difference was legally supportable by the difference in language between section 604(2) and section 604(3) of the Economic Opportunity Act, Subpart C has been amended in the light of the comment and because of the Headstart-Follow Through Act, section 519(3), which prescribes a full and fair hearing on a denial of refunding as well as on a termination of a program. As amended, Subpart C will afford a grantee receiving a notice of intention to deny refunding an opportunity for a hearing before an administrative law judge, a retired administrative law judge, or another person deemed qualified by the Director who was not directly involved in the action under review. The procedures applicable to a termination hearing under Subpart D are made applicable. This should provide an increased safeguard for those grantees who want to continue to operate Head Start programs.

The organization also took issue with the provision making the procedures inapplicable to a denial of refunding based upon general policy. This provision was intended to deny the administrative appeal procedure in a situation where there is no issue of fact and the action is pursuant to a policy of general applicability to all similar programs. However, since the content of the provision appears to apply by necessary implication, it has been deleted.

The proposed regulations would also deny refunding upon the selection of another applicant under Part 1302 of this Chapter. The organization pointed out that this might be inconsistent with a provision in the then pending Headstart-Follow Through Act. Since the Act, section 514(c), does not preclude such selection in prescribing a priority for operating programs meeting program and fiscal requirements, and since it is necessary to update Part 1302 insofar as it provides a certain priority for CAA's, the organization's observation was not perceived as requiring a change in this provision.

With respect to the provisions on suspension and termination of financial assistance, the organization expressed the feeling that the right to a hearing is undercut if the grantee has been suspended. Under the 1974 amendments there must be a full and fair hearing if suspension is to be continued for longer than 30 days. These procedures, however, limit suspension to 28 days unless the grantee agrees to a longer period of time, and require its recision if there is to be a termination proceeding. The comment, therefore, which was perceived as having merit, is satisfied. The organization also objected to the Director, OCD, upon review giving great weight to the decision of the responsible HEW official. OCD perceives merit to this comment and has deleted the provision.

Section 1303.2–3(b) and § 1303.3(b) include "a report of the information presented at the informal meeting" as an item of the record reviewed by the Director, OCD. The organization suggested that this should be a transcript and not a report. OCD, on the other hand, does not see a need for incurring the expense of a verbatim transcript. The meetings in question will be informal and will not follow particular patterns. It is expected that the responsible HEW officials may be relied upon to make complete reports. The decision of the responsible HEW official must be in writing and must state the reasons on which it is based.

It has been the position of OCD that by the language of the Economic Opportunity Act, as amended, requiring a "full and fair hearing" the Congress intended an "adjudication required by statute to be determined on the record after opportunity for an agency hearing," under the Administrative Procedure Act, 5 U.S.C. 554. On the basis of that construction the Notice of Proposed Rule Making prescribed the designation of an administrative law judge under 5 U.S.C. 3105 as the presiding officer of a full and fair hearing. However, the Civil Service Commission does not share this view of the Administrative Procedure Act and the likelihood of the timely appointment of an administrative law judge to conduct any particular hearing is remote if, indeed, it is at all possible. The procedures, § 1303.3–5 and § 1303.4–6, therefore, in the interest of providing appellants with timely due process of law, and until some more definitive answer might be obtained, have been adapted to meet this situation. They continue to provide for the designation of an administrative law judge under section 3105, but add as alternatives the designation of a retired administrative law judge, or another person deemed qualified by the Director who was not directly involved in the action under review.

Finally, the organization suggested that counsel fees, travel, and per diem should not be paid from current operating funds of a Head Start program. OCD agrees that this should not result in curtailing operations and has amended § 1303.1–3 to so provide.

In addition, the term "responsible OCD official" has been changed to "responsible HEW official" to reflect the organizational affiliation of Regional Office personnel engaged in the administration of the Head Start program.

Effective date. These regulations shall be effective June 12, 1975.

(Catalogue of Federal Domestic Assistance Programs No. 13,600 Child Development—Head Start)

Dated: June 6, 1975.

CASPER W. WEINBERGER,
Secretary.

Part 1303 is added as set forth below:

Subpart A—General

Sec.
1303.1–1 Purpose and application.
1303.1–2 Definitions.
1303.1–3 Right to counsel, counsel fees, travel.
1303.1–4 Other remedies.

Subpart B—Appeals by Delegate Agencies

1303.2–1 Appeal on notice of rejection or failure to act.
1303.2–2 Procedures for appeal by current delegate agency.
1303.2–3 Decision on appeal and review.
1303.2–4 Remedies.
1303.2–5 Procedures for appeal by rejected prospective delegate agency.
1303.2–6 Decision on appeal.
1303.2–7 Remedies.
1303.2–8 Procedures when grantee fails to act on application of prospective delegate agency.
1303.2–9 Decision on appeal.
1303.2–10 Remedies.

Subpart C—Denial of Grantee's Application for Refunding

1303.3–1 Denial of refunding.
1303.3–2 Notice of intended denial and opportunity for a hearing to show cause.
1303.3–3 Hearing to show cause. Decision on appeal and review.
1303.3–4 Time and place of hearing.
1303.3–5 Conduct of hearing.
1303.3–6 Initial decision, exceptions, final decision and review.
1303.3–7 Modification of procedures by consent.

Subpart D—Suspension and Termination of Financial Assistance to Grantees

1303.4–1 Purpose.
1303.4–2 Suspension on notice and opportunity to show cause.
1303.4–3 Summary suspension and opportunity to show cause.
1303.4–4 Termination and hearing.
1303.4–5 Time and place of hearing.
1303.4–6 Conduct of hearing.
1303.4–7 Initial decision, exceptions, final decision, and review.
1303.4–8 Modification of procedures by consent.

AUTHORITY: 88 Stat. 2304 (42 U.S.C. 2928h).

Subpart A—General

§ 1303.1–1 Purpose and application.

This part effectuates section 519 of the Headstart-Follow Through Act as it applies to grantees and delegate agencies engaged in or wanting to engage in the carrying out of Head Start programs under the Headstart-Follow Through Act. It prescribes the procedures for appeals by current and prospective delegate agencies from specified adverse action by grantees; and the procedures for reasonable notice and opportunity to show cause in cases of intended or actual suspension of financial assistance by the responsible HEW official or by OCD, and for a full and fair hearing for grantees in cases of denial of refunding or termination of financial assistance by the responsible HEW official or by OCD.

§ 1303.1–2 Definitions.

As used in this part—

(a) The term "OCD" means the Office of Child Development in the U.S. Department of Health, Education, and Welfare, and includes regional staff.

(b) The term "responsible HEW official" means the official who is authorized to make the grant of assistance in question, or his designee.

(c) The term "Director" means the director of the Office of Child Development.

(d) The term "grantee" means the local public or private non-profit agency which has been designated as a Head Start agency under section 514 of the Act and which has been granted assistance by the responsible HEW official or by OCD to carry on a Head Start program.

(e) The term "delegate agency" means a public or private non-profit organization or agency to which a grantee has delegated the carrying on of all or part of its Head Start program.

(f) The term "current delegate agency" means a public or private non-profit agency which would like to continue to carry on all or part of the Head Start program of the grantee under an arrangement with and as delegate of the grantee.

(g) The term "prospective delegate agency" means a public or private non-profit agency or organization which would like to serve as a delegate agency.

(h) The term "program account" means the identification of a grouping of related program activities recognized by OCD which, as an individual grouping or in combination with another grouping or other groupings, constitutes the Head Start program for which a Head Start grantee is furnished Federal financial assistance, and which serves as a unit for planning, budgeting, administering, and reporting the grantee's Head Start program. Examples of program accounts are: Full Year Head Start—Part Day; Full Year Head Start—Full Day; Summer Head Start; Parent and Child Centers; and, Head Start Training and Technical Assistance.

(i) The term "substantial rejection" means that a grantee requires that the funding of a current or prospective delegate agency be reduced to 80 percent or less of the current level of operations or of the amount requested in the application; or that a grantee requires that a program account which has cost or which would cost at least 25 percent of the total cost of the Head Start program in question be eliminated or reduced to 80 percent or less of the current level of operations or of the amount requested in the application.

(j) The term "suspension" means any action by the responsible HEW official or by OCD temporarily suspending or curtailing assistance in whole or in part, to all or any part of a program, prior to the time that such assistance is concluded by the terms and conditions of the document in which such assistance is extended. It does not include the refusal to provide new or additional assistance.

(k) The term "termination" means any action by the responsible HEW official or by OCD permanently terminating assistance to all or any part of a program prior to the time such assistance is extended, but does not include the refusal to provide new or additional assistance.

(l) The terms "the Act" or the "Headstart-Follow Through Act" mean Title V of the Economic Opportunity Act of 1964 as amended by the Headstart, Economic Opportunity, and Community Partnership Act of 1974.

§ 1303.1–3 Right to counsel, counsel fees, travel.

(a) Parties to proceedings under this part, including OCD and delegate agencies which have the right to participate in informal meetings or termination hearings, have the right to be represented by counsel. If a party which is a delegate agency or a grantee does not have an attorney acting in that capacity as a regular member of its staff or on a retainer arrangement, such a party may designate an attorney to represent it in the proceedings and it may transfer sufficient funds from its current operating funds to pay the fees, travel, and per diem expenses of such attorney. The fees for such attorney shall be the reasonable and customary fees for an attorney practicing in the locality of the attorney. However, such fees shall not exceed $100 per day without the express written approval of the responsible HEW official. Travel and per diem expenses may be paid to such attorney from program funds in conformity with the Standard Government Travel Regulations. A delegate agency or a grantee also may designate two persons to attend and participate in proceedings under this part to which it is a party. Travel and per diem expenses may be paid to such persons from program funds in conformity with the Standard Government Travel Regulations.

(b) In the event that use of program funds under this section would result in curtailment of program operations or inability to liquidate prior obligations, the party so affected may apply to the responsible HEW official for payment of these expenses. The responsible HEW official, upon being satisfied that these expenditures would result in curtailment of program operations or inability to liquidate prior obligations, shall make payment therefor to the party by way of reimbursement from currently available funds.

§ 1303.1–4 Other remedies.

The procedures established by this part shall not be construed as precluding OCD from pursuing any other remedies authorized by law.

Subpart B—Appeals by Delegate Agencies

§ 1303.2–1 Appeal on notice of rejection or failure to act.

(a) A grantee shall give prompt, fair and adequate consideration to applications submitted by current or prospective delegate agencies to operate Head Start programs. It shall notify an applicant in writing within 30 days after receiving an application of its decision to reject it either wholly or substantially. The notice shall contain a statement of the reasons for the decision, and a statement that the applicant has a right to appeal the decision to the responsible HEW of-

ficial in writing within 15 days after receipt of the notice.

(b) If a grantee fails to act upon the application of a current or prospective delegate agency to operate a Head Start program within 30 days after receiving the application, such agency has a right to appeal the grantee's failure to act in writing to the responsible HEW official within 15 days after the end of the 30 day period. In the case of a current delegate agency the failure of the grantee to act within 30 days after receiving the application shall be deemed to be a rejection.

(c) A grantee shall not reject the application of a current delegate agency on the basis of defects or deficiencies in the application or in the operation of the project without first notifying the agency of what the defects and deficiencies consist, offering to assist the agency, including by the provision of technical assistance, in making corrections, and giving the agency reasonable opportunity to make corrections.

§ 1303.2–2 Procedures for appeal by current delegate agency.

(a) Within 10 days after receiving the written appeal of a current delegate agency, the responsible HEW official will notify both parties, the appellant and the grantee, in writing that the appellant shall have the opportunity to submit written material to the responsible HEW official and to meet informally with him and the grantee to show cause why the application should not be denied; that the grantee shall have the opportunity to submit written material for the responsible OCD official and to be present at the informal meeting with him to support its decision on the appellant's application; that the time within which the parties shall submit the written material to the responsible HEW official shall be no later than 14 days after the notice by the responsible HEW official was mailed; and that the appellant may request, no later than 14 days after the notice by the responsible HEW official was mailed, the informal meeting with the responsible HEW official and the grantee. A copy of this subpart and Subpart A of this part will be included with the notice mailed by the responsible HEW official to the parties so that they may inform themselves of the nature of the written materials to be submitted, the opportunity for written rebuttal, the issues that are involved in the appeal, and the remedies available.

(b) The current delegate agency shall submit to the responsible HEW official a copy of the material it submitted to the grantee in, and in connection with, its application. It shall also submit to the responsible HEW official a written statement setting forth:

(1) Whether, prior to the grantee's decision or failure to act, the grantee advised the appellant of defects and deficiencies in its application or in the operation of its project, as appropriate.

(i) If so, when and how such advice was given.

(ii) If so, the defects and deficiencies called to the appellant's attention.

(2) Whether the grantee provided the appellant reasonable opportunity to correct the defects and deficiencies referred to in paragraph (b)(1)(ii).

(i) If so, details of the opportunity that was given.

(ii) If so, whether the grantee provided technical advice and consultation with respect to the correction of the defects and deficiencies.

(A) If the answer to paragraph (b)(2)(ii) is affirmative, describe the assistance provided; and

(B) Describe what the appellant did about correcting the defects and deficiencies.

(3) When and how the grantee notified the appellant of its decision.

(4) Whether the grantee told the appellant the reasons for its decision. If so, how such reasons were communicated to the appellant and what they were.

(5) If it is the appellant's position that the grantee acted arbitrarily or unfairly, the reason why the appellant takes this position.

(6) Any other facts and circumstances which the appellant believes will support its appeal.

(c) In connection with the appeal the grantee shall submit a written statement to the responsible HEW official setting forth:

(1) Whether, prior to rejection of the application, or the failure to act within 30 days after its receipt, the grantee advised the appellant of defects and deficiencies in the application or in the operation of the appellant's project, as appropriate.

(i) If so, when and how was such advice given.

(ii) If so, the defects or deficiencies called to the appellant's attention.

(2) Whether the grantee provided the appellant an opportunity to correct the defects and deficiencies referred to in paragraph (c).

(i) If so, details of the opportunity that was given.

(ii) If so, whether the grantee provided technical advice and consultation with respect to correction of the defects and deficiencies.

(A) If the answer to paragraph (c)(2)(ii) is affirmative, describe the assistance provided; and

(B) What the appellant did about correcting the defects and deficiencies.

(3) When and how the grantee notified the appellant of the decision.

(4) Whether the grantee told the appellant the reasons for the decision. If so, how such reasons were communicated to the appellant and, what they were.

(5) Why the grantee takes the position that it acted reasonably and fairly in arriving at its decision or in its failure to act.

(6) Any other facts and circumstances which the grantee believes will support its decision or its failure to act.

(d) At the time of submitting the written statement, each party shall furnish a copy of its statement to the other party.

(e) If the appellant does not request an informal meeting, each party shall have an opportunity to reply in writing to the written statement submitted by the other party. The written reply shall be submitted to the responsible HEW official within 10 days after the copy of the other party's written statement was mailed.

(f) If the appellant requests an informal meeting, the meeting will be scheduled by the responsible HEW official as soon as possible, but not sooner than 14 days after the written notice to the parties was mailed by the responsible HEW official, unless the appellant and the grantee consent to an earlier meeting time. The responsible HEW official shall designate either the appropriate regional office or the place where the appellant or grantee is located as the place for holding the meeting.

§ 1303.2–3 Decision on appeal and review.

(a) The decision of the responsible HEW official will take into account the material submitted in writing and the information presented at the informal meeting. Unless it is found by the responsible HEW official that the grantee acted unfairly and did not have a rational or that the grantee failed to comply with paragraph (c), § 1303.2–1, the grantee will be sustained. The decision of the responsible HEW official will be made within 5 days after the informal meeting. This decision, including a statement of the reasons therefor, will be in writing, and will be mailed immediately to the appellant and the grantee. If the decision is made on the basis of written materials only, the decision will be made within 14 days of the receipt of the materials.

(b) If the decision of the responsible HEW official sustains the decision or failure to act of the grantee, the appellant may, within 14 days of the date of mailing, make a written request for review of the decision by the Director. If the decision of the responsible HEW official does not sustain the decision or failure to act of the grantee, the grantee may, within 14 days of the date of mailing, make a written request for review of the decision by the Director. Upon such request by either party the Director, or his designee, will review the decision of the responsible HEW official, the written material submitted by the appellant and grantee, and a report of the information presented at the informal meeting, and, on the basis of this review, make the final decision. The decision of the grantee will be sustained unless it is found that it acted unfairly and without a rational basis for its decision or its failure to act, or that the grantee failed to comply with paragraph (c), § 1303.2–1. The final decision will be made no later than 30 days after receipt of the request for review. The Director will inform the appellant, the grantee, and the responsible HEW official in writing of the final decision and the reasons therefor.

§ 1303.2–4 Remedies.

(a) If the decision of the responsible HEW official does not sustain the grantee and there is no timely written request for review by the Director, or if the final decision does not sustain the grantee, the responsible HEW official will remand the application to the grantee for prompt consideration or reconsideration and decision in accordance with the criteria set forth in § 1303.2–3 (a) and (b) for decision on the appeal, other than failure to comply with paragraph (c), § 1303.2–1. The grantee shall report its decision and the reasons therefor in writing to the responsible HEW official within 10 days after the date of the remand. If the responsible HEW official finds that the grantee gave fair consideration to the application on remand and that its decision has a rational basis, the appeal will be dismissed. If the responsible HEW official finds that the grantee failed to give fair consideration to the application on remand and that its decision does not have a rational basis, or if the grantee fails to act within the 10 days, the responsible HEW official will entertain an application by the appellant for a direct grant. If such an application is approved, there will be a commensurate reduction in the level of funding of the grantee and whatever other action the responsible HEW official deems appropriate in the circumstances. If such an application is not approved, the responsible HEW official will take whatever action he deems appropriate in the circumstances.

(b) If the grantee is not sustained by the responsible HEW official because of failure to comply with paragraph (c), § 1303.2–1, and there is no timely request for review by the Director, or if the final decision does not sustain the grantee because of such failure, the responsible HEW official will remand the application to the grantee for prompt compliance therewith. Within 60 days after such remand, but not earlier than 30 days, the grantee shall make a written report to the responsible HEW official on compliance activities and progress made. The report shall state whether the grantee will or will not approve the application at that time. If the grantee would reject the application, the report shall contain a detailed statement of the reasons on which rejection would be based. A copy of the report shall be made available to the appellant when the grantee submits it to the responsible HEW official. The appellant shall have 10 days after receiving the report within which to reply thereto in writing to the responsible HEW official. If, on the basis of the written material, the responsible HEW official finds that the grantee, on remand, complied with paragraph (c), § 1303.2–1, but that the defects and deficiencies continue uncorrected, the appeal will be dismissed. If the responsible HEW official finds that the grantee did not comply on remand the responsible HEW official will entertain an application from the appellant for a direct grant. If such an application is approved, there will be a commensurate reduction in the level of funding of the grantee and whatever other action the responsible HEW official deems appropriate in the circumstances. If such an application is not approved, the responsible HEW official will take whatever action he deems appropriate in the circumstances.

(c) If without fault on the part of the appellant its operating funds are exhausted before its appeal has been decided, OCD will furnish sufficient funds for the maintenance of its current level of operations until a final decision has been reached.

§ 1303.2–5 Procedures for appeal by rejected prospective delegate agency.

(a) Within 10 day after receiving the written appeal of a rejected prospective delegate agency the responsible HEW official will notify both parties, the appellant and the grantee, in writing that they shall have the opportunity to submit written material in connection with the appeal; and that the time within which the written material shall be submitted to the responsible HEW official shall be no later than 14 days after the notice by the responsible HEW official was mailed. A copy of this subpart and Subpart A of this Part shall be included with the notice mailed by the responsible HEW official to the parties so that they may inform themselves of the nature of the written material to be submitted, the opportunity for written rebuttal, the issues that are involved in the appeal, and the remedies available.

(b) The appellant shall submit to the responsible HEW official copies of the material it submitted to the grantee in, and in connection with, its application. It shall also submit a written statement setting forth the same material by § 1303.2–2(b).

(c) In connection with the appeal the grantee shall submit a written statement to the responsible HEW official setting forth the same material required by § 1303.2–2(c).

(d) At the time of submitting the written statements, each party shall furnish a copy of its statement to the other party.

(e) Each party shall have an opportunity to reply in writing to the written statement submitted by the other party. The written reply shall be submitted to the responsible HEW official within 10 days after the copy of the other party's written statement was mailed.

§ 1303.2–6 Decision on appeal.

(a) The responsible HEW official may designate a person to review the written material and make a written recommended decision. The final decision will be made by the responsible HEW official no later than 14 days after the receipt of the written material.

(b) A person designated to review the written material and make a recommended decision or the responsible HEW official may ask either or both parties to submit additional written material. A copy of any such request shall be furnished to each party, and each party shall furnish a copy of any such additional written material to the other party.

(c) The recommended, if any, and final decisions will be based upon the written record resulting from the materials submitted by the parties. The decision of the grantee will be sustained unless it is found by the responsible HEW official that it acted unfairly and without a rational basis for its decision. The final decision of the responsible OCD official will be transmitted, in writing, immediately to the appellant and the grantee.

§ 1303.2–7 Remedies.

If the final decision does not sustain the grantee, the responsible HEW official will remand the application to the grantee for prompt consideration or reconsideration and decision in accordance with the criteria set forth in § 1303.2–3 (a) and (b) for decision on the appeal. The grantee shall report its decision and the reasons therefor in writing to the responsible HEW official within 10 days after the date of the remand. If the responsible OCD official finds that the grantee gave fair consideration to the application on remand and that its decision had a rational basis, the appeal shall be dismissed. If the responsible HEW official finds that the grantee failed to give fair consideration to the application on remand and that its decision did not have a rational basis, or if the grantee fails to act within the 10 days, the responsible HEW official will entertain an application by the appellant for a direct grant. If such an application is approved, there will be a commensurate reduction in the level of funding of the grantee and whatever other action the responsible HEW official deems appropriate in the circumstances. If such an application is not approved, the responsible HEW official will take whatever action he deems appropriate in the circumstances.

§ 1303.2–8 Procedures when grantee fails to act on application of prospective delegate agency.

(a) Within 10 days after receiving the written appeal based upon the failure of the grantee to act upon the application of a prospective delegate agency within 30 days, the responsible HEW official will notify both parties, the appellant and the grantee, in writing that they shall have the opportunity to submit written material in connection with the appeal; and that the time within which the written material shall be submitted to the responsible HEW official shall be no later than 14 days after the notice by the responsible HEW official was mailed. A copy of this subpart and subpart A shall be included with the notice mailed by the responsible HEW official to the parties so that they may inform themselves of the nature of the written material to be submitted, the opportunity for written rebuttal, the issues that are involved in the appeal, and the remedies available.

(b) The appellant shall submit the following materials in writing to the responsible HEW official:

(1) Copies of the material it submitted to the grantee in, and in connection with, its application.

(2) A description of, or copies of, any communications, written or oral, between the appellant and the grantee during the 30 day period.

(3) Any other facts and circumstances which the appellant believes to be relevant to its appeal.

(c) The grantee shall submit the following materials in writing to the responsible HEW official:

(1) A description of, or copies of, any communications, written or oral, between the appellant and the grantee during the thirty day period.

(2) Any other facts and circumstances which the grantee believes to be relevant.

§ 1303.2–9 Decision on appeal.

(a) The responsible HEW official may designate a person to review the written material and make a written recommended decision. The final decision will be made by the responsible HEW official no later than 14 days after receipt of written material.

(b) The person, if any, designated to review the written material and make a recommended decision or the responsible HEW official may ask either or both parties to submit additional written material. A copy of any such request shall be furnished to each party, and each party shall furnish a copy of any such additional written material to the other party.

(c) The recommended and final decisions will be based upon the written record resulting from the material submitted by the parties. The final decision of the responsible HEW official will be transmitted, in writing, immediately to the appellant and the grantee.

§ 1303.2–10 Remedies.

The responsible HEW official will remand the application to the grantee for prompt consideration and decision in accordance with the criteria, other than failure to comply with paragraph (c), § 1303.2–1, set forth in § 1303.2–3 (a) and (b) for decision on the appeal. The grantee shall report its decision and the reasons therefor in writing to the responsible HEW official within 10 days after the date of the remand. The responsible HEW official may request additional information from either party if he deems it necessary to a decision. If the responsible HEW official finds that the grantee gave fair consideration to the application on remand and that its decision has a rational basis, the appeal shall be dismissed. If the responsible HEW official finds that the grantee failed to give fair consideration to the application on remand and that its decision does not have a rational basis, or if the grantee fails to act within the 10 days, the responsible HEW official may entertain an application by the appellant for a direct grant. If such an application is approved, there will be a commensurate reduction in the level of funding of the grantee and whatever other action the responsible HEW official deems appropriate in the circumstances. If such an application is not approved, the responsible HEW official will take whatever action he deems appropriate in the circumstances.

Subpart C—Denial of Grantee's Application for Refunding

§ 1303.3–1 Denial of Refunding.

A grantee's application for refunding may be denied by the responsible HEW official for circumstances related to the particular grant such as ineffective or improper use of Federal funds or for failure to comply with applicable law, regulations, terms and conditions, or, in accordance with Part 1302 of this Chapter, upon selection by the responsible HEW official of another applicant or loss by the grantee of legal status or financial viability. Such denial shall be pursuant to reasonable notice and opportunity for a full and fair hearing.

§ 1303.3–2 Notice of intended denial and opportunity for a full and fair hearing.

When an intention to deny a grantee's application for refunding is arrived at on the basis to which this subpart applies, the responsible HEW official will provide the grantee as much advance notice thereof as is reasonably possible, in no event later than 30 days after the receipt by OCD of the application. The notice will inform the grantee that the grantee has the opportunity for a full and fair hearing on whether refunding should be denied. If the grantee wants such a hearing the grantee shall request it in writing within a period of time specified in the notice which is not less than 10 days from the date of sending the notice. The responsible HEW official immediately will transmit a copy of the request to the Director.

§ 1303.3–3 Hearing.

(a) The hearing will be scheduled by the responsible HEW official for the earliest practicable date, but not later than 30 days after the grantee's request. Consideration shall be given by the responsible HEW official to a request by a grantee to advance or postpone the scheduled date of a hearing. The hearing shall afford the grantee a full and fair opportunity to demonstrate why the application for refunding should not be denied. OCD will have the burden of justifying the proposed action to deny refunding. However, if the basis of the proposed denial of refunding is the failure of the grantee to take action required by law, regulation, or other requirement specified in § 1303.3–1, or the alleged loss of legal status or financial viability, the grantee shall have the burden of proving that such action was timely taken, or that it has legal status or financial viability. Where the issues otherwise relate to the selection of another applicant by the responsible HEW official in accordance with Part 1302 of this Chapter, OCD will have the burden of justifying the selection of the other applicant.

(b) A grantee may waive a hearing and submit written information and argument for the record. Such material shall be submitted to the responsible HEW official within a reasonable period of time to be fixed by him upon the request of the grantee. The failure of a grantee to request a hearing, or to appear at a hearing for which a date had 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 OCD including the allegations contained in the notice of intention to deny refunding.

(c) The responsible HEW official may attempt, either personally or through a representative, to resolve the issues in dispute by informal means prior to the hearing.

§ 1303.3–4 Time and place of hearing.

The hearing shall be held in the appropriate regional office or the place where the grantee is located, at a time and place fixed by the responsible HEW official unless he determines that the convenience of OCD, or of the parties or their representatives, requires that another place be selected.

§ 1303.3–5 Conduct of hearing.

(a) The presiding officer at the hearing shall be a person who is an administrative law judge appointed under 5 U.S.C. 3105 or who has served as such an administrative law judge, or, if the Director is unable to make a timely designation of either of such persons as presiding officer, a person deemed qualified by the Director who was not directly involved in the action under review. In any event the Director will designate the presiding officer as promptly as possible.

(b) The presiding officer shall conduct the hearing in accordance with all the provisions of § 1303.4–6 of Subpart D except that "notice of termination" or "termination" wherever such terms appear therein shall read "notice of denial of refunding" or "denial of refunding" as the context requires.

§ 1303.3–6 Initial decision, exceptions, final decision and review.

(a) The decision of the presiding official shall set forth his findings of fact, and conclusions, and shall state whether he has accepted or rejected each proposed finding of fact and conclusion submitted by the parties. Findings of fact shall be based only upon evidence submitted to the presiding officer and matters of which official notice has been taken. The decision shall also specify the requirements with which it is found that the grantee has failed to comply, if any; the ways in which the grantee has ineffectively or improperly used Federal funds, if any; or the bases for justifying, or the absence of justification for, the selection of another applicant. The decision shall be made within 14 days after the conclusion of the hearing and mailed promptly to all parties.

(b) The decision of the presiding officer may provide for continued financial assistance to the grantee and may contain such terms, conditions, and other provisions as are consistent with and will effectuate the purposes of the Act.

(c) The decision of the presiding officer shall be an initial decision. Any party may, within 20 days of the mailing of such initial decision, or such longer period of time as the presiding officer specifies, file with the responsible HEW official his exceptions to the initial decision and any supporting brief or statement. Upon the filing of such exceptions, the responsible HEW official will, within 20 days of the mailing of the exceptions, review the initial decision and issue his final decision in the matter, including the reasons therefor. The decision of the responsible HEW official may increase, modify, approve, vacate, or mitigate any terms, conditions, or other provisions imposed in the initial decision or may remand the matter to the presiding officer for further hearing or consideration.

(d) Whenever a hearing is waived, a final decision will be made by the responsible HEW official and a written copy will be given to the grantee.

(e) The grantee may request the Director to review a final decision by the responsible HEW official which provides for the denial of refunding. Such a request must be made in writing within 15 days after the grantee has been notified of the decision in question and must state in detail the reasons for seeking the review. In the event the grantee requests such a review, the Director or his designee will consider the reasons stated by the grantee for seeking the review and will sustain or overrule the final decision of the responsible HEW official or remand the matter to the responbile HEW official for further hearing or consideration. During the course of his review the Director or his designee may, but is not required to, hold a hearing or allow the filing of briefs and arguments. The final decision by the Director will be made not later than 30 days after receipt of the request for review.

(f) If without fault on the part of the grantee its operating funds are exhausted before a final decision has been reached on whether its application for refunding will be denied, OCD will furnish sufficient funds to the grantee to maintain its current level of operations until such final decision is made.

§ 1303.3–7 Modification of procedures by consent.

In any proceeding under this subpart the responsible HEW official may alter, eliminate or modify any of the procedural provisions of this subpart, with the written consent of the grantee.

Subpart D—Suspension and Termination of Financial Assistance to Grantees

§ 1303.4–1 Purpose.

(a) This subpart establishes rules and procedures for the suspension and termination of financial assistance under the Headstart-Follow Through Act, for the failure of a grantee to comply with applicable laws, regulations, guidelines, standards, instructions, assurances, terms and conditions, or, in accordance with Part 1302 of this Chapter, upon loss by the grantee of legal status or financial viability.

(b) This subpart does not apply to any administrative action based upon any violation, or alleged violation, of title VI of the Civil Rights Act of 1964.

§ 1303.4–2 Suspension on notice and opportunity to show cause.

(a) The responsible HEW official may suspend financial assistance to a grantee in whole or in part for breach or threatened breach of any requirement stated in § 1303.4–1 pursuant to notice and opportunity to show cause why assistance should not be suspended. However, in emergency cases where the responsible HEW official determines summary action is appropriate, the alternative summary procedures of § 1303.4–3 will be followed.

(b) The responsible HEW official will notify the grantee by registered or certified mail or by telegram that OCD intends to suspend financial assistance, in whole or in part, unless good cause is shown why such action should not be taken. The notice will include:

(1) The grounds for the proposed suspension;

(2) The effective date of the proposed suspension;

(3) Information that the grantee has the opportunity to submit written material in opposition to the intended suspension and to meet informally with the responsible HEW official regarding the intended suspension;

(4) Information that the written material must be submitted to the responsible HEW official at least 7 days prior to the effective date of the proposed suspension and that a request for an informal meeting must be made in writing to the responsible HEW official no later than 7 days after the day the notice of intention to suspend was mailed to the grantee;

(5) Invitation to correct the deficiency by voluntary action; and

(6) A copy of this subpart.

(c) If the grantee request an informal meeting, the responsible HEW official will fix a time and place for the meeting which will not be less than 7 days after the grantee's request is received by OCD.

(d) The responsible HEW official may on his own initiative establish a time and place for a meeting. In no event will such meeting be scheduled less than 7 days after the notice of intention to suspend was sent to the grantee.

(e) The responsible HEW official may in his discretion extend the period of time or date for making requests or submitting material by the grantee and will notify the grantee of any such extension.

(f) At the time the responsible HEW official sends the notice of intention to suspend financial assistance to the grantee, he will send a copy of it to any delegate agency whose activities or failures to act are a substantial cause of the proposed suspension, and will inform such delegate agency that it is entitled to submit written material in opposition to the intended suspension and to participate in the informal meeting with the responsible HEW official if one is held. In addition, the responsible HEW official may give such notice to any other Head Start delegate agency of the grantee.

(g) Within 3 days of receipt of the notice of intention to suspend financial assistance, the grantee shall send a copy of such notice and a copy of this subpart to all delegate agencies which would be financially affected by the proposed suspension action. Any delegate agency that wishes to submit written material may do so within the time stated in the notice. Any delegate agency that wishes to participate in the informal meeting regarding the intended suspension, if not otherwise afforded a right to participate, may request permission to do so from the responsible HEW official, who may grant or deny such permission. In acting upon any such request from a delegate agency, the responsible HEW official will take into account the effect of the proposed suspension on the particular delegate 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 delegate agency requesting such permission appear to be adequately represented by other participants.

(h) The responsible HEW official will consider any timely material presented to him in writing, any material presented to him during the course of the informal meeting as well as any showing that the grantee has adequately corrected the deficiency which led to the suspension proceedings. The decision of the responsible HEW official will be made within 5 days after the conclusion of the informal meeting. If the responsible HEW official concludes that the grantee has failed to show cause why financial assistance should not be suspended, he may suspend financial assistance in whole or in part and under such terms and conditions as he specifies.

(i) Notice of such suspension will be promptly transmitted to the grantee by registered or certified mail and shall become effective upon delivery. Suspension shall not exceed 28 days unless the responsible HEW official and the grantee agree to a continuation of the suspension for an additional period of time. If termination proceedings are initiated in accordance with § 1303.4–4, the suspension of financial assistance will be rescinded.

(j) During a period of suspension no new expenditures shall be made and no new obligations shall be incurred in connection with the suspended program except as specifically authorized in writing by the responsible HEW official. Expenditures to fulfill legally enforceable commitments made prior to the notice of suspension, in good faith and in accordance with the grantee's approved work program, and not in anticipation of suspension or termination, shall not be consid-

ered new expenditures. However, funds shall not be recognized as committed solely because the grantee has obligated them by contract or otherwise to a delegate agency.

NOTE: Willful misapplication of funds may violate section 301 of the Economic Opportunity Amendments of 1967 (42 U.S.C. 2703), or other criminal statutes.

(k) The responsible HEW official may modify the terms, condition 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 grantee has adequately corrected the deficiency which led to the suspension and that repetition is not threatened. Suspension partly or fully rescinded may, in the discretion of the responsible HEW official, be reimposed with or without further proceedings, except that the total time of suspension may not exceed 28 days unless termination proceedings are initiated in accordance with § 1303.4–4 or unless the responsible HEW official and the grantee agree to continuation of the suspension for an additional period of time. If termination proceedings are initiated, the suspension of financial assistance will be rescinded.

§ 1303.4–3 Summary suspension and opportunity to show cause.

(a) The responsible HEW official may suspend financial assistance without prior notice and opportunity to show cause if he determines that immediate suspension is necessary because of a serious risk of:

(1) Substantial injury to or loss of project funds or property, or

(2) Violation of a Federal, State, or local criminal statute, or

(3) Violation of section 576(b) of the Headstart-Follow Through Act or of OCD directive implementing that 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.

(b) The notice of summary suspension will be given to the grantee by registered or certified mail or by telegram and shall become effective upon delivery. The notice will include the following items:

(1) The effective date of the suspension.

(2) The grounds for the suspension.

(3) The extent of terms and conditions of any partial suspension.

(4) A statement forbidding the grantee to make any new expenditures or incur any new obligations in connection with the suspended portion of the program.

(5) A statement advising the grantee that it has an opportunity to show cause why the suspension should be rescinded.

(c) If the grantee requests in writing the opportunity to show cause why the suspension should be rescinded, the responsible HEW official will fix a time and place for an informal meeting for this purpose. This meeting will be held within 7 days after the grantee's request is received by OCD. Notwithstanding the provisions of this paragraph, the responsible HEW official may proceed to initiate termination proceedings at any time even though financial assistance to the grantee has been suspended in whole or in part. In the event that termination proceedings are initiated, the responsible HEW official will rescind the suspension pending the outcome of the termination proceedings.

(d) Notices of summary suspension shall also be furnished by the responsible HEW official and by the grantee to delegate agencies in the same manner as notices of intent to suspend as set forth in § 1303.4–3 (f) and (g). Delegate agencies shall have the right to participate in the informal meeting as set forth in said paragraphs.

(e) The effective period of a summary suspension of financial assistance may not exceed 10 days unless termination proceedings are initiated in accordance with § 1303.4–4 or unless the parties agree to a continuation of summary suspension for an additional period of time, or unless the grantee, in accordance with paragraph (c) of this section, requests an opportunity to show cause why the summary suspension should be rescinded.

(f) If the grantee requests an opportunity to show cause why a summary suspension should be rescinded, the suspension of financial assistance shall continue in effect until the grantee has been afforded such opportunity and a decision has been made by the responsible HEW official. Such a decision will be made within 5 days after the conclusion of the informal meeting with the responsible HEW official. If the responsible HEW official concludes, after considering the information elicited at the informal meeting, that the grantee has failed to show cause why the suspension should be rescinded, the responsible HEW official may continue the suspension in effect for an additional 7 days.

(g) The provisions of § 1303.4–2(j) with respect to expenditures during a period of suspension are applicable to summary suspensions.

§ 1303.4–4 Termination and hearing.

(a) The responsible HEW official may terminate financial assistance to a grantee in whole or in part for failure to comply with any requirement or for loss of legal status or financial viability as stated in § 1303.4–1 whether or not such financial assistance has been suspended. Such termination will be pursuant to reasonable notice and the opportunity for a full and fair hearing. If financial assistance has been suspended, the suspension will be rescinded upon initiation of termination proceedings.

(b) If the responsible HEW official believes that alleged noncompliance with any requirement stated in § 1303.4–1 is serious enough to warrant termination of financial assistance, whether or not financial assistance has been suspended, he will so notify the grantee by registered or certified mail or telegram. The notice will include:

(1) A statement that there are grounds which justify the proposed termination and that sets forth the specific reasons therefor;

(2) If the activities of a delegate agency are the bases, in whole or in part, for the reasons for the proposed termination, the identity of the delegate agency;

(3) Information that the matter has been set down for hearing at a stated time and place or that the grantee has a right to request a hearing in writing within a period of time, specified in the notice which is not later than 10 days from the date of sending notice.

(c) The responsible HEW official immediately will transmit a copy of the grantee's request for a hearing to the Director.

(d) The termination hearing will be scheduled by the responsible HEW official for the earliest practicable date, but not later than 30 days after the grantee's request. Consideration shall be given by the responsible HEW official to a request by a grantee to advance or postpone the scheduled date of a hearing. The hearing shall afford the grantee a full and fair opportunity to demonstrate that it is in compliance with all applicable laws, regulations, and other requirements specified in § 1303.4–1. OCD will have the burden of justifying the proposed termination action. However, if the basis of the proposed termination is the failure of a grantee to take action required by law, regulation, or other requirement specified in § 1303.4–1, the grantee shall have the burden of proving that such action was timely taken.

(e) If a grantee requests a hearing, it shall send a copy of its request to all delegate agencies which would be financially affected by the termination of assistance and to each delegate agency identified in the notice. The copies of the request shall be sent to these delegate agencies at the same time the grantee's request is made to OCD. The grantee shall promptly send OCD a list of the delegate agencies to which it has sent the copies and the date on which they were sent.

(f) If the responsible HEW official informs a grantee that a proposed termination action has been set down for hearing, the grantee shall within 5 days of its receipt of this notice send a copy of it to all delegate agencies which would be financially affected by the termination and to each delegate agency identified in the notice. The grantee shall send the responsible HEW official a list of all delegate agencies notified and the date of notification.

(g) If the responsible HEW official has initiated termination proceedings because of the activities of a delegate agency, that delegate agency may participate in the hearing as a matter of right. Any other delegate agency, person, agency or organization that wishes to participate in the hearing may, in accordance with § 1303.4–6, request permission to do so from the presiding officer of the hearing. Such participation shall not, without the consent of OCD and the grantee, alter the time limitations for the delivery of papers or other procedures set forth in this section.

(h) The results of the proceeding and any measure taken thereafter by OCD pursuant to this part shall be fully binding upon the grantee and all its delegate agencies whether or not they actually participated in the hearing.

(i) A grantee may waive a hearing and submit written information and argument for the record. Such material shall be submitted to the responsible HEW official within a reasonable period of time to be fixed by him upon the request of the grantee. The failure of a grantee to request a hearing, or to appear at a hearing for which a date had 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 OCD including the allegations contained in the notice of termination.

(j) The responsible HEW official may attempt, either personally or through a representative, to resolve the issues in dispute by informal means prior to the hearing.

§ 1303.4–5 Time and place of hearing.

The termination hearing shall be held in Washington, D.C., or in the appropriate regional office, at a time and place fixed by the responsible HEW official unless he determines that the convenience of OCD, or of the parties or their representatives, requires that another place be selected.

§ 1303.4–6 Conduct of hearing.

The presiding officer at the hearing shall be a person who is an administrative law judge appointed under 5 U.S.C. 3105 or who has served as such an administrative law judge, or, if the Director is unable to make a timely designation of either of such persons as presiding officer, a person deemed qualified by the Director who was not directly involved in the action under review. In any event the Director will designate the presiding officer as promptly as possible.

(a) The presiding officer 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 presiding officer 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 presiding officer for good cause shown otherwise determines.

(b) After the notice described in paragraph (i) of this section is filed with the presiding officer, he shall not consult any person or party on a fact in issue unless on notice and opportunity for all parties to participate. However, in performing his functions under this part the presiding officer may use the assistance and advice of an attorney, designated by the General Counsel of the U.S. Department of Health, Education, and Welfare, who has not represented OCD or any other party or otherwise participated in a proceeding, recommendation, or decision in the particular matter.

(c) Both OCD and the grantee 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. The issues shall be those stated in the notice required to be filed by paragraph (i) of this section, those stipulated in a prehearing conference or those agreed to by the parties.

(d) In addition to OCD, the grantee, and any delegate agencies which have a right to appear, the presiding officer 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 presiding officer believes will meet the needs of the proceeding, and may be limited to the filing of written material.

(e) Any person or organization that wishes to participate in a proceeding may apply for permission to do so from the presiding officer. This application, which shall be made as soon as possible after the notice of termination has been received by the grantee, 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.

(f) The presiding officer shall permit or deny such participation and shall give notice of this decision to the applicant, the grantee, and OCD, and, in the case of denial, a brief statement of the reasons therefore. Even if previously denied, the presiding officer may subsequently permit such participation if, in his opinion, it is warranted by subsequent circumstances. If participation is granted, the presiding officer shall notify all parties of that fact and may, in appropriate cases, include in the notification a brief statement of the issues as to which participation is permitted.

(g) 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 aid and information of the presiding officer.

(h) All papers and documents which are required to be filed shall be filed with the presiding officer. Prior to filing, copies shall be sent to the other parties.

(i) The responsible HEW official will send the grantee and any other party a notice which states the time, place, nature of the hearing, and the legal authority and jurisdiction under which the hearing is to be held. The notice will also identify with reasonable specificity the facts relied on as justifying termination and the OCD requirements which it is alleged the grantee has violated. The notice will be served and filed not later than 10 days prior to the hearing.

(j) The grantee and any other party which has a right or has been granted permission to participate in the hearing shall give written confirmation to OCD and the presiding officer of its intention to appear at the hearing 3 days before it is scheduled to occur. Failure to do so may, at the discretion of the presiding officer, be deemed a waiver of the right to a hearing.

(k) All papers and documents filed or sent to a party shall be signed 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 are delivered in person, except that the effective date of the notice that there appear to be grounds which warrant terminating financial assistance shall be the date of its delivery or attempted delivery at the grantee's last known address as reflected in the records of OCD.

(l) Prior to the commencement of a hearing the presiding officer may, subject to the provisions of paragraph (b) of this section, require the parties to meet with him or correspond with him concerning the settlement of any matter which will expedite a quick and fair conclusion of the hearing.

(m) Technical rules of evidence shall not apply to hearings conducted pursuant to this part, but the presiding officer shall apply rules or principles designed to assure production of relevant evidence and to subject testimony to such examination and cross-examination as may be required for a full and true disclosure of the facts. The presiding officer 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 facts and arguments advanced on either side of the issues.

(n) If the presiding officer determines that the interests of justice would be served, he may authorize the taking of depositions but only if all parties are afforded an opportunity to participate in the taking of the depositions. The party who requested the deposition shall arrange at his expense for a transcript to be made of the proceedings and shall upon request of any other party, furnish such party with a copy of the transcript.

(o) Official notice may be taken of a public document, or part thereof, such as a statute, official report, decision, opinion or published scientific data issued by any agency of the Federal Government or a State or local government and such document or data may be entered on the record without further proof of authenticity. Official notice may also be taken of such matters as may be judicially noticed in the courts of the United States, or any other matter of established fact within the general knowledge of OCD. If the decision of the presiding officer rests on official notice of a material fact not appearing in evidence, a

party shall on timely request be afforded an opportunity to show the contrary.

(p) After the hearing has concluded, but before the presiding officer makes his decision, he shall afford each participant a reasonable opportunity to submit proposed findings of fact and conclusions.

§ 1303.4–7 Initial decision, exceptions, final decision and review.

(a) The decision of the presiding officer shall set forth his findings of fact, and conclusions, and shall state whether he has accepted or rejected each proposed finding of fact and conclusion submitted by the parties. Findings of fact shall be based only upon evidence submitted to the presiding officer and matters of which official notice has been taken. The decision shall so specify the requirements with which it is found that the grantee has failed to comply, if any. The decision shall be made within 14 days after the conclusion of the hearing and mailed promptly to all parties.

(b) The decision of the presiding officer may provide for termination of financial assistance to the grantee 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) The decision of the presiding officer shall be an initial decision. Any party may, within 20 days of the mailing of such initial decision, or such longer period of time as the presiding officer specifies, file with the responsible HEW official his exceptions to the initial decision and any supporting brief or statement. Upon the filing of such exceptions, the responsible HEW official will, within 20 days of the mailing of the exceptions, review the initial decision and issue his final decision in the matter, including the reasons therefor. The decision of the responsible HEW official may increase, modify, approve, vacate, or mitigate any sanction imposed in the initial decision or may remand the matter to the presiding officer for further hearing or consideration.

(d) Whenever a hearing is waived, a final decision will be made by the responsible HEW official and a written copy will be given to the grantee.

(e) The grantee may request the Director to review a final decision by the responsible HEW official which provides for the termination of financial assistance. Such a request must be made in writing within 15 days after the grantee has been notified of the decision in question and must state in detail the reasons for seeking the review. In the event the grantee requests such a review, the Director or his designee will consider the reasons stated by the grantee for seeking the review and will approve, modify, vacate or mitigate any sanction imposed by the responsible HEW official or remand the matter to the responsible HEW official for further hearing or consideration. During the course of his review the Director or his designee may, but is not required to, hold a hearing or allow the filing of briefs and arguments. The final decision by the Director will be made no later than 30 days after receipt of the request for review.

§ 1303.4–8 Modification of procedures by consent.

In any proceeding under this subpart the responsible HEW official may alter, eliminate or modify any of the procedural provisions of this subpart, with the consent of the grantee and, in the case of a termination hearing, with the additional consent of all delegate agencies that have a right to participate in the hearing. Such consent must be in writing and be included in the hearing record.

[FR Doc.75–15402 Filed 6–11–75;8:45 am]

Title 47—Telecommunication

CHAPTER I—FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 20372; FCC 75–626]

PART 74—EXPERIMENTAL, AUXILIARY, AND SPECIAL BROADCAST, AND OTHER PROGRAM DISTRIBUTIONAL SERVICES

Report and Order

1. In its continuing effort concerning the re-regulation of broadcasting services, the Commission, on its own motion, released a Notice of Proposed Rulemaking in this proceeding on March 5, 1975 looking toward the addition of a note to § 74.733 providing that no new UHF translator signal boosters would be authorized.

2. The closing dates for comments and reply comments were April 11 and 21, 1975, respectively. Publication was made in the FEDERAL REGISTER on March 10, 1975 (40 FR 10999).

3. No comments were filed in this proceeding.

4. UHF television translator signal boosters are on-channel stations available only to the licensee of a UHF translator station and are for the purpose of providing reception to small shadowed locations within the area intended to be served by the translator.

5. As indicated in the Notice of Proposed Rulemaking herein, it appears that there is no longer an interest in, or need for, new facilities in this service. No such applications have been filed in the last nine years.

6. A UHF translator signal booster will accomplish nothing that cannot be accomplished by a conventional UHF translator. Also, a signal booster has an inherent interference potential not present in a conventional UHF translator. Due to the lack of demand for signal boosters, such equipment has been difficult to obtain.

7. We conclude that the public interest would be better served by deleting the provision for new UHF translator signal boosters and by fostering the use of conventional UHF translators.

8. There are nine existing signal boosters authorized to three licensees. These boosters will be "grandfathered", and the licensees may use applicable FCC forms for Television Broadcast Translator Stations to apply for renewal of license or change of facility (Form 346, for construction permits; 347, for license to cover construction permit; and 348, for renewal of license).

9. In view of the foregoing, *it is ordered*, That § 74.733 of the Commission's Rules and Regulations is amended as set forth in the attached Appendix, effective as of July 11, 1975.

10. Authority for this action is contained in sections 4(i), and 303 (j) and (r) of the Communications Act of 1934, as amended.

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

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

Adopted: May 28, 1975.

Released: June 5, 1975.

FEDERAL COMMUNICATIONS COMMISSION,[1]

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

1. Section 74.733 is amended by adding a NOTE at the end of paragraph (j) to read as follows:

§ 74.733 UHF translator signal boosters.

* * * * *

(j) * * *

NOTE: Effective July 11, 1975, no new UHF signal boosters will be authorized. Licensees of such existing boosters may make application for renewal of license or change in facilities on the applicable FCC forms for Television Broadcast Translator Stations (Form 346, for construction permits; 347, for license to cover construction permit; and 348, for renewal of license). Report and Order, Docket No. 20372. May 28, 1975.

[FR Doc.75–15298 Filed 6–11–75;8:45 am]

[Docket No. 19948; FCC 75–609]

PART 76—CABLE TELEVISION SERVICES

Maintenance of Public Inspection Files and Permit System Inspections

In the matter of amendment of Part 76 of the Commission's rules and regulations relative to obligations of cable television systems to maintain public inspection files and to permit system inspections.

1. On July 31, 1974, we amended the Commission's Rules to require cable television systems to maintain a public file of certain records, to make them available for duplication, and to make their facilities and subscriber records available for inspection by authorized Commission personnel.[1] A petition for reconsideration has been filed by the Office of Communications of the United Church of Christ (UCC), informal comments by Oakland Media and the National Citizens' Committee for Broadcasting

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[1] Commissioners Hooks and Washburn absent.

[1] Report and Order in Docket 19948, FCC 74–831, 48 FCC 2d 72 (1974); § 76.305 and 76.307.

(NCCB), and an opposition and motion to dismiss by a group of 82 cable television system operators.

2. The UCC petition requests the Commission to more explicitly state whether § 76.305(a)(7) as amplified by paragraph 9 of the Report and Order requires inclusion in the public inspection file of FCC Form 395 (Annual Employment Report). UCC notes that paragraph 9 of the Report and Order contains the following:

> 9. Similarly, a number of parties requested that we also require cable systems to keep on file additional documents—such as * * * lists of minority employees, quarterly Form 395 reports, * * * We do not believe that maintenance of these materials is either necessary or appropriate for an informed citizen participation in our regulatory process.

UCC expresses concern that the adoption of this rule derogates the importance of § 76.311(f)'s requirement that equal employment records be maintained and made available for public inspection. Replying to this petition, a group of 82 cable companies moved the Commission to dismiss the petition as moot, arguing that § 76.305(a)(7) was clear on its face. In adopting this rule, we did not intend to detract from or otherwise modify the obligation of cable operators to make available equal employment records, including Form 395, pursuant to Section 76.311(f)(2)(i). Our comments in Paragraph 9 of the Report and Order were intended only to reject the proposal of the Community Coalition for Media Change to require quarterly, rather than annual, equal employment reports from cable operators. § 76.305(a)(7) by reference to § 76.311(f) requires equal employment records, including Form 395, to be included in the consolidated public inspection file. We are cognizant that § 76.311(f)(2)(iii) specifies that equal opportunity records must be maintained at both (1) the system's principal work place (or another accessible location) and (2) in the case of multiple systems operators, at the headquarters office of the employer.[2] § 76.305 does not amend this obligation.

3. Oakland Media, concerned that the Commission may, on reconsideration, rescind its action in adopting these rules, urges the Commission not to take such action, but, rather, to expand the rules to allow access to more information. Except as otherwise noted herein, the Commission has not received any pleadings which persuade us that either a major expansion or contraction of the rules adopted in the Report and Order is warranted. However, we have concluded that some modifications are appropriate, and these will be discussed below.

4. The National Citizens' Committee for Broadcasting (NCCB) filed informal comments in response to the Petition for Reconsideration. NCCB suggests that there is ambiguity in § 76.305(c) regarding the length of time that records of franchise applications must be retained in the public file, advertising to the following provision of the rule:

> Period of Retention. The records specified in paragraphs (a) (1), (2), (3) shall be retained "so long as a certificate of compliance or renewal thereof is outstanding" * * *

NCCB suggests that the quoted phrase is ambiguous, although the ambiguity is resolved somewhat by statements in the notice of proposed rulemaking in Docket 19948, FCC 74-207, 45 FCC 2d 669, at 672 (1974). Nonetheless, NCCB urges the Commission to issue a clarification specifying that cable operators must maintain, in the public inspection file, copies of applications for franchises, certificates of compliance, and petitions for special relief (an all amendments and attachments) for a period of two certification terms from the date the document is tendered for filing with the Commission or the franchising authority.

5. We agree that § 76.305(c) as written is not altogether clear and, moreover, believe that some reconsideration of what appears to have been the original intent is in order. UCC would, in effect, have us clarify the rule to require what would generally be a 30 year retention period. Although such a period was indeed suggested by the rule adopted, we now believe that this is an unduly long period. Our objective was to assure that documents on which grants of operating authority were based, be made available for inspection throughout the term of that authorization and at the time the operator's conduct is being reviewed prior to receiving further operating authority. Our rules anticipate a review of each cable system's operations by local authorities at least every 15 years as part of a "full public proceeding affording due process." At that time, the public's consideration of what representations were made by the cable system in its initial franchise application may be of considerable importance. While such documents may still have some continuing significance after a second authorization has been obtained, we believe by that time they are more of historical than immediate practical significance. Considering this and the burdens that may be imposed by requiring the retention of records over a thirty year period, we do not believe it appropriate to accept the UCC clarification suggestion. Rather we are changing the rule to require that such documents be retained for 15 years or until the system receives from the Commission a Certificate of Compliance occasioned by a local franchise review, whichever occurs later.

6. We also believe that the retention of petitions for special relief, declaratory rulings, or show cause orders warrants further comment. § 76.305(a)(3) incorporates by reference § 76.7, and since this rule pertains to petitions for special relief and declaratory rulings that are not necessarily filed concurrently with franchise and certification applications, additional considerations must be weighed. Where such petitions are filed either concurrently with or independently of certification/franchise applications, then those petitions, together with all attachments, must be maintained in the public inspection file for 15 years or until the system receives a certificate of compliance from the Commission occasioned by a local franchise review, whichever occurs later. This should allow citizen comment to the regulatory body on the petitions during at least one regulatory review period. We are amending § 76.305(a)(3) accordingly.[3] Finally, the period of retention for records relative to show cause petitions filed by or against a cable system deserves special comment. Since such records often reflect a system's adherence to or violation of our rules, they would appear to have particular relevance for the public. Accordingly, we are amending § 76.305(c)(3) similarly to provide that any petition for an order to show cause or an order to cease and desist filed by or against a cable system must be retained in the public inspection file for 15 years or until the system receives a certificate of compliance from the Commission occasioned by a local franchise review, which ever occurs later.

7. As we observed upon our adoption of §76.305, our intention is to encourage greater public participation in the regulatory framework and greater interaction between the Commission, the public and the cable industry. We think these revisions assist that policy.

Authority for the rule amendments adopted herein is contained in section 2, 4 (i) and (j), sections 303, 307, 308, and 309 of the Communications Act of 1934, as amended.

Accordingly, *it is ordered*, That the Petition for Reconsideration filed by the Office of Communications of the United Church of Christ is granted in part and denied in part, as described herein.

It is further ordered, That the Motion to Dismiss the Petition for Reconsideration filed by A Group of 82 Cable Companies is DENIED.

Accordingly, *it is ordered*, That effective July 11, 1975, Part 76 of the Rules and Regulations is amended as set forth in the attached Appendix. *It is further ordered*, That this proceeding is terminated.

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[2] Section 76.311(f)(2)(iii) provides:

(f) Records available to the public.

(iii) *Where maintained:* The equal employment opportunity file for a system (or a single employment unit including that system) shall be maintained at the principal work-place of the employment unit, or at any accessible location (such as a public registry for documents or an attorney's office) in the principal community served by the employment unit. The headquarters office equal employment opportunity file and the consolidated equal employment opportunity file shall be maintained (a) respectively, at the headquarters office and the principal office of the employer, or (b) at any accessible place (such as a public registry for documents or an attorney's office) in the community in which the office is located.

[3] Conforming amendments are also being made to § 76.305(a)(2).

(Secs. 2, 4, 303, 307, 308, 309, 48 Stat. as amended, 1064, 1066, 1082, 1083, 1084, 1085; 47 U.S.C. 152, 154, 303, 307, 308, 309)

Adopted: May 28, 1975.

Released: June 6, 1975.

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

Chapter 1 of Title 47 of the Code of Federal Regulations is amended as follows:

Section 76.305(a) (2) & (3) are amended, (a)(8) added, and (b) & (c) revised to read as follows:

§ 76.305 Records to be maintained locally by cable television systems for public inspection

(a) * * *

(2) A copy of every application for a certificate of compliance and all exhibits, letters, attachments, amendments, and other documents tendered for filing in connection therewith, any subsequent pleadings filed by the system, and all correspondence between the Commission and the applicant pertaining to such application or subsequent pleading, if such materials are also open for public inspection at the offices of the Commission. Information incorporated by reference which is already in the local file need not be duplicated if the entry making the reference sufficiently identifies by title, date, and description the information so that it may be found in the file. If an opposition to an application is filed and duly served upon the applicant, a statement that such opposition has been filed shall appear in the local file together with the name and address of the party filing the opposition.

(3) A copy of every petition for special relief, declaratory ruling, or issuance of a cease and desist order or an order to show cause, including all exhibits, letters, attachments, amendments and other documents tendered for filing in connection therewith, any subsequent pleadings filed by the system, and all correspondence between the Commission and the system pertaining to such petition or subsequent pleading, if such materials are also open for public inspection at the offices of the Commission. Information incorporated by reference which is already in the local file need not be duplicated if the entry making the reference sufficiently identifies by title, date and description the information so that it may be found in the file. If an opposition to a petition is filed and duly served upon the system, a statement that such opposition has been filed shall appear in the local file together with the name and address of the party filing the opposition.

* * * * *

(8) A copy of every show cause order, cease and desist order, declaratory ruling, other memorandum opinion and order, and initial and final decisions in hearing cases issued by the Commission pertaining to the system.

(b) *Location of records.* The public inspection file shall be maintained at the office which the cable television system maintains for the ordinary collection of subscriber charges, resolution of subscriber complaints, and other business or at any accessible place in the cable system's community (such as a public registry for documents or an attorney's office). The public inspection file shall be available for public inspection at any time during regular business hours.

(c) *Period of retention.* The records specified in paragraphs (a) (1), (2), (3), and (8) of this section shall be retained for 15 years or until the system receives a certificate of compliance from the Commission occasioned by a local franchise review, whichever occurs later. The records specified in paragraph (a)(4) shall be retained for two years. The records specified in paragraph (a) (7) shall be retained for one year after an amendment to such record is placed in the public inspection file. The records specified in paragraph (a)(6) shall be retained so long as an authorization for a Cable Television Relay Station and renewals thereof are outstanding. The records specified in paragraph (a)(7) shall be retained for the periods specified in §§ 76.205(c), 76.251(a)(11), and 76.311(f).

* * * * *

[FR Doc.75-15388 Filed 6-11-75;8:45 am]

Title 49—Transportation

CHAPTER I—DEPARTMENT OF TRANSPORTATION

SUBCHAPTER A—HAZARDOUS MATERIALS REGULATIONS BOARD

[Docket No. HM-102; Amdt. No. 173-78A]

PART 173—SHIPPERS

Flammable, Combustible, and Pyrophoric Liquids; Definitions

On May 22, 1975, the Hazardous Materials Regulations Board published Amendment No. 173-78A under Docket No. HM-102 in the FEDERAL REGISTER (40 FR 22263). In the "Effective date" paragraph it was stated that the effective date of the amendment was January 1, 1976. It was the Board's intention that all amendments made under Docket HM-102, including those published on January 24, 1974 (39 FR 2768) in addition to Amendment 173-78A be also extended to January 1, 1976. Therefore, the next to last paragraph of FEDERAL REGISTER Document 75-13500 is revised to read as follows:

Effective date: This amendment, and amendments 172-23, 173-78 (except as revised by this amendment), 174-19, and 177-29 are effective January 1, 1976. However, immediate compliance with the regulations, as amended under this Docket, is authorized except as they pertain to the placarding of tank cars containing combustible liquids.

(18 U.S.C. 831-835; Sec. 6, Pub. L. 90-670, 80 Stat. 937 (49 U.S.C. 1655); Title VI, sec. 902 (h), Pub. L. 85-726 (49 U.S.C. 1421-1431, 1472 (h))

Issued in Washington, D.C. on June 6, 1975.

ALAN I. ROBERTS,
Secretary,
Hazardous Materials Regulations Board.

[FR Doc.75-15329 Filed 6-11-75;8:45 am]

CHAPTER X—INTERSTATE COMMERCE COMMISSION

SUBCHAPTER A—GENERAL RULES AND REGULATIONS

[Revised Service Order No. 1214]

PART 1033—CAR SERVICE

Burlington Northern Inc.; Abandonment of Service

JUNE 9, 1975.

At a Session of the Interstate Commerce Commission, Railroad Service Board, held in Washington, D.C., on the 6th day of June, 1975.

It appearing, That the Chicago and North Western Transportation Company (CNW) in Docket AB 1, Sub 1 was authorized to abandon its line passing through Monmouth, Illinois, subject to completion of an arrangement whereby the Burlington Northern Inc. (BN) will acquire and operate certain CNW trackage in Monmouth in order to provide continued railroad service to shippers adjacent to those tracks; that the BN and the CNW have now agreed upon terms for transfer of such CNW properties to the BN and for construction of the necessary connecting trackage; that operation over these tracks by the BN is necessary in the interest of the public and the commerce of the people pending disposition by the Commission of the application of the BN in Finance Docket No. 27920, seeking authority to acquire, construct, and operate these tracks; 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:

§ 1033.1214 Burlington Northern Inc., authorized to operate over tracks authorized to be abandoned by Chicago and North Western Transportation Co.

(a) The Burlington Northern Inc. (BN) be, and it is hereby authorized to operate over tracks authorized to be abandoned by the Chicago and North Western Transportation Company (CNW) between a point of connection between the two companies in the vicinity of BN milepost 178.27 and the common intersection of the CNW tracks with Fifth Avenue and South D Streets, together with the new connecting track being constructed between the BN and the CNW and various industry tracks connected to the aforementioned tracks of the CNW, all located at Monmouth, Illinois.[1]

(b) *Application.* The provisions of this order shall apply to intrastate, interstate, and foreign traffic.

[1] Change.

(c) *Rates applicable.* Inasmuch as this operation by the BN over tracks of the CNW is deemed to be due to carrier's disability, the rates applicable to traffic moved by the BN over the tracks of the CNW shall be the rates which were applicable on the shipments at the time of shipment as originally routed.

(d) *Effective date.* This order shall become effective at 11:59 p.m., June 9, 1975.

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

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

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

By the Commission, Railroad Service Board.

[SEAL] RICHARD W. KYLE,
Acting Secretary.

[FR Doc.75-15413 Filed 6-11-75;8:45 am]

Title 50—Wildlife and Fisheries

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

PART 28—PUBLIC ACCESS, USE, AND RECREATION

Kenai National Moose Range

The following special regulation is issued and is effective June 12, 1975.

§ 28.28 **Special regulations, public access, use, and recreation; for individual wildlife refuge areas.**

ALASKA

KENAI NATIONAL MOOSE RANGE

The landing and operation of aircraft in the Kenai National Moose Range, under other than emergency conditions, is prohibited except as authorized in the following designated areas: North of the Sterling Highway aircraft may land on lakes except those lakes with recreational developments including campgrounds, camp sites, road waysides with connecting access trails, and the canoe system lakes. Furthermore, the Swan Lake Canoe Route area and the several public recreational lakes bounded on the west by the Swanson River Road, bounded on the north by the Swan Lake Road, bounded on the east by the north-south section line immediately west of Arrow Lake (located at the eastern terminus of Swan Lake Road) and continuing south 5.8 miles to its intersection with the Moose River (½ mile SE of the eastern most shore of Swan Lake), thence downstream the Moose River, and bounded on the south by the Moose Range boundary, is not a designated aircraft landing area; south of the north shoreline of the Kenai River and Skilak Lake, aircraft may land on lakes and rivers except the following lakes not authorized for aircraft operations include: Benchland, Cirque, Crater, Emma, Horsetrail, Marmot Lakes, Newman's, Timberline, Trophy and Wolverine.

(a) The landing of aircraft on any road, glacier or snow field is also prohibited.

(b) Hidden Lake is a designated aircraft landing area, in season, for the purpose of sport ice fishing only.

(c) Bottenintnin Lake is a designated aircraft landing area.

Regulations and maps described designated aircraft landing areas are available at the Kenai National Moose Range Headquarters, Box 500, Kenai, Alaska 99611, phone 283–4877.

The provisions of this special regulation supplement the regulations which govern public access, use, and recreation on wildlife refuge areas generally and which are set forth in Title 50, Code of Federal Regulations, Part 28, and are effective through May 31, 1976.

JAMES B. MONNIE,
Refuge Manager,
Kenai National Moose Range.

JUNE 4, 1975.

[FR Doc. 75-15235 Filed 6-11-75;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 THE TREASURY

Bureau of Alcohol, Tobacco and Firearms

[27 CFR Parts 178, 181]

[Notice No. 278]

COMMERCE IN FIREARMS, AMMUNITION AND EXPLOSIVES; BLACK POWDER

Notice of Proposed Rulemaking; Extension of Comment Period

This notice extends the period for comments on the notice, published May 20, 1975 (40 FR 21961), proposing regulations to implement Public Law 93–639, effective January 4, 1975. The legislation removed the exemption in 18 U.S.C. 845 (a)(5) on all black powder in quantities not exceeding five pounds. In lieu of the five pound exemption, the new law permits anyone to purchase and use commercially manufactured black powder in quantities of fifty pounds or less, percussion caps, safety and pyrotechnic fuses, quills, quick and slow matches, and friction primers, solely for sporting, recreational, or cultural purposes in antique firearms or in antique devices.

Requests for an extension of time were submitted by various members of Congress, the National Rifle Association, the North-South Skirmish Association, members and representatives of the explosives industry, and users of explosives. The majority of the requests asked that the comment period be extended at least 30 days, indicating that the original comment period of 15 days, which expired June 4, 1975, was not sufficient to provide those interested the opportunity to evaluate and reply to the proposed regulations.

The Bureau of Alcohol, Tobacco and Firearms originally allowed a 15-day comment period in order that regulations implementing Public Law 93–639 be put into effect as soon as possible, since the new law became effective on January 4, 1975. However, in view of the fact that there is considerably more interest in the proposed regulations than we had initially anticipated, and that the Bureau wants to consider all relevant data, views, and suggestions before issuing a final regulation, the comment period is hereby extended to July 7, 1975.

Dated: June 6, 1975.

REX D. DAVIS,
Director, Bureau of Alcohol, Tobacco and Firearms.

[FR Doc.75–15297 Filed 6–11–75;8:45 am]

DEPARTMENT OF TRANSPORTATION

Coast Guard

[33 CFR Part 175]

[CGD 74–159]

NONAPPROVED LIFESAVING DEVICES ON WHITE WATER CANOES AND KAYAKS

Proposed Revocation of Exception; Comment Period Extension

In the February 4, 1975, issue of the FEDERAL REGISTER (40 FR 5167), the Coast Guard published a notice of proposed rulemaking proposing to revoke the exception in 33 CFR 175.17 from Personal Flotation Device (PFD) requirements presently allowed for operators of white water canoes and kayaks. The notice provided that all written comments received before April 17, 1975, would be considered before action would be taken on the proposal.

In the April 22, 1975, issue of the FEDERAL REGISTER (40 FR 17762), the Coast Guard published a notice which extended the comment period to May 31, 1975.

The purpose of this notice is to again extend the comment period to July 15, 1975, in order to give the public additional time to submit written data, views, and arguments concerning the proposed revocation.

All communications received before July 15, 1975, will be considered before action is taken on the proposed revocation.

(Sec. 5 of the Federal Boat Safety Act of 1971 (46 U.S.C. 1454); 49 CFR 1.46(o)(1))

Dated: June 5, 1975.

A. F. FUGARO,
Captain, U.S. Coast Guard, Acting Chief, Office of Boating Safety.

[FR Doc.75–15398 Filed 6–11–75;8:45 am]

[46 CFR Part 193]

[CGD 75–031]

OCEANOGRAPHIC VESSELS

Immediate Availability of Water for Fire Mains; Notice of Proposed Rulemaking

A notice of proposed rulemaking (CGFR 72–70), published in the FEDERAL REGISTER of 4 February 1972 (37 FR 2682), proposed an amendment of § 193.05–5(b) of Title 46 of the Code of Federal Regulations to provide flexibility in the means of making water pressure immediately available in the fire main of oceanographic vessels. No comments were received. After further staff review, however, the Coast Guard has concluded that the proposed amendment better fits § 193.10–5. The proposed amendment has also been revised in language and format. Particularly, the specified Pitot tube pressures have been changed from "approximately 50 p.s.i." to "not less than 50 p.s.i.," to reflect the generally accepted interpretation of these requirements. The statements on required Pitot tube pressure in §§ 193.10–5(c) and 193.10–15(c) have been revised accordingly. Because of the time elapsed since the publication of the earlier notice and the changes made as a result of the Coast Guard staff review, the Coast Guard again invites comments on the proposal, as modified.

Written comments. Interested persons are invited to participate in this proposed rulemaking by submitting written views, data, or arguments to the Executive Secretary, Marine Safety Council (G–CMC/82), U.S. Coast Guard, Washington, D.C. 20590. Each person submitting a written comment should include his name and address, identify this notice [CGD 75–031] and the specific section of the proposal to which his comment applies, and give the reasons for his recommendations. The proposal may be changed in light of the comments received.

Closing date for comments. All comments received before July 28, 1975, will be considered before final action is taken on the proposed rule. Copies of all written comments received will be available for examination by interested persons in Room 8234, Nassif Building, 400 Seventh Street, SW, Washington, D.C. 20590.

No public hearing. No public hearing is planned but one may be held at a time and place to be set in a later notice in the Federal Register if requested in writing by an interested person raising a genuine issue and desiring to comment orally at a public hearing.

In consideration of the foregoing, it is proposed to amend Part 193 of Chapter I of Title 46 of the Code of Federal Regulations as follows:

1. By revising § 193.05–5(b) to read as follows:

§ 193.05–5 Fire main system.

* * * * *

(b) Except as provided for in § 193.10–10(e), the fire main must be a pressurized or a remotely controlled system.

* * * * *

2. By amending § 193.10–5 by deleting the second sentence of paragraph (a), changing the pressure requirements of

paragraph (c), and adding a new paragraph (i) as follows:

§ 193.10–5 Fire pumps.

* * * * *

(c) Each pump must be capable of delivering water * * * at a Pitot tube pressure of not less than 50 p.s.i. * * * Where ¾-inch hose is permitted by Table 193.10–5(a) the Pitot tube pressure may not be less than 35 p.s.i.

* * * * *

(i) Except as provided for in § 193.10–10(e), a sufficient number of hose streams for fire fighting purposes must be immediately available from the fire main at all times by either of the following methods:

(1) *Maintenance of water pressure.* (i) Water pressure must be maintained on the fire main at all times by the continuous operation of:

(A) One of the fire pumps; or,

(B) Another suitable pump capable of supplying one hose stream at a Pitot tube pressure of not less than 50 p.s.i. (35 p.s.i. for ¾-inch hose); or,

(C) A pressure tank capable of supplying one hose stream at a Pitot tube pressure of not less than 50 p.s.i. (35 p.s.i. for ¾-inch hose) for five minutes.

(ii) An audible alarm must be installed to sound in a continuously manned space if the pressure in the fire main drops to less than that necessary to maintain the minimum Pitot tube pressures specified in § 193.10–5(i) (1) (i).

(2) *Remote control of fire pumps.* (i) At least one fire pump must be capable of remote activation and control.

(ii) If the fire pump is in a continuously manned machinery space, the controls for operating it and the controls for all necessary valves must be located on the manned operating platform in that space.

(iii) If the fire pump is in an unmanned machinery space, the controls for its operation and the controls for all necessary valves must be located in:

(A) The fire control station, if any; or,

(B) The bridge, if there is no fire control station; or,

(C) A readily accessible space acceptable to the Officer in Charge, Marine Inspection.

3. By changing pressure requirement in paragraph (c) of § 193.10–15.

* * * * *

(c) * * * The discharge of this quantity of water * * * must be at a minimum Pitot tube pressure of 50 pounds per square inch.

* * * * *

(46 U.S.C. 390b, 526p; 49 U.S.C. 1655(b); 49 CFR 1.4(b), 1.46(b))

Dated: June 5, 1975.

W. M. BENKERT,
Rear Admiral, U.S. Coast Guard, Chief, Office of Merchant Marine Safety.

[FR Doc.75–15399 Filed 6–11–75;8:45 am]

Federal Aviation Administration

[14 CFR Part 39]

[Docket No. 75–WE–1–AD]

AIRESEARCH MODEL GTCP660–4 AND –4R AUXILIARY POWER UNITS (APU'S)

Proposed Airworthiness Directive

Amendment 39–2108 (40 FR 8541), AD 75–05–17, as amended by Amdt. 39–2224 (40 FR 23722), imposes an operating limitation prohibiting inflight operation of the APU and requires an inspection of the aircraft to determine that hazardous damage to the aircraft has not occurred after an APU automatic or manual shutdown to correct operating discrepancies on Boeing Model 747 aircraft equipped with AiResearch Model GTCP660–4 and –4R APU's equipped with integral bladed compressor discs unless the APU's have been modified, inspected and found to be free of fatigue cracks per the manufacturer's instructions.

After issuing Amendment 39–2224, the agency determined that the modifications and inspections of the integral bladed compressor rotor discs to determine that they are free of fatigue cracks must be accomplished within six months after the adoption of this amendment to minimize the hazard of injury to persons near the aircraft during ground operations. Therefore, the agency is considering further amending Amdt. 39–2108, as amended, to require that the modification and inspection of the integral bladed compressor rotor discs per the manufacturer's instructions must be accomplished within six months after the effective date of this amendment.

Interested persons are invited to participate in the making of the proposed rule 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, Western Region, Office of the Regional Counsel, Attention: Airworthiness Rules Docket, P.O. Box 92007, World Way Postal Center, Los Angeles, California 90009. All communications received on or before July 21, 1975, will be considered by the Administrator before taking action upon the proposed rule. The proposals contained in this notice may be changed in the light of comments received. All comments will be available, both before and after the closing date for comments in the Rules Docket for examination by interested persons.

This amendment is proposed under the authority of section 313(a), 601, and 603 of the Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421, 1423) and of section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

In consideration of the foregoing, it is proposed to further amend § 39.13 of Part 39 of the Federal Aviation Regulations, Amdt. 39–2108 (40 FR 8541), AD 75–05–17, as amended by Amdt. 39–2224 (40 FR 23722) by revising paragraph (c) to read as follows:

(c) The modifications and inspections described in AiResearch Service Bulletin GTCP660–49–3713, dated May 15, 1975, or later FAA-approved revisions, must be incorporated within six months after the effective date of this AD. Upon completion of these modifications and inspections, the placard required by paragraph (a) above may be removed and the inspections required by paragraph (b) above may be discontinued.

Issued in Los Angeles, California on June 4, 1975.

ROBERT H. STANTON,
Director, FAA Western Region.

[FR Doc.75–15308 Filed 6–11–75;8:45 am]

[14 CFR Part 71]

[Airspace Docket No. 75–GL–37]

TRANSITION AREA

Proposed Alteration; Chicago, Ill.

The Federal Aviation Administration is considering amending Part 71 of the Federal Aviation Regulations so as to alter the transition area at Chicago, Illinois.

Interested persons may participate in the proposed rule making by submitting such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Director, Great Lakes Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, 2300 East Devon Avenue, Des Plaines, Illinois 60018. All communications received on or before July 14, 1975 will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Regional Air Traffic Division Chief. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

A public docket will be available for examination by interested persons in the Office of the Regional Counsel, Federal Aviation Administration, 2300 East Devon Avenue, Des Plaines, Illinois 60018.

An instrument approach procedure has been developed for the Casa de Aero Airport, Hampshire, Illinois and one for the Landings Airport, Huntley, Illinois. Rather than designating two new airspace citations adjacent to the Chicago, Illinois transition area, we propose to amend the Chicago transition area to include the controlled airspace for these two airports. Accordingly, it is necessary to alter the Chicago, Illinois transition area to adequately protect the aircraft executing these new procedures.

In consideration of the foregoing, the Federal Aviation Administration proposes to amend Part 71 of the Federal Aviation Regulations as hereinafter set forth:

In § 71.181 (40 FR 441), the following transition area is amended as indicated:

CHICAGO, ILLINOIS

Delete "latitude 42° 00' 00" N., longitude 88° 25' 00" W." and insert in place "latitude 42° 01' 00" N., longitude 88° 40' 00" W. to latitude 42° 15' 00" N., longitude 88° 40' 00" W.".

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

Issued in Des Plaines, Ill., on May 22, 1975.

R. O. ZIEGLER,
Acting Director,
Great Lakes Region.

[FR Doc.75-15310 Filed 6-11-75;8:45 am]

[14 CFR Part 71]

[Airspace Docket No. 75-GL-39]

TRANSITION AREA

Proposed Alteration; Warsaw, Ind.

The Federal Aviation Administration is considering amending Part 71 of the Federal Aviation Regulations so as to alter the transition area at Warsaw, Indiana.

Interested persons may participate in the proposed rulemaking by submitting such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Director, Great Lakes Region, Federal Aviation Administration, Attention: Chief, Air Traffic Division, 2300 East Devon Avenue, Des Plaines, Illinois 60018. All communications received on or before July 14, 1975 will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Regional Air Traffic Division Chief. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

A public docket will be available for examination by interested persons in the Office of the Regional Counsel, Federal Aviation Administration, 2300 East Devon Avenue, Des Plaines, Illinois 60018.

A new instrument approach procedure has been developed for the Warsaw Municipal Airport, Warsaw, Indiana. Accordingly, it is necessary to alter the Warsaw, Indiana transition area to adequately protect the aircraft executing the new approach procedure.

In consideration of the foregoing, the Federal Aviation Administration proposes to amend Part 71 of the Federal Aviation Regulations as hereinafter set forth:

In § 71.181 (40 FR 441), the following transition area is amended to read:

WARSAW, INDIANA

That airspace extending upward from 700' above the surface within a 7-mile radius of the Warsaw Municipal Airport (Latitude 41° 16'39" N., Longitude 85°50'48" W.); and within 3½ miles each side of the 259° bearing from the airport extending from the 7-mile radius area to 12½ miles north of the airport, excluding the airspace that overlies the Nappanee, Indiana and Goshen, Indiana transition area.

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

Issued in Des Plaines, Ill., on May 22, 1975.

R. O. ZIEGLER,
Acting Director,
Great Lakes Region.

[FR Doc.75-15309 Filed 6-11-75;8:45 am]

[14 CFR Part 93]

[Docket No. 14687; Notice No. 75-27]

KETCHIKAN INTERNATIONAL AIRPORT

Proposed Special Air Traffic Rules

The Federal Aviation Administration is considering amending Part 93 of the Federal Aviation Regulations (14 CFR Part 93) by adding special air traffic rules for operation of aircraft in the vicinity of the Ketchikan, Alaska, International Airport.

Interested persons may participate in the making of the proposed rule by submitting such written data, views or arguments as they may desire. Comments are specifically invited regarding the environmental effects of the proposal, if any. Communications should identify the regulatory docket or notice 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 July 28, 1975, will be considered before taking action on the proposed rules. The proposals contained in this notice may be changed in light of the comments received. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons.

Ketchikan International Airport is located on a portion of Gravina Island, which is adjacent to Tongass Narrows, a narrow waterway between areas of rapidly rising terrain exceeding 2,500 feet in height. Due to the nature of this terrain, large airplanes and turbine engine powered airplanes approaching to land, or following takeoff, are seriously constrained in their ability to maneuver to avoid other traffic. If an aircraft taxis onto the runway during the approach of another aircraft, or otherwise creates a hazard or conflict, the approaching aircraft must abort the approach by climbing straight out and flying an extensive pattern around Gravina Island in order to execute another approach.

During IFR and special VFR weather conditions, ATC procedures provide adequate separation. However, during VFR weather conditions, additional procedures are necessary to maintain an acceptable level of safety and efficiency.

The FAA, therefore, proposes to amend Part 93 of the Federal Aviation Regulations to establish special air traffic rules for the VFR operation of aircraft in the vicinity of Ketchikan International Airport. For this purpose, an area would be designated that includes the airspace below 3,000 feet MSL within the perimeter defined for the Ketchikan control zone (regardless of whether the control zone is in effect), excluding the airspace below 600 feet MSL that is outside of the area roughly described by a rectangle approximately 8 miles long and approximately 1 mile wide aligned with the runway of the airport.

The rules would require that pilots establish two-way radio communications with Ketchikan Flight Service Station for the purpose of receiving traffic advisory service prior to operating within the designated area or taxiing onto the runway at Ketchikan International Airport. They would also prohibit a pilot from taxiing onto the runway when an aircraft is on final approach and until the approaching aircraft has landed and cleared the runway. Finally, the rules would require pilots of large airplanes and turbine-engine powered airplanes, unless otherwise authorized by ATC, to maintain an altitude of at least 900 feet MSL until within 3 miles of the airport on final approach and to maintain runway heading after takeoff until reaching at least 900 feet MSL.

These amendments are proposed under the authority of sections 307 and 313(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348 and 1354(a)), and section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

In consideration of the foregoing, FAA proposes to amend Part 93 of the Federal Aviation Regulations (14 CFR Chapter I) to establish a new Subpart M reading as follows:

Subpart M—Ketchikan International Airport

Sec.
93.151 Applicability.
93.153 Communications.
93.155 Aircraft operation.

AUTHORITY: Secs. 307, 313(a), Federal Aviation Act of 1958 (49 U.S.C. 1348, 1354(a)); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c))

Subpart M—Ketchikan International Airport

§ 93.151 Applicability.

This subpart prescribes special air traffic rules and communication requirements for persons operating aircraft, under VFR, in the airspace below 3,000 feet MSL within the perimeter defined for the Ketchikan Control Zone (regardless of whether that control zone is in effect), excluding that airspace below 600 feet MSL which is:

(1) More than three miles from the nearest point on Ketchikan International Airport;

(2) East of a line through the center of Pennock Island, extending to the end of the ferry slip at Ketchikan International Airport, thence through Channel Island; or

(3) West of a line extending from Gravina Point to Vellenar Point.

§ 93.153 Communications.

When the Ketchikan Flight Service Station is in operation, no person may operate an aircraft within the airspace specified in § 93.151, or taxi onto the runway at Ketchikan International Airport, until he has established two-way radio communications with the Ketchikan Flight Service Station and has received a traffic advisory.

§ 93.155 Aircraft operation.

(a) When an advisory is received from the Ketchikan Flight Service Station that an aircraft is on final approach, no person may taxi onto the runway of Ketchikan International Airport until the arriving aircraft has landed and has cleared the runway.

(b) Unless otherwise authorized by ATC, each person operating a large airplane or a turbine engine powered airplane shall:

(1) When approaching to land at Ketchikan International Airport, maintain an altitude of at least 900 feet MSL until within three miles of the airport; and

(2) Maintain runway heading after takeoff until reaching an altitude of 900 feet MSL.

Issued in Washington, D.C. on June 4, 1975.

RAYMOND G. BELANGER,
Director,
Air Traffic Service, AAT-1.

[FR Doc.75-15311 Filed 6-11-75;8:45 am]

ENVIRONMENTAL PROTECTION AGENCY

[40 CFR Part 52]

[FRL 360-5]

TENNESSEE; CONTROL OF STATE-OWNED OR OPERATED SOURCES

Approval and Promulgation of Implementation Plans

On May 31, 1972 (37 FR 10842), the Administrator approved portions of the Tennessee Plan to attain and maintain the national ambient air quality standards. At that time the plan was disapproved as failing to satisfy the requirements of 40 CFR 51.11(a)(3) since the State lacked legal authority to control motor vehicle activity during emergency episodes of air pollution. It has since come to the Administrator's attention that the State also lacks legal authority to regulate air pollution sources owned or operated by the State itself.

On September 13, 1973, in Opinion No. 52, rendered to the Tennessee Department of Public Health, the State's Assistant Attorney General, C. Hayes Cooney, ruled that: (1) State agencies are not included in the definition of "person" as found in section 53-3409(f) of the Tennessee Code Annotated; and (2) State agencies are not subject to local air pollution regulations adopted pursuant to a private act which does not specifically provide for regulation of a State agency. These opinions were reiterated in a letter of January 24, 1974, from the Tennessee Attorney General's office to the Agency's Region IV office. Since the State of Tennessee lacks legal authority to enforce its emission regulations in the case of facilities owned or operated by the State, the Administrator, elsewhere in this publication, disapproves the Tennessee plan to the extent that it does not provide for the regulation of such sources. The purpose of the present notice is to propose a definition of "person" to be incorporated in the Tennessee plan, and to solicit public comment on this proposal.

Pursuant to section 110(c)(3) of the Clean Air Act, the Agency, through a letter of its Regional Administrator, on December 19, 1974, informed the Governor of Tennessee that it intended to disapprove the State's plan because of the deficiency just noted and to propose a definition of "person" for the plan; in this letter the Governor was asked to inform the Agency of any action the State was contemplating to correct the deficiency. No response was received to the letter within 60 days, accordingly, the Administrator is proceeding to make the proposal set forth below.

The public is invited to participate in the present rulemaking by submitting written comments on the Administrator's proposal. To be considered, such comments must be received on or before July 14, 1975, and should be directed to the Regional Administrator, Environmental Protection Agency, Region IV, 1421 Peachtree Street NE., Atlanta, Georgia 30309.

In the Administrator's judgment, the original Tennessee plan as subjected to public hearing was generally considered, in the absence of a legal opinion to the contrary, to apply to State-owned or operated sources, and its control strategies were approved on that basis. Accordingly, there is no need to hold a public hearing on the question of whether such sources should be included in the plan's control strategies.

(Section 110(c) of the Clean Air Act (42 U.S.C. 1857c-5(c)))

Dated: June 6, 1975.

RUSSELL E. TRAIN,
Administrator.

It is proposed to amend Part 52 of Chapter I, Title 40, Code of Federal Regulations, as follows:

Subpart RR—Tennessee

Section 52.2224, is amended by adding paragraph (c)(2) as follows:

§ 52.2224 Legal authority.

* * * * *

(c) * * *

(2) Definition of "person." For the purposes of the plan, "person" shall mean "any individual, partnership, copartnership, firm, company, corporation, association, joint stock company, trust, estate, State-owned or operated facility, State agency, political subdivision, or any other legal entity, or their legal representatives, agents or assigns."

[FR Doc.75-15277 Filed 6-11-75;8:45 am]

[40 CFR Part 52]

[FRL 380-8]

WASHINGTON

Proposed Revision to Implementation Plan, Transportation Control Strategies; Transit Improvements

Section 110 of the Clean Air Act, as amended, and the implementing regulations of 40 CFR Part 51, require each State to submit a plan which provides for the implementation, maintenance and enforcement of national ambient air quality standards throughout the State. On June 22, 1973 (38 FR 16550), the Administrator of the Environmental Protection Agency (EPA) partially approved the transportation control strategies element of the State of Washington Air Quality Implementation Plan. On November 27, 1973 (38 FR 32668), EPA promulgated supplementary control measures to assure attainment and maintenance of carbon monoxide standards in the State of Washington.

In response to the Mayor of Seattle's request, certain locally-planned transit improvement projects were included in the promulgated transportation control plan. One of these projects was establishment of exclusive bus lanes in downtown Seattle. Section 52.2493 of the Plan—Transit Improvement Measures—required the City of Seattle to establish exclusive bus lanes in downtown Seattle by January 1, 1975. On March 5, 1975, the Mayor of the City of Seattle requested EPA to extend the date for final compliance with this requirement to January 1976. By resolution (Number 24697, dated September 30, 1974), the Seattle City Council reaffirmed endorsement of the concept of exclusive bus lanes in downtown Seattle and supported January 1976 as the final date for compliance.

This extension request is based on the City's need for additional time to satisfy requirements to secure Federal funding for the project and to extensively involve the community in project development. EPA has closely followed implementation of this measure and has urged expeditious implementation. Based upon EPA's involvement with the City of Seattle and recognition of the City's efforts to comply with these requirements, the Administrator believes that an extension to January 1976 for final compliance is necessary and reasonable. The Administrator is hereby proposing to amend § 52.2493 of the Washington Implementation Plan to revise the final compliance date for establishment of exclusive bus lanes from January 1, 1975 to January 31, 1976 and to concurrently revise appropriate interim compliance dates.

At the time of plan promulgation, the exclusive bus lane project was only in

planning stages and was envisioned to extend from Denny Way to South Jackson Street. Since the project scope has since been refined to establish Virginia Street as the northern terminus rather than Denny Way, the Administrator is proposing to revise the regulation to reflect this refinement.

In addition, in the initial publication of the Washington transoportation control plan on November 27, 1973 (38 FR 32679), paragraph (b)(3) of § 52.2493 contained an error in requiring that at least one exclusive bus lane running in each direction be established on the specified streets. The requirement should have read that at least one exclusive bus lane shall be established on each specified street. This correction will be made in the final rulemaking to be published pursuant to this proposal.

Copies of the Mayor's extension request and the City Council's resolution are available for public inspection at the following offices:

Environmental Protection Agency
1200 Sixth Avenue
Seattle, Washington 98101

Freedom of Information Center
Environmental Protection Agency
401 M Street SW
Washington, D.C. 20460

All interested persons are encouraged to submit written comments on whether the proposed revision to the Washington Implementation Plan should be approved or disapproved as required by section 110 of the Clean Air Act, as amended. Comments received on or before July 14, 1975, will be considered. Public comments received on the proposed revision will be available for public inspection at the EPA Regional Office and EPA Headquarters at the addresses noted above. Comments should be directed to the Regional Administrator, Environmental Protection Agency, 1200 Sixth Avenue, Seattle, Washington 98101, Attention: Ms. B. Wiese, M/S 625.

This notice of proposed rulemaking is issued under the authority of section 110(a) of the Clean Air Act, as amended. (42 U.S.C. 1857c-5(a)).

Dated: June 6, 1975.

RUSSELL E. TRAIN,
Administrator.

It is proposed to amend Part 52 of Chapter I, Title 40 of the Code of Federal Regulations as follows:

Subpart WW—Washington

1. In § 52.2493, paragraphs (b)(3) and (b)(4) are revised to read as follows:

§ 52.2493 Transit improvement measures.

* * * * *

(b) The following transit improvement measures shall be implemented by the City of Seattle and METRO:

* * * * *

(3) The City of Seattle shall establish at least one exclusive bus lane on Second Avenue and Fourth Avenue from Virginia Street to South Jackson Street by January 31, 1976, or, upon obtaining the approval of the Administrator, shall establish other exclusive bus lanes within the Seattle central business district containing an equivalent number of miles to the system hereinbefore specified.

(4) No later than November 15, 1975, the City of Seattle shall submit to the Administrator necessary ordinances to implement and enforce the provisions of this paragraph.

[FR Doc.75-15278 Filed 6-11-75;8:45 am]

FEDERAL HOME LOAN BANK BOARD

[12 CFR Parts 545, 555]

[No. 75-494]

FEDERAL SAVINGS AND LOAN SYSTEM

Drive-in Facilities; Proposed Amendments

JUNE 4, 1975.

The Board considers it desirable to propose to amend §§ 545.14-1 and 555.12 of the Rules and Regulations of the Federal Savings and Loan System (12 CFR 545.14-1 and 555.12) to permit Federal associations to open savings accounts for depositors at drive-in and pedestrian facilities.

Present § 545.14-1(a) limits the functions to be performed by a Federal association at a drive-in or pedestrian facility to the ordinary functions performed at a teller-window of the association. Board Ruling 555.12 describes "ordinary functions" as being limited primarily to acceptance of payments on savings accounts, payments of withdrawals from accounts, and acceptance of loan payments; the opening of savings accounts is specifically excluded from this listing as an extraordinary function and is prohibited at such facilities.

The amendment to Board Ruling § 555.12 would remove the prohibition against opening savings accounts and add this function to the list of ordinary teller-window functions. Section 545.14-1(a) would be amended to refer to the description of ordinary functions in Board Ruling § 555.12. These changes would provide a convenient service to potential savings customers and remove an unnecessary prohibition.

Accordingly, the Federal Home Loan Bank Board hereby proposes to amend paragraph (a) of § 545.14-1 and Board Ruling § 555.12 of the Federal Regulations 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 July 15, 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).

§ 545.14-1 Drive-in facility.

(a) A Federal association may, without prior approval of the Board, establish a single drive-in or pedestrian facility, in conjunction with the home office and each branch office of such association, which is not more than 500 feet from a public entrance of such office and closer to such entrance than to a public entrance of another institution insured by the Federal Savings and Loan Insurance Corporation. The functions which may be performed at any such facility shall be limited to the ordinary functions performed at a teller-window of the association, as described in § 555.12 of this subchapter.

* * * * *

§ 555.12 Drive-in and pedestrian facilities.

Section 545.14-1 of the rules and regulations for the Federal Savings and Loan System under certain conditions permits a Federal association, without prior approval of the Board, to establish a single drive-in or pedestrian facility in conjunction with its home office and each office. A "pedestrian" facility is a facility at which the person doing business with the association does not enter an office or structure of any kind but remains outside of the structure and is serviced by a teller inside a building or structure. Similarly, a person doing business with the association, in the case of a drive-in facility, will remain outside of the drive-in facility and may transact business from a vehicle. The building or structure in which a teller is located for such a facility may be the association's home or branch office or a separate structure, but it may not be placed in a store or location of some other business so as to constitute joint occupancy of quarters. There is no objection to a pedestrian facility which faces on an enclosed mall and serves pedestrians who remain in the mall while transacting business with the association. The "ordinary" functions which may be performed at a drive-in or pedestrian facility are limited primarily to acceptance of payments on savings accounts, payment of withdrawals from accounts, acceptance of payments on mortgages or other loans, and opening of savings accounts. Although in the case of a particular association the tellers at its regular offices may give out and receive mortgage loan applications, such function is not an "ordinary" function performed at a teller window but is an extraordinary function, and therefore may not be performed at a drive-in or pedestrian facility.

(Sec. 5, 48 Stat. 132, as amended; 12 U.S.C. 1465. Reorg. Plan No. 3 of 1947, 12 F.R. 4981, 3 CFR, 1943-48 Comp., 1071)

By the Federal Home Loan Bank Board.

[SEAL] GRENVILLE L. MILLARD, Jr.,
Assistant Secretary.

[FR Doc.75-15391 Filed 6-11-75;8:45 am]

FEDERAL RESERVE SYSTEM

[12 CFR Parts 204, 217]

[REG. D AND REG. Q]

RESERVES OF MEMBER BANKS AND INTEREST ON DEPOSITS

Definition of Savings Deposits

The Board of Governors has been asked to consider amendments to Regulations D and Q to permit member banks to classify funds of corporations, associations, and other organizations operated for profit as savings deposits.

Recent correspondence received by the Board indicates that continuation of a rigid ban on the ability of member banks to accept savings deposits from business organizations may be having an adverse effect upon the ability of member banks to compete with other financial institutions for deposits of business enterprises since, at present, savings and loan associations and other thrift institutions are permitted to accept savings from businesses. In addition, the Board is aware that corporations with large amounts of idle funds are able to realize a return on their temporarily idle funds by investment in short-term money market instruments. Smaller business organizations do not ordinarily have such access to money markets and are, therefore, precluded from realizing any short-term return on their funds. Based on a review of the original basis for imposition of the corporate deposit restriction and the current competitive environment, the Board has determined that a modification of its long-standing policy may be appropriate.

The Board believes that the proposed amendments would help to restore the competitive balance between financial institutions and would help to eliminate any adverse effects application of the present definition may have upon smaller business organizations. In order to confine the effects of the proposed amendments to small enterprises with limited liquidity alternatives and to limit the concentration of any volatile funds in savings deposits, the proposed amendments include a restriction of $100,000 on the amount that a business enterprise may maintain in savings form at a member bank. The Board is interested in receiving comments from the public concerning the proposed $100,000 per depositor limitation and whether some other limitation, if any, would be more appropriate. If the proposed amendment is adopted by the Board, it is expected that member banks would be asked to maintain savings deposits established by business organizations as a separate deposit classification for reporting purposes.

In those states where member banks are permitted by law to offer deposits subject to negotiable orders of withdrawal (NOW's), such accounts will continue to be available only to individuals and other qualifying organizations as provided for by 12 CFR 217.1(e)(3), which would remain unaffected by the proposed amendments.

To aid in the consideration of this matter by the Board, interested persons are invited to submit relevant data, views, or arguments. Any such material should be submitted in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than July 25, 1975. Such material will be made available for inspection and copying upon request except as provided in § 261.6(a) of the Board's rules regarding availability of information (12 CFR 261.6(a)).

Accordingly, pursuant to its authority under section 19 of the Federal Reserve Act (12 U.S.C. 461) to define the terms used in that section, the Board proposes:

1. To revise § 204.1(e)(1) of regulation D to read as follows:

§ 204.1 Definitions.

* * * * *

(e) *Savings deposits.* The term "savings deposit" means a deposit—

(1) which consists of funds deposited to the credit of one or more individuals, or of a corporation, association, or other organization operated primarily for religious, philanthropic, charitable, educational, fraternal, or other similar purposes and not operated for profit;[4] or in which the entire beneficial interest is held by one or more individuals or by such a corporation, association or other organization; or which consists of funds deposited to the credit of or in which the entire beneficial interest is held by, the United States, any State of the United States, or any county, municipality, or political subdivision thereof, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, American Samoa, Guam, or political subdivision thereof; or which consists of funds deposited to the credit of, or in which any beneficial interest is held by a corporation, association, or other organization not qualifying above to the extent such funds do not exceed $100,000 per such depositor at a member bank;[4a] and

* * * * *

2. To amend § 217.1 of regulation Q by revising the text of paragraph (e)(1) up to and including footnote 4; and by deleting the word "and" at the end of paragraph (e)(1) and adding the following to the existing text.

§ 217.1 Definitions.

* * * * *

(e) *Savings deposits.* The term "savings deposit" means a deposit—

(1) which consists of funds deposited to the credit of one or more individuals, or of a corporation, association, or other organization operated primarily for religious, philanthropic, charitable, educational, fraternal, or other similar purposes and not operated for profit;[4] * * * or which consists of funds deposited to the credit of, or in which any beneficial interest is held by a corporation, association, or other organization not qualifying above to the extent such funds do not exceed $100,000 per such depositor at a member bank; and

* * * * *

By order of the Board of Governors, June 5, 1975.

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

[FR Doc.75-15322 Filed 6-11-75;8:45 am]

[4] Deposits in joint accounts of two or more individuals may be classified as savings deposits if they meet the other requirements of the above definition. Deposits of a partnership operated for profit may be so classified to the extent such deposits do not exceed $100,000 per partnership at a member bank.

[4a] Where a deposit is to the credit of the bank's own trust department and the funds involved are utilized to cover checks, such deposit may not be classified as a savings deposit.

[12 CFR Part 206]

[Reg. F]

SECURITIES OF MEMBER STATE BANKS

Notice of Proposed Rulemaking; Correction

Pursuant to its authority under section 12(i) of the Securities Exchange Act of 1934 as amended (15 U.S.C. section 78 l(i)), the Board of Governors proposed, by Order of February 21, 1975, to revise Regulation F (12 CFR section 206) in order that it be substantially similar to comparable rules and regulations issued by the Securities and Exchange Commission. One of the issues on which the Board wished to receive public comment was the question of the need for certification of bank financial statements, but the version of the proposal published by the FEDERAL REGISTER did not contain a specific solicitation of comments on this issue. Accordingly, the fifth paragraph in the preamble of the notice which appeared in the FEDERAL REGISTER on March 5, 1975 (40 FR 10322 (1975)) is corrected to read as follows:

The Commission requires that all financial statements filed by its registrants be certified by an independent public accountant. Since the adoption of Regulation F in 1965, the Board, although accepting certified financial statements, has also accepted a verification statement by a bank's principal accounting officer and internal auditor. The Board has not concluded whether such a requirement for financial statements filed under Regulation F is necessary or appropriate in the public interest or for protection of investors in the case of State member banks. Accordingly, the following proposal does not contain a requirement for certification of financial statements by independent public accountants. However, interested persons are invited to address specifically this issue during the period of comment specified below.

It should be noted that the version of the notice which was distributed directly by the Federal Reserve System to individual banks registered under Regulation F contained this correction.

[4] Deposits in joint accounts of two or more individuals may be classified as savings deposits if they meet the other requirements of the above definition. Deposits of a partnership operated for profit may be so classified to the extent such deposits do not exceed $100,000 per partnership at a member bank.

Nevertheless, in order to insure that all interested parties have sufficient time to comment on the issue of the certification of financial statements, the Board has extended the comment period on this question until June 30, 1975.

To aid in the Board's consideration of the certification issue, interested persons are invited to submit relevant data, comments, views, or arguments. Any requests for a hearing on this matter should be accompanied by a statement summarizing the evidence the person requesting the hearing proposes to submit or to elicit at the hearing and a statement of the reasons why this matter should not be resolved without a hearing.

Any views or requests for a hearing should be submitted in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than June 30, 1975. All views expressed in written comments on the proposal and received by that date will be considered by the Board. Such material will be made available for inspection and copying upon request, except as provided in the Board's Rules Regarding Availability of Information (12 CFR 261).

By Order of the Board of Governors of the Federal Reserve System, June 6, 1975.

[SEAL] ROBERT SMITH, III,
Assistant Secretary of the Board.

[FR Doc.75-15321 Filed 6-11-75;8:45 am]

FEDERAL TRADE COMMISSION

[16 CFR Parts 3, 4]

DISCOVERY AND COMPULSORY PROCESS IN ADJUDICATIVE PROCEEDINGS; SEPARATION OF FUNCTIONS AND EX PARTE COMMUNICATIONS

Proposed Rule Changes; Extension of Time To File Comments

Notice is hereby given that the time in which to file written comments on the foregoing proposed revisions of the Federal Trade Commission's rules of practice and procedure which were published in 40 FR 15239-15245 (April 4, 1975) has been further extended until June 30, 1975.

By direction of the Commission dated June 3, 1975.

[SEAL] CHARLES A. TOBIN,
Secretary.

[FR Doc.75-15506 Filed 6-11-75;9:03 am]

SMALL BUSINESS ADMINISTRATION

[13 CFR Part 117]

SPECIAL CONSIDERATION FOR VETERANS

Notice of Proposed Rule Making

On October 22, 1974, the Small Business Administration published in the FEDERAL REGISTER a proposed new regulation, Part 117, Special Consideration for Veterans. Since that time comments have been received and carefully considered. Several changes have been made in the criteria set forth in the proposal, and the regulation is therefore republished for further comment.

Specifically, a new criterion is proposed regarding veterans procurement affairs advisers; "priority" processing of loan applications has been changed to "prompt"; priority use of direct funds for veterans has been deleted; the statement that personal residences will not be taken as collateral has been deleted; and a statement has been added regarding the possible eligibility of veterans for 8(a) contracts. With the normal shortage of funds in all direct loan categories the word "priority" as applied to processing and use of these funds could have eliminated non veterans from these programs. The sentence referring to collateral would have hurt veterans in their attempts to obtain SBA bank guarantee loans, and the 8(a) section, while not making veterans automatically eligible, now would include service other than Vietnam era service as a possible contributing factor in establishing a "socially or economically disadvantaged" status.

Prior to adoption of the proposed revised regulation, consideration will be given to any comments or suggestions, submitted in writing to the Deputy Administrator, Small Business Administration, 1441 L Street NW. Washington, D.C. 20416, on or before June 27, 1975.

If adopted in final form the new regulation will read as follows:

Sec.
117.1 Introduction.
117.2 Definitions.
117.3 Special consideration criteria.

AUTHORITY: 87 Stat. 1023

§ 117.1 Introduction.

This part is established by the SBA to set forth the Agency's policies and criteria relating to giving special consideration to Veterans of the Armed Forces and their survivors or dependents in the administration of SBA programs of assistance.

§ 117.2 Definitions.

As used in this part—(a) The term "veteran" means a person who served in the active military, naval or air service, and who was discharged or released therefrom under conditions other than dishonorable.

(b) The term "Armed Forces" includes the Army, Navy (with the Marine Corps), and Air Force; the Coast Guard; a unit of the National Guard when called into the service of the United States; and Environmental Science Services Administration, Public Health Service, and other organizations when assigned to and serving with the armed forces.

(c) The term "survivor" means a widow or widower who has not remarried, child, or dependent parent of a deceased veteran.

(d) The term "dependent" means the spouse, child, or dependent parent of a veteran, as defined further in sections 152-153 of the Internal Revenue Code.

(e) The term "child" for SBA purposes shall include dependent children, whether a legitimate child, a legally-adopted child, a stepchild who is a member of the veteran's household, or an illegitimate child if so acknowledged in writing by the veteran or determined to be such by a court of competent jurisdiction.

§ 117.3 Special consideration criteria.

(a) Special consideration criteria, as defined below, are eligible only to the veteran himself, or to one dependent or survivor. That is, these criteria apply first to the veteran himself if not permanently disabled, and secondly to a dependent if the veteran does not choose to seek SBA assistance. In the case of a deceased or totally and permanently disabled veteran, the benefit would apply to either the unremarried or supporting spouse, or child, or dependent parent. This policy does not preclude the veteran or other dependents or survivors from later applying for SBA assistance under normal criteria outside the special consideration criteria.

(b) Special consideration criteria are as follows:

(1) Indepth management assistance counseling on first interviews. Action will be taken to insure that our management assistance people apprise veterans of SBA's programs and the potential benefits to them.

(2) Revitalize SBA personnel designated as Veterans Affairs Officers and emphasize the need for close cooperation with the local VA offices and organizations having direct interest in veterans' affairs.

(3) Revitalize SBA procurement personnel designated as Veterans Procurement Affairs Advisers to emphasize how veterans can obtain procurement contracts from the Government.

(4) Local media campaigns to get the word to the veteran about SBA ability and desire to help.

(5) Special workshops and training.

(6) Prompt processing of loan applications of any type.

(7) Particular attention to giving maximum loan maturity to veterans.

(8) Loans will not be declined solely because of the lack of collateral, providing the veteran, dependent, or survivor will provide any worthwhile collateral.

(9) On all direct loans, place a liberal interpretation on present deferment policy.

(10) In the awarding of 8(a) contracts, veterans status may be a contributing factor in establishing eligibility as "socially or economically disadvantaged."

(11) In all district offices there shall be one or more loan specialists designated as veterans loan officers.

Date: June 2, 1975.

THOMAS S. KLEPPE,
Administrator.

[FR Doc.75-15355 Filed 6-11-75;8:45am]

notices

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

DEPARTMENT OF DEFENSE

Department of the Army

US ARMY MEDICAL RESEARCH AND DEVELOPMENT ADVISORY PANEL

Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act, Pub. L. 92-463, notice is hereby given that the US Army Medical Research and Development Advisory Panel will meet from 0900 hours to 1600 hours on 9 July 1975 in Room 8E069, James V. Forrestal Building, 10th and Independence Avenue, Southwest, Washington, DC 20314.

The agenda includes discussion of current developments in the Army Medical Department Research, Development, Test and Evaluation Program.

The meeting is open to the public; however, space accommodations are limited. Persons wishing to attend should advise the Executive Secretary, in writing prior to the meeting, at the following address: US Army Medical Research and Development Command, Forrestal Building, Room 8G091, Washington, DC 20314.

Dated: June 6, 1975.

By authority of the Secretary of the Army.

FRED R. ZIMMERMAN,
Chief, Plans Office,
Office of The Adjutant General.

[FR Doc.75-15331 Filed 6-11-75;8:45 am]

ARMED FORCES EPIDEMIOLOGICAL BOARD

Open Meeting

In accordance with section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), announcement is made of the following committee meeting:

The Armed Forces Epidemiological Board will meet 10 July 1975 in Room 341 at the Walter Reed Army Institute of Research, Washington, D.C., from 0830 to 1630 hours. The proposed agenda includes the organization of subcommittees, augmentation of Board membership, the Military Health Care Study, nosocomial infections, health aspects of the Vietnamese refugee program, and Reports of Preventive Medicine Officers.

This meeting is oper. to the public, but limited by space accommodations.

Any interested person may attend, appear before, or file statements with the committee at the time and in the manner permitted by the committee. Interested persons wishing to participate should advise the Executive Secretary, AFEB in writing, prior to the meeting, at the following address: Executive Secretary, AFEB, Room 1B472 Pentagon, Washington, D.C. 20310.

DUANE G. ERICKSON,
LTC, MSC, USA
Executive Secretary.

JUNE 3, 1975.

[FR Doc.75-15342 Filed 6-11-75;8:45 am]

DEPARTMENT OF JUSTICE

Law Enforcement Assistance Administration

COMMITTEE ON PREVENTION OF TERRORISTIC CRIMES OF THE PRIVATE SECURITY ADVISORY COUNCIL (PSAC)

Meeting

Notice is hereby given that the Committee on Prevention of Terroristic Crimes of the Private Security Advisory Council (PSAC) to the Law Enforcement Assistance Administration (LEAA), will meet Monday and Tuesday, June 30 and July 1, 1975, in Miami Beach, Florida.

Discussion at this meeting will focus upon the development of techniques and procedures to prevent terroristic crimes by examining the nature of terroristic crimes and the current means used to defend against these crimes.

The discussion will be based upon confidential Government information and records and confidential commercial information relating to preventive techniques and procedures. The Administrator of LEAA has determined that these matters are within the scope of 5 U.S.C. 552(b) (4) and (7). In addition, since the discussion of confidential information will occur throughout the agenda, rather than in a separable portion of the meeting, it would be impractical to attempt to open part of the meeting while closing another part. As a result, the entire meeting will be closed to the public pursuant to section 10(d) of the Federal Advisory Committee Act, Pub. L. 92-463.

For further information on the PSAC, please contact Mr. Irving Slott, Director, Program Development and Evaluation, Office of National Priority Programs, LEAA, U.S. Department of Justice, 633 Indiana Avenue, NW, Washington, D.C. 20531. 202/376-3687.

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

[FR Doc.75-15353 Filed 6-11-75;8:45 am]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[M 31621]

MONTANA

Application

JUNE 4, 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), Northern Natural Gas Company has applied for an 8-inch natural gas pipeline right of way across the following lands:

PRINCIPAL MERIDIAN, MONTANA

T. 25 N., R. 19 E.,
Sec. 10, NW¼ and W½SW¼;
Sec. 15, NW¼NW¼; and
Sec. 28, N½NW¼ and SE¼NW¼.

This pipeline will convey natural gas across 1.82 miles of national resource lands in Blaine County, Montana.

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 names and address to the District Manager, Bureau of Land Management, P.O. Box B, Malta, Montana 59538.

KENNETH J. SIBE,
Acting Chief, Branch of Lands and Minerals Operations.

[FR Doc.75-15350 Filed 6-11-75;8:45 am]

[M 31620]

MONTANA

Application

JUNE 5, 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), The Montana Power Co. has applied for a 4-inch natural gas pipeline right of way across the following lands:

PRINCIPAL MERIDIAN, MONTANA

T. 9 S., R. 22 E.,
Sec. 14, SW¼SW¼;
Sec. 15, N½SW¼, W½SE¼, and SE¼SE¼;
Sec. 23, S½NE¼, N½NW¼, and SE¼NW¼; and
Sec. 24, NW¼.

This pipeline will convey natural gas across 2.91 miles of national resource lands in Carbon County, Montana.

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 names and addresses to the District Manager, Bureau of Land Management, P.O. Box 2020, Billings, Montana 59103.

KENNETH J. SIRE,
Acting Chief, Branch of Lands and Minerals Operations.

[FR Doc.75-15351 Filed 6-11-75;8:45 am]

[N-7841]

NEVADA

Application

1. Notice is hereby given that, pursuant to section 28 of the Mineral Leasing Act of 1920, as amended (30 U.S.C. 185) Southwest Gas Corporation has applied for a petroleum products pipeline right-of-way, varying in diameter from 12¾ inches to 16 inches, across the following lands:

MOUNT DIABLO MERIDIAN, NEVADA

T. 23 S., R. 63 E.,
sec. 31, SE¼SE¼.
T. 24 S., R. 63 E.,
sec. 6, lot 9, SW¼NE¼ and W½SE¼;
sec. 7, W½NE¼ and SE¼;
sec. 18, E½E½;
sec. 19, E½E½;
sec. 29, SW¼SW¼;
sec. 30, E½E½;
sec. 32, W½W½.
T. 25 S., R. 63 E.,
sec. 5, lot 8, SW¼NW¼ and W½SW¼;
sec. 8, W½W½;
sec. 17, W½W½ and SE¼SW¼;
sec. 20, E½W½;
sec. 29, E½W½;
sec. 32, E½W and SW¼SE¼.
T. 26 S., R. 63 E.,
sec. 5, lots 6 and 7, SW¼NE¼ and W½SE¼;
sec. 8, W½E½;
sec. 17, W½E½;
sec. 20, W½E½ and SE¼SE¼;
sec. 28, SW¼NW¼, NW¼SW¼ and S½SW¼;
sec. 29, E½NE¼;
sec. 33, SW¼NE¼, E½NW¼, N½SE¼ and SE¼SE¼.
T. 27 S., R. 63 E.,
sec. 3, Lot 8, SW¼NW¼, NW¼SW¼ and S½SW¼;
sec. 4, Lot 5;
sec. 10, E½W½;
sec. 15, E½W½ and SW¼SE¼;
sec. 22, W½E½;
sec. 27, W½E½;
sec. 34, W½NE¼ and SE¼.
T. 28 S., R. 63 E.,
sec. 3, Lot 1, SE¼NE¼ and E½SE¼;
sec. 10 NE¼NE¼ and W½E½;
sec. 15, W½NE¼, SE¼NW¼ and E½SW¼;
sec. 22, Lots 5, 6 and 11 and SW¼NW¼;
sec. 27, Lot 5 and NW¼SW¼;
sec. 28, SE¼NE¼ and E½SE¼;
sec. 33, E½E½.
T. 29 S., R. 63 E.,
sec. 3, Lots 3 and 4, SE¼NW¼, NE¼SW¼, NW¼SE¼ and S½SE¼;
sec. 10, NE¼NE¼;
sec. 11, W½NW¼, N½SW¼, SE¼SW¼ and SW¼ SE¼;
sec. 13, SW¼SW¼;
sec. 14, N½NE¼;
sec. 24, NW¼NW¼, S½NW¼, and E½SW¼ and SW¼SE¼;
sec. 25, W½NE¼, N½SE¼ and SE¼SE¼;
sec. 36, E½NE¼.
T. 29 S., R. 64 E.,
sec. 31, Lots 1, 2, 3 and 4 and SE¼SW¼.
T. 30 S., R. 64 E.,
sec. 6, Lot 3, SE¼NW¼, NE¼SW¼ and W½SE¼;
sec. 7, N½NE¼, SE¼NE¼ and E½SE¼;
sec. 8, SW¼SW¼;
sec. 17, NW¼NW¼, S½NW¼, N½SW¼ and SE¼SW¼;
sec. 20, W½NE¼, NE¼NW¼, NW¼SE¼ and S½SE¼;
sec. 28, SW¼NW¼ and W½SW¼;
sec. 29, E½NE¼ and NE¼SE¼;
sec. 33, N½NW¼, SE¼NW¼, E½SW¼ and SW¼SE¼.
T. 31 S., R. 64 E.,
sec. 4, Lot 2, S½NE¼, N½SE¼ and SE¼SE¼;
sec. 9, NE¼NE¼;
sec. 10, W½NW¼, NW¼SW¼ and S½SW¼;
sec. 15, SW¼NE¼, E½NW¼, NE¼SW¼ and W½SE¼;
sec. 22, N½NE¼, SE¼NE¼ and E½SE¼;
sec. 23, SW¼SW¼;
sec. 26, W½NW¼, N½SW¼ and SE¼SW¼;
sec. 35, W½NE¼, NE¼NW¼, NW¼SE¼ and S½SE¼.
T. 32 S., R. 64 E.,
sec. 1, SW¼NW¼ and W½SW¼;
sec. 2, Lot 1 and SE¼NE¼;
sec. 12, N½NW¼, SE¼NW¼, E½SW¼ and SW¼SE¼;
sec. 13, NW¼NE¼, S½NE¼ and E½SE¼;
sec. 24, NE¼NE¼.
T. 32 S., R. 65 E.,
sec. 19, Lots 1, 2 and 3 and E½SW¼;
sec. 30, W½NE¼, NE¼NW¼, N½SE¼ and SE¼SE¼;
sec. 31, NE¼NE¼;
sec. 32, NW¼NW¼, S½NW¼, NE¼SW¼, N½SE¼ and SE¼SE¼;
sec. 33, S½SW¼.
T. 33 S., R. 65 E.,
sec. 1, SW¼;
sec. 2, SW¼NW¼ and N½S½;
sec. 3, Lot 4, S½NE¼, S½NW¼ and NE¼SE¼;
sec. 4, Lots 1 and 2.

2. This pipeline will convey petroleum products across approximately 66 miles of federal lands in Clark County. The route of the pipeline will follow portions of rights-of-way Nev-015814, Nev-043645, Nev-043646, and Nev-060005 and will generally be contained within those rights-of-way.

3. The purpose of this notice is to inform the public that the Bureau will be proceding with consideration of whether the application should be approved, and if so, under what terms and conditions.

4. Interested persons should express their interest and views to the Chief, Division of Technical Services, Room 3008 Federal Building, 300 Booth Street, Reno, Nevada 89502.

Dated: June 3, 1975.

WILLIAM J. MALENCIK,
Chief Division of Technical Services.

[FR Doc.75-15352 Filed 6-11-75;8:45 am]

National Park Service

CHESAPEAKE AND OHIO CANAL NATIONAL HISTORICAL PARK COMMISSION

Meeting

Notice is hereby given in accordance with Federal Advisory Committee Act that a meeting of the Chesapeake and Ohio Canal National Historical Park Commission will be held on Saturday, July 12, 1975, at 9 a.m., at the Stephen Mather Training Center, Harpers Ferry, West Virginia.

The Commission was established by Pub. L. 91-664 to meet and consult with the Secretary of the Interior on general policies and specific matters related to the administration and development of the Chesapeake and Ohio Canal National Historical Park.

The members of the Commission are as follows:

Miss Nancy Long (Chairman)
Glen Echo, Maryland

Mrs. Caroline Freeland
Bethesda, Maryland

Mr. Donald Frush
Hagerstown, Maryland

Honorable Vladimir A. Wahbe
Baltimore, Maryland

Mr. Anthony Abar
Annapolis, Maryland

Mr. John C. Lewis
Hamilton, Virginia

Mrs. Dorothy Grotos
Arlington, Virginia

Mr. Burton C. English
Berkeley Springs, West Virginia

Mr. Henry W. Miller, Jr.
Paw Paw, West Virginia

Mr. Lorenzo W. Jacobs, Jr.
Washington, D.C.

Mr. Joseph H. Cole
Washington, D.C.

Mr. Ronald A. Clites
LaVale, Maryland

Mrs. Mary Miltenberger
Cumberland, Maryland

Dr. James H. Gilford
Frederick, Maryland

Dr. Kenneth Bromfield
Frederick, Maryland

Mr. Grant Conway
Brookmont, Maryland

Mr. Edwin F. Weesly
Chevy Chase, Maryland

Mr. John C. Frye,
Gapland, Maryland

Mr. Rome F. Schwagel
Keedysville, Maryland

Mr. Justice Douglas
(Special Consultant)

The matters to be discussed at this meeting include:

1. Review of Preliminary Plans for Watkins Island Pumping Station.
2. Report on Environmental Assessment/General Plan Hearings and Workshops.
3. Interpretation Policy Committee Report.
4. Potomac River Committee Report.
5. Superintendent's Report.
6. County, State, and Washington, D.C. Reports.
7. Field Trip—White's Ferry.

The meeting will be open to the public. However, facilities and space for accommodating members of the public are limited and it is expected that not more than 30 persons will be able to attend the sessions. Any member of the public may file with the Committee a written statement concerning the matters to be discussed.

Persons wishing further information concerning this meeting, or who wish to submit written statements, may contact

Richard L. Stanton, Associate Director, Cooperative Activities, National Capital Parks, at Area Code 202–426–6715. Minutes of the meeting will be available for public inspection 2 weeks after the meeting, at the Office of National Capital Parks, Room 208, 1100 Ohio Drive, SW., Washington, D.C.

Dated: June 6, 1975.

RICHARD L. STANTON,
Acting Director,
National Capital Parks.

[FR Doc.75-15405 Filed 6-11-75;8:45 am]

GOLDEN GATE NATIONAL RECREATION AREA CITIZENS' ADVISORY COMMISSION

Meeting

Notice is hereby given in accordance with the Federal Advisory Committee Act that a meeting of the Golden Gate National Recreation Area Advisory Commission will be held at 7 p.m. on Wendesday, July 2, 1975, at the Mount Tamalpais High School, Mill Valley, California.

The purpose of the Golden Gate National Recreation Area Advisory Commission is to provide for the free exchange of ideas between the National Park Service and the public and to facilitate the solicitation of advice or other counsel from members of the public on problems and programs pertinent to the National Park Service system in Marin and San Francisco counties.

Members of the Advisory Commission are as follows:

Mr. Frank Boerger, Chairman
Mrs. Amy Meyer, Secretary
Mr. Ernest Ayala
Mr. Richard Bartke
Mr. Fred Blumberg
Mr. Joseph Caverly
Mr. Lambert Lee Choy
Mrs. Daphne Greene
Mr. Peter Haas, Sr.
Mr. Joseph Mendoza
Mr. John Mitchell
Mr. Merritt Robinson
Mr. William Thomas
Mr. Gene Washington
Dr. Edgar Wayburn

The major item on the agenda will be a presentation by National Park Service staff explaining the Federal Wilderness Act of 1964 and the findings of the Point Reyes Wilderness Study conducted by the NPS.

This meeting will be open to the public. Any member of the public may file with the Commission a written statement concerning the matters to be discussed.

Persons wishing further information concerning this meeting or who wish to submit written statements may contact William J. Whalen, General Superintendent, Golden Gate/Point Reyes, Fort Mason, San Francisco, California 94123, telephone 415–556–2920.

Minutes of the meeting will be available for public inspection by August 4, 1975 in the Office of the General Superintendent, Golden Gate National Recreation Area, Fort Mason, San Francisco, CA.

Dated: June 3, 1975.

JOHN H. DAVIS,
Acting Regional Director,
Western Region.

[FR Doc.75-15406 Filed 6-11-75;8:45 am]

PACIFIC NORTHWEST REGIONAL ADVISORY COMMITTEE

Meeting

Notice is hereby given in accordance with the Federal Advisory Committee Act that a meeting of the Pacific Northwest Regional Advisory Committee will be held at 9 a.m. on Thursday, July 10, 1975, in the Sun Room of Lake Crescent Lodge in Olympic National Park.

The Committee was established pursuant to Public Law 91-383 to provide for the free exchange of ideas between the National Park Service and the public and to facilitate the solicitation of advice or other counsel from members of the public on programs and problems pertinent to the Pacific Northwest Region of the National Park Service.

The members of the Committee are as follows:

Mr. Earl J. Davenport (Chairman)
Dr. Robert L. Whitner (Secretary)
Mr. Leo V. Bodine
Mr. J. Allen Jensen
Mr. Roger Mellem
Dr. Richard M. Noyes
Mr. Wesley A. Phillips, Jr.
Mr. John C. Sackett

The matters to be discussed at this meeting include:

1. Concession management.
2. Olympic National Park boundary adjustments.
3. Public workshops and the planning process.
4. Operational procedures at Olympic National Park.
5. Backcountry management.

The meeting will be open to the public. However, facilities and space for accommodating members of the public are limited, and persons will be accommodated on a first-come, first-served basis. Any member of the public may file with the Committee a written statement concerning the matters to be discussed.

Persons wishing further information concerning this meeting, or who wish to submit written statements, may contact Glenn D. Gallison, Associate Regional Director, Cooperative Activities, Pacific Northwest Regional Office, at 206–442–5962. Minutes of the meeting will be available for public inspection four weeks after the meeting at the Pacific Northwest Regional Office, Fourth and Pike Building, Seattle, Washington 98101.

JOHN A. RUTTER,
Regional Director,
Pacific Northwest Region.

[FR Doc.75-15407 Filed 6-11-75;8:45 am]

Office of the Secretary

NATIONAL ADVISORY BOARD FOR WILD-FREE ROAMING HORSES AND BURROS

Establishment

Under provisions of section 14(a)(1) of the Federal Advisory Committees Act (86 Stat. 770; 5 App. I U.S.C.), the National Advisory Board on Wild Free-Roaming Horses and Burros, provided for by section 7 of the Act of December 15, 1971 (85 Stat. 649; 16 U.S.C. 1331–1340) terminated on January 5, 1975. It has been determined that there is a continuing need for the advice and recommendations of such a board and that establishment is in the public interest in connection with the performance of duties imposed upon our respective Departments by the Act of December 15, 1971. Accordingly, and under the provisions of section 9(a) of the Federal Advisory Committee Act, notice is hereby given that the National Advisory Board for Wild-Free Roaming Horses and Burros is established for the period January 6, 1975 through December 31, 1976. The purpose, composition, functions, and operation of the Board shall be in accordance with the rules set forth in the FEDERAL REGISTER January 10, 1973 (38 FR 1225–1226).

ROGERS C. B. MORTON,
Secretary of the Interior.

APRIL 30, 1975.

EARL L. BUTZ,
Secretary of Agriculture.

MAY 9, 1975.

CHARTER

NATIONAL ADVISORY BOARD ON WILD FREE-ROAMING HORSES AND BURROS

1. *Official Designation:* National Advisory Board on Wild Free-Roaming Horses and Burros.

2. *Objectives and Scope of Activity:* Advise the Secretaries of Agriculture and the Interior on the protection and management of wild free-roaming horses and burros on national forest lands and on public lands administered by the Bureau of Land Management.

3. *Period of Time Necessary for Committee's Activities:* Since the advice and recommendations of the Board are related to continuing responsibilities imposed upon the Departments of Agriculture and the Interior by the Act of December 15, 1971 (85 Stat. 649–651), the Board's activities are indefinite in duration.

4. *Agencies and Officials to Whom the Board Reports:* Director, Bureau of Land Management, Interior Building, Washington, D.C. 20240; or, Chief, Forest Service, Independence Avenue and 14th Street, S.W., Washington, D.C. 20250.

5. *Agency Responsible for Administrative Support:* Bureau of Land Management, U.S. Department of the Interior.

6. *Board Duties:* In an advisory capacity only, gather and analyze information, make studies, hold meetings, counsel and make recommendations for the Secretaries of Agriculture and the Interior in accordance with the procedures set forth in the FEDERAL REGISTER of January 10, 1973 (38 FR 1225–1226).

7. *Estimated Annual Operating Costs:* $40,000 and one man year of Federal manpower.

8. *Estimated Number and Frequency of Meetings:* Four regular (quarterly) meetings annually.

9. *Membership:* The Board will be comprised of not more than nine members. In view of the functions to be performed by the Board, each must have specialized knowledge, gained through education, training, and/or experience, to give informed advice in one or more of the following fields: the protection of horses and burros, the management of wildlife, animal husbandry, and natural resource management. The distribution of appointments in these fields will be as follows:

a. Two members from organizations concerned with wild free-roaming horses and burros and the humane treatment of animals, or persons otherwise qualified by experience in the management and protection of wild free-roaming horses and burros.

b. One member with professional standing in wildlife management.

c. One member from an established wildlife organization, who can be either a layman or a professional.

d. One member with professional standing in veterinary science.

e. One member from a livestock association.

f. One member prominent in the administration of State livestock laws.

g. One member with professional standing in natural resource management.

h. One member from an established natural resource management organization, who may be either a layman or a professional.

The term of appointment will be one year. Members may be appointed for additional one-year terms not to exceed three years of total service. All shall serve without compensation except for reimbursement for travel and per diem expenses as authorized by section 5703 of Title 5, United States Code.

10. *Board Officers:* The Board shall elect its own Chairman and Vice Chairman.

11. *Board Termination Date:* On November 18, 1974, the Acting Secretary of the Interior determined that the Board was necessary and in the public interest in accordance with the provisions of Section 14 (a) of the Federal Advisory Committee Act (Pub. L. 92-463). It will terminate December 31, 1976 unless renewed by the Secretaries of Agriculture and the Interior under the provisions of the Advisory Committee Act.

ROGERS C. B. MORTON,
Secretary of the Interior.

APRIL 30, 1975

EARL L. BUTZ,
Secretary of Agriculture.

MAY 9, 1975.

[FR Doc.75-15330 Filed 6-11-75;8:45 am]

LOFFLAND BROTHERS CO.

Proposed Cancellation, Termination, Debarment; and Notice of Hearing

Notice is given that the Director of the Office for Equal Opportunity of the Department of the Interior, with approval of the appropriate officials of the Department of Labor, proposes to cause the cancellation and termination of existing Government contracts and subcontracts held by Loffland Brothers Company, Tulsa, Okla., and debarment of the company from future Government contracts and subcontracts pursuant to sections 209(a)(5) and (a)(6) of Executive Order 11246, as amended, and implementing regulations; 41 CFR 60-1.26(b), and 41 CFR 60.2.2(c)(1) and (2). The Department is proposing these sanctions for noncompliance of Loffland Brothers Company with the nondiscrimination clause required in Government contracts by Executive Order 11246 and implementing regulations, and for noncompliance with regulations implementing Executive Order 11246, pursuant to 41 CFR 60-2.2(a), during that time when the company was a Government subcontractor within the meaning and definition of 41 CFR 60-1.3(x). The Department of the Interior alleges that Loffland Brothers Company does not maintain an acceptable Affirmative Action Program as required by 41 CFR 60-2 in that:

1. Goals and timetables for increasing minority representation in various job classifications are unacceptable, under the requirements of 41 CFR 2.10 and 2.12(a) (c) (d) and (g).

2. The Affirmative Action Plan does not include specific goals and timetables for women. (41 CFR 60-2.12 (g) and (h)).

3. Training and promotion programs for possible upgrading of minorities were not covered in the Affirmative Action Plan (41 CFR 60-2.1(b) (1) and (2)).

4. The company is using educational standards in certain advancement programs which are causing an adverse effect upon the entrance and advancement of minorities. (41 CFR 60-3.13; 41 CFR 60-2.23(a)(3); 41 CFR 60-224(b); 41 CFR 60-3.3; 41 CFR 60-3.2)

5. The pre-employment screening process is having an adverse effect on minorities and women. (41 CFR 60-3.13; 41 CFR 60-2.24(d))

6. Applicant statistics which meet the requirements of the regulations are not being maintained. (41 CFR 60-2.12(1))

A hearing will be held on September 9, 1975, at 10 a.m. in the Federal District Courthouse, New Orleans, La. The hearing shall be held before an administrative law judge of the Department of the Interior. Each party shall have the right to counsel, and a fair opportunity to present evidence and argument and to cross-examine. If compliance will necessitate a revision of the collective bargaining agreement, any labor organization which is a signatory to the agreement shall have the right to participate as a party. (43 CFR 4.757(a)) Any other person or organization shall be permitted to participate in accordance with 43 CFR 4.757 or 4.758. The administrative law judge shall make his proposed findings, conclusions, and decision upon the basis of the record before him.

Issued in Washington on June 9, 1975.

JAMES T. CLARKE,
Assistant Secretary of the Interior.

June 10, 1975.

[FR Doc.75-15460 Filed 6-11-75;8:45 am]

DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

RECALL AND DISPOSITION OF CLASS I AND CLASS II RECALLED PRODUCTS FOR HUMAN CONSUMPTION

Memorandum of Understanding With the Food and Drug Administration

CROSS REFERENCE: For a document giving notice of a Memorandum of Understanding between the Animal and Plant Health Inspection Service and the Food and Drug Administration, see FR Doc. 75-15323 appearing on page 25079 of this issue of the FEDERAL REGISTER, *infra*.

Forest Service

BIGHORN WINTER SPORTS SITE

Availability of Final Environmental Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, the Forest Service, Department of Agriculture, has prepared a final environmental statement for Bighorn Winter Sports Site, Caribou National Forest, Idaho. The Forest Service report number is USDA-FS-FES (Adm) R4-75-7.

This environmental statement evaluates a winter sports site. It is proposed that 600 acres be developed to provide skiing capacity for approximately 3,000 skiers per day.

The Forest land in this proposal is located in South and Bill Williams Canyons, Malad Ranger District, Caribou National Forest, State of Idaho.

This final environmental statement was transmitted to CEQ on June 6, 1975.

Copies are available for inspection during regular working hours at the following locations:

USDA, Forest Service
South Agriculture Bldg., Room 3230
12th St. & 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
Caribou National Forest
427 North Sixth Avenue
P.O. Box 4189
Pocatello, Idaho 83201

District Forest Ranger
Malad Ranger District
30 North 100 West
Malad, Idaho 83252

A limited number of single copies are available upon request to Forest Supervisor Adrain E. Dalton, Caribou National Forest, 427 North Sixth Avenue, P.O. Box 4189, Pocatello, Idaho 83201.

Copies of the environmental statement have been sent to various Federal, State, and local agencies as outlined in the CEQ Guidelines.

Dated: June 6, 1975.

P. M. REES,
Regional Planning and Budget.

[FR Doc.75-15338 Filed 6-11-75;8:45 am]

PETIT JEAN UNIT PLAN

Availability of Final Environmental Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, the Forest Service, Department of Agriculture, has prepared a final environmental statement for the Petit Jean Unit Plan, Ouachita National Forest, Hot Springs, Ark., USDA-FS-R8-FES (ADM.)—75-9.

The proposed action is to manage, administer and utilize the forest resources of the Petit Jean Unit. The 140,817-acre unit is located in Logan, Scott and Yell counties, Arkansas. Major actions are regenerating commercial timber stands on approximately 16,200 acres, thinning timber on approximately 39,640 acres, increasing wildlife habitat, providing minimum demand for expected recreation users, managing the range resource, and constructing 102 miles of road by timber purchasers.

This final environmental statement was transmitted to CEQ June 5, 1975. Copies are available for inspection during regular working hours at the following locations:

USDA, Forest Service
South Agriculture Bldg., Rm. 3230
12th St. & Independence Ave., SW
Washington, DC 20250

USDA, Forest Service
1720 Peachtree Rd., NW, Rm. 804
Atlanta, GA 30309

Fourche Ranger District
Box 458
Danville, Ark. 72833

Cold Springs Ranger District
Box 397
Booneville, Ark. 72927

A limited number of single copies are available upon request to Forest Supervisor Alvis Owen, Ouachita National Forest, P.O. Box 1270, Hot Springs, AR 71901.

Dated: June 5, 1975.

DAVID F. JOLLY,
Regional Environmental Coordinator.

[FR Doc.75-15337 Filed 6-11-75;8:45 am]

PIONEER MOUNTAINS PLANNING UNIT

Availability of Draft Environmental Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, the Forest Service, Department of Agriculture, has prepared a draft environmental statement for the Pioneer Mountains Planning Unit, Challis and Sawtooth National Forests, Idaho. The Forest Service report number is USDA-FS-DES (Adm) R4-75-23.

The environmental statement identifies and evaluates the probable effects of the land use plan for the Pioneer Mountains Planning Unit on the Challis and Sawtooth National Forests, Idaho. The purpose of the plan is to allocate the 684,294 acres of National Forest lands within the unit to specific resource uses and activities; establish management objectives; document management direction, management decisions, and necessary coordination between resource uses and activities; and provide for the protection, use, and development of the various resources within the planning unit. The plan provides for minimization of adverse effects and maximization of desirable effects.

This draft environmental statement was transmitted to CEQ on June 3, 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
Challis National Forest
Forest Service Building
Challis, Idaho 83226

Forest Supervisor
Sawtooth National Forest
1525 Addison Avenue East
Twin Falls, Idaho 83301

District Forest Ranger
Lost River Ranger District
Mackay, Idaho 83251

District Forest Ranger
Yankee Fork Ranger District
Clayton, Idaho 83227

District Forest Ranger
Ketchum Ranger District
Ketchum, Idaho 83340

A limited number of single copies are available upon request from Forest Supervisor R. O. Benjamin, Challis National Forest, Forest Service Building, Challis, Idaho 83226 and Forest Supervisor Edwin A. Fournier, Sawtooth National Forest, 1525 Addison Avenue East, Twin Falls, Idaho 83301.

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 Forest Supervisor R. O. Benjamin, Challis National Forest, Forest Service Building, Challis, Idaho 83226 and Forest Supervisor Edwin A. Fournier, Sawtooth National Forest, 1525 Addison Avenue East, Twin Falls, Idaho 83301. Comments must be received by August 2, 1975, in order to be considered in the preparation of the final environmental statement.

Dated: June 3, 1975.

P. M. REES,
Director,
Regional Planning and Budget.

[FR Doc.75-15339 Filed 6-11-75;8:45 am]

SAWTOOTH NATIONAL FOREST MULTIPLE USE ADVISORY COMMITTEE

Meeting

The Sawtooth National Forest Multiple Use Advisory Committee will meet at 1:30 p.m. on June 27, 1975 at the Blue Lakes Inn in Twin Falls, Idaho.

The purpose of this meeting is to obtain the Committee's advice on:

(a) A "tentative" Travel Plan which proposes regulating use of off-road vehicles on the Sawtooth National Forest.
(b) A proposed Land Use Plan for the Black Pine Planning Unit.
(c) A proposed Land Use Plan for the Pioneer Mountains Planning Unit.

Current status reports will be presented to the Committee and discussions held on:

(a) The provisions of the revised General Management Plan for the Sawtooth National Recreation Area.
(b) Other land use planning efforts.

The meeting will be open to the public.

Dated: June 2, 1975.

E. A. FOURNIER,
Forest Supervisor.

[FR Doc.75-15340 Filed 6-11-75;8:45 am]

Soil Conservation Service

SAND CREEK WATERSHED PROJECT, KANSAS

Availability of Final Environmental Impact Statement

Pursuant to section 102(2)(C) of the National Enviromental Policy Act of 1969; Part 1500 of the Council on Environmental Quality Guidelines (38 FR 20550, August 1, 1973); and Part 650 of the Soil Conservation Service Guidelines (39 FR 19650, June 3, 1974); the Soil Conservation Service, U.S. Department of Agriculture, has prepared a final environmental impact statement (EIS) for the Sand Creek Watershed Project, Harvey and Marion Counties, Kansas, USDA-SCS-EIS-WS-(ADM.)-75-1-(F)-KS.

The EIS concerns a plan for watershed protection, flood prevention and recreation. The planned works of improvement provide for conservation land treatment, two floodwater retarding structures, and one multipurpose reservoir with capacity for floodwater retarding and recreational water with recreational development.

The final EIS has been filed with the Council on Environmental Quality.

A limited supply is available at the following location to fill single copy requests:

Soil Conservation Service, USDA, 760 South Broadway, Salina, Kansas 67401

Dated: June 4, 1975.

GLEN H. LOOMIS,
Acting Deputy Administrator for Water Resources Soil Conservation Service.

(Catalog of Federal Domestic Assistance Program No. 10.904, National Archives Reference Services)

[FR Doc.75-15341 Filed 6-11-75;8:45 am]

Office of the Secretary

NATIONAL ADVISORY BOARD FOR WILD-FREE ROAMING HORSES AND BURROS

Establishment

CROSS REFERENCE: For a document issued jointly by the Secretary of Agriculture and the Secretary of Interior, concerning the establishment of the above named Board, see FR Doc. 75-15330, Department of the Interior, Office of the Secretary, *supra*.

DEPARTMENT OF COMMERCE

Office of the Secretary

[Dept. Org. Order 30-2A; Transmittal 239]

NATIONAL BUREAU OF STANDARDS

Authority Delegation

This order, effective April 28, 1975, supersedes the material appearing at 37 FR 14422 of July 20, 1972.

SECTION 1. *Purpose.* This order delegates authority to the Director of the National Bureau of Standards, and prescribes the functions of the National Bureau of Standards. This revision reflects recent legislation on fire prevention and control and other changes since June 1972.

SEC. 2. *Status and line of authority.* .01 The National Bureau of Standards, established by Act of March 3, 1901, (31 Stat. 1449, 15 U.S.C. 271) is continued as a primary operating unit of the Department of Commerce.

.02 The Director, who is appointed by the President, by and with the advice and consent of the Senate, shall be the head of the Bureau. The Director shall report and be responsible to the Assistant Secretary for Science and Technology.

.03 The Director shall be assisted by a Deputy Director, who shall be the principal assistant to the Director and shall perform the functions of the Director during the latter's absence or disability. He shall also serve as Acting Director whenever the position of Director is vacant, unless and until the Secretary shall make a further designation. In the absence of both, the Director and Deputy Director, an employee of the Bureau designated in writing by the Director shall act as Director.

SEC. 3. *Delegation of authority.* .01 Pursuant to authority vested in the Secretary of Commerce by law (including Reorganization Plans No. 3 of 1946, No. 5 of 1950, and No. 2 of 1965), and subject to such policies and directives as the Secretary of Commerce or the Assistant Secretary for Science and Technology may prescribe, the Director is hereby delegated the authority to perform the functions vested in the Secretary of Commerce by the following Chapters of Title 15 of the U.S. Code:

a. Chapter 6 (Weights and Measures);

b. Chapter 7 (The Bureau of Standards, except for subsections 272(f) 12 and 13, which pertain to the investigation of the conditions which affect the transmission of radio waves, and the compilation and distribution of information on such transmission, which activities have been delegated to the Office of Telecommunications.); and

c. Chapter 39 (Fair Packaging and Labeling).

.02 The above delegations of authority are subject to the following limitations:

a. The Director may issue such regulations as he considers necessary to carry out his responsibilities, except that procedural regulations pertaining to the formulation, adoption, or publication of voluntary or mandatory product standards, as provided for or authorized by Chapter 7 and 39 of Title 15, U.S. Code, are to be issued by the Assistant Secretary for Science and Technology.

b. With respect to Chapter 39 of Title 15, U.S. Code, the authority delegated in this order excludes the authority to make determinations of (1) an undue proliferation of weights, measures, or quantities, pursuant to 15 U.S.C. 1454 (d), and (2) the non-adoption of standards or the non-observance of adopted standards, pursuant to 15 U.S.C. 1454(e), which authority is delegated to the Assistant Secretary for Science and Technology. The authorities to submit reports to the Congress concerning non-adoption or failure to observe voluntary product standards, pursuant to 15 U.S.C. 1454 (e), and to transmit an annual report to the Cogress, as required by 15 U.S.C. 1457, are reserved to the Secretary.

c. The Federal Fire Prevention and Control Act of 1974 (Pub. L. 93-498, 88 Stat. 1535, 15 U.S.C. 2201 et seq.) provided in section 18 thereof (15 U.S.C. 278f) for the establishment of a Fire Research Center, a fire research program, and related functions. The types of fire research specifically identified in section 18 of the Act (section 16(a)) to be conducted, directly or through contracts or grants, are delegated to the Bureau, with the proviso that the contents and priorities of such research program shall be determined in consultation with the Administrator of the National Fire Prevention and Control Administration (DOO 25-6A). The Administrator shall, in addition, coordinate with the Bureau the functions set forth in the last paragraph of section 16(a) (in section 18 of the Act).

.03 The Director is further delegated the authority to perform the functions assigned to the Secretary by section 759 (f), Chapter 16, Title 40, U.S. Code, pertaining to the conduct of research and the provision of scientific and technological advisory services relating to automatic data processing (ADP) and related systems, except that recommendations to the President concerning the establishment of uniform Federal ADP standards are reserved to the Secretary.

.04 The Director is further delegated the authority to perform the functions vested in the Secretary by:

a. Public Law 90-396 (82 Stat. 339; 15 U.S.C. 290), called the Standard Reference Data Act; and

b. Public Law 85-934 (72 Stat. 1793; 42 U.S.C. 1891-3) to make grants for the support of basic scientific research to nonprofit institutions of higher education and to nonprofit organizations whose primary purpose is the conduct of scientific research.

.05 Pursuant to the authority delegated to the Secretary by the Administrator of the General Services Administration (Temporary Regulation E-10, July 11, 1967, Federal Property Management Regulations), and subject to such policies and directives as the Secretary or the Assistant Secretary for Science and Technology may prescribe, the Director is hereby delegated authority to operate an automatic data processing service center.

.06 Pursuant to the authority vested in the Secretary by 15 U.S.C. 278e (for the protection of buildings and other plant facilities, equipment, and property of the National Bureau of Standards), the authority delegated to the Secretary by the Administrator of General Services, dated August 5, 1967 (32 F.R. 11969), to appoint uniformed guards as special policemen and to make all needful rules and regulations for the protection of those parcels of property at NBS Installations which are not protected by GSA guards, and over which the Federal Government has exclusive or concurrent jurisdiction, is hereby redelegated to the Director.

.07 The Director may exercise other authorities of the Secretary as applicable to performing the functions assigned in this order.

.08 The Director may redelegate his authority to any employee of the National Bureau of Standards subject to such conditions in the exercise of such authority as he may prescribe.

SEC. 4. *Functions.* .01 The National Bureau of Standards shall perform the following functions:

a. Develop and maintain the national standards of measurement, and provide means for making measurements consistent with those standards;

b. Determine the physical constants and properties of materials;

c. Develop methods for testing materials, mechanisms, and structures, and conduct such tests thereof as may be necessary, with particular reference to the needs of Government agencies;

d. Cooperate with and assist industry, business, consumers, and governmental organizations in the establishment, technical review, determination of acceptability, and publication of voluntary standards, recommended specifications, standard practices, and model codes and ordinances;

e. Provide advisory service to Government agencies on scientific and technical problems;

f. Conduct a program for the collection, compilation, critical evaluation, publication, and dissemination of standard reference data;

g. Invent and develop devices to serve special scientific and technological needs of the Government;

h. Conduct programs, in cooperation with United States business groups and standards organizations, for the devel-

opment of international standards of practice;

i. Conduct research and provide technical services designed to improve the effectiveness of use by the Federal Government of computers and related techniques;

j. Perform and support research on all aspects of fire with the aim of providing scientific and technical knowledge applicable to the prevention and control of fires; and

k. Conduct a program to provide an experimental basis for formulation of Government policy to stimulate the development and use of technology by industry.

.02 The Bureau shall perform the following functions, pursuant to the Fair Packaging and Labeling Act (Chapter 39, Title 15, U.S. Code):

a. Ascertain the number and other characteristics of the weights, measures, and quantities in which commodities are packaged for retail sale;

b. Conduct studies of the relationship between the weights, measures, and quantities in which commodities are packaged and the ability of consumers to make value comparisons;

c. Conduct studies concerning the extent to which voluntary product standards adopted pursuant to 15 U.S.C. 1454 are being followed by industry;

d. Distribute copies of regulations and standards promulgated under this chapter, and provide information and assistance to appropriate State officials, to promote uniformity in State and Federal regulation of the labeling of consumer commodities; and

e. Conduct such other studies, investigations, and standards development activities as are necessary to achieve the objectives of the Act.

.03 The Bureau, as appropriate, shall request the views of, and provide an opportunity for participation by, the Domestic and International Business Administration in the development and execution of its responsibilities for conducting investigations and analyses, and for developing or appraising product standards, under the Fair Packaging and Labeling Act or other Bureau legislative authorities.

Effective date: April 28, 1975.

GUY W. CHAMBERLIN, Jr.,
Acting Assistant Secretary for Administration.

[FR Doc.75-15335 Filed 6-11-75;8:45 am]

[Dept. Org. Order 30-2B; Transmittal 240; Amdt. 4]

NATIONAL BUREAU OF STANDARDS

Authority Delegation

This order, effective April 28, 1975, further amends the material appearing at 38 FR 27427 of October 3, 1973; 39 FR 43565 of December 16, 1974; 40 FR 3235 of January 20, 1975; and 40 FR 12533 of March 19, 1975.

Department Organization Order 30-2B dated September 11, 1973, is hereby further amended as follows:

1. SECTION 12. *Institute for applied technology.* Paragraph .09 the *Fire Technology Division* is deleted. Paragraph .10 is renumbered .09. A new paragraph .10 is added to read as follows:

.10 The *Center for Fire Research* shall conduct a program covering the types of fire research specifically identified in section 18 of the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 278f (a)). It shall also cooperate with the National Fire Prevention and Control Administration in insuring dissemination of the results of this research and in encouraging their adoption and use. The content and priorities of the Center's activities shall be determined in consultation with the Administrator of the National Fire Prevention and Control Administration.

a. The *Director* shall report to the Director, Institute for Applied Technology. He shall (1) in consultation with the National Fire Prevention and Control Administration, direct the development and evaluation of the Center's programs, and (2) direct their execution.

b. The *Deputy Director* shall assist in the direction of the Center and perform the functions of the Director in his absence.

c. The *organizational units* of the Center for the Fire Research shall be: Fire Science Division; and Fire Safety Engineering Division.

2. The organization chart supersedes any preceding organization charts of the National Bureau of Standards. A copy of the organization chart is attached to the original of this document on file in the Office of the Federal Register.

Effective date: April 28, 1975.

Approved:

GUY W. CHAMBERLIN, Jr.,
Acting Assistant Secretary for Administration.

[FR Doc.75-15336 Filed 6-11-75;8:45 am]

CIVIL AERONAUTICS BOARD

[Docket No. 27918; Order No. 75-6-42]

NORTH ATLANTIC FARES

Order Instituting Investigation

Adopted by the Civil Aeronautics Board at its office in Washington, D.C. on the 9th day of May, 1975.

The Board, by Order 75-3-101, dated March 27, 1975, announced its intention to institute an overall evidentiary investigation of North Atlantic fares. This decision was based on the conclusion that the steady trend in recent years away from what the Board considers an economic cost-based fare structure and the interrelationship of the various fares within the structure raise substantial questions of reasonableness which warrant investigation at this time. The purpose of this order is to effectuate that decision and to articulate the general scope of the proceeding. The parties to the proceeding will, of course, have the opportunity to urge inclusion of additional issues under the usual procedures. We are also herein directing that the U.S. flag carriers file certain special reports, beginning immediately, to facilitate the data-gathering process which will be necessary to build an adequate evidentiary record.

The Board has concluded that the proceeding should encompass the entire North Atlantic fare structure as reflected in IATA agreements and implementing tariffs and any subsequent changes thereto, the level of each individual fare category, its relationship to cost, and the conditions under which each fare is offered. This includes the matter of appropriate cost-based charges for circuitous routings and stopovers. The investigation will examine North Atlantic fares to and from all U.S. certificated gateways including the applicability of the mileage-based rates rules established in Agreements Adopted By IATA Relating to North Atlantic Cargo Rates, Docket 20522.[1] Additionally, since considerable North Atlantic traffic is generated behind certificated gateways, we shall examine the arbitraries and proportional fares used to construct fares to/from nongateway U.S. interior points, as well as the relationship between such arbitraries and proportional fares and the corresponding fares for local domestic travel. The Board has long sought a simplified fare structure with a considerably reduced number of fare categories and that issue must be considered. Seasonal demand and the seasonal pricing structure will be examined, as will weekend surcharges and other variant fares designed to deal with problems of traffic peaking. We intend to focus on passenger load factor and capacity and the need for load-factor and seating-density standards. Among the objectives of this investigation is the establishment of reasonable guidelines and standards for evaluating passenger fares for scheduled services provided between U.S. points, except points in the Pacific Ocean and Puerto Rico, on the one hand, and points in Europe and the Middle East (as defined by IATA Resolutions 012 and 012b), on the other hand;[2] and to determine whether or not the IATA resolutions here under investigation are adverse to the public interest or in violation of the Act and, if found to be so, what order or condition the Board should enter with respect to such resolutions pursuant to section 412 of the Act.

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[1] We intend that the limitation of point-to-point fares to New York and Boston be considered; and also that the investigation specifically address the issue of division of revenues as between the transatlantic carriers and U.S. domestic carriers and what action if any the Board should take under section 1002(h) of the Federal Aviation Act.

[2] We are excluding fares over the mid-Atlantic and to points in Africa (other than those named in IATA Resolution 012) so as to avoid overburdening an already complex proceeding. However, we note that the carriers traditionally negotiate these fares in the context of those agreed to for the North Atlantic and intend that any standards developed in this proceeding will be applied in evaluating fares across the mid-Atlantic and to/from Africa.

Although the scope of this investigation could well mirror the various phases in the Domestic Passenger-Fare Investigation, Docket 21866, including issues of discrimination, preference, and prejudice which we may correct under section 1002(f), and division of revenues under section 1002(h), we recognize the limitation on our power to prescribe reasonable rates in foreign air transportation under section 1002(j). In that respect, we are primarily interested in an evidentiary evaluation of the cost of providing the various types of North Atlantic services. Such a review and the establishment of ratemaking standards will facilitate our future disposition of IATA fare agreements even though reasonable fares may not be prescribed in this proceeding. We also seek to move this case forward as rapidly as possible consistent with the development of an accurate record so that it may be of value to us—even though perhaps not fully decided—in evaluating any agreement on fares for the 1976 season. The Board would welcome the participation of foreign air carriers in the proceeding and expects the participation of interested elements of this government.

It is evident that a significant body of economic data will be required to try and decide a proceeding of the complexity outlined above. It is also evident that these data will be accumulated on a relatively new international fare structure. The recently approved agreement introduced a new advance-purchase excursion (APEX) fare and effected substantial revisions in existing fares and the relationships between them. Additionally, Pan American World Airways, Inc. (Pan American), and Trans World Airlines, Inc. (TWA), have recently been granted authority to revise significant portions of their international operations. In light of these factors, we believe it necessary that the data-gathering process begin now, and that special reports be filed by National Airlines, Inc. (National), Pan American, and TWA, which will provide the Board and the parties with basic data on actual North Atlantic scheduled passenger operations under the new fare structure and under the revised international route authority of TWA and Pan American.

Generally speaking, the carriers maintain their international Form 41 reports on an aggregated basis; that is, the reported financial and statistical data encompass all services performed within a specific geographic area. Since the fares and agreements here under investigation are applicable only to scheduled passenger services, we shall require that carriers supplement their recurrent Form 41 reports with a separate statement of basic North Atlantic traffic and financial data exclusive of charter services and all-cargo operations.[5] Specifically, beginning with the second quarter of 1975, National, Pan American, and TWA shall submit simultaneously with their Form 41 reports a quarterly report in this docket showing separately the data specified in Appendix B[6] attached hereto for transatlantic scheduled combination services. The end result will be a duplicate of elemental Form 41 data[7] reported on a basis coextensive with the scope of the investigation and the exclusions separately specified.

In addition to reporting overall operating statistics on North Atlantic scheduled services, we shall also require the carriers to provide a separate monthly report showing passengers enplaned, revenue passenger-miles, and passenger revenue for each fare category embodied in the underlying IATA agreement.[8] These specific fare-usage data are needed to insure that the record will contain adequate information on each of the recently approved IATA fares. While we are ordering that these various traffic and operating data be submitted by the U.S. carriers, we also invite similar information from foreign-flag carriers. Finally, all submissions will be publicly available and the Board is not prepared to entertain motions for confidentiality.

Accordingly, pursuant to the Federal Aviation Act of 1958, as amended, and particularly sections 204(a), 403, 404, 412, 414, and 1002 thereof.

It is ordered, That:

1. An investigation is instituted to determine whether the fares over the North Atlantic between the United States and Europe/Middle East (as defined in IATA Resolutions 012 and 012b) set forth in tariffs filed by Air Canada; Air Tariffs Corporation, Agent; John M. Sampson, Agent; and Trans World Airlines, Inc.; including subsequent revisions and reissues thereof, and classifications, rules, regulations, and practices affecting such fares and provisions, are or will be unjust, unreasonable, unjustly discriminatory, unduly preferential, or unduly prejudicial, or otherwise unlawful and, if found to be unlawful, to take appropriate action to prevent the use of such fares and provisions or rules, regulations, or practices and to alter such fares to the extent necessary to correct such discrimination, preference, or prejudice;

2. An investigation is instituted and consolidated into the investigation in ordering paragraph 1 to determine whether the divisions of joint fares between air carriers and between air carriers and foreign air carriers for air transportation over the North Atlantic between the United States and Europe/Middle East (as defined in IATA Resolutions 012 and 012b) are or will be unjust, unreasonable, inequitable, unduly preferential, unduly prejudicial, or otherwise unlawful, and if found to be unlawful to determine and prescribe the just, reasonable, and equitable divisions to be received by the air carriers and foreign air carriers;

3. The investigation herein will include the issue of whether resolutions of the International Air Transport Association, and in particular those listed in Appendix A,[9] and any revisions and reissues thereof, which establish fares and their conditions over the North Atlantic to and from the United States are adverse to the public interest or in violation of the Federal Aviation Act of 1958;

4. National Airlines, Inc., Pan American World Airways, Inc., and Trans World Airlines, Inc. shall supply in this docket the data outlined herein simultaneously with periodic Form 41 reports;

5. The proceeding ordered herein be assigned for hearing before an Administrative Law Judge of the Board at a time and place hereafter to be designated; and

6. Copies of this order shall be served upon the carriers named in Appendix C[10] hereto, which are hereby made parties to the investigation, and upon the National Air Carrier Association, the Puget Sound Traffic Association, and the Department of Transportation.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] EDWIN Z. HOLLAND,
Secretary.

[FR Doc.75-15393 Filed 6-11-75;8:45 am]

[Docket No. 24912 et al., etc.]

UNITED STATES-CAYMAN ISLANDS SERVICE CASE

Hearing

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that a hearing in the above-entitled proceeding will be held on August 5, 1975, at 10 a.m. in Room 911, Universal Building, 1825 Connecticut Avenue, NW., Washington, D.C. before Administrative Law Judge William A. Kane, Jr.

For information concerning the issues involved and other details in this proceeding, interested persons are referred to the prehearing conference report served on May 1, 1975, and other documents which are in the docket of this proceeding on file in the Docket Section of the Civil Aeronautics Board.

Dated at Washington, D.C., June 9, 1975.

[SEAL] WILLIAM A. KANE, Jr.,
Administrative Law Judge.

[FR Doc.75-15392 Filed 6-11-75;8:45 am]

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[5] In addition to these general exclusions, Pan American shall specifically exclude data on its intra-Germany and mid-Atlantic services.

[6] Filed as part of the original document.

[7] We are also requiring, to facilitate ROI calculations, a breakout of system investment and interest expense data for North Atlantic passenger/cargo operations.

[8] The usage of non-IATA fares where they exist should also be included for comparison purposes.

[9] Filed as part of the original document.

[10] Filed as part of the original document.

SECURITIES AND EXCHANGE COMMISSION

[File No. 500-1]

EQUITY FUNDING CORPORATION OF AMERICA

Suspension of Trading

JUNE 5, 1975.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock, warrants to purchase the stock, 9½ percent debentures due 1990, 5½ percent convertible subordinated debentures due 1991, and all other securities of Equity Funding Corporation of America being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

Therefore, pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, trading in such securities otherwise than on a national securities exchange is suspended, for the period from June 6, 1975 through June 15, 1975.

By the Commission.

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

[FR Doc.75-15314 Filed 6-11-75;8:45 am]

[File No. 500-1]

INDUSTRIES INTERNATIONAL, INC.

Suspension of Trading

JUNE 5, 1975.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock of Industries International, Inc. being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

Therefore, pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, trading in such securities otherwise than on a national securities exchange is suspended, for the period from June 6, 1975 through June 15, 1975.

By the Commission.

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

[FR Doc.75-15315 Filed 6-11-75;8:45 am]

[Rel. No. 19029; 70-5695]

JERSEY CENTRAL POWER & LIGHT CO.

Proposed Sale of Substation

JUNE 5, 1975.

Notice is hereby given that Jersey Central Power & Light Co., Madison Avenue at Punch Bowl Road, Morristown, New Jersey 07960 ("JCP&L"), an electric utility subsidiary company of General Public Utilities Corp., a registered holding company, has filed a declaration, and an amendment thereto, with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("Act") designating section 12(d) of the Act and Rule 44 promulgated thereunder as applicable to the following proposed transaction. All interested persons are referred to the declaration, as amended, which is summarized below, for a complete statement of the proposed transaction.

JCP&L proposes to sell certain electric distribution facilities ("facilities") now owned by JCP&L to Bell Laboratories, Inc. ("Bell Labs"), a company unaffiliated with JCP&L. The facilities consist of a substation presently used exclusively for rendering electric service to Bell Labs, said substation being located on Bell Labs' property in Murry Hill, New Jersey. It is stated that Bell Labs requested this sale be made in order that it might obtain a more advantageous rate for electric service.

It is proposed that the facilities be sold to Bell Labs for a price of $138,036.77. It is stated that this price was determined through negotiation between JCP&L and Bell Labs. It is further stated that the price represents reproduction cost of the facilities, depreciated, plus an amount to cover the cost to JCP&L of effecting the sale, and less the amount of a contribution made by Bell Labs in 1966 for an additional transformer. It is further stated that the book cost of the facilities (net of unsegregated depreciation) at June 30, 1974, was $72,895.61.

It is stated that the Board of Public Utility Commissioners of the State of New Jersey has authorized the proposed transaction and that no other state commission and no federal commission, other than this Commission, has jurisdiction over the proposed transaction. Fees and expenses to be incurred in connection with the proposed transaction are estimated at $3,800, including legal fees of $1,600.

Notice is further given that any interested person may, not later than July 2, 1975, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said declaration which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon the declarant at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the declaration, as amended, or as it may be further amended, may be granted, as provided in rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

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

[FR Doc.75-15316 Filed 6-11-75;8:45 am]

[File No. 500-1]

WESTGATE CALIFORNIA CORP.

Suspension of Trading

JUNE 5, 1975.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock (class A and B), the cumulative preferred stock (5 percent and 6 percent), the 6 percent subordinated debentures due 1979 and the 6½ percent convertible subordinated debentures due 1987 being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

Therefore, pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, trading in such securities otherwise than on a national securities exchange is suspended, for the period from June 6, 1975 through June 15, 1975.

By the Commission.

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

[FR Doc.75-15317 Filed 6-11-75;8:45 am]

FEDERAL RESERVE SYSTEM

UNITED JERSEY BANK/NORTHWEST

Order Approving Acquisition of Assets and Assumption of Liabilities

United Jersey Bank/Northwest (formerly The Dover Trust Company), Dover, New Jersey, ("Applicant"), a member State bank of the Federal Reserve System, has applied for the Board's approval pursuant to the Bank Merger Act (12 U.S.C. 1828(c)) to acquire the assets of, and to assume the liabilities of, six existing branch offices and two approved, unopened branch offices, of Peoples Trust of New Jersey, Hackensack, New Jersey ("Hackensack Bank"). Upon consummation of the transactions, the six existing branch offices and the two approved offices of Hackensack Bank would be operated as branches of Applicant.

As required by the Act, notice of the proposed transaction, in form approved by the Board, has been published, and the Board has requested reports on competitive factors from the Attorney General, the Comptroller of the Currency, and the Federal Deposit Insurance Corporation. The Board has considered the application and all comments and reports received in the light of the factors set forth in the Act.

Applicant is a subsidiary of United Jersey Banks, Princeton, New Jersey ("United"), a registered bank holding company, and operates seven offices in northwestern New Jersey in the Morristown commercial banking market. With deposits of $58 million, Applicant controls 10.3 per cent of the total market deposits and is the fourth largest of 11 banking organizations operating therein. Hackensack Bank, also a subsidiary of United, holds deposits of $1 billion, and is the second largest bank in New Jersey and the twelfth largest commercial bank in the Metropolitan New York market. The offices proposed to be acquired by Applicant are the only offices of Hackensack Bank located in northwestern New Jersey. This proposal represents part of a plan of United, the parent holding company of Applicant and Hackensack Bank, to redistribute and centralize the control of offices of its subsidiary banks. The proposal raises no competitive issues, since Applicant and Hackensack Bank are under common ownership. Accordingly, competitive considerations are consistent with approval of the application.

The financial and managerial resources of Applicant are generally satisfactory, and the prospects of Applicant following consummation of the transaction appear favorable. Banking factors, therefore, are consistent with approval of the application. Although there are no expanded services planned for the offices to be transferred to Applicant, considerations relating to the convenience and needs of the communities to be served are also regarded as being consistent with approval of the application. It is the Board's judgment that consummation of the proposal would be in the public interest, and that the application should be approved.

On the basis of the record, the application is approved for the reasons summarized above. The transaction shall not be made (a) before the thirtieth calendar day following the date of this Order or (b) later than three months after the date of this Order, unless such period is extended for good cause by the Board, or by the Federal Reserve Bank of New York pursuant to delegated authority.

By order of the Board of Governors,[1] effective June 6, 1975.

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

[FR Doc.75-15274 Filed 6-11-75;8:45 am]

FIRST HAWAIIAN, INC.

Proposed Acquisition of Hawaii Thrift & Loan, Inc.

First Hawaiian, Inc., Honolulu, Hawaii, has applied, pursuant to section 4 (c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.4 (b)(2) of the Board's Regulation Y, for permission to acquire all operational assets and assume specific liabilities of Hawaii Thrift & Loan, Inc., Honolulu, Hawaii. Notice of the application was published on June 3, 1975 in The Honolulu Advertiser and Sunday Star-Bulletin and Advertiser, newspapers circulated in Honolulu, Hawaii.

Applicant states that the proposed subsidiary would engage in the activities performed by an industrial loan company, organized under Chapter 408 of the Hawaii Revised Statutes, including the making of real estate loans, consumer loans, and commercial loans, acceptance of thrift deposits, and issuance of investment certificates and debentures, through twelve offices located in the State of Hawaii. Such activities have been specified by the Board in § 225.4(a) of Regulation Y as permissible for bank holding companies, subject to Board approval of individual proposals in accordance with the procedures of § 225.4(b).

Interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question should be accompanied by a statement summarizing the evidence the person requesting the hearing proposes to submit or to elicit at the hearing and a statement of the reasons why this matter should not be resolved without a hearing.

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of San Francisco.

Any views or requests for hearing should be submitted in writing and received by the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, not later than June 16, 1975.

Board of Governors of the Federal Reserve System, June 6, 1975.

[SEAL] ROBERT SMITH, III
Assistant Secretary of the Board.

[FR Doc.75-15273 Filed 6-11-75;8:45 am]

BOULEVARD BANCSHARES, INC.

Formation of Bank Holding Company

Boulevard Bancshares, Inc., Prairie Village, Kansas, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company through acquisition of 80 per cent or more of the voting shares of Boulevard State Bank, Wichita, Kansas. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842 (c)).

The application may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of Kansas City. Any person wishing to comment on the application should submit views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551 to be received not later than July 3, 1975.

Board of Governors of the Federal Reserve System, June 6, 1975.

[SEAL] ROBERT SMITH, III,
Assistant Secretary of the Board.

[FR Doc.75-15320 Filed 6-11-75;8:45 am]

NATIONAL ADVISORY COMMITTEE ON OCEANS AND ATMOSPHERE

OPEN MEETING

JUNE 9, 1975.

The National Advisory Committee on Oceans and Atmosphere (NACOA) will hold a meeting on July 14 and 15, 1975. Both sessions will convene at 9 a.m. in room 6802 of the Department of Commerce Building, 14th and E Streets, NW., Washington, D.C. Both sessions will be open to the public.

The Committee, consisting of 25 non-Federal members appointed by the President from State and local governments, industry, science, and other appropriate areas, was established by Congress by Pub. L. 92-125, on August 16, 1971. Its duties are to: (1) Undertake a continuing review of the progress of the marine and atmospheric science and service programs of the United States, (2) submit a comprehensive annual report to the President and to the Congress setting forth an overall assessment of the status of the Nation's marine and atmospheric activities on or before June 30 of each year, and (3) advise the Secretary of Commerce with respect to the carrying out of the purposes of the National Oceanic and Atmospheric Administration.

Topics to be discussed will include a draft report of the NACOA panel studying the International Decade of Ocean Exploration (IDOE) and the work plan for the Committee in 1975-76. A more detailed agenda will be published when plans become firm.

The public is welcome and will be admitted to the limit of the seating available. Persons wishing to make formal statements should notify the Chairman in advance of the meeting. The Chairman retains the prerogative to place limits on the duration of oral statements and discussion. Written statements may be submitted at any time.

Additional information concerning this meeting may be obtained through the Committee's Executive Director, Dr. Douglas L. Brooks whose mailing address is: National Advisory Committee on Oceans and Atmosphere Department of Commerce Building, Room 5225, Washington, D.C. 20230. Telephone: (202) 967-3343.

DOUGLAS L. BROOKS,
Executive Director.

[FR Doc.75-15415 Filed 6-11-75;8:45 am]

[1] Voting for this action: Chairman Burns and Governors Mitchell, Holland and Wallich. Absent and not voting: Governors Bucher and Coldwell.

INTERSTATE COMMERCE COMMISSION

[Notice No. 46]

MOTOR CARRIER, BROKER, WATER CARRIER AND FREIGHT FORWARDER APPLICATIONS

JUNE 6, 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 be filed with the Commission within 30 days after date of notice of filing of the application is published in the FEDERAL REGISTER. Failure seasonably to file a protest will be construed as a waiver of opposition and participation in the proceeding. A protest under these rules should comply with section 247(d)(3) of the rules of practice which requires that it set forth specifically the grounds upon which it is made, contain a detailed statement of protestant's interest in the proceeding (including a copy of the specific portions of its authority which protestant believes to be in conflict with that sought in the application, and describing in detail the method—whether by joinder, interline, or other means—by which protestant would use such authority to provide all or part of the service proposed), and shall specify with particularity the facts, matters, and things relied upon, but shall not include issues or allegations phrased generally. Protests not in reasonable compliance with the requirements of the rules may be rejected. The original and one (1) copy of the protest shall be filed with the Commission, and a copy shall be served concurrently upon applicant's representative, or applicant if no representative is named. If the protest includes a request for oral hearing, such requests shall meet the requirements of section 247(d)(4) of the special rules, and shall include the certification required therein.

Section 247(f) of the Commission's rules of practice further provides that each applicant shall, if protests to its application have been filed, and within 60 days of the date of this publication, notify the Commission in writing (1) that it is ready to proceed and prosecute the application, or (2) that it wishes to withdraw the application, failure in which the application will be dismissed by the Commission.

Further processing steps (whether modified procedure, oral hearing, or other procedures) will be determined generally in accordance with the Commission's general policy statement concerning motor carrier licensing procedures, published in the FEDERAL REGISTER issue of May 3, 1966. This assignment will be by Commission order which will be served on each party of record. Broadening amendments will not be accepted after the date of this publication except for good cause shown, and restrictive amendments will not be entertained following publication in the FEDERAL REGISTER of a notice that the proceeding has been assigned for oral hearing.

Evidence respecting how equipment is expected to be returned to an origin point, as well as other data relating to operational feasibility (including the need for dead-head operations), must be presented as part of an applicant's initial evidentiary presentation (either at oral hearing or in its opening verified statement under the modified procedure) with respect to all applications filed on or after December 1, 1973.

If an applicant states in its initial evidentiary presentation that empty or partially empty vehicle movements will result upon a grant of its application, applicant will be expected (1) to specify the extent of such empty operations, by mileages and the number of vehicles, that would be incurred, and (2) to designate where such empty vehicle operations will be conducted.

Each applicant (except as otherwise specifically noted) states that there will be no significant effect on the quality of the human environment resulting from approval of its application.

No. MC 730 (Sub-No. 379), filed May 15, 1975. Applicant: PACIFIC INTERMOUNTAIN EXPRESS CO., a corporation, 1417 Clay Street, P.O. Box 958, Oakland, Calif. 94604. Applicant's representative: Alfred G. Krebs (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving Carpenter, Ill., as an off-route point in connection with applicant's authorized regular route operations with service at Carpenter, Ill., restricted to the movement of traffic interchanged between Pacific Intermountain Express Co. and Ryder Truck Lines, Inc.

NOTE.—Common control may be involved If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or San Francisco, Calif.

No. MC 2860 (Sub-No. 147), filed May 12, 1975. Applicant: NATIONAL FREIGHT, INC., 57 West Park Avenue, Vineland, N.J. 08360. Applicant's representative: W. Randall Tye, 1400 Candler Bldg., Atlanta, Ga. 30303. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Glass containers, plastic containers, paper containers, and cartons*, from Millville, N.J., to Arlington and Waxahachie, Tex.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at either Atlanta, Ga., or Washington, D.C.

No. MC 2860 (Sub-No. 148), filed May 12, 1975. Applicant: NATIONAL FREIGHT, INC., 57 West Park Avenue, Vineland, N.J. 08360. Applicant's representative: W. Randall Tye, 1400 Candler Building, Atlanta, Ga. 30303. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Caps and closures, cartons, glass containers, plastic containers and paper containers*, from Chicago, Ill., to Millville, N.J.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Atlanta, Ga., or Washington, D.C.

No. MC 2923 (Sub-No. 3), filed May 12, 1975. Applicant: DAVE'S TRUCKING COMPANY, INC., 31 Purdy Avenue, Port Chester, N.Y. 10573. Applicant's representative: John L. Alfano, 550 Mamaroneck Avenue, Harrison, N.Y. 10528. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wearing apparel*, loose, on hangers, from Port Chester, N.Y., to Easton, Pa.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at New York, N.Y., or White Plains, N.Y.

No. MC 6078 (Sub-No. 81), filed May 2, 1975. Applicant: D. F. BAST, INC., P.O. Box 2288, Allentown, Pa. 18001. 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: *Household electrical and gas appliances, hardware, utility and construction materials, supplies and equipment*, from Fogelsville, Pa., to points in Connecticut, Rhode Island, Massachusetts, Maine, Vermont, and New Hampshire.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Philadelphia, Pa.

No. MC 6078 (Sub-No. 82), filed May 9, 1975. Applicant: D. F. BAST, INC., P.O. Box 2288, Allentown, Pa. 18001. 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: *Electrical equipment for power plants, transmission towers*, together with equipment therefore, the transportation of which because of size or weight requires special equipment and *related materials and supplies* when moving in mixed loads with the above (except commodities in bulk), from points in the *New York Harbor area*, as defined in Ex Parte 140, 49 CFR, Part 303, Boston, Mass., Albany, N.Y., and ports along the Hudson River, located at New York to points in New York, restricted to shipments having prior movement by water.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Philadelphia, Pa.

No. MC 10223 (Sub-No. 11) (Correction), filed April 9, 1975, published in the FEDERAL REGISTER issue of May 8, 1975,

[1] Copies of Special Rule 247 (as amended) can be obtained by writing to the Secretary, Interstate Commerce Commission, Washington, D.C. 20423.

and republished as corrected this issue. Applicant: ROBERT E. MACK, CARL BROWN, SOPHIE R. MACK, ESTELLE M. FUNK, AND THERESA R. MOLLOY, d./b./a. MACH TRANSPORTATION COMPANY, 4330 Torresdale Avenue, Philadelphia, Pa. 19124. Applicant's representative: John W. Frame, Box 626, 2207 Old Gettysburg Road, Camp Hill, Pa. 17011. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Such commodities as are dealt in by department stores*, between the stores and facilities of Bamberger's, Division of R. H. Macy & Co., Inc., at points in Edison Township, Middlesex County, N.J., on the one hand, and, on the other, points in New Jersey; Delaware, Fairfield County, Conn.; Cecil Kent, and Harford Counties, Md.; Philadelphia, Chester, Bucks, Delaware, Montgomery, Lancaster, Berks, Lehigh, Schuylkill, Carbon, Lebanon, Pike, Monroe, Luzerne, Northampton, and Lackawanna Counties, Pa.; Rockland, Nassau, Suffolk, Orange, Putnam, Westchester, Bronx, Queens, Richmond, Kings, New York, Ulster, Sullivan, and Dutchess Counties, N.Y.

NOTE.—The purpose of this correction is to indicate the location of the stores and facilities of Bamberger's. Applicant holds contract carrier authority in MC 105809, therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 11207 (Sub-No. 356), filed May 5, 1975. Applicant: DEATON, INC., 317 Avenue W, P.O. Box 938, Birmingham, Ala. 35201. Applicant's representative: Kim D. Mann, 702 World Center Building, 918 16th Street, NW., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Iron and steel articles, aluminum articles, zinc and zinic articles, containers, pipe, iron and steel tanks, aluminum tanks, and parts, attachments, accessories* for iron and steel tanks and aluminum tanks, (1) from points in Texas on and west of a line beginning at the United States-Mexico Boundary line and extending along Interstate Highway 35 to junction Interstate Highway 35W near Hillsboro, Tex., thence along Interstate Highway 35W to junction Interstate Highway 35 at or near Denton, Tex., and thence along Interstate Highway 35 to the Texas-Oklahoma State line, to points in Alabama, Arkansas, Louisiana, Mississippi, Oklahoma, Florida, Georgia, North Carolina, South Carolina, and Tennessee; and (2) from points in Alabama, Florida, Georgia, North Carolina, South Carolina, and Tennessee to points in Texas on and east of a line beginning at the United States-Mexico Boundary line and extending along Interstate Highway 35 to junction Interstate Highway 35W near Hillsboro, Tex., thence along Interstate Highway 35W to junction Interstate Highway 35 at or near Denton, Tex., and thence along Interstate Highway 35 to the Texas-Oklahoma State line.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Birmingham, Ala., or New Orleans, La.

No. MC 15652 (Sub-No. 4), filed May 12, 1975. Applicant: HOWARD ADELMAN AND NAOMI ADELMAN, a partnership, doing business as MILLER'S EXPRESS, 10 Elm Road, Road 1, Middletown, N.Y. 10940. Applicant's representative: Michael R. Werner, 2 West 45th Street, New York, N.Y. 10036. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Wearing apparel* on hangers, and *materials, supplies and equipment* used in the manufacture of wearing apparel (except commodities in bulk), serving Mount Hope, N.Y., and Glen Rock, N.J., as off-route points in connection with carrier's authorized regular-route operations.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at New York, N.Y.

No. MC 19227 (Sub-No. 212), filed May 5, 1975. Applicant: LEONARD BROS. TRUCKING CO., INC., 2515 NW. 20th Street, Miami, Fla. 33152. Applicant's representative: J. Fred Dewhurst (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commodities*, the transportation of which because of size or weight require the use of special equipment, and *related materials and supplies* when moving in mixed loads therewith, (1) between points in the United States (except Alaska and Hawaii), restricted to shipments having a prior or subsequent movement by water or rail; and (2) between Chester, Pa., on the one hand, and, on the other, points in the United States in and east of Minnesota, Iowa, Missouri, Arkansas, and Texas.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C.

No. MC 29910 (Sub-No. 159), 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 Building, Fort Smith, Ark. 72901. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, household goods as defined by the Commission, commodities in bulk, Classes A and B explosives, and commodities requiring special equipment), Between the Nuclear Facility of Allens Creek Nuclear Project at or near Wallis (Austin County), Tex., and El Dorado, Ark.: From the Nuclear Facility of Allens Creek Nuclear Project at or near Wallis (Austin County), Tex., over Texas Highway 36 to junction U.S. Highway 59, thence over U.S. Highway 59 to junction U.S. Highway 79, thence over U.S. Highway 79 to junction Louisiana Highway 9, thence over Louisiana Highway 9 to junction U.S. Highway 167, thence over U.S. Highway 167 to El Dorado, Ark., and return, serving the intermediate points of Houston, Tex., and Shreveport, La., for the purpose of joinder only.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at either Houston or Dallas, Tex.

No. MC 30374 (Sub-No. 23), filed May 9, 1975. Applicant: TRI-STATE TRANSPORTATION CO., INC., 44 Northwest Ave., P.O. Box L, Vineland, N.J. 08360. Applicant's representative: A. David Milner, 744 Broad St., Newark, N.J. 07102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wearing apparel, materials and supplies* used in or incidental to the manufacture of wearing apparel (except in bulk), and *such commodities* as are sold by department stores, between Baltimore, Md., and Frederick, Md., on the one hand, and, on the other, points in Washington, D.C., commercial zone and those in Fairfax County, Va.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at either New York, N.Y., Washington, D.C., or Philadelphia, Pa.

No. MC 30844 (Sub-No. 543), filed May 15, 1975. Applicant: KROBLIN REFRIGERATED XPRESS, INC., 2125 Commercial Street, Waterloo, Iowa 50702. Applicant's representative: Paul Rhodes (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, and meat by-products, and articles distributed by meat packinghouses*, as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk), from the plantsite of ITT Gwaltney at Smithfield, Va., to points in Maine, New Hampshire, and Vermont, restricted to the transportation of shipments originating at the above named origins and destined to the above destinations.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 40830 (Sub-No. 11), filed May 8, 1975. Applicant: VIRGINIA FURNITURE CARRIERS, INC., P.O. Box 369, Bassett, Va. 24055. Applicant's representative: Frank B. Hand, Jr., P.O. Box 187, Berryville, Va. 22611. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New furniture*, from the facilities of Virginia Furniture Carriers, Inc., located at or near Bassett, Va., to points in Virginia, restricted to traffic having a prior movement by rail or motor carrier.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Roanoke or Richmond, Va.

No. MC 42125 (Sub-No. 3), filed May 12, 1975. Applicant: OVERLAND WESTERN INTERNATIONAL, INC., 2828 Howard Street, Detroit, Mich. 48216. Applicant's representative: Arthur P.

Boynton, 1600 First Federal Bldg., Detroit, Mich. 48226. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment), serving, Midland, Mich., as an off-route point in connection with authorized regular route service, restricted to the transportation of traffic moving from or to points in Canada.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Lansing, Mich.

No. MC 50069 (Sub-No. 502), filed May 14, 1975. Applicant: REFINERS TRANSPORT & TERMINAL CORPORATION, 445 Earlwood Avenue, Oregon (Toledo), Ohio 43616. Applicant's representative: J. A. Kundtz, 1100 National City Bank Bldg., Cleveland, Ohio 44114. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Rolling processing fluids and lubricating oils*, in bulk, in tank vehicles, from the plantsites of The Ironsides Company, at Columbus, Ohio, to points in Alabama, Arkansas, Connecticut, Florida, Georgia, Illinois, Indiana, Kentucky, Maryland, Michigan, Missouri, New Jersey, New York, North Carolina, Ohio, Pennsylvania, South Carolina, Texas, Tennessee, Virginia, West Virginia, and Wisconsin; and (2) *ingredients and raw materials*, used in the manufacture of rolling processing fluids and lubricating oils, in bulk, in tank vehicles, from Smackover, Ark.; Savannah, Ga.; Itasca, McCook, Cicero, and Chicago, Ill.; Hammond, Jeffersonville, Ft. Wayne, Indianapolis, and Plymouth, Ind.; Ashland, Ky.; Elkridge, Md.; Coldwater, Mich.; Austin, Minn.; St. Louis, Mo.; Weehawken, N.J.; Buffalo, N.Y.; Bradford, Marcus Hook, Petrolia, Franklin, Philadelphia, and Bainbridge, Pa.; Houston, Tex.; Norfolk, Va.; Milwaukee, Cudahy, and Madison, Wis.; and Lake Charles, La., to the plantsites of The Ironsides Company, at Columbus, Ohio.

NOTE.—Common control and dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 50307 (Sub-No. 76), filed May 12, 1975. Applicant: INTERSTATE DRESS CARRIERS, INC., 247 West 35th Street, New York, N.Y. 10001. Applicant's representative: Herbert Burstein, 1 World Trade Center, New York, N.Y. 10048. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wearing apparel and materials, supplies and equipment* used in the manufacture thereof, between Miami, Fla., on the one hand, and, on the other, Ocala, Fla., having a prior or subsequent movement by air.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at New York, N.Y.

No. MC 51146 (Sub-No. 428), filed May 12, 1975. Applicant: SCHNEIDER TRANSPORT, INC., 2661 South Broadway Street, 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 closures, and materials and supplies* used in the manufacture and distribution of containers and container closures (except commodities in bulk), between the plantsite of American Can Company located at or near Whitehouse, Ohio, on the one hand, and, on the other, 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 Chicago, Ill.

No. MC 59557 (Sub-No. 15), filed May 5, 1975. Applicant: AUCLAIR TRANSPORTATION, INC., 333 March Avenue, Manchester, N.H. 03103. Applicant's representative: Mary E. Kelley, 11 Riverside Avenue, Medford, Mass. 02155. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *General commodities* (except those of unusual value, dangerous explosives, or household goods), (a) between points in New Hampshire, on the one hand, and, on the other, points in Massachusetts, Connecticut, and Rhode Island. The purpose of this filing is to eliminate the gateways of Lowell and Boston, Mass. (b) Between points in Massachusetts, on the one hand, and, on the other, points in Rhode Island and Connecticut. The purpose of this filing is to eliminate the gateways of Lowell and Boston, Mass. (2) *Boots, shoes, shoe findings, and leather*, between points in Maine, on the one hand, and, on the other, points in Massachusetts, New Hampshire, Rhode Island, and Connecticut. The purpose of this filing is to eliminate the gateways of Boston, Lowell, Brockton, Springfield, and Worcester, Mass. (3) *Machinery*, between points in Maine, Vermont, and Massachusetts, on the one hand, and, on the other, points in Rhode Island, Connecticut, Vermont, New York, Elizabeth, N.J., and Maine (except on traffic moving between points in Maine, Vermont, or Massachusetts). The purpose of this filing is to eliminate the gateway of Manchester, N.H.

NOTE.—The purpose of this application is to eliminate gateways. If a hearing is deemed necessary, the applicant requests it be held at Boston, Mass., or Concord, N.H.

No. MC 56082 (Sub-No. 67), filed May 12, 1975. Applicant: DAVIS & RANDALL, INC., P.O. Box 390, Fredonia, N.Y. 14063. Applicant's representative: Herbert M. Canter, 315 Seitz Building, 201 East Jefferson St., Syracuse, N.Y. 13202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Malt beverages (beer) and related advertising materials*, from South Volney, N.Y., to points in Maryland, New Jersey, New York, Ohio, and Pennsylvania; and (2) *materials, supplies, and equipment* used in the manufacture, sale, and distribution of malt beverages, including *empty containers and returned malt beverages*, from points in Maryland, New Jersey, New York, Ohio, and Pennsylvania.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Syracuse, N.Y., or Washington, D.C.

No. MC 64932 (Sub-No. 550), filed May 7, 1975. Applicant: ROGERS CARTAGE CO., 10735 South Cicero Avenue, Oak Lawn, Ill. 60453. Applicant's representative: Carl L. Steiner, 39 South LaSalle St., Chicago, Ill. 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Oleomargarine, shortening, salad oils, cooking oils, animal fats, and refined vegetable oils*, in bulk, in tank vehicles, from St. Louis, Mo., to points in the United States in and east of North Dakota, South Dakota, Nebraska, Kansas, Oklahoma, and Texas; (2) *animal fats and vegetable oils*, in bulk, in tank vehicles, from points in the United States in and east of North Dakota, South Dakota, Nebraska, Kansas, Oklahoma, and Texas, to St. Louis, Missouri.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at St. Louis, Mo.

No. MC 69116 (Sub-No. 174), filed May 5, 1975. Applicant: SPECTOR FREIGHT SYSTEM, INC., 205 West Wacker Drive, Chicago, Ill. 60606. Applicant's representative: Edward G. Bazelon, 39 South La Salle Street, Chicago, Ill. 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: (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), (a) Between junction Wisconsin Highways 73 and 23 and junction Wisconsin Highway 82 and U.S. Highway 12, as an alternate route for operating convenience only, serving no intermediate points and serving the termini for purposes of joinder only: From junction Wisconsin Highways 23 and 73, over Wisconsin Highway 23 to junction Wisconsin Highways 23 and 82, thence over Wisconsin Highway 82 to junction Wisconsin Highway 82 and U.S. Highway 12, and return over the same route; and (b) Between junction Wisconsin Highways 73 and 21 and junction Wisconsin Highway 21 and U.S. Highway 12, as an alternate route for operating convenience only, serving no intermediate points and serving the termini for purposes of joinder only: From junction Wisconsin Highways 73 and 21, over Wisconsin Highway 21 to junction Wisconsin Highway 21 and U.S. Highway 12, and return over the same route.

(2) *General commodities* (except articles of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment),

between Decatur, Ill., and junction Indiana Highways 28 and 37, as an alternate route for operating convenience only, serving no intermediate points, and serving the junction of Interstate Highway 72 and U.S. Highway 45, Indiana Highway 28 and U.S. Highway 52, and Indiana Highways 28 and 37, for joinder only: From Decatur over Illinois Highway 47 to junction Interstate Highway 72, thence over Interstate Highway 72 to junction Interstate Highway 74, thence over Interstate Highway 74 to U.S. Highway 231, thence over U.S. Highway 231 to Indiana Highway 28, thence over Indiana Highway 28 to junction Indiana Highway 37, and return over the same route, (3) *General commodities* (except articles of unusual value, Classes A and B explosives, household goods as defined by the Commission), serving Jacksonville, Ill., as a point of joinder only in connection with carrier's presently authorized routes, over U.S. Highways 67 and 36; and (4) *General commodities* (except those of unusual value, Classes A and B explosives, other than small arms ammunition, household goods as defined by the Commission, and liquids in bulk, in tank vehicles), Between Fort Wayne, Ind., and Toledo, Ohio, as an alternate route for operating convenience only, serving no intermediate points: From Fort Wayne over U.S. Highway 24 to Toledo, and return over the same route.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 83539 (Sub-No. 405), filed May 5, 1975. Applicant: C & H TRANSPORTATION CO., INC., 1936–2010 West Commerce Street, P.O. Box 5976, Dallas, Tex. 75222. Applicant's representative: Thomas E. James (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Valves and regulators*, from the plantsite of Grove Valve & Regulator Co., located in Washoe County, Nev., to points in the United States including Alaska, but excluding Hawaii.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at San Francisco, Calif., or Reno, Nev.

No. MC 83539 (Sub-No. 406), filed May 5, 1975. Applicant: C & H TRANSPORTATION CO., INC., 1936–2010 West Commerce Street, P.O. Box 5976, Dallas, Tex. 75222. Applicant's representative: Thomas E. James (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles*, from the plantsite and warehouse facilities of Nucor Steel, at or near Jewett, Tex., to points in the United States including Alaska, but excluding Hawaii.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at either Houston or Dallas, Tex.

No. MC 94430 (Sub-No. 36), filed May 13, 1975. Applicant: WEISS TRUCKING COMPANY, INC., Mongo, Ind. 46771. Applicant's representative: James R. Stiverson, 1396 West Fifth Avenue, Columbus, Ohio 43212. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cement* in bulk, from Erie, Pa., to points in New York, Ohio, and Pennsylvania.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Detroit, Mich., or Washington, D.C.

No. MC 95304 (Sub-No. 24), filed May 1975. Applicant: NORTHERN NECK TRANSFER, INC., P.O. Box 345, Montross, Va. 22520. Applicant's representative: William H. Edwards (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Pallets*, wooden, set-up, knocked down, and *pallet parts*, from points in that part of Virginia on and east of U.S. Highway 15, to points in Maryland, Delaware, New Jersey, New York, Pennsylvania, Connecticut, Massachusetts, Rhode Island, Ohio, District of Columbia, and West Virginia.

NOTE.—If a hearing is deemed necessary, the applicant does not specify a location.

No. MC 95876 (Sub-No. 174), filed May 12, 1975. Applicant: ANDERSON TRUCKING SERVICE, INC., P.O. Box 1377, St. Cloud, Minn. 56301. Applicant's representative: Andrew R. Clark, 1000 First National Bank Bldg., Minneapolis, Minn. 55402. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber, millwork, composition board, posts, poles, and railroad ties*, from points in Arizona and New Mexico, to points in Illinois, Indiana, Iowa, Kentucky, Michigan, Minnesota, Missouri, Nebraska, North Dakota, Ohio, South Dakota, and Wisconsin.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Phoenix, Arizona.

No. MC 98952 (Sub-No. 31) (amendment), filed July 26, 1974, published in the FEDERAL REGISTER issue of August 29, 1974, and republished as amended this issue. Applicant: GENERAL TRANSFER COMPANY, a Corporation, 2880 North Woodford St., Decatur, Ill. 62526. Applicant's representative: Joseph E. Rehman, 1230 Boastmen's Bank Bldg., 314 North Broadway, St. Louis, Mo. 63102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk and those requiring special equipment), (1) between points in Illinois south of Illinois Highway 17 (except points in Kankakee County south of said line), on the one hand, and, on the other, points in Illinois and Indiana (except points in Porter County, those points in Lake County beyond the Chicago, Ill. commercial zone and those points on and north of U.S. Highway 6 beyond said commercial zone), restricted to shipments having a prior or subsequent movement by rail.

NOTE.—The purpose of this republication is to amend the territorial description in this proceeding. Petition for leave to file a late tendered amendment filed May 9, 1975. Hearing in the above-entitled proceeding now assigned July 7, 1975, at Indianapolis, Ind., before Joint Board No. 21, has been postponed to a date to be hereafter fixed.

No. MC 103993 (Sub-No. 854), filed May 5, 1975. Applicant: MORGAN DRIVE-AWAY, INC., 2800 West Lexington Avenue, Elkhart, Ind. 46514. Applicant's representative: Paul D. Borghesani (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Pre-cut log and wood buildings, knocked down*, and *materials, and supplies*, used in the construction, installation and erection thereof, from points in Missoula County, Mont., to points in Iowa, Kansas, Michigan, Missouri, Minnesota, Nebraska, North Dakota, Oklahoma, South Dakota, Texas, and Wisconsin.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Billings, Mont.

No. MC 105045 (Sub-No. 58), filed May 13, 1975. Applicant: R. L. JEFFRIES TRUCKING CO., INC., P.O. Box 3277, Evansville, Ind. 47701. 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) *Self-propelled draglines, shovels, and drills and accessories, attachments, and parts*, for self-propelled draglines, shovels, and drills when moving therewith: 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 Chicago, Ill., or Washington, D.C.

No. MC 107323 (Sub-No. 46), filed May 5, 1975. Applicant: GILLILAND TRANSFER COMPANY, 7180 West 48th Street, Fremont, Mich. 49412. Applicant's representative: Carl L. Steiner, 39 South La Salle Street, Chicago, Ill. 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Apple juice, apple cider and vinegar* (except commodities in bulk), from the facilities of Speas Company located at or near Fremont, Mich., to points in Wisconsin, Davenport, Iowa, and points in the Iowa portion of its Commercial Zone as defined by the Interstate Commerce Commission, and that part of Minnesota on, east and south of a line beginning at the Iowa-Minnesota State line and extending along U.S. Highway 59 to Worthington, Minn., thence along Minnesota

Highway 60 to Windom, Minn., thence along U.S. Highway 71 to Willmar, Minn., thence along Minnesota Highway 23 to St. Cloud, Minn., thence along U.S. Highway 10 to St. Paul, Minn., and thence along U.S. Highway 12 to the Minnesota-Wisconsin State line.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Detroit, Mich.

No. MC 107496 (Sub-No. 998), filed May 15, 1975. Applicant: RUAN TRANSPORT CORPORATION, Third at Keosauqua Way, P.O. Box 855, Des Moines, Iowa 50309. Applicant's representative: E. Check (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Nitric acid*, from Atlas, Mo., to points in Alabama, Illinois, Kentucky, Indiana, Louisiana, Michigan, Minnesota, Mississippi, Nebraska, and New Mexico; and (2) *fertilizer and fertilizer materials*, from Atlas, Mo., to points in Alabama, Colorado, Indiana, Kentucky, Louisiana, Michigan, Minnesota, Mississippi, New Mexico, Tennessee, and Wisconsin.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill. or Kansas City, Mo.

No. MC 107993 (Sub-No. 37), filed May 7, 1975. Applicant: J. J. WILLIS TRUCKING COMPANY, a Corporation, P.O. Box 5328—Terminal Station, Dallas, Tex. 75222. Applicant's representative: J. G. Dall, Jr., 1111 E Street NW., Washington, D.C. 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plastic or fiberglass tanks and parts, accessories, and materials* used in the production of plastic or fiberglass tanks, between the plant or other facilities of Beetle Plastics, Inc., located at or near Gene Autry, Okla., on the one hand, and, on the other, points in the United States, including Alaska, but excluding Hawaii.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Dallas, Tex., or Oklahoma City, Okla.

No. MC 108207 (Sub-No. 423), filed May 9, 1975. Applicant: FROZEN FOOD EXPRESS, 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: *Fresh and frozen boxed meat products*, from Ames, Iowa, to Wichita, Kans.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Omaha, Nebr., or Dallas, Tex.

No. MC 109307 (Sub-No. 17), filed May 7, 1975. Applicant: THE KANSAS-ARIZONA MOTOR EXPRESS, INC., 2630½ West Beverly Boulevard, Montebello, Calif. 90640. Applicant's representative: Bruce E. Mitchell, Suite 375, 3379 Peachtree Road NE., Atlanta, Ga. 30326. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Meats, meat products, meat by-products, articles distributed by meat packinghouses*, and *foodstuffs* (except hides and commodities in bulk), from the plantsite and warehouse facilities of Geo. A. Hormel & Co. at or near Ottumwa, Iowa, to points in Arizona, California, Colorado, Idaho, Montana, Nevada, New Mexico, Oregon, Utah, Washington, and Wyoming; and (2) *meats, meat products, meat by-products, articles distributed by meat packinghouses, foodstuffs*, and *packing plant materials, equipment and supplies* (except hides and commodities in bulk), from points in Arizona, California, Idaho, Montana, Nevada, Colorado, New Mexico, Oregon, Utah, Washington, and Wyoming, to the plantsite and storage facilities of Geo. A. Hormel & Co. at or near Ottumwa, Iowa, under a continuing contract or contracts with Geo. A. Hormel Co.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Minneapolis-St. Paul, Minn.

No. MC 110420 (Sub-No. 735), filed May 9, 1975. Applicant: QUALITY CARRIERS, INC., P.O. Box 186, Pleasant Prairie, Wisc. 53158. Applicant's representative: John R. Sims, Jr., 915 Pennsylvania Bldg., 425 13th St. NW., Washington, D.C. 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals*, in bulk, in tank vehicles or hopper-type vehicles, from Waukegan, Ill., to points in the United States (except Alaska and Hawaii).

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 110525 (Sub-No. 1122), filed May 5, 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: (1) *Clay slurry*, in bulk, in tank vehicles, from the plantsite of Huber Chemical Co., Huber, Ga., to the plantsite of General Latex Company at Ashland, Ohio; and (2) *sugar*, in bulk, in tank vehicles, from ports of entry on the International Boundary line between the United States and Canada on the St. Lawrence, Niagara, Detroit, and St. Clair Rivers, to points in Illinois, Indiana, Massachusetts, Michigan, New Jersey, New York, Ohio, Pennsylvania, and Vermont, restricted to traffic originating in the province of Ontario, Canada.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 111170 (Sub-No. 219), filed May 5, 1975. Applicant: WHEELING PIPE LINE, INC., P.O. Box 1718, El Dorado, Ark. 71730. Applicant's representative: Don A. Smith, P.O. Box 43, Fort Smith, Ark. 72901. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid pipe coating* (a coal tar derivative), in bulk, (1) from Lone Star, Tex., to Shreveport, La., Arkansas City, Kans., Custer City, Okla., and Little Rock, Ark.; and (2) from El Dorado, Ark., to Sherman, Tex.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at either Little Rock, Ark. or Memphis, Tenn.

No. MC 111301 (Sub-No. 20), filed April 28, 1975. Applicant: L. J. KREUTZER, doing business as KREUTZER MOTOR EXPRESS, 1423 3rd Avenue, P.O. Box 1056, Mankato, Minn. 56001. Applicant's representative: F. H. Kroeger, 1745 University Avenue, St. Paul, Minn. 55104. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Pre-cast concrete panels* with exposed aggregate and/or form smoothed finish, from Mankato and Kasota, Minn., to points in Illinois, Indiana, Iowa, Michigan, Missouri, Nebraska, North Dakota, South Dakota, and Wisconsin, under a continuing contract or contracts with The Babcock Company.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Minneapolis-St. Paul, Minn.

No. MC 111947 (Sub-No. 11), filed May 7, 1975. Applicant: VAN CURLER TRUCKING CORP., 121 La Grange Avenue, Rochester, N.Y. 14613. Applicant's representative: S. Michael Richards, 44 North Avenue, Webster, N.Y. 14580. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Photographic machines, and equipment*, uncrated, and *items related thereto*, between Rochester, N.Y., on the one hand, and, on the other, points in Colorado.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Buffalo, or Rochester, N.Y.

No. MC 112304 (Sub-No. 100), filed May 12, 1975. Applicant: ACE DORAN HAULING & RIGGING CO., 1601 Blue Rock Street, Cincinnati, Ohio 45223. Applicant's representative: John D. Herbert (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Building brick, face or common, brick facing mounted, and equipment, materials, and supplies* used in the installation and sale thereof, from points in Daviess County, Ky., 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 either Washington, D.C., or Chicago, Ill.

No. MC 112617 (Sub-No. 326), filed May 12, 1975. Applicant: LIQUID TRANSPORTERS, INC., P.O. Box 21395, Louisville, Ky. 40221. Applicant's representative: Charles R. Dunford (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 plant site of Dow Corning Corp., at or near 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 plant site and destined to the above destinations.

NOTE.—Applicant holds motor contract carrier authority in MC 140525, therefore dual operations may be involved. Common control was approved in MC-F-11542. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Louisville, Ky.

No. MC 112617 (Sub-No. 327), filed May 12, 1975. Applicant: LIQUID TRANSPORTERS, INC., P.O. Box 21395, Louisville, Ky. 40221. Applicant's representative: Leonard A. Jaskiewicz, Suite 501, 1730 M Street NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (A) *L.P. gas and natural gas*, in bulk, in tank vehicles, from Roane and Lincoln Counties, W. Va., to Siloam (Greenup County), Ky.; (B) *commodities in bulk*, in tank vehicles, from Owensboro, Ky., to points in Illinois, Indiana, Kentucky, Missouri, Tennessee, Ohio, Virginia and West Virginia; (C) *liquid waste material*, in bulk, in tank vehicles, from points in Illinois, Indiana, Kentucky, Missouri, Ohio, Tennessee, Virginia, and West Virginia to Louisville, Ky.; (D) *liquid fertilizer*, in bulk, in tank vehicles, from Sturgis, Ky., to points in Indiana, Illinois and Kentucky; and (E) *cupric chloride*, in bulk, in tank vehicles, from Jasper, Ind., to Cleveland and Elyria, Ohio.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at either Louisville, Ky., or Indianapolis, Ind.

No. MC 112801 (Sub-No. 172), filed May 1, 1975. Applicant: TRANSPORT SERVICE CO., 2 Salt Creek Lane, Hinsdale, Ill. 60521. Applicant's representative: Gene Smith (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Oleomargarine, shortening, salad oils, cooking oils, animal fats, and refined vegetable oils*, in bulk, in tank vehicles, from St. Louis, Mo., to points in the United States in and east of North Dakota, South Dakota, Nebraska, Kansas, Oklahoma, and Texas; and (2) *Animal fats and vegetable oils*, in bulk, in tank vehicles, from points in the United States in and east of North Dakota, South Dakota, Nebraska, Kansas, Oklahoma, and Texas, to St. Louis, Mo.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at St. Louis, Mo.

No. MC 113362 (Sub-No. 288), filed May 8, 1975. Applicant: ELLSWORTH FREIGHT LINES, INC., 310 East Broadway, Eagle Grove, Iowa 50533. Applicant's representative: Milton D. Adams, P.O. Box 562, Austin, Minn. 55912. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, and meat by-products*, and *articles distributed by meat packinghouses*, as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk), from the plantsite and storage facilities utilized by Rath Packing Company at Indianapolis, Ind., to points in Connecticut, Delaware, the District of Columbia, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Rhode Island, Vermont, Virginia, West Virginia, and Pennsylvania, restricted to the transportation of traffic originating at the facilities of Rath Packing Company at Waterloo and Columbus Junction, Iowa, and destined to the above named destinations.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Des Moines, Iowa or Chicago, Ill.

No. MC 114457 (Sub-No. 235), filed May 8, 1975. Applicant: DART TRANSIT COMPANY, 780 North Prior Avenue, St. Paul, Minn. 55104. Applicant's representative: Michael P. Zell (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household products and related items*, from Racine and Waxdale, Wis., to points in Colorado, Connecticut, Indiana, Kansas, Kentucky, Maryland, Massachusetts, Michigan, Minnesota, Missouri, Nebraska, New Jersey, New York, North Dakota, Ohio, Oklahoma, Pennsylvania, South Dakota, and Tennessee, restricted to traffic originating at the named origins and destined to the named destinations.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at either Milwaukee, Wis., Minneapolis, Minn., or Chicago, Ill.

No. MC 114789 (Sub-No. 49), filed May 7, 1975. Applicant: NATIONWIDE CARRIERS, INC., P.O. Box 104, Maple Plain, Minn. 55359. Applicant's representative: Donald L. Stern, 530 Univac Building, 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 Illinois, Indiana, and Ohio, under a continuing contract or contracts with S. S. Kresge Company, restricted to traffic originating at points in the above named origin states and destined to the facilities of S. S. Kresge Company at points in the above named destination states.

NOTE.—Common control and dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Dertoit, Mich., or Chicago, Ill.

No. MC 115162 (Sub-No. 306), filed May 12, 1975. Applicant: POOLE TRUCK LINE, INC., P.O. Drawer 500, Evergreen, Ala. 36401. Applicant's representative: Robert E. Tate (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Brick*, (1) from points in Fulton County, Ga., to points in Escambia County, Fla., and points in Montgomery, Jefferson, Shelby, and Mobile Counties, Ala.; (2) from points in Escambia County, Fla., to points in Mobile County, Ala.; (3) from points in Montgomery and Elmore Counties, Ala., to points in Fulton County, Ga., and (4) from points in Dallas County, Ala., to points in Escambia County, Fla.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Montgomery, Ala., or Atlanta, Ga.

No. MC 115654 (Sub-No. 38), filed May 1, 1975. Applicant: TENNESSEE CARTAGE CO., INC., No. 1 Candy Lane, P.O. Box 1193, Nashville, Tenn. 37202. Applicant's representative: Walter Harwood, P.O. Box 15214, Nashville, Tenn. 37215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Such merchandise* as is dealt in by wholesale, retail and chain grocery and food business houses (except commodities in bulk), in vehicles equipped with mechanical refrigeration, from the warehouses and storage facilities of Southern Bonded Warehouses located at or near Morrow, Ga., to points in Tennessee (except Wilson County), Kentucky and Alabama; and the Commercial Zones of Memphis, Bristol and Chattanooga, Tenn.; and Louisville, Ky.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Atlanta, Ga., or Nashville, Tenn.

No. MC 115841 (Sub-No. 503), filed May 9, 1975. Applicant: COLONIAL REFRIGERATED TRANSPORTATION, INC., P.O. Box 10327, Birmingham, Ala. 35202. Applicant's representative: Roger M. Shaner (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Citrus products* (except in bulk), from Bradenton, Dade City, Leesburg, Lakeland, Lake Wales, Ocala, and Plymouth, Fla., to Nashville, Tenn., and points in its commercial zone, restricted to traffic originating at, and destined to the named points.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Nashville, Tenn.

No. MC 116077 (Sub-No. 366), filed May 5, 1975. Applicant: ROBERTSON TANK LINES, INC., 2000 West Loop South, Suite 1800, Houston, Tex. 77027. Applicant's representative: Pat H. Robertson, P.O. Box 1945, Austin, Tex. 78767. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry chemicals*, in bulk, from the plantsite of Georgia Pacific Corporation located at or near Plaquemine, La., to points in the

United States (except Alaska and Hawaii), restricted to the transportation of shipments originating at the named origin and destined to the named destinations.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either New Orleans, La., or Dallas, Tex.

No. MC 116325 (Sub-No. 71), filed May 13, 1975. Applicant: JENNINGS BOND, doing business as BOND ENTERPRISES, P.O. Box 8, Lutesville, Mo. 63762. Applicant's representative: Jennings Bond (same adress as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel, iron and steel articles*, and *processed articles of iron and steel* (except iron and steel, and iron and steel articles, which, because of size and weight require the use of special equipment), over irregular routes, (1) between Webb City and Farmington, Mo., on the one hand, and, on the other, points in Arkansas, Colorado, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Ohio, Oklahoma, Missouri, Nebraska, West Virginia, New Mexico, North Dakota, South Dakota, Wyoming, Alabama, Minnesota, Tennessee, Mississippi, Wisconsin, Georgia, and Texas; and (2) between points in the United States (except Alaska and Hawaii), for the account of Standard Iron and Steel Co., at Webb City, Mo.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at St. Louis, or Kansas City, Mo.

No. MC 116702 (Sub-No. 43), filed May 12, 1975. Applicant: THADDEUS A. GORSKI, doing business as GORSKI BULK TRANSPORT, Box 700, Harrow, Ontario, Canada. Applicant's representative: William B. Elmer, 21635 East Nine Mile Road, St. Clair Shores, Mich. 48080. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Alcoholic beverages* (except in bulk), from Allen Park, Mich., to points in Florida, Georgia, Illinois, Kansas, North Carolina, Oklahoma, South Carolina, Texas, Virginia, and West Virginia, under contract with Heublein, Inc.

NOTE.—Common control and dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Detroit, Mich.; Hartford, Conn.; New York, N.Y.; or Washington, D.C.

No. MC 117119 (Sub-No. 536), filed May 5, 1975. Applicant: WILLIS SHAW FROZEN EXPRESS, INC., P.O. Box 188, Elm Springs, Ark. 72728. Applicant's representative: L. M. McLean (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products, meat by-products, and articles distributed by meat packinghouses*, as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except commodities in bulk), from the plantsite and storage facilities utilized by Albertson's, Inc., in Orange, Los Angeles, Riverside, and San Bernardino Counties, Calif., to points in Nevada and Utah.

NOTE.—Common control and dual operations may be involved. If a hearings is deemed necessary, applicant requests it be held at Salt Lake City, Utah, or Boise, Idaho.

No. MC 117119 (Sub-No. 537), filed May 5, 1975. Applicant: WILLIS SHAW FROZEN EXPRESS, INC., P.O. Box 188, Elm Springs, Ark. 72728. Applicant's representative: L. M. McLean (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Anti-freeze or engine coolant preparations* (except in bulk, in tank vehicles) from Texas City, Tex., to points in Arkansas, Kansas, Kentucky, Missouri, Louisiana, Mississippi, Oklahoma, and Tennessee, restricted to traffic destined to the facilities of Wal-Mart Stores, Inc., in the above-named states.

NOTE.—Common control and dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Kansas City, Mo., or Little Rock, Ark.

No. MC 117322 (Sub-No. 11), filed May 13, 1975. Applicant: LESTER NOVOTNY, doing business as CHATFIELD TRUCKING, Chatfield, Minn. 55923. Applicant's representative: Andrew R. Clark, 1000 First National Bank Building, Minneapolis, Minn. 55402. Authority sought to operate and a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Fiberglass and plastic products*, from Chatfield, Minn., to points in the United States (except Alaska and Hawaii); and (2) *materials, equipment, and supplies* (except commodities in bulk, in tank vehicles), used in the manufacture of fiberglass and plastic products, from points in the United States (except Alaska and Hawaii), to Chatfield, Minn.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Minneapolis, Minn.

No. MC 117851 (Sub-No. 19), filed May 8, 1975. Applicant: JOHN R. CHEESEMAN, 501 North First Street, Fort Recovery, Ohio 45846. Applicant's representative: Earl N. Merwin, 85 East Gay Street, Columbus, Ohio 43215. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Water softeners and parts thereof*, and *filter media* (except commodities in bulk), (1) from Deerfield, Wis., to points in Alabama, Arkansas, Florida, Georgia, Indiana, Kentucky, Louisiana, Michigan, Mississippi, Missouri, North Carolina, Ohio, Oklahoma, South Carolina, Tennessee, Texas, and West Virginia; and (2) from Chardon, Ohio, to points in Wisconsin, under a continuing contract or contracts with Sta-Rite Industries, Inc.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Columbus, Ohio, or Washington, D.C.

No. MC 118130 (Sub-No. 75), filed May 7, 1975. Applicant: SOUTH EASTERN XPRESS, INC., P.O. Box 6985, Fort Worth, Tex. 76115. Applicant's representative: Billy R. Reid, 6108 Sharon Road, Fort Worth, Tex. 76116. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat by-products*, and *articles distributed by meat packinghouses*, as described in Section A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except commodities in bulk, in tank vehicles), from Roswell, N. Mex., to points in Alabama, Arizona, California, Florida, Georgia, Kentucky, Louisiana, Mississippi, North Carolina, South Carolina, Tennessee, Texas, and Virginia.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at either Fort Worth or Dallas, Tex.

No. MC 118159 (Sub-No. 158), filed April 17, 1975. Applicant: NATIONAL REFRIGERATED TRANSPORT, INC., 525 South Main St., Tulsa, Okla. 74101. 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: *Dairy products*, from Cache County, Utah, to points in Ohio, Illinois, Texas, Georgia, North Carolina, South Carolina, Maryland, and Oklahoma.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Chicago, Ill.

No. MC 119700 (Sub-No. 28), filed May 14, 1975. Applicant: STEEL HAULERS, INC., 306 Ewing, Kansas City, Mo. 64125. Applicant's representative: Frank W. Taylor, Jr., 1221 Baltimore Avenue, Kansas City, Mo. 64105. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel, iron and steel articles, aluminum, aluminum articles, and tanks and parts*, between points in Liberty County, Tex., on the one hand, and, on the other, points in Arkansas, Illinois, Iowa, Kansas, Louisiana, Mississippi, Missouri and Oklahoma.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Dallas, Tex., or New Orleans, La.

No. MC 119789 (Sub-No. 253), filed May 12, 1975. Applicant: CARAVAN REFRIGERATED CARGO, INC., P.O. Box 6188, Dallas, Tex. 75222. Applicant's representative: James K. Newbold, Jr. (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Envelopes*, from Dallas, Tex., to Boulder, Colo.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Dallas, Tex.

No. MC 119875 (Sub-No. 5), filed May 12, 1975. Applicant: WAR-HUNT TRUCKING CO., INC., R. D. 2, Wescoesville, Pa. 18106. Applicant's representative: John W. Frame, P.O. Box 626, Camp Hill, Pa. 17011. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Confectionery, and confectionery products, and materials, supplies and ingredients* (except commodities in bulk), used in connection with or incidental to

the manufacture, processing, sale, and distribution of confectionery products, between the plant sites or facilities of Cadbury Corp., located at Humboldt, Hazel Township, Pa., the ports of New York, N.Y., Elizabeth, Newark, and Linden, N.J., on the one hand, and, on the other, points in the United States (including Alaska but excluding Hawaii).

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Harrisburg, Pa.

No. MC 123407 (Sub-No. 238), filed May 12, 1975. Applicant: SAWYER TRANSPORT, INC., South Haven Square, U.S. Highway 6, Valparaiso, Ind. 46383. Applicant's representative: Stephen H. Loeb (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Glass and glass glazing units*, from Webster, Mass., to points in the United States (except Alaska and Hawaii); and (2) *equipment, materials, and supplies* used in the manufacture and distribution of the commodities described in (1) above, from points in the United States (except Alaska and Hawaii), to Webster, Mass.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at either Boston, Mass., or Washington, D.C.

No. MC 124212 (Sub-No. 87), filed May 15, 1975. Applicant: MITCHELL TRANSPORT, INC., 6500 Pearl Road, P.O. Box 30248, Cleveland, Ohio 44130. Applicant's representative: J. A. Kundtz, 1100 National City Bank Bldg., Cleveland, Ohio 44114. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cement, pozzolan, and fly ash*, in bulk, between points in Idaho, Montana, Oregon, and Washington, restricted to shipments having an immediately prior movement by rail.

NOTE.—Common control and dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 124230 (Sub-No. 822), filed May 14, 1975. Applicant: C. B. JOHNSON, INC., P.O. Drawer S, Cortez, Colo. 81321. Applicant's representative: Leslie R. Kehl, Suite 1600 Lincoln Center Bldg., 1660 Lincoln St., Denver, Colo. 80203. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (a) *Ores and concentrates*, in bulk, (1) between points in Mesa, Garfield, Montrose, and Delta Counties, Colo. and McKinley and Sandoval Counties, N. Mex.; (2) from Mineral County, Colo., to Otero and Las Animas Counties, Colo. and Sandoval County, N. Mex. and Sage and Washington Counties, Okla.; (3) from Piute County, Utah to San Miguel County, Colo.; and (4) from San Miguel, Ouray and San Juan Counties, Colo. to Kellogg, Idaho, East Helena, Mont. and Corpus Christi, Tex. (b) *vanadium residues*, in bulk, between points in Mesa, Garfield, Montrose and Delta Counties, Colo. and McKinley County, N. Mex.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Denver, Colo.

No. MC 124839 (Sub-No. 26), filed May 5, 1975. Applicant: BUILDERS TRANSPORT, INC., P.O. Box 7057, Savannah, Ga. 31408. Applicant's representative: William P. Sullivan, 1819 H St. NW, Washington, D.C. 20006. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Insulating materials, and supplies and materials*, used in the manufacturing of insulating materials, between points in Clarke County, Ga., on the one hand, and, on the other, points in Georgia and Texas, under a continuing contract with Certain-Teed Products Corporation, at Valley Forge, Pa.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Atlanta, Ga.

No. MC 125996 (Sub-No. 50), filed April 23, 1975. Applicant: ROAD RUNNER TRUCKING, INC., P.O. Box 37491, Omaha, Nebr. 68137. Applicant's representative: Donald Stern, 7100 West Center Road, Omaha, Nebr. 68106. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products, meat by-products and articles distributed by meat packinghouses*, as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk), from the plantsite and storage facilities of or utilized by Farmland Foods, Inc., located at or near Crete, Nebr., to points in Arizona, California, Colorado, Idaho, Montana, Nevada, New Mexico, Oregon, Texas, Utah, Washington, and Wyoming, restricted to the transportation of traffic originating at the above origin and destined to the above-named destinations.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Kansas City, Mo., or Washington, D.C.

No. MC 126555 (Sub-No. 35), filed May 12, 1975. Applicant: UNIVERSAL TRANSPORT, INC., P.O. Box 3000, Rapid City, S. Dak. 67701. Applicant's representative: Truman A. Stockton, Jr., The 1650 Grant St. Bldg., Denver, Colo. 80203. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Coal and coal by-products* (except coal tar products), from points in Wyoming, Montana and North Dakota to points in South Dakota.

NOTE.—Dual operations and common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Rapid City, S. Dak., or Denver, Colo.

No. MC 127306 (Sub-No. 8), filed May 12, 1975. Applicant: M. W. MCCURDY & CO., INC., 401 Nora's Lane, Houston, Tex. 77009. Applicant's representative: Joe G. Fender, 711 Fannin, Suite 802, Houston, Tex. 77002. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bananas*, from Galveston, Tex., to points in Arizona, California, Colorado, Idaho, Illinois, Iowa, Kansas, Minnesota, Missouri, Nebraska, New Mexico, North Dakota, Oklahoma, South Dakota, Texas, Washington, and Utah.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Houston, Tex., or Miami, Fla.

No. MC 129184 (Sub-No. 14), filed May 9, 1975. Applicant: KENNETH L. KELLAR, 810 Peace Portal Drive, P.O. Box 449, Blaine, Wash. 98230. Applicant's representative: Michael D. Duppenthaler, 515 Lyon Building, 607 Third Avenue, Seattle, Wash. 98104. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Alcoholic liquor and cigarettes:* (1) between Blaine, Wash., on the one hand, and, on the other, Sweetgrass, Mont.; and (2) from Blaine, Wash., to Great Falls, Mont., under a continuing contract or contracts with Exports, Inc., restricted to the transportation of traffic either originating at points in Canada or having a prior movement by water.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Seattle, Wash.

No. MC 129282 (Sub-No. 25), filed May 12, 1975. Applicant: BERRY TRANSPORTATION, INC., P.O. Box 2147, Longview, Tex. 75601. Applicant's representative: Fred S. Berry (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Glass containers, closures, packaging materials, and supplies*, from Gulfport and Mineral Wells, Miss., to points in Arkansas, Louisiana, and Texas.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at either Jackson, Miss., or New Orleans, La.

No. MC 129569 (Sub-No. 2), filed May 15, 1975. Applicant: J. B. MOORE AIR FREIGHT, INC., Rt. 2, Box 496 Airport Road, Lynchburg, Va. 24502. Applicant's representative: Carlyle C. Ring, Jr., 710 Ring Building, 1200 18th Street NW., Washington, D.C. 20036. 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 as defined by the Commission, commodities in bulk, and those requiring special equipment), Between points in Roanoke, Montgomery, Floyd, Franklin, Rockbridge, Bedford, Botetourt, Craig, Campbell, Appomattox, Amherst, Henry, Pittsylvania, Halifax, Nelson, and Pulaski Counties, Va.; and Roanoke, Lynchburg, Salem, Buena Vista, Farmville, Bedford, Radford, Martinsville, Danville, and South Boston, Va.; on the one hand, and, on the other hand, Dulles International Airport located at or near Chantilly, Va.; National Airport located at or near Arlington, Va.; Baltimore-Washington International Airport (formerly known as Friendship Airport) located at or near Glen Burnie, Md.; Byrd Airport located at or near Sandston, Va.; New River Valley Airport located at or near Dublin,

Va.; Lynchburg Municipal Airport located at or near Lynchburg, Va.; and Woodrum Airport located at or near Roanoke, Va., restricted to the transportation of shipments having an immediately prior or subsequent movement by air.

NOTE.—The purpose of this application is to add points in Henry, Pittsylvania, Halifax, Nelson and Pulaski Counties, Va.; Bedford, Radford, Martinsville, Danville, and South Boston, Va., and Baltimore-Washington Municipal International Airport, New River Valley Airport, Lynchburg Municipal Airport, and Woodrum Airport, as additional terminal points in applicant's existing authority. If a hearing is deemed necessary, applicant requests it be held at Danville or Roanoke, Va.

No. MC 133119 (Sub-No. 67), filed May 12, 1975. Applicant: HEYL TRUCK LINES, INC., P.O. Box 206, 235 Mill Street, Akron, Iowa 51001. Applicant's representative: A. J. Swanson, 521 So. 14th St., P.O. Box 81849, Lincoln, Nebr. 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Glass beads, glass spheres, and glass cullet*, from ports of entry on the International Boundary line between the United States and Canada, located at or near Scobey and Plentywood, Mont., and Portal and Pembina, N. Dak., to points in Nevada, Arizona, New Mexico, and California; and (2) *thermoplastic marking material*, from ports of entry on the International Boundary line between the United States and Canada, located at or near Scobey and Plentywood, Mont., and Portal and Pembina, N. Dak., to points in the United States and west of Wisconsin, Illinois, Missouri, Arkansas, and Louisiana (except Alaska and Hawaii), restricted to traffic moving in foreign commerce, from Moose Jaw, Saskatchewan.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr., or Minot, N. Dak.

No. MC 133233 (Sub-No. 39), filed May 9, 1975. Applicant: CLARENCE L. WERNER, doing business as WERNER ENTERPRISES, P.O. Box 831, Council Bluffs, Iowa 51501. Applicant's representative: Michael J. Ogborn, P.O. Box 82028, Lincoln, Nebr. 68501. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Appliances*, from the plantsite and warehouse facilities of the Maytag Company located at or near Newton, Iowa, to points in Alabama, Arizona, Arkansas, California, Colorado, Connecticut, Delaware, District of Columbia, Florida, Georgia, Idaho, Indiana, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Mississippi, Montana, Nevada, New Hampshire, New Jersey, New Mexico, New York, North Carolina, Ohio, Oklahoma, Oregon, Pennsylvania, Rhode Island, South Carolina, Tennessee, Texas, Utah, Vermont, Virginia, Washington, West Virginia, Wyoming, and the Southern Peninsula of Michigan and points in Missouri on and south of Interstate Highway 70 (except Kansas City and St. Louis, Mo.) under a continuing contract or contracts with The Maytag Company.

NOTE.—Applicant holds common carrier authority in MC 138328 and subs thereunder, therefore dual operations may be involved. If a hearing is deemed necessary, the applicant requests it be held at either Omaha, Nebr., or Des Moines, Iowa.

No. MC 133485 (Sub-No. 16), filed May 14, 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: (1) *Gas coupons*, between points in New Jersey, New York, Connecticut, Rhode Island, Massachusetts, Maine, New Hampshire, and Vermont; and (2) *stocks, bonds, securities, bullion, legal tender, monies, negotiable and nonnegotiable instruments, stamps, precious metals, precious stones, jewelry, and rare and valuable objects and documents*; (a) between points in Delaware, on the one hand, and, on the other, points in New York, New Jersey, and Bucks, Chester, Delaware, Montgomery, and Philadelphia Counties, Pa.; and (b) between points in New York, on the one hand, and, on the other, points in Bucks, Chester, Delaware, Montgomery, and Philadelphia, Pa.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Providence, R.I., or New York, N.Y.

No. MC 134068 (Sub-No. 18), filed May 13, 1975. Applicant: KODIAK REFRIGERATED LINES, INC., 336 East Fruitland Avenue, Vernon, Calif. 90058. 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, raw, manufactured, canned and preserved*, from the plantsites and storage facilities of Welch Foods, Inc., at or near Kennewick and Grandview, Wash., to points in Oregon, Idaho, Montana, Wyoming, Colorado, Nebraska, North Dakota, and South Dakota, restricted to traffic originating at the named origins.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Seattle, Wash., or Denver, Colo.

No. MC 134068 (Sub-No. 19), filed May 14, 1975. Applicant: KODIAK REFRIGERATED LINES, INC., 3336 East Fruitland Avenue, Vernon, Calif. 90058. Applicant's representative: Donald L. Stern, 530 Univac Building, 7100 West Center Road, Omaha, Nebr. 68106. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dairy products and pizza toppings*, from points in California, to points in Illinois, Indiana, Michigan, Minnesota, Nebraska, and Wisconsin.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests a consolidated hearing with similar applications of Bray Lines, Inc., and Pirkle Refrigerated Freight Lines, Inc., at Denver, Colo.

No. MC 134386 (Sub-No. 2), filed May 12, 1975. Applicant: LOOMIS COURIER SERVICE, INC., 808 Burlway Road, Burlingame, Calif. 94010. Applicant's representative: John L. Glovka (same address as applicant). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *cash letters, checks, money orders, bank drafts, non-negotiable instruments, audit media and business records* on punch cards, tape, film or paper, transportation to be performed in courier service, between Minneapolis and St. Paul, Minn., on the one hand, and, on the other, points in the Counties of Douglas, Polk, Barron, St. Croix, Dunn, Pierce, Eau Claire, Buffalo, Trempealeau, Pepin, Burnett, La Crosse, Chippewa, and Washburn, Wis., under a continuing contract or contracts with United States Federal Reserve Bank or Minneapolis and First Computer Corporation.

NOTE.—Applicant holds motor common carrier authority in MC 129034 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 Minneapolis, Minn., or Madison, Wis.

No. MC 134387 (Sub-No. 24), filed May 13, 1975. Applicant: BLACKBURN TRUCK LINES, INC., 4998 Branyon Avenue, South Gate, Calif. 90280. Applicant's representative: Warren N. Grossman, Suite 825, 606 South Olive Street, Los Angeles, Calif. 90014. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Can ends*, from Sunset Whitney Ranch, Calif., to Multnomah and Washington Counties, Oreg.; King, Pierce, Thurston, and Yakima Counties, Wash., and Maricopa County, Ariz.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Los Angeles, Calif.

No. MC 134772 (Sub-No. 2), filed May 12, 1975. Applicant: GEORGE LANGE TRUCKING, INC., P.O. Box 4111, San Jose, Calif. 95159. Applicant's representative: Robert K. Lancefield, P.O. Box 11415, Palo Alto, Calif. 94306. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Furnaces, dishwashers, refrigerators, coolers, ranges, mashers, household laundry washing machines, household laundry drying machines, commercial laundry machines, and air coolers*, (a) from points in Sacramento County, Calif., to points in Alameda, Amador, Butte, Calaveras, Colusa, Contra Costa, El Dorado, Fresno, Glenn, Kern, King, Madera, Marin, Merced, Monterey, Napa, Placer, Sacramento, San Benito, San Francisco, San Joaquin, San Mateo, Santa Clara, Santa Cruz, Shasta, Solano, Sonoma, Stanislaus, Sutter, Tehama, Tulare, and Yolo and Yuba Counties, Calif., restricted to freight having a prior movement by rail; (b) from points in Alameda, Contra Costa, San Francisco, San Joaquin, San Mateo,

and Santa Clara Counties, Calif., to points in Amador, Calaveras, El Dorado, Marin, Monterey, Napa, Placer, Sacramento, San Benito, Santa Cruz, Solano, Sonoma, Stanislaus, Sutter and Yuba Counties, Calif., restricted to freight having a prior movement by rail.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at either San Jose or San Francisco, Calif.

No. MC 134922 (Sub-No. 126), filed May 6, 1975. Applicant: B. J. MCADAMS, INC., Route 6, Box 15, North Little Rock, Ark. 72118. Applicant's representative: Don Garrison (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Rubber and rubber products, compounds, materials, and supplies* used in the manufacture of rubber, between points in Minnesota, Nebraska, Kansas, Iowa, Missouri, Indiana, Ohio, Kentucky, West Virginia, Illinois, Arkansas, and Guntersville Ala., in an non-radial movement.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Huntersville, Ala., or Little Rock, Ark.

No. MC 135007 (Sub-No. 50), filed May 12, 1975. Applicant: AMERICAN TRANSPORT, INC., 7850 F Street, Omaha, Nebr. 68127. Applicant's representative: Frederick J. Coffman, 521 South 14th Street, P.O. Box 81849, Lincoln, Nebr. 68501. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Carpet padding and materials and sponge rubber*, from Grafton, W. Va., to points in Connecticut, Delaware, Illinois, Indiana, Kentucky, Maryland, Massachusetts, Michigan, Minnesota, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Tennessee, Virginia, West Virginia, Wisconsin, and District of Columbia; and (2) *carpet, carpet lining and carpet remnants*, from Libertyville, Ill., to points in Connecticut, Delaware, Illinois, Indiana, Kentucky, Maryland, Massachusetts, Michigan, Minnesota, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Tennessee, Virginia, West Virginia, Wisconsin, and District of Columbia, under a continuing contract or contracts with Ozite Corporation.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at either Chicago, Ill., or Omaha, Nebr.

No. MC 135072 (Sub-No. 8) (Partial correction), filed April 3, 1975, published in the FEDERAL REGISTER issue of May 15, 1975, and republished in part as corrected this issue. Applicant: HEATER TRUCKING, INC., 6887 Versailles Rd., North Evans, N.Y. 14112. Applicant's representative: William J. Hirsch, Suite 1125, 43 Court Street, Buffalo, N.Y. 14202. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (A) *Asphalt emulsions*, in shipper owned tank vehicles, from Cheektowaga, N.Y., to points in Illinois, Indiana, Maryland, Michigan, New Hampshire, New Jersey, New York, Ohio, and points in Pennsylvania (except points in Counties of Bradford, Cameron, Clarion, Crawford, Elk, Erie, Jefferson, Lycoming, McKean Potter, Tioga, Venango, and Warren), and *returned shipments* in return, restricted to shipments for the accounts of Allied Bitumens, Inc., or Allied Emulsions, Inc., under a continuing contract, or contracts with Allied Bitumens, Inc., and Allied Emulsions, Inc.

NOTE.—The purpose of this partial correction is to indicate the additional destination states in (A) above. The rest of the notice remains as previously published. If a hearing is deemed necessary, the applicant requests it be held at Buffalo, N.Y.

No. MC 135884 (Sub-No. 8), filed May 9, 1975. Applicant: STEVE CALDWELL, Route 1, Box 36, Adams, Oreg. 97810. Applicant's representative: Lawrence V. Smart, Jr., 419 NW. 23d Avenue, Portland, Oreg. 97210. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Furniture parts*, from points in Clark and Walla Walla Counties, Wash., and Linn County, Oreg., to points in Minnesota, Colorado, Texas, Illinois, Pennsylvania, Georgia, Massachusetts, California, Wisconsin, New Jersey, Oregon, Washington, and Nebraska, under a continuing contract or contracts with Harris Pine Mills.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Portland, Oreg.

No. MC 136032 (Sub-No. 10), filed May 9, 1975. Applicant: TEXAS-CONTINENTAL EXPRESS, INC., P.O. Box 434, Euless, Tex. 76039. Applicant's representative: Rocky Moore (same address as applicant). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Lawnmowers*, (1) from Indianola, Miss., to points in Iowa, Illinois, Indiana, West Virginia, Virginia, Missouri, Kentucky, North Carolina, South Carolina, Georgia, Alabama, and Florida; and (2) from Lawrenceburg, Tenn., to points in Iowa, Illinois, Indiana, West Virginia, Virginia, Missouri, Kentucky, North Carolina, South Carolina, Georgia, Alabama, Mississippi, and Florida, under contract with Western Auto Supply Company.

NOTE.—Applicant holds common carrier authority in MC 133095 and subs thereunder, therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Dalls, Tex., or Kansas City, Mo.

No. MC 136032 (Sub-No. 12), filed May 9, 1975. Applicant: TEXAS-CONTINENTAL EXPRESS, INC., P.O. Box 434, Euless, Tex. 76039. Applicant's representative: Rocky Moore (same address as applicant). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Stoves and ranges*, from Belleville, Ill., to Jacksonville, Fla., Gastonia, N.C., Jackson, Miss., Temple, Tex., Salina, Kans., Owings Mills, Md., and Delaware, Ohio; and (2) *washers and dryers*, from Herrin, Ill., to Jacksonville, Fla., Gastonia, N.C., Jackson, Miss., Temple, Tex., Salina, Kans., Owings Mills, Md., and Delaware, Ohio, under a continuing contract with Western Auto Supply Company.

NOTE.—Applicant holds common carrier authority in MC 133095 and subs thereunder, therefore dual operations may be involved. If a hearing is deemed necessary, the applicant requests it be held at either Dallas, Tex., or Kansas City, Mo.

No. MC 136246 (Sub-No. 8), filed May 8, 1975. Applicant: GEORGE BROS., INC., P.O. Box 492, Sutton, Nebr. 68979. Applicant's representative: Donald L. Stern, 530 Univac Building, 7100 West Center Road, Omaha, Nebr. 68106. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid feed supplements*, from Minatare, Willow Island, and York, Nebr., to points in Kansas.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Omaha, Nebr.

No. MC 136343 (Sub-No. 42) (Correction), filed April 7, 1975, published in the FEDERAL REGISTER issue of May 8, 1975, and republished as corrected this issue. Applicant: MILTON TRANSPORTATION, INC., P.O. Box 355, Milton, Pa. 17847. Applicant's representative: George A. Olsen, 69 Tonnele Ave., Jersey City, N.J. 07306. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Materials, equipment and supplies* used in the manufacture of printing paper (except commodities in bulk and those the transportation of which because of size or weight require the use of special equipment), from points in Ohio, Massachusetts, Rhode Island, Vermont, New Hampshire, Maine, Indiana, Illinois, Michigan, Maryland, Virginia, Wisconsin, Tennessee, North Carolina, South Carolina, Georgia, Florida, Alabama, Mississippi, Kentucky, and the District of Columbia, to the plantsite of the Hammermill Paper Company at Lock Haven, Pa.

NOTE.—The purpose of this correction is to indicate the destination. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at either Harrisburg, Pa., or Washington, D.C.

No. MC 136464 (Sub-No. 9), filed May 8, 1975. Applicant: CAROLINA WESTERN EXPRESS, INC., 650 Eastwood Drive, P.O. Box 3961, Gastonia, N.C. 28050. Applicant's representative: Eric Meierhoefer, 915 Pennsylvania Building, 425 13th Street NW., Washington, D.C. 20004. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *commodities* used in the construction, maintenance and operation of amusement parks or facilities including, but not limited to amusement rides, amusement sets, show sets, show props, set dressings, theatrical hardware, sound equipment, stage equipment and lighting, costumes, souvenirs, electronic and mechanical animation, and materials required for theatrical construction, (1) between Burbank, North Hollywood, Sun Valley, and Mountain View, Calif. on the one hand, and, on the other, the Omni International Amusement Park at

or near Atlanta, Ga., Busch Gardens at or near St. Louis, Mo., Busch Gardens at or near Williamsburg, Va., and Six Flags at or near Dallas, Tex., and the warehouse or storage facilities used by Krofft Development Corporation located in Atlanta, Ga., St. Louis, Mo., Dallas, Tex., and Williamsburg, Va., and (2) between the amusement, warehouse and storage facilities of Krofft Development Corporation listed in (1) above, located at or near Atlanta, Ga., St. Louis, Mo., Dallas, Tex., and Williamsburg, Va., restricted to a transportation service to be performed under a continuing contract or contracts, with Krofft Development Corporation of Sun Valley, Calif.

NOTE.—Applicant holds common carrier authority in MC 138635 and subs thereunder, pending, therefore dual operations may be involved. If a hearing is deemed necessary, the applicant requests it be held at (1) Charlotte, N.C.; or (2) Washington, D.C.

No. MC 138157 (Sub-No. 19), filed May 5, 1975. Applicant: SOUTHWEST EQUIPMENT RENTAL, INC., doing business as SOUTHWEST MOTOR FREIGHT, 4284 Mission Boulevard, Pomona, Calif. 91769. Applicant's representative: Patrick E. Quinn, 605 South 14th Street, P.O. Box 82028, Lincoln, Nebr. 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wood products, plastic products, toothpick dispensers, sporting goods, and sporting goods accessories*, from Wilton, Maine, to points in the United States (except Alaska, Hawaii and Maine).

NOTE.—Applicant holds contract carrier authority in MC-134150 (Sub-Nos. 2 and 3), therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at either (1) Portland, Maine, or (2) Boston, Mass.

No. MC 138281 (Sub-No. 4), filed May 12, 1975. Applicant: MILL TRUCKING CORPORATION, 941 Meetinghouse Road, Rydal, Pa. 19046. Applicant's representative: Ronald I. Shapss, 450 Seventh Ave., New York, N.Y. 10001. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Paperboard*, from Philadelphia, Pa., to points in Connecticut, New Hampshire, New Jersey, New York, and Vermont; and (2) *scrap paper and skids*, from the destinations in (1) above, to Philadelphia, Pa., restricted to a transportation service to be performed under a continuing contract or contracts with Newman and Company, Inc., of Philadelphia.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Philadelphia, Pa.

No. MC 138841 (Sub-No. 5), filed May 7, 1975. Applicant: BLACK HILLS TRUCKING CO., a Corporation, Box 3104, Rapid City, S. Dak. 57701. Applicant's representative: James W. Olson, 821 Columbus Street, Rapid City, S. Dak. 57701. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Alcoholic beverages*, in containers, *wine*, in containers, *and malt beverages*, in containers, and *related advertising materials*, from points in Indiana, Kentucky and Massachusetts, to Rapid City, S. Dak., restricted to traffic originating at points in the specified states and destined to Rapid City, S. Dak.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Rapid City, S. Dak., or Denver, Colo.

No. MC 139495 (Sub-No. 64), filed May 8, 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: *Sugar* (except in bulk), from Gramercy, La., to points in Kansas, New Mexico, Arizona, Utah, Washington, Oregon, California, and Colorado.

NOTE.—Applicant holds motor contract carrier authority in No. 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. 66), filed May 6, 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 to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Pipe fittings and pipe valves*, from the facilities of Stockham Valves and Fittings located at or near Birmingham, Ala., to points in Colorado, Kansas, Oklahoma, Nebraska, and Missouri.

NOTE.—Applicant holds motor contract carrier authority in No. 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. 67), filed May 12, 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: (1) *Toilet preparations*, from Elizabethton, Tenn., to points in Arkansas, Arizona, Texas, Kansas, Indiana, Georgia, Wisconsin, Ohio, Michigan, Pennsylvania, Maryland, New Jersey, Nevada, and California; and (2) *materials and supplies*, used in the manufacture and distribution of toilet preparations (except in bulk), from points in Pennsylvania, Michigan, Ohio, Alabama, North Carolina, and New Jersey, to Elizabethton, Tenn.

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 139721 (Amendment), filed April 3, 1974, published in the FEDERAL REGISTER issue of May 9, 1974, and republished as amended, this issue. Applicant: ALL WORLD TRAVEL, INC., 1306 Knox Avenue, Easton, Pa. 18042. Applicant's representative: Paul F. Ruch, Jr. (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their luggage*, limited to service for the accounts, patrons, and customers, of All World Travel, Inc., between points in Warren County, N.J. and those points in Northampton County, Pa., east of Pennsylvania State Route No. 33, on the one hand, and, on the other, the Philadelphia International and Overseas Airport at Philadelphia, Pa.; La Guardia Airport, Kennedy International Airport at New York, N.Y., and Newark International Airport at Newark, N.J. and steamship piers at Philadelphia, Pa. and New York, N.Y.

NOTE.—The purpose of this republication is to amend the territorial description of this proceeding. If a hearing is deemed necessary, the applicant requests it be held at Philadelphia, Pa.

No. MC 139759 (Sub-No. 5), filed May 7, 1975. Applicant: DIRECT COURIER, INC., 2780 South Jefferson Davis Highway, Arlington, Va. 22202. Applicant's representative: Gerald K. Gimmel, 303 North Frederick Avenue, Gaithersburg, Md. 20760. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Live Laboratory animals*, between points in Maryland, Virginia, West Virginia, Pennsylvania, Delaware, New Jersey, New York, Connecticut, Rhode Island, Massachusetts, and the District of Columbia.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C.

No. MC 139797 (Sub-No. 2), filed April 24, 1975. Applicant: SOUTHEASTERN AIR FREIGHT, INC., Rt. 1 Box 60, Augusta, Ga. 30906. Applicant's representative: James Lamar Flemister, 1220 First Federal Bldg., Atlanta, Ga. 30303. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* moving in security and/or courier type service, including monies, coins, currency, stamps, legal tender, precious stones, precious metals, jewelry, punched or used punched cards, business records, computer media, audit and accounting media, microfilm, exposed or processed film and print, replacement films, pharmaceuticals requiring special handling, blood, plasma, and viral and communicable disease lab cultures, between Bush Field (Richmond County), Ga., on the one hand, and, on the other, points in Richmond, Columbia, McDuffie, Lincoln, Wilkes, Oglethorpe, Elbert, Greene, Taliaferro, Hancock, Warren, Glascock, Washington, Jefferson, Burke, Jenkins, Emanuel, Johnson, Bullock, Candler, and Screven Counties, Ga., and points in Aiken, Barnwell, Allendale, Bamberg, Hampton, Orangeburg, Edgefield, Saluda, McCormick, Greenwood, Newberry, and Abbeville Counties, S.C., restricted to ship-

ments having a prior or subsequent movement by air.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga.

No. MC 139853 (Sub-No. 2), filed May 15, 1975. Applicant: MARTEN TRANSPORT, LTD., Route 3, Mondovi, Wis. 54755. Applicant's representative: Stanley C. Olsen, Jr., 1000 First National Bank Bldg., Minneapolis, Minn. 55402. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Canned goods*, from Durand and Mondovi, Wis., to points in Arkansas, Illinois, Indiana, Iowa, Kansas, Minnesota, Missouri, Nebraska, North Dakota, Ohio, Oklahoma, South Dakota, Tennessee, and Texas, under a continuing contract or contracts with Durand Canning Company.

NOTE.—Applicant holds motor common carrier authority in MC-103798 (Sub-No. 3 and other subs), therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Minneapolis, Minn.

No. MC 139868 (Sub-No. 3), filed May 5, 1975. Applicant: WESTERN SALES TRANSPORTATION, INC., 1801 North 11th Street, Omaha, Nebr. 68110. Applicant's representative: Patrick E. Quinn, 605 South 14th St., P.O. Box 82028, Lincoln, Nebr. 68501. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Empty steel and plastic containers*, from Omaha, Nebr., to points in Wisconsin, Oklahoma, Texas, South Dakota, North Dakota, Idaho, Montana, New Mexico, Arizona, Utah, Washington, Oregon, Nevada, and California; and (2) *empty steel and plastic containers, and materials, equipment and supplies*, utilized in the manufacture, production and distribution of the above-named commodities, from points in Wisconsin, Oklahoma, Texas, South Dakota, North Dakota, Idaho, Montana, New Mexico, Arizona, Utah, Washington, Oregon, Nevada, and California, to Omaha, Nebr., restricted to a transportation service to be performed under a continuing contract or contracts with Cleveland Container Corp., at Omaha, Nebr.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr.

No. MC 140074 (Sub-No. 4), filed May 14, 1975. Applicant: WALDO W. WILLIAMS, doing business as TRIPLE W TRANSPORT, Route 2, Missoula, Mont. 59801. Applicant's representative: Jerome Anderson, 100 Transwestern Bldg., 404 North 31st Street, Billings, Mont. 59101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wood chips*, in bulk, from sawmill facilities of North Fork Lumber, Inc., located on U.S. Highway 93 between North Fork and Gibbonsville, Idaho, to the Hoerner Waldorf plant site located approximately 13 miles west of Missoula, Mont.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Missoula or Helena, Mont.

No. MC 140184 (Sub-No. 2), filed May 5, 1975. Applicant: CITY WIDE DELIVERY SERVICE, INC., 1610 West Michigan St., Duluth, Minn. 55806. Applicant's representative: Edwin M. Wilson, Air Force Base Procurement, Bldg. S-304, Duluth IAP, Minn. 55814. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Commissary supplies*, such as (1) food products, pop, bread, rolls, cookies, and bakery goods, (2) dairy products, butter, cheese, eggs, milk, dried milk, poultry, and oleomargarine, (3) candy and confectionery, nuts, sugar, and potato chips, (4) meats and vegetables, frozen meats and sausages, pizza, vegetables, fresh meats, and vegetables, and sausage, (5) foodstuffs, canned and preserved, (6) cleaning compounds, soaps, detergents, hilex, cleanser sweeping compounds, (7) malt beverages, alcoholic and nonalcoholic beverages, (8) tobacco, cigarettes, lighter fluid, and charcoal, (9) beverages, coffee, tea, chocolate, and cocoa, (10) spices, mustard, cinnamon, pepper, salt, and catsup, (11) toilet articles, soaps, shaving lotion, razors, blades, toilet tissue, paper towels, toothpaste, kleenex, napkins, beauty and barber supplies and pharmacy supplies, and, (12) office supplies, carbon, writing paper, stationery, forms, pencils, pens, ink, erasers, and clips, from the Commissary Warehouse at Duluth International Airport at Duluth, Minn., to the U.S. Air Force Base at or near Antigo and Osceola, Wis., under a continuing contract or contracts with Base Procurement Office U.S. Air Force, Duluth, Minn. If a hearing is deemed necessary, applicant requests it be held at (1) Duluth, Minn., (2) Minneapolis, Minn.

No. MC 140323 (Sub-No. 1), filed May 12, 1975. Applicant: TERRY D. MOORE, doing business as WHITE ROCK TRANSIT COMPANY, Route 1, Box 486 AB, Mabelvale, Ark. 72103. Applicant's representative: Donald T. Jack, Jr., 1550 Tower Building, Little Rock, Ark. 72201. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Sand, gravel, rock, limestone, and quartz*, from points in Grant County, Ark., to points in Texas, Oklahoma, Kansas, New Mexico, Colorado, Louisiana, Missouri, Iowa, Illinois, Indiana, Ohio, West Virginia, Kentucky, Tennessee, Mississippi, Alabama, Pennsylvania, Michigan, Georgia, North Carolina, South Carolina, and Virginia.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Little Rock, Ark.

No. MC 140389 (Sub-No. 1) (Correction), filed April 25, 1975, published in the FEDERAL REGISTER issue of May 29, 1975, and republished as corrected this issue. 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. The purpose of this republication is to reassign Docket Number which was previously published as MC 140923. If a hearing is deemed necessary, the applicant requests it be held at Mobile, Ala.

No. MC 140598 (Sub-No. 2), filed May 12, 1975. Applicant: MELLO TRUCK LINES, INC., 725 Carey Street, Hanford, Calif. 93230. Applicant's representative: Gilbert W. Howell, 701 North Irwin Street, Hanford, Calif. 93230. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Feed formulas*, composed of hominy feed, almond meal, cottonseed meal, salt, limestone, urea, minerals, buffermin, bakery wastes, and solulac, in bulk, from Stockton, Calif., to Klamath Falls, Oreg.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Fresno or Stockton, Calif.

No. MC 140738 (Sub-No. 2), filed May 14, 1975. Applicant: FAREWAY MOVING & STORAGE CO., a corporation, 2019-23 Rivington Road, Rockford, Ill. 61111. Applicant's representative: Robert T. Lawley, 300 Reisch Bldg., Springfield, Ill. 62701. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages*, from the facilities of Anheuser-Busch, Inc., located at St. Louis, Mo., to Rockford, Ill., under a continuing contract or contracts with Anheuser-Busch, Inc.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Chicago, Ill.

No. MC 140779 (Sub-No. 2), filed May 9, 1975. Applicant: TRANSIT SERVICING, INC., 8121-C East 34 Road, Cadillac, Mich. 49601. Applicant's representative: Burton A. Hines, 121 North Mitchell Street, Cadillac, Mich. 49601. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Furniture, appliances, and general merchandise*, of W. T. Grant Company to be sold at retail, between the warehouse of Transit Servicing, Inc., located at or near Cadillac, Mich., on the one hand, and, on the other, stores and customers of W. T. Grant Company located in the Lower Peninsula of Michigan on and north of Michigan State Highway 20 and that part of the counties of Newaygo, Mecosta, Montcalm, Isabella, and Midland lying south of Michigan Highway 20 and the counties of Mackinac, and Chippewa in the Upper Peninsula of Michigan, under a continuing contract with W. T. Grant Company.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Lansing, Mich., Detroit, Mich., Indianapolis, Ind., or Chicago, Ill.

No. MC 140811 (Sub-No. 1), filed May 5, 1975. Applicant: Richard R. Shultz, doing business as CARRIER

TRUCKING, 6038 Linden Lane, Dallas, Tex. 75230. Applicant's representative: Billy R. Reid, 6108 Sharon Road, Fort Worth, Tex. 76116. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Mexican style foods* (including taco shells), in cans or boxes, from the facilities utilized by V. I. P. Foods, at El Paso, Tex., and (2) *taco shells*, in boxes, from the facilities utilized V. I. P. Foods at Dallas, Tex., to points in Memphis and Nashville, Tenn.; Louisville, Ky.; Cornwell Heights, Pa.; St. Louis, and Independence, Mo.; Denver, Colo.; Albany and Buffalo, N.Y.; Portland, Oreg.; Birmingham, Ala.; Miami and Tampa, Fla.; Dayton and Youngstown, Ohio; Lebanon, Ind.; Oklahoma City, Okla.; Rolling Meadows, Ill.; Baltimore, Md.; Milwaukee, Wis.; Augusta, Ga.; Detroit, Mich.; Columbia and Greenville, S.C., and Indian Trail and Kinston, N.C.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either El Paso or Dallas, Tex.

No. MC 140875 (Sub-No. 1), filed May 12, 1975. Applicant: LONGVIEW HAULING, INC., 2401 Cavitt, P.O. Box 3955, Bryan, Tex. 77801. Applicant's representative: E. Larry Wells, 4645 North Central Expressway, Dallas, Tex. 75205. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Brewers grain, liquid brewers yeast, concentrated brewers grain liquid, and brewers grain fortified with other grains, minerals, and supplements* (maltlage), in bulk, from Longview, Tex., to points in Louisiana, Arkansas and Oklahoma, under a contract with Murphy Products Co., Inc.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Houston, Tex., or Milwaukee, Wis.

No. MC 140883 (Sub-No. 2), filed May 9, 1975. Applicant: DOWNS TRANSPORTATION CO., INC., 2705 Canna Ridge Circle N.E., Atlanta, Ga. 30345. Applicant's representative: K. Edward Wolcott, 1600 First Federal Building, Atlanta, Ga. 30303. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Uncrated store fixtures*, from the plantsite of Warren/Sherer Division of Kysor Industrial Corporation in Rockdale County, Ga., to points in the United States (except Alaska and Hawaii); and (2) *materials and supplies* (except commodities in bulk and lumber) used in the manufacture, sale and distribution of store fixtures, from points in the United States (except Alaska and Hawaii), to the plantsite of Warren/Sherer Division of Kysor Industrial Corporation in Rockdale County, Ga., under a continuing contract or contracts with Warren/Sherer Division of Kysor Industrial Corporation.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga.

No. MC 140903 (Sub-No. 2), filed May 14, 1975. Applicant: DENNIS JIMISON CONSTRUCTION CO., INC., Highland Park Road, P.O. Box 1154, Glendive, Mont. 59330. Applicant's representative: John R. Davidson, Room 805 Midland Bank Building, Billings, Mont. 59101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer*, in bag and in bulk, from Salida, Colo., to Carter, Powder River, Rosebud, Custer, Fallon, Wibaux, Prairie, Dawson, McCone, Richland, Daniels, Sheridan, Roosevelt, and Valley Counties, Mont. and Bowman, Adams, Hettinger, Stark, Billings, Golden Valley, Dunn, Slope, McKenzie, Williams, and Divide Counties, N. Dak.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Glendive or Billings, Mont.

No. MC 140906 (Sub-No. 1), filed May 9, 1975. Applicant: DONALD R. FERGISON, Route 1, Helena, Mo. 64559. Applicant's representative: Warren H. Sapp, Suite 910 Fairfax Bldg., 101 West Eleventh Street, Kansas City, Mo. 64105. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Dry feed, feed supplements, and feed ingredients*, from Altoona, Iowa, to Union Star, Mo., under a continuing contract or contracts with James K. Young, d/b/a Union Star Elevator, Union Star, Mo.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Kansas City, or St. Joseph, Mo.

No. MC 140918, filed April 25, 1975. Applicant: ROGER P. MANN, doing business as R. P. M. TRUCKING SERVICE, 9152 South Trumbull Evergreen Park, Ill. 60642. Applicant's representative: Arnold L. Burke, 127 North Dearborn Street, Chicago, Ill. 60602. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Packaging products and adhesives* between points in Kentucky, Michigan, Illinois, Ohio, Iowa, Wisconsin and Tennessee and Michigan City, Ill., in an non-radial movement; and (2) *Materials and supplies* used in the manufacture of products in (1) above from points in the above-named destinations, to points in Michigan City, Ind. under a continuing contract or contracts with Boone Box Co., Louisville, Ky.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Chicago, Ill., or Louisville, Ky.

No. MC 140941, filed May 8, 1975. Applicant: EARNEST HALLMARK, JR., doing business as HALLMARK WRECKER SERVICE, 315 North Hall Street, Dallas, Tex. 75226. Applicant's representative: Thomas F. Sedberry, 1102 Perry-Brooks Bldg., Austin, Tex. 78701. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Wrecked and disabled motor vehicles and trailers*, and (2) *replacement vehicles* for those commodities in (1) above, between points in Texas located on and east of a line beginning at the Oklahoma-Texas State Boundary line and extending along U.S. Highway 281 to intersection U.S. Highway 81, thence along U.S. Highway 81 to the International Boundary line between the United States and Mexico, on the one hand, and, on the other, points in Oklahoma, Kansas, Missouri, Arkansas, Louisiana, Mississippi, and New Mexico.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Dallas, Tex.

No. MC 140942, filed May 9, 1975. Applicant: CLOVERDALE TRANSPORTATION COMPANY, a Corporation, 103 Fourth Avenue NW., Mandan, N. Dak. 58554. Applicant's representative: Michael J. Ogborn, P.O. Box 82028, Lincoln, Nebr. 68501. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Meat, meat products, and meat by-products*, and *articles distributed by meat packinghouses*, as described in Sections A, B, and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk), from Mandan, N. Dak., to points in California, Idaho, Minnesota, Montana, Oregon, South Dakota, Washington, and Wyoming; and (2) *such commodities* as are dealt in by wholesale and retail grocery and food business houses and food processors (except commodities in bulk), from points in California, Colorado, Idaho, Illinois, Indiana, Iowa, Kansas, Michigan, Minnesota, Missouri, Montana, Nebraska, Ohio, Oregon, South Dakota, Washington, and Wisconsin, to Dickenson, Mandan, and Minot, N. Dak., under a continuing contract or contracts with Cloverdale Foods Company, restricted to traffic originating at or destined to the plantsites and facilities of Cloverdale Foods Company.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Bismarck, N. Dak.

No. MC 140943, filed May 8, 1975. Applicant: CHEYENNE ROAD TRANSPORT LTD., 2620 Barlow Trail NE., Calgary, Alberta Canada T1Y 1A1. Applicant's representative: George Boys, 728 Matador Crescent NE., Calgary, Alberta Canada T2E 5Z5. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer, feed and feed ingredients* in grain styled trailers, from ports of entry on the International Boundary line between the United States and Canada located at Sweetgrass, Mont; Eastport, Idaho and Portel, N. Dak., to points in Montana, Washington, Oregon, Idaho, North Dakota, South Dakota, Wisconsin and Minnesota.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held as close to Alberta, Canada as possible.

No. MC 140946 (Sub-No. 1), filed May 15, 1975. Applicant: TYSON EXPRESS, INC., 2210 West Oakland Drive, Springdale, Ark. 72764. Applicant's representative: John Maguire (same address as applicant). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Foodstuffs* (except in bulk), from the facilities owned or utilized by Tyson

Foods, Inc. in Benton, Carroll, Howard, Pulaski, and Washington Counties, Ark.; Webster County, La.; Barry and Lawrence Counties, Mo.; and Bedford and Gibson Counties, Tenn., to points in the United States (except Alaska and Hawaii); and (2) *materials, equipment and supplies* (except supplies in bulk), used in the manufacture and distribution of the commodities named in (1) above, from points in the United States (except Alaska and Hawaii), to the facilities owned or utilized by Tyson Foods, Inc. in Benton, Carroll, Howard, Pulaski, and Washington Counties, Ark.; Webster County, La.; Barry and Lawrence Counties, Mo.; and Bedford and Gibson Counties, Tenn., under a continuing contract or contracts with Tyson Foods, Inc.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Little Rock, Ark. or Kansas City, Mo.

No. MC 140962, filed May 14, 1975. Applicant: PHILIP ANTONUCCI, doing business as ANTY TRUCKING, 150 Linwood Ave., Paterson, N.J. 07502. Applicant's representative: George A. Olsen, 69 Tonnele Ave., Jersey City, N.J. 07306. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Mine, quarry drilling machinery, compressors, loaders, bars, tolls, parts, materials, equipment and supplies*, used or useful in the manufacture and sale of the foregoing commodities (except commodities in bulk), between Wayne, N.J., on the one hand, and, on the other, points in the United States east of, and including Minnesota, Iowa, Missouri, Arkansas, and Texas, under a continuing contract with Atlas Copco, Inc., at Wayne, N.J.

NOTE.—Applicant holds common carrier authority in MC 6974, therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at New York, N.Y., or Newark, N.J.

No. MC 140974, filed May 12, 1975. Applicant: LLOYD GARBER, doing business as GARBER'S TRUCKING, 14th and K Streets, Fairbury, Nebr. 68352. Applicant's representative: Bradford E. Kistler, P.O. Box 82028, Lincoln, Nebr. 68501. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Cheese*, from Hebron, Hastings, and Newman Grove, Nebr., to points in the United States (except Alaska and Hawaii), restricted to a transportation service to be performed under a continuing contract or contracts with Swan Enterprises, Inc., and further restricted to traffic originating at the named origin points.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Lincoln, Nebr.

No. MC 140977, filed May 14, 1975. Applicant: RAYMOND SPEARS AND EDWARD SPEARS, a partnership, doing business as VALLEY EXPRESS, 103 Walnut Street, Elmwood Place, Ohio 45216. Applicant's representative: James R. Stiverson, 1396 West Fifth Avenue, Columbus, Ohio 43212. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Hospital and laboratory instrumentation, apparatus, materials, and supplies*, (except commodities in bulk), between Cincinnati, Ohio, on the one hand, and, on the other, points in Indiana, Kentucky, Tennessee, and West Virginia, under a continuing contract or contracts with Curtin-Matheson Scientific, Inc.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Columbus, Ohio, or Washington, D.C.

PASSENGER APPLICATIONS

No. MC 108531 (Sub-No. 18), filed May 12, 1975. Applicant: BLUE BIRD COACH LINES, INC., 502-504 North Barry Street, Olean, N.Y. 14760. Applicant's representative: Ronald W. Malin, Bankers Trust Bldg., Jamestown, N.Y. 14701. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Passengers and their baggage*, in round trip charter operations; and (2) *passengers and their baggage*, in special operations, in round trip sightseeing and pleasure tours, beginning and ending at points in Butler, Crawford, Lawrence, Mercer, and Venango Counties, Pa., and extending to points in the United States, including Alaska, but excluding Hawaii.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at either Erie or Pittsburgh, Pa.

No. MC 111216 (Sub-No. 2), filed May 8, 1975. Applicant: BLACK HILLS & WESTERN TOURS, INC., doing business as GRAY LINE OF THE BLACK HILLS, 1600 East St. Patrick Street, Rapid City, S. Dak. 57701. 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: (1) *Passengers and their baggage*, in special and charter operations, between points in South Dakota on and west of the Missouri River, on the one hand, and, on the other, points in the United States, including Alaska, but excluding Hawaii; and (2) *passengers and their baggage*, in round-trip sightseeing and pleasure tours, beginning and ending at points in South Dakota on and west of the Missouri River and extending to points in the United States, including Alaska, but excluding Hawaii.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Rapid City, S. Dak.

No. MC 140558 (Sub-No. 2), filed May 12, 1975. Applicant: ALVIN SCOGGINS, doing business as SCOGGINS TAXI COMPANY, Rt. No. 3, Abbeville, S.C. 29620. Applicant's representative: Charles E. Carpenter, Jr., 1340 Pickens Street, Columbia, S.C. 29201. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage*, in the same vehicle, between Monroe, N.C., and Atlanta, Ga., restricted to the transportation of train crews under a continuing contract or contracts with the Seaboard Coastline Railroad.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Columbia, S.C.

WATER CARRIER APPLICATIONS

No. W 1287 (Sub-No. 1), filed May 9, 1975. Applicant: NAVIGABLE RIVER TRAVEL, INC., 111 East Third Street, Little Rock, Ark. 72201. Applicant's representative: John F. Trotter (same address as applicant). Authority sought to engage in operation, in interstate or foreign commerce as a *common carrier by water* in the transportation of *Passengers*, by self-propelled vessel, between ports and points on the McClellan-Kerr Arkansas River Navigation System and ports and points on the Mississippi River south of and including St. Louis, Mo.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Little Rock, Ark.

No. W 1291, filed May 12, 1975. Applicant: ALUMINA TRANSPORT CORP., a Corporation, P.O. Box 2346, Richmond, Va. 23218. Applicant's representative: Peter A. Greene, 1625 K Street NW., Washington, D.C. 20006. Authority sought to engage in operation, in interstate or foreign commerce as a *contract carrier by water* in the transportation of *Alumina*, in bulk, by self-propelled vessels, from Corpus Christi, Tex., to Longview and Tacoma, Wash. and Portland, Oreg., under a continuing contract or contracts with Reynolds Metals Company.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

FREIGHT FORWARDER APPLICATION

No. FF 365 (Sub-No. 1), filed May 12, 1975. Applicant: FORD PAK, INC., 3811 West Industrial Ave., P.O. Box 11, Midland, Tex. 79701. Applicant's representative: Robert J. Gallagher, 1776 Broadway Street, New York, N.Y. 10019. Authority sought to engage in operation, in interstate commerce, as a *freight forwarder*, through use of the facilities of common carriers by rail, motor, water and express, in the transportation of (a) *Used household goods and unaccompanied baggage;* and (b) *used automobiles*, between points in the United States, including Hawaii, but excluding Alaska, restricted in (b) to the transportation of export-import traffic.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant does not specify a location.

By the Commission,

[SEAL] RICHARD W. KYLE,
Acting Secretary.

[FR Doc.75-15253 Filed 6-11-75;8:45 am]

Office of Proceedings

IRREGULAR-ROUTE MOTOR COMMON CARRIERS OF PROPERTY

Elimination of Gateway Letter Notices

JUNE 9, 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 23, 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 35358 (Sub-No. E18), filed June 4, 1974. Applicant: BERGER TRANSFER & STORAGE, INC., 3720 MacAlaster Drive, NE., Minneapolis, Minn. 55421. Applicant's representative: Andrew R. Clark, 1000 First Nat'l Bank Bldg., Minneapolis, Minn. 55402. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New furniture*, from points in Pennsylvania on and east of a line beginning at the New York-Pennsylvania State line and extending along Pennsylvania Highway 14 to junction U.S. Highway 15, thence along U.S. Highway 15 to junction U.S. Highway 83, thence along U.S. Highway 83 to the Maryland-Pennsylvania State line, to points in Washington, Oregon, California, Idaho, Nevada, Montana, Wyoming, Utah, Arizona, Colorado, New Mexico, North Dakota, South Dakota, Nebraska, points in Wisconsin on and west of a line beginning at Lake Superior and extending along Wisconsin Highway 113 to junction Wisconsin Highway 29, thence along Wisconsin Highway 29 to junction Wisconsin Highway 27, thence along Wisconsin Highway 27 to junction Wisconsin Highway 82, thence along Wisconsin Highway 82 to the Wisconsin-Iowa State line, points in Iowa on and west of a line beginning at the Iowa-Wisconsin State line and extending along Iowa Highway 9 to junction Iowa Highway 76, thence along Iowa Highway 76 to junction Iowa Highway 13, thence along Iowa Highway 13 to junction U.S. Highway 20, thence along U.S. Highway 20 to junction Iowa Highway 63, thence along Iowa Highway 63 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 the Missouri-Iowa State line, points in Missouri on and west of U.S. Highway 35, points in Kansas on, north, and west of a line beginning at the Missouri-Kansas State line and extending along U.S. Highway 70 to junction U.S. Highway 156, thence along U.S. Highway 156 to junction U.S. Highway 56, thence along U.S. Highway 56 to junction Kansas Highway 23, thence along Kansas Highway 23 to the Oklahoma-Kansas State line, points in Texas on and west of a line beginning at the Texas-Oklahoma State line and extending along Texas Highway 70 to junction Texas Highway 86, thence along Texas Highway 86 to junction U.S. Highway 87, thence along U.S. Highway 87 to junction U.S. Highway 62, thence along U.S. Highway 62 to junction U.S. Highway 385, thence along U.S. Highway 385 to the United States-Mexico International Boundary line. The purpose of this filing is to eliminate the gateway of Albert Lea, Minn.

No. MC 43963 (Sub-No. E1) (Correction), filed April 2, 1975, published in the FEDERAL REGISTER May 1, 1975. Applicant: CHIEF TRUCK LINES, INC., Joliet Rd. & 79th St., Hindale, Ill. 60521. Applicant's representative: James C. Hardman, Suite 2108, 33 N. LaSalle St., Chicago, Ill. 60602. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *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 or weight, require specialized handling or rigging; (1) between points in Wisconsin, on the one hand, and, on the other, 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, and Massac Counties Ill., points in Alexander and Jefferson Counties, Ill., on and east of Interstate Highway 57, and points in Indiana on and north of U.S. Highway 40; (2) between points in Milwaukee County, Wis., on the one hand, and, on the other, points in Illinois (except points in Jo Daviess, Stephenson, Ogle, Winnebago, Boone, McHenry, Cook, Du Page, De Kalb, Carroll, Whiteside, Rock Island, Henry, Lee, Bureau, and Lake Counties, and in Kane County north of Illinois Highway 38), and points in Indiana on and north of U.S. Highway 40; (3) between points in Waukesha, Milwaukee, Racine, and Kenosha Counties, Wis., on the one hand, and, on the other, points in Illinois (except points in Jo Daviess, Carroll, Stephenson, Whiteside, Rock Island, Henry, Mercer, Henderson, Warren, Knox, Lee, Ogle, Winnebago, Boone, McHenry, Lake, Cook, De Kalb, Kane, Du Page, Kendall, and Will Counties); and (4) between points in Waukesha, Milwaukee, Racine, and Kenosha Counties, Wis., on the one hand, and, on the other, points in Will County, Ill., on and south of Interstate Highway 80 and points in Indiana on and north of U.S. Highway 40. The purpose of this filing is to eliminate the gateway of Chicago, Ill. The purpose of this correction is to clarify the authority sought.

No. MC 50069 (Sub-No. E4), filed May 15, 1974. Applicant: REFINERS TRANSPORT & TERMINAL CORPORATION, 445 Earlwood Avenue, Oregon, Ohio 43616. Applicant's representative: Jack A. Gollan (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Liquid chemicals* (except acetone, ethyl acetate, alcohol, vodka, gin, proprietary anti freeze preparations, and choline chloride), in bulk, in tank vehicles, from Midland, Mich., and points within 5 miles thereof to points in Iowa (Peoria, Ill.)*; (2) *Liquid chemicals* (except acetone, ethyl acetate, alcohol, vodka, gin, proprietary anti freeze preparations and choline chloride), in bulk, in tank vehicles, from Midland, Mich., and points within 5 miles thereof to points in Missouri (Terre Haute, Ind.)*; (3) *Liquid resins*, in bulk, in tank vehicles, from Midland, Mich., and points within 5 miles thereof, to points in Connecticut, Maine, Massachusetts, New Hampshire, New Jersey, New York, Rhode Island, and Vermont (Toledo, Ohio)*; (4) *Liquid chemicals* (except petroleum chemicals), in bulk, in tank vehicles, from Midland, Mich., and points within 5 miles thereof, to points in Alabama, Kansas, Nebraska, Mississippi, Oregon, and South Dakota (Swanton, Ohio)*; (5) *Liquid chemicals* (except petroleum products), in bulk, in tank vehicles, from Midland, Mich., and points within 5 miles thereof to points in Wisconsin and Kansas (Lemont, Ill.)*; (6) *Petroleum chemicals*, in bulk, in tank vehicles, from Midland, Mich., and points within 5 miles thereof, to points in Pennsylvania north and west of a line beginning at the Ohio-Pennsylvania State line and extending along U.S. Highway 22 to Blairsville, Pa., to the Pennsylvania-New York State line, (Toledo, Ohio)*;

(7) *Petroleum chemicals*, in bulk, in tank vehicles, from Midland, Mich., and points within 5 miles thereof, to points in West Virginia on and west of a line beginning at Sisterville, W. Va., and extending along West Virginia Highway 18 to Troy, W. Va., thence along West Virginia Highway 47 to Linn, W. Va., thence along U.S. Highway 119 to Glennville, W. Va., thence along West Virginia Highway 5 to Napier, W. Va., thence along U.S. Highway 19 to Summersville, W. Va., thence along West Virginia Highway 41 to junction U.S. Highway 19, thence along U.S. Highway 19 to Bluefield, W. Va., thence to the West Virginia-Virginia State line (Ironton, Ohio)*; and (8) *Petroleum chemicals*, in bulk, in tank vehicles, from Midland, Mich., and points within 5 miles thereof, to points in New York west of a line beginning at the New York-Pennsylvania State line and extending to Deposit, N.Y., thence along New York Highway 8 to Utica, N.Y., thence along New York Highway 49 to Rome, N.Y.,

thence along New York Highway 69 to Camden, N.Y., thence along New York Highway 13 to Port Ontario, N.Y. (Toledo, Ohio, and Titusville, Pa.)*. The purpose of this filing is to eliminate the gateways indicated by asterisks above.

No. MC 50069 (Sub-No. E13), filed May 15, 1974. Applicant: REFINERS TRANSPORT & TERMINAL CORPORATION, 445 Earlwood Avenue, Oregon, Ohio 43616. Applicant's representative: Jack A. Gollan (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Petroleum products* as described in Appendix XIII to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, in bulk, in tank vehicles, from Jackson, Mich., and points within 20 miles thereof to points in Illinois (South Bend, Ind., and Niles, Mich.)*; (2) *Petroleum products* as described in Appendix XIII to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, in bulk, in tank vehicles, from Jackson, Mich., and points within 20 miles thereof to points in Kentucky on and west of a line beginning at the Indiana-Kentucky State line and extending along U.S. Highway 421 to Frankfort, Ky., thence along U.S. Highway 460 to the Kentucky-West Virginia State line (Seymour, Ind.)*; (3) *Petroleum products* as described in Appendix XIII to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, in bulk, in tank vehicles, from Jackson, Mich., and points within 20 miles thereof to points in Missouri within 135 miles of East St. Louis, Ill. (South Bend, Ind., Niles, Mich., and East St. Louis, Ill.)*; (4) *Petroleum chemicals*, in bulk, in tank vehicles, from Jackson, Mich., and points within 20 miles thereof to points in Iowa (South Bend, Ind., Niles, Mich., and Peoria, Ill.)*; (5) *Petroleum chemicals*, in bulk, in tank vehicles, from Jackson, Mich., and points within 20 miles thereof to points in Missouri (South Bend, Ind., Niles, Mich., and Terre Haute, Ind.)*; and (6) *Petroleum chemicals*, in bulk, in tank vehicles, from Jackson, Mich., and points within 20 miles thereof to points in Wisconsin (South Bend, Ind., Niles, Mich., and Lemont, Ill.)*. The purpose of this filing is to eliminate the gateways indicated by asterisks above.

No. MC 61825 (Sub-No. E1), filed May 13, 1974. Applicant: ROY STONE TRANSFER CORPORATION, P.O. Box 385, Collinsville, Va. 24078. Applicant's representative: Joe Clyde Wilson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Glass* (except commodities of unusual value, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment), from Toledo, Ohio, to points in North Carolina, South Carolina, and Virginia south and east of a line beginning at the Atlantic Ocean near Charleston, S.C., and extending along South Carolina Highway 171 to junction U.S. Highway 17, thence along U.S. Highway 17 to junction U.S. Highway 52, thence along U.S. Highway 52 to junction Interstate Highway 95, thence along Interstate Highway 95 to the North Carolina-South Carolina State line, thence along the North Carolina-South Carolina State line to junction North Carolina Highway 83, thence along North Carolina Highway 83 to junction North Carolina Highway 130, thence along North Carolina Highway 130 to junction North Carolina Highway 71, thence along North Carolina Highway 71 to junction North Carolina Highway 211, thence along North Carolina Highway 211 to junction U.S. Highway 1, thence along U.S. Highway 1 to junction North Carolina Highway 87, thence along North Carolina Highway 87 to junction U.S. Highway 29 to the North Carolina-Virginia State line, thence along U.S. Highway 29 to junction U.S. Highway 60, thence along U.S. Highway 60 to junction U.S. Highway 15, thence along U.S. Highway 15 to junction U.S. Highway 460, thence along U.S. Highway 460 to junction Virginia Highway 46, thence along Virginia Highway 46 to junction U.S. Highway 58, thence along U.S. Highway 58 to junction U.S. Highway 301, thence along U.S. Highway 301 to the Virginia-North Carolina State line extending along U.S. Highway 301 to junction U.S. Highway 158, thence along U.S. Highway 158 to junction U.S. Highway 13, thence along U.S. Highway 13 to junction North Carolina Highway 137, thence along North Carolina Highway 137 to junction North Carolina Highway 37, thence along North Carolina Highway 37 to junction U.S. Highway 17, thence along U.S. Highway 17 to junction North Carolina Highway 37, thence along North Carolina Highway 37 to junction North Carolina Highway 32, thence along North Carolina Highway 32 to junction U.S. Highway 64, thence along U.S. Highway 64 to the Atlantic Ocean. The purpose of this filing is to eliminate the gateway of Lynchburg, Va.

No. MC 61825 (Sub-No. E2), filed May 13, 1974. Applicant: ROY STONE TRANSFER CORPORATION, P.O. Box 385, Collinsville, Va. 24078. Applicant's representative: Joe Clyde Wilson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, livestock, class A and B explosives, household goods as defined by the Commission, liquid commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading), from Baltimore, Md., to all points in West Virginia on and south of a line beginning at the Virginia-West Virginia State line and extending along Interstate Highway 64 to junction U.S. Highway 60, thence along U.S. Highway 60 to junction West Virginia Highway 20, thence along West Virginia Highway 20 to junction West Virginia Highway 39, thence along West Virginia Highway 39 to junction West Virginia Highway 16, thence along West Virginia Highway 16 to junction West Virginia Highway 4, thence along West Virginia Highway 4 to junction U.S. Highway 119, thence along U.S. Highway 119 to junction Interstate Highway 64, thence along Interstate Highway 64 to junction U.S. Highway 60, thence along U.S. Highway 60 to the Kentucky-West Virginia State line, and points in South Carolina. The purpose of this filing is to eliminate the gateway of Lynchburg, Va.

No. MC 100666 (Sub-No. E257), filed June 3, 1974. Applicant: MELTON TRUCK LINES, INC., P.O. Box 7666, Shreveport, La. 71107. Applicant's representative: Paul L. Caplinger (same as above).

Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Composition or prepared roofing*, including composition shingles or asbestos siding and sheet iron roofing, from points in Tennessee within 250 miles of Texarkana, Tex.: (a) to points in Colorado and New Mexico, (b) to points in Alabama, Florida, Georgia, Illinois, Indiana, Iowa, Kentucky, Mississippi and Tennessee; (2) *composition roofing board*, from points in Tennessee within 250 miles of Texarkana, Tex., (a) to points in Arizona, California, Idaho, Minnesota, Montana, Nevada, Oregon, Utah and Washington, (b) to points in Nebraska, North Dakota, South Carolina, South Dakota and Wyoming; (3) *composition or prepared roofing*, including composition shingles or asbestos siding and sheet iron roofing, (a) from points in Missouri, to points in Alabama, Florida, Georgia (except from points east of Missouri Highway 51), Mississippi and points in Louisiana over 250 miles from Texarkana, Tex., (b) from points in Missouri on, south and west of U.S. Highway 63 from Arkansas-Missouri State line to junction Missouri Highway 14, thence along Missouri Highway 14 to junction U.S. Highway 65, thence along U.S. Highway 65 to junction Interstate Highway 44, thence along Interstate Highway 44 to the Missouri-Oklahoma State line, (c) from points in Missouri on and west of U.S. Highway 63 from Arkansas-Missouri State line to junction U.S. Highway 60, thence along U.S. Highway 60 to junction Missouri Highway 13, thence along Missouri Highway 13 to the Missouri-Iowa State line, (d) from points in Missouri except Newton and McDonald Counties, to points in Texas on and south of U.S. Highway 67 from Presidio to junction U.S. Highway 290, thence along U.S. Highway 290 to junction Interstate Highway 10, thence along Interstate Highway 10 to junction Texas Highway 73, thence along Texas Highway 73 to junction Texas Highway 87, thence along Texas Highway 87 to junction U.S. Highway 90, thence along U.S. Highway 90 to the Texas-Louisiana State line;

(4) *Composition roofing board*, (a) from points in Newton and McDonald Counties, Mo., to points in California, Idaho, Montana, Nevada, Oregon, Utah, and Washington, (b) from points in Mis-

souri except Newton and McDonald Counties, to points in Oklahoma over 250 miles from Texarkana, Tex., except points in and east of Beaver County, (c) from points in Missouri on and south of U.S. Highway 66, to points in New Mexico; (5) *composition or prepared roofing*, including composition shingles or asbestos, (a) from Oklahoma, to points in Kentucky, Tennessee (except Memphis), Mississippi (only points north of Mississippi Highway 8), Alabama (only points north of U.S. Highway 80), from points in Oklahoma on, west and south of Interstate Highway 35 from the Oklahoma-Kansas State line to junction Oklahoma Highway 33, thence along Oklahoma Highway 33 to the Arkansas-Oklahoma State line, to points in Indiana east of Indiana Highway 67 from Illinois-Missouri State line to junction Interstate Highway 69, thence along Interstate Highway 69 to the Indiana-Michigan State line, (c) from points in Oklahoma on and south of U.S. Highway 62 from the Oklahoma-Texas State line to junction Oklahoma Highway 7, thence along Oklahoma Highway 7 to junction Oklahoma Highway 1, thence along Oklahoma Highway 1 to the Arkansas-Oklahoma State line, to points in Illinois on and east of U.S. Highway 51, (d) from Oklahoma to points in Alabama on and south of U.S. Highway 80 and points in Mississippi on and south of Alabama Highway 8, (e) from points in Oklahoma on and south of Interstate Highway 40 from the Arkansas-Oklahoma State line to junction U.S. Highway 66, thence along U.S. Highway 66 to junction U.S. Highway 81, thence along U.S. Highway 81 to the Oklahoma-Texas State line, to points in Colorado;

(6) *Composition or prepared roofing*, including composition shingles or asbestos siding, (a) from Oklahoma to points in Florida and points in Georgia on and south of U.S. Highway 80, (b) from points in Oklahoma northwest of a line beginning at the Missouri-Oklahoma State line and extending along Interstate Highway 44 to Oklahoma City, Okla., thence along U.S. Highway 66 to junction U.S. Highway 81, thence along U.S. Highway 81 to the Oklahoma-Texas State line, to points in Louisiana south and east of a line beginning at the Texas-Louisiana State line and extending along U.S. Highway 90 to Lafayette, La., thence along U.S. Highway 167 to Opelousas, La., thence along U.S. Highway 190 to Amite River, thence along the Amite River to the Louisiana-Mississippi State line, (c) from points in Oklahoma on and southeast of a line beginning at the Missouri-Oklahoma State line and extending along Interstate Highway 44 to Oklahoma City, Okla., thence along U.S. Highway 66 to junction U.S. Highway 81, thence along U.S. Highway 81 to the Oklahoma-Texas State line, to points in New Mexico; (7) *sheet iron roofing*, (a) from points in Oklahoma over 250 miles from Texarkana, Tex., to points in Louisiana over 250 miles from Texarkana, Tex., (b) from points in Oklahoma within 250 miles of Texarkana, Tex., to points in New Mexico; (8) *composition roofing board*, (a) from Oklahoma, to points in Connecticut, Delaware, Maine, Maryland, Massachusetts, Michigan, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, Vermont, Virginia, West Virginia, and the District of Columbia, (b) from Oklahoma, to points in South Carolina, (c) from points in Oklahoma on and southeast of a line beginning at the Missouri-Oklahoma State line and extending along Interstate Highway 44 to Oklahoma City, Okla., thence along U.S. Highway 66 to junction U.S. Highway 81, thence along U.S. Highway 81 to the Oklahoma-Texas State line, to points in California in and north of Marin, Solano, Sacramento, and El Dorado Counties, Idaho, Iowa, Minnesota, Montana, points in Nevada on and north of U.S. Highway 40, North Dakota, Oregon, Washington, Wisconsin and points in South Dakota on and east of U.S. Highway 281;

(9) *Composition or prepared roofing*, including composition shingles or asbestos siding and shet iron roofing, from points in Arkansas on and south of U.S. Highway 70 from the Arkansas-Tennessee State line to junction U.S. Highway 270, thence along U.S. Highway 270 to the Arkansas-Oklahoma State line, to points in Illinois; (10) *composition or prepared roofing*, including composition shingles or asbestos siding, (a) from points in Arkansas north and east of a line beginning at the Arkansas-Tennessee State line and extending along U.S. Highway 61 to junction U.S. Highway 63 at or near Turrell, Ark., thence along U.S. Highway 63 to the Missouri-Arkansas State line, to Kansas and points in Louisiana south and east of a line beginning at the Texas-Louisiana State line and extending along U.S. Highway 90 to Lafayette, La., thence along U.S. Highway 167 to Opelousas, La., thence along U.S. Highway 190 to Amite River, thence along the Amite River to the Louisiana-Mississippi State line, and points in Oklahoma on and northwest of a line beginning at the Missouri-Oklahoma State line and extending along Interstate Highway 44 to Oklahoma City, Okla., thence along U.S. Highway 66 to junction U.S. Highway 81, thence along U.S. Highway 81 to the Oklahoma-Texas State line, and points in Texas west and south of a line beginning at the Oklahoma-Texas State line and extending along U.S. Highway 81 to Waco, Tex., thence along Texas Highway 6 to junction U.S. Highway 290 at or near Hempstead, Tex., thence along U.S. Highway 290 to Houston, Tex., thence along Interstate Highway 10 to Winnie, Tex., thence along Texas Highway 73 to Port Arthur, Tex., thence along Texas Highway 87 to Orange, Tex., thence along U.S. Highway 90 to the Texas-Louisiana State line, (b) from points in Arkansas on, south, and west of a line beginning at the Arkansas-Tennessee State line and extending along U.S. Highway 61 to junction U.S. Highway 63 at or near Turrell, Ark., thence along U.S. Highway 63 to the Missouri-Arkansas State line, to points in Colorado (except from Arkansas points north of Interstate Highway 40 destined to Colorado points east of U.S. Highway 85) and New Mexico;

(11) *Sheet iron roofing*, (a) from points in Arkansas over 250 miles from Texarkana, Tex., to points in Kansas and points in Louisiana, Oklahoma and Texas over 250 miles from Texarkana, Tex., (b) from points within 250 miles of Texarkana, Tex., to points in Colorado (except from Arkansas points north of Interstate Highway 40 when destined to Colorado points east of U.S. Highway 85) and New Mexico; (12) *composition roofing board*, (a) from points in Arkansas north and east of a line beginning at the Arkansas-Tennessee State line and extending along U.S. Highway 61 (also known as Interstate Highway 5) to junction U.S. Highway 63 at or near Turrell, Ark., thence along U.S. Highway 63 to the Missouri-Arkansas State line, to points in California, Idaho, Montana, Nevada, Oregon, Utah and Washington, (b) from points in Arkansas on, south and west of a line beginning at the Arkansas-Tennessee State line and extending along U.S. Highway 61 to junction U.S. Highway 63 at or near Turrell, Ark., thence along U.S. Highway 63 to the Missouri-Arkansas State line, to points in California, Idaho, Minnesota, Montana, Nebraska, Nevada, North Dakota, Oregon, South Dakota, Utah and Washington, (c) from points in Arkansas on and west of Arkansas Highway 7, to points in Iowa and Wisconsin, (d) from Arkansas to points in South Carolina; (13) *composition or prepared roofing*, including composition shingles or asbestos siding, (a) from points in Kansas on and east of U.S. Highway 281, to points in Louisiana south and east of a line beginning at the Texas-Louisiana State line and extending along U.S. Highway 90 to Lafayette, La., thence along U.S. Highway 167 to Opelousas, La., thence along U.S. Highway 190 to Amite River, thence along the Amite River to the Louisiana-Mississippi State line, (b) from points in Kansas on and south of Kansas Highway 96 to points in Kentucky on, south and east of U.S. Highway 62 from Paducah to junction Interstate Highway 75, thence along Interstate Highway 75 to the Kentucky-Ohio State line;

(14) *Composition or prepared roofing*, including composition shingles or asbestos siding and sheet iron roofing, from points in Kansas to points in Alabama and Mississippi; (15) *sheet iron roofing*, from points in Kansas on and east of U.S. Highway 281, to points in Louisiana over 250 miles from Texarkana, Tex.; (16) *composition roofing board*, (a) from Kansas, Miami, and Oklahoma, to points in Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, North Carolina, Rhode Island, South Carolina, Vermont, Virginia and the District of Columbia, (b) from points in Kansas on and south of Interstate Highway 70 from Colorado-Kansas State line to junction Interstate Highway 35, thence along Interstate Highway 35 to junction U.S. Highway 160, thence along U.S. Highway 160 to

the Kansas-Missouri State line, to points in Michigan (except Upper Peninsula), New York, Ohio, Pennsylvania and West Virginia; (17) *composition or prepared roofing*, including composition shingles or asbestos siding, and sheet iron roofing, from Texas (except points north of Interstate Highway 40 when destined to Illinois and Indiana), to points in Illinois, Indiana, Kentucky and Tennessee; (18) *composition or prepared roofing*, including composition shingles or asbestos siding, (a) from points in Texas on, west and north of Interstate Highway 35 from Laredo to junction Interstate Highway 20, thence along Interstate Highway 20 to the Texas-Louisiana State line, to points in Florida and Georgia, (b) from points in Texas on, west and north of Interstate Highway 35 from Laredo to junction Interstate Highway 20, thence along Interstate Highway 20 to the Texas-Louisiana State line, to points in Alabama, (c) from Texas, to points in Mississippi (except from points in Texas south of Interstate Highway 20 when destined to points in Mississippi south of Interstate Highway 20), (d) from points in Texas west and south of a line beginning at the Oklahoma-Texas State line and extending along U.S. Highway 81 to Waco, Tex., thence along Texas Highway 6 to junction U.S. Highway 290 at or near Hempstead, Tex., thence along U.S. Highway 290 to Houston, Tex., thence along Interstate Highway 10 to Winnie, Tex., thence along Texas Highway 73 to Port Arthur, Tex., thence along Texas Highway 87 to Orange, Tex., thence along U.S. Highway 90 to the Texas-Louisiana State line, to points in Arkansas north and east of a line beginning at the Arkansas-Tennessee State line and extending along U.S. Highway 61 (also known as Interstate Highway 55) to junction U.S. Highway 63 at or near Turrell, Ark., thence along U.S. Highway 63 to the Missouri-Arkansas State line,

(e)(1) From points in Texas on and east of U.S. Highway 81, to points in Iowa and Nebraska; (2) from points in Texas on, east and south of U.S. Highway 81 from Laredo to junction Texas Highway 6, thence along Texas Highway 6 to junction U.S. Highway 290, thence along U.S. Highway 290 to junction Interstate Highway 10, thence along Interstate Highway 10 to junction Texas Highway 73, thence along Texas Highway 73 to junction Texas Highway 87, thence along Texas Highway 87 to junction U.S. Highway 90, thence along U.S. Highway 90 to the Texas-Louisiana State line, to points in Kansas, Missouri (except Newton and McDonald Counties), and points in Oklahoma northwset of a line beginning at the Missouri-Oklahoma State line and extending along Interstate Highway 44 to Oklahoma City, Okla., thence along U.S. Highway 66 to junction U.S. Highway 81, thence along U.S. Highway 81 to the Oklahoma-Texas State line, (f) from points in Texas on, east and north of a line beginning at the Oklahoma-Texas State line and extending along U.S. Highway 81 to Waco, Tex., thence along Texas Highway 6 to junction U.S. Highway 290 at or near Hampstead, Tex., thence along U.S. Highway 290 to Houston, Tex., thence along Interstate Highway 10 to Winnie, Tex., thence along Texas Highway 73 to Port Arthur, Tex., thence along Texas Highway 87 to Orange, Tex., thence along U.S. Highway 90 to the Texas-Louisiana State line, (1) Acme, Tex., to Colorado, and (2) Hamlin, Tex., to New Mexico, to points in Colorado and New Mexico, (g) from points in Texas on, north and west of Interstate Highway 20 from El Paso to junction U.S. Highway 81, thence along U.S. Highway 81 to the Oklahoma-Texas State line, to points in Louisiana south and east of a line beginning at the Texas-Louisiana State line and extending along U.S. Highway 90 to Lafayette, La., thence along U.S. Highway 167 to Opelousas, La., thence along U.S. Highway 190 to Amite River, thence along the Amite River to the Louisiana-Mississippi State line;

(19) *Sheet iron roofing*, (a) from points in Texas over 250 miles from Texarkana, Tex., to points in Arkansas over 250 miles from Texarkana, Tex., (b) from points in Texas within 250 miles of Texarkana, Tex., to points in Texas and New Mexico, (c) from points in Texas on, north and west of Interstate Highway 35 from Laredo to junction U.S. Highway 81, thence along U.S. Highway 81 to the Oklahoma-Texas State line, to points in Louisiana over 250 miles from Texarkana, Tex.; (20) *composition or prepared roofing*, including composition shingles or asbestos siding, from points in Texas to points in North Carolina, South Carolina and Virginia; (21) *composition roofing board*, (a) from points in Texas on, east and north of a line beginning at the Oklahoma-Texas State line and extending along U.S. Highway 81 to Waco, Tex., thence along Texas Highway 6 to junction U.S. Highway 290 at or near Hempstead, Tex., thence along U.S. Highway 290 to Houston, Tex., thence along Interstate Highway 10 to Winnie, Tex., thence along Texas Highway 73 to Port Arthur, Tex., thence along Texas Highway 87 to Orange, Tex., thence along U.S. Highway 90 to the Texas-Louisiana State line, to points in California (only points in and north of Nevada, Yuba, Sutter, Colusa, Lake and Mendocino Counties), Idaho, Montana, Nevada (only points on and north of Interstate Highway 80), Oregon, Utah (only points on and north of Interstate Highway 80), and Washington, (b) from points on and east of U.S. Highway 81 from Laredo to junction U.S. Highway 281, thence along U.S. Highway 281 to Oklahoma-Texas State line, to points in Michigan, Minnesota, North Dakota, South Dakota, and Wisconsin, (c) from points in Texas, to points in Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Vermont, West Virginia and the District of Columbia; (22) *sheet iron roofing*, from points in Texas over 250 miles from Texarkana, Tex., and on and east of Interstate Highway 45, to points in Colorado and points in New Mexico on and north of U.S. Highway 70;

(23) *Composition or prepared roofing*, including composition shingles or asbestos siding and sheet iron roofing, from points in Louisiana, to points in Illinois, Indiana, Kentucky, and Tennessee; (24) *composition or prepared roofing*, including composition shingles or asbestos siding, (a) from points in Louisiana south and east of a line beginning at the Texas-Louisiana State line and extending along U.S. Highway 90 to Lafayette, La., thence along U.S. Highway 167 to Opelousas, La., thence along U.S. Highway 190 to Amite River, thence along the Amite River to the Louisiana-Mississippi State line, to points in Missouri (except Newton and McDonald Counties), (b) from points in Louisiana south and east of a line beginning at the Texas-Louisiana State line and extending along U.S. Highway 90 to Lafayette, La., thence along U.S. Highway 167 to Opelousas, La., thence along U.S. Highway 190 to Amite River, thence along the Amite River to the Louisiana-Mississippi State line, to points in Kansas, and points in Oklahoma northwest of a line beginning at the Missouri-Oklahoma State line and extending along Interstate Highway 44 to Oklahoma City, Okla., thence along U.S. Highway 66 to junction U.S. Highway 81, thence along U.S. Highway 81 to the Oklahoma-Texas State line, and points in Texas north of Interstate Highway 20; (25) *composition or prepared roofing*, including composition shingles or asbestos siding and sheet iron roofing, from points in Louisiana, to points in Iowa and Ohio (except from points in Louisiana east of Pointe Coupee, Saint Martin and Iberia Parishes when destined to points in Ohio south and east of U.S. Highway 35 from Ohio-Indiana State line to junction U.S. Highway 68, thence along U.S. Highway 68 to the Ohio-Kentucky State line; (26) *composition or prepared roofing*, including composition shingles or asbestos siding, from points in Louisiana south and east of a line beginning at the Texas-Louisiana State line and extending along U.S. Highway 90 to Lafayette, La., thence along U.S. Highway 167 to Opelousas, La., thence along U.S. Highway 190 to Amite River, thence along the Amite River to the Louisiana-Mississippi State line, to points in Colorado.

(27) *Composition or prepared roofing*, including composition shingles or asbestos siding and sheet iron roofing, from points in Louisiana, to points in New Mexico; (28) *composition or prepared roofing*, including composition shingles or asbestos siding, from points in Louisiana on, north and west of a line beginning at the Texas-Louisiana State line and extending along U.S. Highway 90 to Lafayette, La., thence along U.S. Highway 167 to Opelousas, La., thence along U.S. Highway 190 to Amite River, thence along the Amite River to the Louisiana-Mississippi State line, to points in Colorado; (29) *sheet iron roofing*, (a) from points in Louisiana over 250 miles from Texarkana, Tex., to points in Missouri

(except Newton and McDonald Counties), (b) from points in Louisiana over 250 miles from Texarkana, Tex., to points in Kansas, points in Oklahoma over 250 miles from Texarkana, Tex., and points in Texas north of Interstate Highway 20, (c) from points in Louisiana over 250 miles from Texarkana, Tex., to points in Colorado, (d) from points in Louisiana within 250 miles of Texarkana, Tex., to points in Colorado; (30) *composition roofing board*, (a) from points in Louisiana on and west of U.S. Highway 167 from the Arkansas-Louisiana State line to Maurice, La., and Vermilion Parish, La., to points in Wisconsin, (b) from points in Louisiana south and east of a line beginning at the Texas-Louisiana State line and extending along U.S. Highway 90 to Lafayette, La., thence along U.S. Highway 167 to Opelousas, La., thence along U.S. Highway 190 to Amite River, thence along the Amite River to the Louisiana-Mississippi State line, to points in California, Idaho, Minnesota, Montana, Nebraska, Nevada, North Dakota, Oregon, South Dakota, Utah and Washington, (c) from points in Louisiana on, north and west of a line beginning at the Texas-Louisiana State line and extending along U.S. Highway 90 to Lafayette, La., thence along U.S. Highway 167 to Opelousas, La., thence along U.S. Highway 190 to Amite River, thence along the Amite River to the Louisiana-Mississippi State line, to points in California (only points in and north of Inyo, Tulare, Kern and San Luis Obispo Counties), Idaho, Minnesota, Montana, Nebraska, Nevada, North Dakota, Oregon, South Dakota, Utah and Washington, (d) from points in Louisiana to points in Michigan, North Carolina, South Carolina (except from points in Louisiana east of Pointe Coupee, Saint Martin and Iberia Parishes), Virginia and West Virginia,

(e) From points in Louisiana within 250 miles of Texarkana, Tex., to points in Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island and Vermont, (f) from points in Louisiana on and west of U.S. Highway 167 from Arkansas-Louisiana State line to junction U.S. Highway 165, thence along U.S. Highway 165 to junction Jefferson Davis Parish and Jefferson Davis and Cameron Parishes, to points in Delaware, Maryland, New Jersey and the District of Columbia, (g) from points in Caddo, Bossier and Webster Parishes, La., to points in New York; (31) *composition or prepared roofing*, including composition shingles or asbestos siding, and sheet iron roofing, (a) from points in Louisiana on and north of Interstate Highway 20, to points in Georgia, (b) from points in Louisiana on, north and west of a line beginning at the Texas-Louisiana State line and extending along U.S. Highway 90 to Lafayette, La., thence along U.S. Highway 167 to Opelousas, La., thence along U.S. Highway 190 to Amite River, thence along the Amite River to the Louisiana-Mississippi State line, to points in Florida (except from Morehouse, West Carroll and East Carroll Parishes when destined to points in Florida west of U.S. Highway 331), (c) from points in Louisiana on, north and west of a line beginning at the Texas-Louisiana State line and extending along U.S. Highway 90 to Lafayette, thence along U.S. Highway 167 to Opelousas, La., thence along U.S. Highway 190 to Amite River, thence along Amite River to the Louisiana-Mississippi State line, to points in Georgia; (32) *composition or prepared roofing*, including composition shingles or asbestos siding, (a) from points in Louisiana on, north and west of a line beginning at the Texas-Louisiana State line and extending along U.S. Highway 90 to Lafayette, La., thence along U.S. Highway 167 to Opelousas, La., thence along U.S. Highway 190 to Amite River, thence along the Amite River to the Louisiana-Mississippi State line, to points in Pennsylvania, and (b) from Caddo, Bossier and Webster Parishes, La., to points in Alabama and Mississippi. The purpose of this filing is to eliminate the gateways of (1)(a) Duke, Okla.,

(1)(b) West Memphis, Ark., (2)(a) Pittsburg, Kans., (2)(b) West Memphis, Ark., and Henry County, Tenn., (3)(a) West Memphis, Ark., (3)(b) West Memphis, Ark., (3)(c) West Memphis, Ark., (3)(d) Shreveport, La., (4)(a) Pittsburg, Kans., (4)(b) Miami, Okla., (4)(c) Miami and Duke, Okla., (5)(a) West Memphis, Ark., (5)(b) West Memphis, Ark., (5)(c) West Memphis, Ark., (5)(d) Camden, Ark., (5)(e) Duke, Okla., (6)(a) Camden, Ark., and Terry, Miss., (6)(b) Irving, Tex., (6)(c) Duke, Okla., (7)(a) Irving, Tex., (7)(b(Duke, Okla., (8)(a) Miami, Okla., (8)(b) Miami, Okla., and Henry County, Tenn., (8)(c) Pittsburg, Kans., (9) West Memphis, Ark., (10)(a) West Memphis, Ark., (10)(b) Duke, Okla., (11)(a) West Memphis, Ark., (11)(b) Duke, Okla., (12)(a) West Memphis, Ark., and Pittsburg, Kans., (12)(b) Pittsburg, Kans., (12(c) Pittsburg, Kans., (12)(d) West Memphis, Ark., and Henry County, Tenn., (13)(a) West Memphis, Ark., (13)(b) West Memphis, Ark., (14) West Memphis, Ark., (15) West Memphis, Ark., (16)(a) Miami, Okla., (16)(b) Miami, Okla., (17) West Memphis, Ark., (18)(a) Shreveport, La., and Terry, Miss., (18)(b) Shreveport, La., (18)(c) Shreveport, La., (18)(d) Irving, Tex., (18)(e) Irving, Tex., (18)(f) Acme, Tex., to points in Colorado and Hamlin, Tex., to points in New Mexico, (18)(g) Irving, Tex., (19)(a) Irving, Tex., (19)(b) Acme, Tex., to points in Colorado and Hamlin, Tex., to points in New Mexico, (19)(c) Irving, Tex., (20) Shreveport, La., and Terry, Miss., (21)(a) Pittsburg, Kans., (21)(b) Miami, Okla., (21)(c) Miami, Okla., (22) Irving, Tex., and Duke, Okla., (23) West Memphis, Ark., (24)(a) West Memphis, Ark., (24)(b) Shreveport, La., (25) Shreveport, La., (26) Irving, Tex., and Duke, Okla., (27) Irving, Tex., and Duke, Okla., (28) Duke, Okla., (29)(a) West Memphis, Ark., (29)(b) Shreveport, La., (29)(c) Irving, Tex., and Duke, Okla., (29)(d) Duke, Okla., (30)(a) Pittsburg, Kans., (30)(b) Shreveport, La., and Pittsburg, Kans., (30)(c) Pittsburg, Kans., (30)(d) Urania, La., (30)(e) Urania, La., (30)(f) Urania, La., (30)(g) Urania, La., (31)(a) West Memphis, Ark., and facilities of National Gypsum Co., at New Orleans, La., (31)(b) facilities of National Gypsum Co., at New Orleans, La., (31)(c) same as 31a, (32)(a) Shreveport, La., and Terry, Miss., and (32)(b) Shreveport, La.

No. MC 107012 (Sub-No. E14), filed June 3, 1974. Applicant: NORTH AMERICAN VAN LINES, INC., P.O. Box 988, Fort Wayne, Ind. 46801. Applicant's representative: Terry G. Fewell (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New commercial and institutional fixtures*, from Laramie, Wyo., to points in Alabama, District of Columbia, Florida, Georgia, Mississippi, North Carolina, South Carolina, and Tennessee and to points in Kent and Sussex Counties, Del., points in Alexander, Clay, Edwards, Franklin, Gallatin, Hamilton, Hardin, Jackson, Jefferson, Johnson, Marion, Massac, Perry, Pope, Pulaski, Randolph, Saline, Union, Washington, Wayne, White, and Williamson Counties, Ill., points in Crawford, Clay, Daviess, Dubois, Gibson, Greene, Knox, Lawrence, Martin, Monroe, Orange, Owen, Parke, Perry, Pike, Posey, Putnam, Spencer, Sullivan, Vanderburgh, Vermillion, Vigo, and Warrick Counties, Ind., Adair, Anderson, Boyle, Casey, Clinton, Cumberland, Fayette, Garrard, Green, Jessamine, Lincoln, Madison, Marion, Mercer, Metcalfe, Monroe, Pulaski, Rockcastle, Russell, Taylor, Washington, Wayne, Woodford, Bell, Breathitt, Clay, Estill, Floyd, Harlan, Jackson, Knott, Knox, Laurel, Lee, Leslie, Letcher, McCreary, Owsley, Perry, Pike, Whitley, Ballard, Caldwell, Calloway, Carlisle, Crittenden, Daviess, Fulton, Graves, Hancock, Henderson, Hickman, Hopkins, Livingston, Lyon, Marshall, McCracken, McLean, Trigg, Union, Webster, Allen, Barren, Breckinridge, Bullitt, Butler, Christian, Edmonson, Grayson, Hardin, Hart, Henry, Jefferson, LaRue, Logan, Meade, Muhlenberg, Nelson, Ohio, Oldham, Shelby, Simpson, Spencer, Todd, Trimble, and Warren Counties, Ky., points in Hancock, Knox, Waldo, Washington, Aroostook, Penobscot, Piscataquis, and Somerset Counties, Maine, points in Anne Arundel, Calvert, Caroline, Charles, Montgomery, Prince Georges, Queen Annes, St. Marys, Talbot, Dorchester, Somerset, Wicomico, and Worcester Counties, Md., points in Bollinger, Butler, Cape Girardeau, Carter, Dunklin, Iron, Madison, Mississippi, New Madrid, Oregon, Pemiscot, Perry, Reynolds, Ripley, St. Francois, Ste. Genevieve, Scott, Shannon, Stoddard, and Wayne Counties, Mo., points in Addison, Orange, and Washington Counties, Vt., and points in Accomack, Gloucester, Greensville, Isle of Wight, Lancaster, Mathews, Middlesex, Nansemond, Northampton, Northumberland, Richmond, Southampton, Surry, Sussex, York, Alleghany, Amherst, Appomattox, Augusta,

Bath, Bedford, Bland, Botetourt, Buchanan, Campbell, Carroll, Charlotte, Craig, Dickenson, Floyd, Franklin, Giles, Grayson, Halifax, Henry, Highland, Lee, Montgomery, Nelson, Patrick, Pittsylvania, Pulaski, Roanoke, Rockbridge, Russell, Scott, Smyth, Tazewell, Washington, Wise, Wythe, Arlington, Caroline, Culpeper, Essex, Fairfax, Fauquier, King George, Orange, Prince William, Spotsylvania, Stafford, Westmoreland, Albemarle, Amelia, Brunswick, Buckingham, Charles City, Chesterfield, Cumberland, Dinwiddie, Fluvanna, Goochland, Hanover, Henrico, James City, King and Queen, King William, Louisa, Lunenburg, Mecklenburg, New Kent, Nottoway, Powhatan, Prince Edward, and Prince George Counties, Va., and the independent cities of Alexandria, Fairfax, Falls Church, Fredericksburg, Bedford, Bristol, Buena Vista, Clifton Forge, Covington, Danville, Galax, Lexington, Lynchburg, Martinsville, Norton, Radford, Roanoke, Salem, So. Boston, Staunton, Charlottesville, Colonial Heights, Hopewell, Petersburg, Richmond, Waynesboro, Chesapeake, Emporia, Franklin, Hampton, Newport News, Norfolk, Portsmouth, Suffolk, Virginia Beach, and Williamsburg, Va. The purpose of this filing is to eliminate the gateway of Greene County, Ark.

No. MC 107012 (Sub-No. E15), filed June 3, 1974. Applicant: NORTH AMERICAN VAN LINES, INC., P.O. Box 98, Fort Wayne, Ind. 46801. Applicant's representative: Terry G. Fewell (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New steel sinks*, from St. Charles, Ill., to points in Delaware, Maryland, and Massachusetts. The purpose of this filing is to eliminate the gateway of Indiana.

No. MC 107012 (Sub-No. E18), filed June 3, 1974. Applicant: NORTH AMERICAN VAN LINES, INC., P.O. Box 988, Fort Wayne, Ind. 46801. Applicant's representative: Terry G. Fewell (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New commercial and institutional fixtures*, uncrated; (1) from points in Pennsylvania to points in Alabama; (2) from points in Albany, Bronx, Columbia, Dutchess, Greene, Kings, Nassau, New York, Orange, Putnam, Queens, Rensselaer, Richmond, Rockland, Sullivan, Ulster, Suffolk, Westchester, Clinton, Essex, Franklin, Fulton, Hamilton, Montgomery, Saratoga, Schenectady, Warren, and Washington Counties, N.Y., to points in Boone, Cabell, Lincoln, Logan, Mingo, Putnam, and Wayne Counties, W. Va.; and (3) from points in Clinton, Essex, Franklin, Fulton, Hamilton, Montgomery, Saratoga, Schenectady, and Warren Counties, N.Y., to points in Greenbrier, McDowell, Mercer, Monroe, Pocahontas, Raleigh, Summers, and Wyoming Counties, W. Va. The purpose of this filing is to eliminate the gateway of Kentucky or Tennessee.

No. MC 107012 (Sub-No. E20), filed June 3, 1974. Applicant: NORTH AMERICAN VAN LINES, INC., P.O. Box 988, Fort Wayne, Ind. 46801. Applicant's representative: Terry G. Fewell (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Manually operated non-self-propelled material handling equipment and vehicles*, uncrated, from the facilities of Hamilton Caster and Manufacturing Company at or near Hamilton, Ohio, to points in Nevada. The purpose of this filing is to eliminate the gateway of Greene County, Ark.

No. MC 107012 (Sub-No. E31), filed June 3, 1974. Applicant: NORTH AMERICAN VAN LINES, INC., P.O. Box 988, Fort Wayne, Ind. 46801. Applicant's representative: Terry G. Fewell (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New furniture*, uncrated, and commercial and institutional fixtures, from Oklahoma City, Okla., to points in Iowa, Minnesota, North Dakota, South Dakota, and Alaska. The purpose of this filing is to eliminate the gateway of Sedgwick County, Kans.

No. MC 107012 (Sub-No. E43), filed June 3, 1974. Applicant: NORTH AMERICAN VAN LINES, INC., P.O. Box 988, Fort Wayne, Ind. 46801. Applicant's representative: Terry G. Fewell (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commercial and institutional fixtures*, uncrated, from Salt Lake City, Utah, to points in Arkansas, Iowa, Louisiana, Massachusetts, Minnesota, Missouri, New Hampshire, New York, North Dakota, Ohio, Oklahoma, Pennsylvania, South Dakota, Texas, and Vermont, and points in Champaign, Clark, Coles, Crawford, Cumberland, De Witt, Douglas, Edgar, Ford, Grundy, Iroquois, Jasper, Kankakee, Lawrence, Livingston, Macon, McLean, Moultrie, Piatt, Richland, Vermilion, Wabash, Bond, Calhoun, Christian, Clinton, Effingham, Fayette, Greene, Jersey, Macoupin, Madison, Monroe, Montgomery, Morgan, Pike, St. Clair, Sangamon, Scott, and Shelby Counties, Ill., points in Benton, Carroll, Cass, Fountain, Fulton, Howard, Jasper, Lake, La Porte, Marshall, Miami, Montgomery, Morgan, Pike, St. Clair, Sangamon, Scott and Shelby Counties, Ill., points in Benton, Carroll, Cass, Fountain, Fulton, Howard, Jasper, Lake, La Porte, Marshall, Miami, Montgomery, Newton, Porter, Pulaski, St. Joseph, Starke, Tippecanoe, Warren, White, Bartholomew, Brown, Clark, Dearborn, Decatur, Fayette, Floyd, Franklin, Harrison, Henry, Jackson, Jefferson, Jennings, Ohio, Ripley, Rush, Scott, Switzerland, Union, Washington, and Wayne Counties, Ind., and points in Bay, Clinton, Genesee, Gratiot, Hillsdale, Huron, Ingham, Jackson, Lapeer, Lenawee, Livingston, Macomb, Midland, Monroe, Oakland, Saginaw, St. Clair, Sanilac, Shiawassee, Tuscola, Washtenaw, Wayne, Allegan, Barry, Berrien, Branch, Calhoun, Cass, Eaton, Ionia, Kalamazoo, Kent, Montcalm, Muskegon, Ottawa, St. Joseph, and Van Buren Counties, Mich. The purpose of this filing is to eliminate the gateway of Colorado or Sedgwick County, Kans.

No. MC 107012 (Sub-No. E44), filed June 3, 1974. Applicant: NORTH AMERICAN VAN LINES, INC., P.O. Box 988, Fort Wayne, Ind. 46801. Applicant's representative: Terry G. Fewell (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New commercial and industrial fixtures, and store equipment*, all uncrated (except office and business machines), from Oklahoma City, Okla., to points in Connecticut, Colorado, District of Columbia, Delaware, Georgia, Idaho, Kentucky, Maine, Maryland, Massachusetts, Montana, Nevada, New Hampshire, New Jersey, New York, North Carolina, Ohio, Oregon, Pennsylvania, Rhode Island, South Carolina, Utah, Vermont, Virginia, Washington, West Virginia, and Wyoming. The purpose of this filing is to eliminate the gateway of Tennessee or Texas.

No. MC 107012 (Sub-No. E57), filed June 3, 1974. Applicant: NORTH AMERICAN VAN LINES, INC., P.O. Box 988, Fort Wayne, Ind. 46801. Applicant's representative: Terry G. Fewell (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Store fixtures*, uncrated; (1) from Chicago, Ill., to points in Arizona, Louisiana, and Texas (Greene County, Ark.)*; and (2) from Oklahoma City, Okla., to Chicago, Ill. (Sedgwick County, Kans.)*. The purpose of this filing is to eliminate the gateways indicated by asterisks above.

No. MC 113843 (Sub-No. E92), filed May 8, 1974. Applicant: REFRIGERATED FOOD EXPRESS, INC., 316 Summer Street, Boston, Mass. 02210. Applicant's representative: Lawrence T. Sheils (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods;* (1) between points in Barnstable County, Mass., on the one hand, and, on the other, Lewistown, Pa., and those points in Pennsylvania on, north, and west of a line beginning at the Pennsylvania-West Virginia State line and extending along Pennsylvania Highway 281 to Somerset, thence along U.S. Highway 219 to junction U.S. Highway 22, thence along U.S. Highway 22 to junction Pennsylvania Highway 45, thence along Pennsylvania Highway 45 to Lewisburg, thence along Pennsylvania Highway 147 to junction Pennsylvania Highway 405, thence along Pennsylvania Highway 405 to junction U.S. Highway 220, thence along U.S. Highway 220 to the Pennsylvania-New York State line; (2) between North Adams, Mass., on the one hand, and, on the other, Chambersburg and Lewistown, Pa., and those points in Pennsylvania on and west of a line beginning at the Pennsylvania-New York State line and extending along Pennsylvania Highway 14 to junction U.S. Highway 15, thence along U.S. Highway 15 to Williamsport, thence along U.S. Highway 220 to the Pennsylvania-Maryland State line; and (3)

between those points in Berkshire County, Mass., on the one hand, and, on the other, those points in Pennsylvania on and west of a line beginning at the Pennsylvania-New York State line and extending along Pennsylvania Highway 14 to junction Highway 15, thence along U.S. Highway 15 to Williamsport, thence along U.S. Highway 220 to the Pennsylvania-Maryland State line; (4) between those points in Bristol County, Mass., on the one hand, and, on the other, Lewistown and Chambersburg, Pa., and those points in Pennsylvania on and west of a line beginning at the Pennsylvania-Maryland State line and extending along Pennsylvania Highway 281 to Somerset, thence along U.S. Highway 219 to junction U.S. Highway 22, thence along U.S. Highway 22 to junction U.S. Highway 220, thence along U.S. Highway 220 to Williamsport, thence along U.S. Highway 15 to the Pennsylvania-New York State line; (5) between those points in Plymouth, Essex, Norfolk, and Suffolk Counties, Mass., on the one hand, and, on the other, Lewistown, State College, Mifflenburg, and Lewisburg, Pa., and those points in Pennsylvania on and west of a line beginning at the Pennsylvania-Maryland State line and extending along Pennsylvania Highway 281 to Somerset, thence along U.S. Highway 219 to junction U.S. Highway 22, thence along U.S. Highway 22 to junction U.S. Highway 220, thence along U.S. Highway 220 to Williamsport, thence over U.S. Highway 15 to the Pennsylvania-New York State line; (6) between those points in Franklin County, Mass., on the one hand, and, on the other, Chambersburg, Pa., and those points in Pennsylvania on and west of a line beginning at the Pennsylvania-Maryland State line and extending along U.S. Highway 220 to junction U.S. Highway 15, thence along U.S. Highway 15 to the Pennsylvania-New York State line; and (7) between those points in Hampden, Hampshire, Worcester, and Middlesex Counties, Mass., on the one hand, and, on the other, those points in Pennsylvania on and west of a line beginning at the Pennsylvania-New York State line and extending along U.S. Highway 15 to Williamsport, thence along U.S. Highway 220 to junction U.S. Highway 22, thence along U.S. Highway 22 to junction Pennsylvania Highway 53, thence along Pennsylvania Highway 53 to junction U.S. Highway 219, thence along U.S. Highway 219 to the Pennsylvania-Maryland State line. The purpose of this filing is to eliminate the gateway of Elmira, N.Y.

No. MC 113843 (Sub-No. E404), filed May 22, 1974. Applicant: REFRIGERATED FOOD EXPRESS, INC., 316 Summer Street, Boston, Mass. 02210. Applicant's representative: Lawrence T. Sheils (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen fruits and vegetables*, from Toledo, Ohio, to those points in Pennsylvania on, north, and east of a line beginning at the Pennsylvania-New York State line and extending along U.S. Highway 220 to junction Pennsylvania Highway 487, thence along Pennsylvania Highway 487 to junction Pennsylvania Highway 118, thence along Pennsylvania Highway 118 to junction Pennsylvania Highway 309, thence along Pennsylvania Highway 309 to junction Pennsylvania Highway 437, thence along Pennsylvania Highway 437 to junction Pennsylvania Highway 940, thence along Pennsylvania Highway 940 to the Pennsylvania Turnpike N.E. Extension, thence along the Pennsylvania Turnpike N.E. Extension to junction U.S. Highway 222, thence along U.S. Highway 22 to Allentown, thence along U.S. Highway 22 to the Pennsylvania-New Jersey State line. The purpose of this filing is to eliminate the gateway of Buffalo, N.Y.

No. MC 113843 (Sub-No. E599), filed May 16, 1974. Applicant: REFRIGERATED FOOD EXPRESS, INC., 316 Summer Street, Boston, Mass. 02210. Applicant's representative: Lawrence T. Sheils (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from those points in Ohio on, north, and west of a line beginning at the Ohio-Kentucky State line and extending along U.S. Highway 23 to Columbus, thence along Ohio Highway 16 to Coshocton, thence along Ohio Highway 83 to Wooster, thence along U.S. Highway 30 to Canton, thence along U.S. Highway 62 to the Ohio-Pennsylvania State line, to those points in New York on and east of a line beginning at the New York-Pennsylvania State line and extending along New York Highway 14 to Elmira, thence along New York Highway 13 to junction U.S. Highway 11, thence along U.S. Highway 11 to junction New York Highway 104, thence along New York Highway 104 to Lake Ontario; and from points in Ohio to those points in New York on, and north of a line beginning at the Connecticut-New York State line and extending along New York Highway 35 to Peekskill, thence along New York Highway 6 to the New York-New Jersey State line and east of a line beginning at the New York-Pennsylvania State line and extending along New York Highway 14 to Elmira, thence along New York Highway 13 to junction U.S. Highway 11, thence along U.S. Highway 11 to junction New York Highway 104, thence along New York Highway 104 to Lake Ontario. The purpose of this filing is to eliminate the gateway of Elmira, N.Y.

No. MC 113843 (Sub-No. E614), filed May 15, 1974. Applicant: REFRIGERATED FOOD EXPRESS, INC., 316 Summer Street, Boston, Mass. 02210. Applicant's representative: Lawrence T. Sheils (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen poultry, frozen seafood*, and *frozen fruits and vegetables;* (1) between those points in Accomack and Northampton Counties, Va., on the one hand, and, on the other, those points in Michigan on and north of a line beginning at the United States-Canada International Boundary line and extending along Michigan Highway 21 to junction Michigan Highway 53, thence along Michigan Highway 53 to junction Michigan Highway 90, thence along Michigan Highway 90 to junction Michigan Highway 15, thence along Michigan Highway 15 to junction Michigan Highway 57, thence along Michigan Highway 57 to junction U.S. Highway 27, thence along U.S. Highway 27 to junction Michigan Highway 21, thence along Michigan Highway 21 to junction U.S. Highway 31, thence along U.S. Highway 31 to Lake Michigan; (2) from those points in Accomack and Northampton Counties, Va., to those points in Missouri on, north, and west of a line beginning at the Iowa-Missouri State line and extending along U.S. Highway 63 to junction U.S. Highway 24, thence along U.S. Highway 24 to the Missouri-Kansas State line; and (3) between those points in Accomack and Northampton Counties, Va., on the one hand, and, on the other, those points in Pennsylvania on, north, and west of a line beginning at the Pennsylvania-Ohio State line and extending along Pennsylvania Highway 226 to junction U.S. Highway 6N, thence along U.S. Highway 6N to junction Pennsylvania Highway 446, thence along Pennsylvania Highway 446 to the Pennsylvania-New York State line. The purpose of this filing is to eliminate the gateway of Elmira, N.Y.

No. MC 113843 (Sub-No. E616), filed May 15, 1974. Applicant: REFRIGERATED FOOD EXPRESS, INC., 316 Summer Street, Boston, Mass. 02210. Applicant's representative: Lawrence T. Sheils (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods;* (1) between those points in the Lower Peninsula of Michigan on and north of a line beginning at the Detroit River and extending along Interstate Highway 94 to Kalamazoo, thence along Michigan Highway 43 to Lake Michigan, on the one hand, and, on the other, those points in Cattaraugus, Chautauqua and Erie Counties, N.Y.; (2) between those points in Michigan south and west of a line beginning at Lake Michigan and extending along Michigan Highway 43 to Kalamazoo, thence along Interstate Highway 94 to junction U.S. Highway 27, thence along U.S. Highway 27 to the Michigan-Indiana State line, on the one hand, and, on the other, those points in Chautauqua and Erie Counties on and north of a line beginning at Silver Creek, N.Y., and extending along New York Highway 5 to junction New York Highway 438, thence along New York Highway 438 to Gowanda, thence along U.S. Highway 62 to junction New York Highway 39, thence along New York Highway 39 to the Erie-Wyoming County line; and (3) between those points in the Lower Peninsula of Michigan south and west of a line beginning at Lake Michigan and extending along Michigan Highway 43 to Kalamazoo, thence along Interstate Highway 94 to junction U.S. Highway 27, thence along U.S. Highway 27 to the Michigan-Indiana State line, on the one hand, and, on the other, those points in Erie and Cattaraugus

Counties, N.Y., on and east of a line beginning at Buffalo, N.Y., and extending along New York Highway 240 to junction U.S. Highway 219, thence along U.S. Highway 219 to the New York-Pennsylvania State line. The purpose of this filing is to eliminate the gateway of Buffalo, N.Y.

No. MC 113843 (Sub-No. E677), filed May 21, 1974. Applicant: REFRIGERATED FOOD EXPRESS, INC., 316 Summer Street, Boston, Mass. 02210. Applicant's representative: Lawrence T. Sheils (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods;* (1) between those points in Pennsylvania on, north, and west of a line beginning at the Pennsylvania-New York State line and extending along Pennsylvania Highway 426 to junction U.S. Highway 6, thence along U.S. Highway 6 to junction U.S. Highway 6N, thence along U.S. Highway 6N to the Ohio-Pennsylvania State line, on the one hand, and, on the other, those points in Pennsylvania on, north, and east of a line beginning at the Pennsylvania-New York State line and extending along U.S. Highway 15 to junction U.S. Highway 6, thence along U.S. Highway 6 to junction U.S. Highway 220, thence along U.S. Highway 220 to junction Pennsylvania Highway 42, thence along Pennsylvania Highway 42 to junction Pennsylvania Highway 61, thence along Pennsylvania Highway 61 to Reading, Pa., thence along Pennsylvania Highway 10 to junction Interstate Highway 76, thence along Interstate Highway 76 to junction Pennsylvania Highway 100, thence along Pennsylvania Highway 100 to the Pennsylvania-Delaware State line;

(2) Between those points in Pennsylvania bounded by a line beginning at the Pennsylvania-New York State line and extending along Pennsylvania Highway 446 to junction Pennsylvania Highway 59, thence along Pennsylvania Highway 59 to junction U.S. Highway 6, thence along U.S. Highway 6 to junction Pennsylvania Highway 958, thence along Pennsylvania Highway 958 to the Pennsylvania-New York State line, on the one hand, and, on the other, those points in Pennsylvania on, north, and east of a line beginning at the Pennsylvania-New York State line and extending along Pennsylvania Highway 14 to junction U.S. Highway 6, thence along U.S. Highway 6 to junction U.S. Highway 220, thence along U.S. Highway 220 to junction Pennsylvania Highway 487, thence along Pennsylvania Highway 487 to junction Pennsylvania Highway 239, thence along Pennsylvania Highway 239 to junction Pennsylvania Highway 93, thence along Pennsylvania Highway 93 to junction U.S. Highway 209, thence along U.S. Highway 209 to junction Pennsylvania Turnpike Extension, thence along the Pennsylvania Turnpike Extension to junction Pennsylvania Highway 100, thence along Pennsylvania Highway 100 to junction U.S. Highway 422, thence along U.S. Highway 422 to the Delaware River; (3) between those points in Pennsylvania bounded by a line beginning at the Pennsylvania-New York State line and extending along Pennsylvania Highway 446, thence along Pennsylvania Highway 446 to junction Pennsylvania Highway 59, thence along Pennsylvania Highway 59 to junction U.S. Highway 219, thence along U.S. Highway 219 to the Pennsylvania-New York State line, on the one hand, and, on the other, those points in Pennsylvania on, east, and north of a line beginning at the Pennsylvania-New York State line and extending along Pennsylvania Highway 14 to junction U.S. Highway 6, thence along U.S. Highway 6 to junction U.S. Highway 220, thence along U.S. Highway 220 to junction Pennsylvania Highway 487, thence along Pennsylvania Highway 487 to junction Pennsylvania Highway 239, thence along Pennsylvania Highway 239 to junction Pennsylvania Highway 93, thence along Pennsylvania Highway 93 to junction Pennsylvania Highway 309, thence along Pennsylvania Highway 309 to junction Pennsylvania Highway 443, thence along Pennsylvania Highway 443 to junction Pennsylvania Highway 895, thence along Pennsylvania Highway 895 to junction Pennsylvania Highway 61, thence along Pennsylvania Highway 61 to Reading, thence along Pennsylvania Highway 10 to junction U.S. Highway 1, thence along U.S. Highway 1 to the Pennsylvania-Maryland State line;

(4) Between those points in Pennsylvania bounded by a line beginning at the Pennsylvania-New York State line and extending along U.S. Highway 219 to junction U.S. Highway 6, thence along U.S. Highway 6 to junction Pennsylvania Highway 321, thence along Pennsylvania Highway 321 to junction Pennsylvania Highway 146, thence along Pennsylvania Highway 146 to junction U.S. Highway 6, thence along U.S. Highway 6 to junction Pennsylvania Highway 155, thence along Pennsylvania Highway 155 to junction Pennsylvania Highway 446, thence along Pennsylvania Highway 446 to the Pennsylvania-New York State line, on the one hand, and, on the other, those points in Pennsylvania on, north, and east of a line beginning at the Delaware River and extending along Interstate Highway 76 to junction U.S. Highway 202, thence along U.S. Highway 202 to junction Pennsylvania Turnpike Extension, thence along the Pennsylvania Turnpike Extension to junction Interstate Highway 80, thence along Interstate Highway 80 to junction Pennsylvania Highway 487, thence along Pennsylvania Highway 487 to junction U.S. Highway 220, thence along U.S. Highway 220 to the Pennsylvania-New York State line; (5) between those points in Crawford County, Pa., on the one hand, and, on the other, those points in Pennsylvania on, north, and east of a line beginning at the Pennsylvania-New Jersey State line and extending along Interstate Highway 80 to junction Pennsylvania Highway 309, thence along Pennsylvania Highway 309 to junction Pennsylvania Highway 29, thence along Pennsylvania Highway 29 to junction U.S. Highway 6, thence along U.S. Highway 6 to junction U.S. Highway 220, thence along U.S. Highway 220 to the Pennsylvania-New York State line; (6) between those points in Pennsylvania on, north, and west of a line beginning at the Pennsylvania-Ohio State line and extending along Interstate Highway 80 to junction Pennsylvania Highway 66, thence along Pennsylvania Highway 66 to junction U.S. Highway 6, thence along U.S. Highway 6 to junction Pennsylvania Highway 446, thence along Pennsylvania Highway 446 to the Pennsylvania-New York State line, on the one hand, and, on the other, those points in Pennsylvania on, north, and east of a line beginning at the Pennsylvania-New Jersey State line and extending along U.S. Highway 6 to junction Pennsylvania Highway 14, thence along Pennsylvania Highway 14 to the Pennsylvania-New York State line;

(7) Between those points in Pennsylvania on, north, and west of a line beginning at the Pennsylania-Ohio State line and extending along Interstate Highway 80 to junction U.S. Highway 62, thence along U.S. Highway 62 to junction U.S. Highway 6, thence along U.S. Highway 6 to junction U.S. Highway 219, thence along U.S. Highway 219 to the Pennsylvania-New York State line, on the one hand, and, on the other, those points in Pennsylvania on, north, and east of a line beginning at the Pennsylvania-New Jersey State line and extending along U.S. Highway 6 to junction Pennsylvania Highway 590, thence along Pennsylvania Highway 590 to junction Pennsylvania Highway 690, thence along Pennsylvania Highway 690 to junction Pennsylvania Highway 502, thence along Pennsylvania Highway 502 to junction U.S. Highway 11, thence along U.S. Highway 11 to junction Pennsylvania Highway 92, thence along Pennsylvania Highway 92 to junction U.S. Highway 6, thence along U.S. Highway 6 to junction Pennsylvania Highway 14, thence along Pennsylvania Highway 14 to the Pennsylvania-New York State line; (8) between those points in Pennsylvania on, east, and north of a line beginning at the Pennsylvania-New York State line and extending along U.S. Highway 15 to junction Pennsylvania Highway 45 to junction Pennsylvania Highway 54, thence along Pennsylvania Highway 54 to junction Pennsylvania Highway 61, thence along Pennsylvania Highway 61 to junction Pennsylvania Highway 183, thence along Pennsylvania Highway 183 to junction Interstate Highway 78, thence along Interstate Highway 78 to the Pennsylvania-New Jersey State line, on the one hand, and, on the other, those points in Indiana on and west of a line beginning at the Indiana-Michigan State line and extending along Indiana Highway 15 to junction U.S. Highway 24, thence along U.S. Highway 24 to junction U.S. Highway 31, thence along U.S. Highway 31 to junction Indiana Highway 26, thence along Indiana Highway 26 to junction U.S. Highway 231, thence along U.S. Highway 231 to junction U.S.

Highway 36, thence along U.S. Highway 36 to junction U.S. Highway 41, thence along U.S. Highway 41 to junction Indiana Highway 163, thence along Indiana Highway 163 to the Indiana-Illinois State line;

(9) Between those points in Pennsylvania on, east, and north of a line beginning at the Pennsylvania-New York State line and extending along U.S. Highway 15 to junction Pennsylvania Highway 45 to junction Pennsylvania Highway 54, thence along Pennsylvania Highway 54 to junction Pennsylvania Highway 61, thence along Pennsylvania Highway 61 to junction Pennsylvania Highway 183, thence along Pennsylvania Highway 183 to junction Interstate Highway 78, thence along Interstate Highway 78 to the Pennsylvania-New Jersey State line, on the one hand, and, on the other, those points in Indiana on, south, and west of a line beginning at the Ohio River and extending along U.S. Highway 41 to junction Indiana Highway 57, thence along Indiana Highway 57 to junction U.S. Highway 50, thence along U.S. Highway 50 to the Indiana-Illinois State line; (10) between those points in Pennsylvania on, east, and north of a line beginning at the Pennsylvania-New York State line and extending along U.S. Highway 15 to junction U.S. Highway 220, thence along U.S. Highway 220 to junction Pennsylvania Highway 42, thence along Pennsylvania Highway 42 to junction Pennsylvania Highway 54, thence along Pennsylvania Highway 54 to junction Pennsylvania Highway 61, thence along Pennsylvania Highway 61 to junction Interstate Highway 78, thence along Interstate Highway 78 to the Pennsylvania-New Jersey State line, on the one hand, and, on the other, those points in Indiana on, north, and west of a line beginning at the Indiana-Ohio State line and extending along U.S. Highway 36 to Indianapolis, thence along U.S. Highway 31 to the Indiana-Kentucky State line; (11) between those points in Pennsylvania on, east, and north of a line beginning at the Pennsylvania-New York State line and extending along U.S. Highway 15 to junction U.S. Highway 220, thence along U.S. Highway 220 to junction Pennsylvania Highway 42, thence along Pennsylvania Highway 42 to junction Pennsylvania Highway 54, thence along Pennsylvania Highway 54 to junction U.S. Highway 209, thence along U.S. Highway 209 to junction Pennsylvania Turnpike Extension, thence along the Pennsylvania Turnpike Extension to junction U.S. Highway 22, thence along U.S. Highway 22 to the Pennsylvania-New Jersey State line, on the one hand, and, on the other, those points in Pennsylvania on, north, and west of a line beginning at the Indiana-Ohio State line and extending along U.S. Highway 36 to junction Indiana Highway 3, thence along Indiana Highway 3 to junction Indiana Highway 7, thence along Indiana Highway 7 to the Indiana-Kentucky State line;

(12) Between those points in Indiana, on the one hand, and, on the other, those points in Pennsylvania on, north, and east of a line beginning at the Pennsylvania-New Jersey State line and extending along U.S. Highway 22 to junction Pennsylvania Highway 33, thence along Pennsylvania Highway 33 to junction Pennsylvania Highway 248, thence along Pennsylvania Highway 248 to Palmerton, thence along Pennsylvania Highway 93 to junction Pennsylvania Highway 487, thence along Pennsylvania Highway 487 to junction U.S. Highway 220, thence along U.S. Highway 220 to junction U.S. Highway 6, thence along U.S. Highway 6 to junction U.S. Highway 15, thence along U.S. Highway 15 to the Pennsylvania-New York State line; (13) between those points in Pennsylvania on and east of a line beginning at the Pennsylvania-Maryland State line and extending along U.S. Highway 222 to Lancaster, Pa., thence along Pennsylvania Highway 501 to Pine Grove, Pa., thence along Pennsylvania Highway 125 to junction U.S. Highway 209, thence along U.S. Highway 209 to Millersburg, thence along the Susquehanna River to junction U.S. Highway 15, thence along U.S. Highway 15 to the Pennsylvania-New York State line, on the one hand, and, on the other, those points in Indiana on, west, and north of a line beginning at the Indiana-Michigan State line and extending along Indiana Highway 39 to La Porte, thence along Indiana Highway 2 to junction U.S. Highway 6, thence along U.S. Highway 6 to the Indiana-Illinois State line; (14) between those points in Pennsylvania on, north, and east of a line beginning at the Pennsylvania-New Jersey State line and extending along U.S. Highway 202 to junction Pennsylvania Highway 309, thence along Pennsylvania Highway 309 to Allentown, thence along Pennsylvania Highway 145 to junction Pennsylvania Highway 248, thence along Pennsylvania Highway 248 to junction U.S. Highway 209, thence along U.S. Highway 209 to junction Pennsylvania Highway 93, thence along Pennsylvania Highway 93 to junction Pennsylvania Highway 487, thence along Pennsylvania Highway 487 to junction U.S. Highway 220, thence along U.S. Highway 220 to junction U.S. Highway 6, thence along U.S. Highway 6 to junction U.S. Highway 15, thence along U.S. Highway 15 to the Pennsylvania-New York State line, on the one hand, and, on the other, those points in Indiana on, north, and west of a line beginning at the Indiana-Ohio State line and extending along U.S. Highway 36 to junction Indiana Highway 3, thence along Indiana Highway 3 to junction Indiana Highway 7, thence along Indiana Highway 7 to the Indiana-Kentucky State line;

(15) Between those points in Pennsylvania on, east, and north of a line beginning at the Pennsylvania-Delaware State line and extending along U.S. Highway 202 to junction Pennsylvania Highway 100, thence along Pennsylvania Highway 100 to junction Pennsylvania Turnpike Extension, thence along the Pennsylvania Turnpike Extension to junction Pennsylvania Highway 309, thence along Pennsylvania Highway 309 to junction Pennsylvania Highway 443, thence along Pennsylvania Highway 443 to junction Pennsylvania Highway 61, thence along Pennsylvania Highway 61 to junction Pennsylvania Highway 54, thence along Pennsylvania Highway 54 to junction U.S. Highway 11, thence along U.S. Highway 11 to junction U.S. Highway 15, thence along U.S. Highway 15 to the Pennsylvania-New York State line, on the one hand, and, on the other, those points in Indiana on and north of Indiana Highway 26; (16) between those points in Pennsylvania on, east, and north of a line beginning at the Pennsylvania-Maryland State line and extending along U.S. Highway 1 to Reading, Pa., thence along Pennsylvania Highway 61 to junction U.S. Highway 11, thence along U.S. Highway 11 to junction U.S. Highway 15, thence along U.S. Highway 15 to the Pennsylvania-New York State line, on the one hand, and, on the other, those points in Indiana on, west, and north of a line beginning at the Indiana-Michigan State line and extending along Indiana Highway 15 to junction Indiana Highway 14, thence along Indiana Highway 14 to junction U.S. Highway 421, thence along U.S. Highway 421 to junction U.S. Highway 24, thence along U.S. Highway 24 to the Indiana-Illinois State line;

(17) Between those points in Pennsylvania on, east, and north of a line beginning at the Pennsylvania-Delaware State line and extending along Pennsylvania Highway 100 to junction Interstate Highway 76, thence along Interstate Highway 76 to junction Pennsylvania Highway 10, thence along Pennsylvania Highway 10 to Reading, Pa., thence along Pennsylvania Highway 61 to junction Pennsylvania Highway 54, thence along Pennsylvania Highway 54 to junction Pennsylvania Highway 45, thence along Pennsylvania Highway 45 to junction U.S. Highway 15, thence along U.S. Highway 15 to the Pennsylvania-New York State line, on the one hand, and, on the other, points in Indiana on and north of a line beginning at the Indiana-Ohio State line and extending along U.S. Highway 6 to junction U.S. Highway 31, thence along U.S. Highway 31 to junction Indiana Highway 16, thence along Indiana Highway 16 to junction U.S. Highway 41, thence along U.S. Highway 41 to junction U.S. Highway 24, thence along U.S. Highway 24 to the Indiana-Illinois State line; (18) between Philadelphia, Pa., on the one hand, and, on the other, those points in Indiana on, north, and west of a line beginning at the Indiana-Ohio State line and extending along Indiana Highway 28 to junction Interstate Highway 69, thence along Interstate Highway 69 to junction Indiana Highway 37, thence along Indiana Highway 37 to junction Indiana Highway 32, thence along Indiana Highway 32 to junction Indiana Highway 75, thence along Indiana Highway 75 to junction U.S. Highway 40, thence along U.S. Highway 40 to junction U.S. Highway 231, thence along U.S.

Highway 231 to the Indiana-Kentucky State line; (19) between Green Bay, Wis., to those points in New York on and east of a line beginning at the New York-Pennsylvania State line and extending along New York Highway 16 to junction New York Highway 39, thence along New York Highway 39 to junction New York Highway 36, thence along New York Highway 36 to junction New York Highway 104, thence along New York Highway 104 to junction New York Highway 18, thence along New York Highway 18 to Lake Ontario;

(20) From Milwaukee, Wis., to those points in New York on and east of a line beginning at the New York-Pennsylvania State line and extending along New York Highway 16 to junction New York Highway 408, thence along New York Highway 408 to junction New York Highway 70A, thence along New York Highway 70A to junction New York Highway 36, thence along New York Highway 36 to junction New York Highway 63, thence along New York Highway 63 to junction U.S. Highway 15, thence along U.S. Highway 15 to Rochester, thence along New York Highway 18 to Lake Ontario; (21) from Green Bay and Milwaukee, Wis., to points in Maine, New Hampshire, and Vermont; (22) between Green Bay and Milwaukee, Wis., on the one hand, and, on the other, points in Massachusetts, Connecticut, and Rhode Island, and those points in Pennsylvania on and east of a line beginning at the Pennsylvania-Maryland State line and extending along Interstate Highway 83 to junction U.S. Highway 15, thence along U.S. Highway 15 to the New York-Pennsylvania State line; (23) from Milwaukee, Wis., to those points in Maryland east of the Chesapeake Bay and south of the Chesapeake and Delaware Canal; (24) between Green Bay, Wis., on the one hand, and on the other, Baltimore, Md.; (25) from Green Bay, Wis., to those points in Maryland east of the Chesapeake Bay and south of the Chesapeake and Delaware Canal and points in Maryland on, east, and north of a line beginning at the Chesapeake Bay at or near Annapolis, Md., thence along Maryland Highway 2 to Baltimore, thence along Interstate Highway 83 to the Maryland-Pennsylvania State line; (26) from Milwaukee, Wis., to those points in Maryland east of the Chesapeake Bay and south of the Chesapeake and Delaware Canal; (27) from Green Bay and Milwaukee, Wis., to points in Delaware and points in Accomack and Northampton Counties, Va.;

(28) Between points in New Jersey, on the one hand, and, on the other, those points in Illinois on, west, and north of a line beginning at the Illinois-Indiana State line and extending along Illinois Highway 114 to junction Illinois Highway 1, thence along Illinois Highway 1 to junction U.S. Highway 24, thence along U.S. Highway 24 to junction Interstate Highway 55, thence along Interstate Highway 55 to junction U.S. Highway 51, thence along U.S. Highway 51 to junction Illinois Highway 15, thence along Illinois Highway 15 to junction Interstate Highway 57, thence along Interstate Highway 57 to the Illinois-Kentucky State line; (29) between points in New Jersey on, and east of a line beginning at the Delaware River near Sea Breeze, N.J., and extending along unnumbered highway to junction New Jersey Highway 553 at Fairton, thence along unnumbered highway to Bridgeton, thence along New Jersey Highway 77 to junction New Jersey Highway 553, thence along New Jersey Highway 553 to junction New Jersey Highway 551, thence along New Jersey Highway 551 to junction New Jersey Highway 534, thence along New Jersey Highway 534 to the Delaware River, on the one hand, and, on the other, points in Illinois; (30) between those points in Illinois on, north, and west of a line beginning at the Mississippi River and extending along Illinois Highway 140 to junction U.S. Highway 66, thence along U.S. Highway 66 to junction Illinois Highway 48, thence along Illinois Highway 48 to junction U.S. Highway 51, thence along U.S. Highway 51 to junction U.S. Highway 66, thence along U.S. Highway 66 to junction Illinois Highway 17, thence along Illinois Highway 17 to the Illinois-Indiana State line, on the one hand, and, on the other, those points in Pennsylvania on, north, and east of a line beginning at the Pennsylvania-Delaware State line and extending along U.S. Highway 202 to junction U.S. Highway 30, thence along U.S. Highway 30 to junction Pennsylvania Highway 100, thence along Pennsylvania Highway 100 to junction Interstate Highway 76, thence along Interstate Highway 76 to junction Interstate Highway 176, thence along Interstate Highway 176 to Reading, Pa., thence along Pennsylvania Highway 61 to junction U.S. Highway 209, thence along U.S. Highway 209 to junction U.S. Highway 15, thence along U.S. Highway 15 to the Pennsylvania-New York State line;

(31) Between those points in Pennsylvania on and east of a line beginning at the Pennsylvania-Maryland State line and extending along Interstate Highway 83 to junction U.S. Highway 15, thence along U.S. Highway 15 to the Pennsylvania-New York State line, on the one hand, and, on the other, those points in Illinois on, north, and west of a line beginning at Lake Michigan and extending along Illinois Highway 120 to junction Illinois Highway 31, thence along Illinois Highway 31 to junction Illinois Highway 71, thence along Illinois Highway 71 to junction U.S. Highway 51, thence along U.S. Highway 51 to junction Illinois Highway 17, thence along Illinois Highway 17 to junction Illinois Highway 88, thence along Illinois Highway 88 to junction Illinois Highway 90, thence along Illinois Highway 90 to junction Illinois Highway 78, thence along Illinois Highway 78 to junction U.S. Highway 150, thence along U.S. Highway 150 to junction Illinois Highway 164, thence along Illinois Highway 164 to the Mississippi River; (32) between those points in Illinois on, north, and west of a line beginning at Lake Michigan and extending along U.S. Highway 34 to junction Illinois Highway 171, thence along Illinois Highway 171 to junction U.S. Highway 6, thence along U.S. Highway 6 to junction Illinois Highway 47, thence along Illinois Highway 47 to junction Illinois Highway 17, thence along Illinois Highway 17 to junction Illinois Highway 29, thence along Illinois Highway 29 to junction U.S. Highway 136, thence along U.S. Highway 136 to junction U.S. Highway 24, thence along U.S. Highway 24 to the Mississippi River, on the one hand, and, on the other, those points in Pennsylvania on, east, and north of a line beginning at the Pennsylvania-Maryland State line and extending along U.S. Highway 222 to junction Pennsylvania Highway 283, thence along Pennsylvania Highway 283 to junction Interstate Highway 76, thence along Interstate Highway 76 to junction U.S. Highway 15, thence along U.S. Highway 15 to the Pennsylvania-New York State line; (33) between those points in Pennsylvania on, north, and east of a line beginning at the Pennsylvania-Delaware State line and extending along Pennsylvania Highway 82 to junction Interstate Highway 76, thence along Interstate Highway 76 to junction Interstate Highway 176, thence along Interstate Highway 176 to Reading, Pa., thence along Pennsylvania Highway 61 to junction Pennsylvania Highway 147, thence along Pennsylvania Highway 147 to junction Pennsylvania Highway 45, thence along Pennsylvania Highway 45 to junction U.S. Highway 15, thence along U.S. Highway 15 to the Pennsylvania-New York State line on the one hand, and, on the other, points in Illinois;

(35) Between those points in New Jersey on, east, and north of a line beginning at the Delaware River near Sea Breeze, N.J., and extending along unnumbered highway to Fairton, thence along unnumbered highway to Bridgeton, thence along New Jersey Highway 77 to junction U.S. Highway 322, thence along U.S. Highway 322 to the New Jersey Turnpike, thence along the New Jersey Turnpike to junction New Jersey Highway 551 Spur, thence along New Jersey Highway 551 Spur to the Delaware River, on the one hand, and, on the other, those points in Indiana on, north, and west of a line beginning at the Indiana-Ohio State line and extending along Indiana Highway 26 to junction Indiana Highway 9, thence along Indiana Highway 9 to junction Indiana Highway 32, thence along Indiana Highway 32 to junction Indiana Highway 47, thence along Indiana Highway 47 to junction U.S. Highway 41, thence along U.S. Highway 41 to junction Indiana Highway 163, thence along Indiana Highway 163 to the Indiana-Illinois State line; (36) between points in New Jersey, on the one hand, and, on the other, those points in Indiana on and north of a line beginning at the Indiana-Ohio State line and extending along Indiana Highway 8 to junction Indiana Highway 9, thence along Indiana Highway 9 to junction Indiana Highway 205, thence along Indiana Highway 205 to junction Indiana Highway 14, thence along Indiana Highway 14 to junction Indiana Highway 25, thence along Indiana Highway 25 to junction In-

diana Highway 26, thence along Indiana Highway 26 to the Indiana-Illinois State line; (37) between those points in New Jersey on and north of a line beginning at the Atlantic Ocean and extending along New Jersey Highway 37 to junction New Jersey Highway 70, thence along New Jersey Highway 70 to junction New Jersey Highway 530, thence along New Jersey Highway 530 to junction New Jersey Highway 545, thence along New Jersey Highway 545 to the Delaware River, on the one hand, and, on the other, those points in Indiana on, north, and west of a line beginning at the Indiana-Ohio State line and extending along U.S. Highway 36 to junction Indiana Highway 3, thence along Indiana Highway 3 to junction Indiana Highway 3 to junction Indiana Highway 7, thence along Indiana Highway 7 to the Ohio River;

(38) Between those points in New Jersey on and north of a line beginning at the New Jersey-Pennsylvania State line and extending along Interstate Highway 78 to junction U.S. Highway 22, thence along U.S. Highway 22 to junction U.S. Highway 206, thence along U.S. Highway 206 to junction New Jersey Highway 514, thence along New Jersey Highway 514 to junction New Jersey Highway 91, thence along New Jersey Highway 91 to North Brunswick, thence along U.S. Highway 1 to junction New Jersey Highway 18, thence along New Jersey Highway 18 to junction U.S. Highway 9, thence along U.S. Highway 9 to junction New Jersey Highway 33, thence along New Jersey Highway 33 to the Atlantic Ocean, on the one hand, and, on the other, points in Indiana; (39) between those points in New Jersey on, east, and north of a line beginning at the Delaware River and extending along unnumbered highway to Fairton, thence along unnumbered highway to Bridgeton, thence along New Jersey Highway 77 to junction U.S. Highway 322, thence along U.S. Highway 322 to the New Jersey Turnpike, thence along the New Jersey Turnpike to junction New Jersey Highway 551 Spur, thence along New Jersey Highway 552 Spur to the Delaware River, on the one hand, and, on the other, those points in Indiana on, west, and south of a line beginning at the Indiana-Illinois State line and extending along U.S. Highway 50 to junction U.S. Highway 231, thence along U.S. Highway 231 to the Indiana-Kentucky State line; (40) between those points in New Jersey on, north, and east of a line beginning at the Atlantic Ocean and extending along U.S. Highway 9 to junction New Jersey Highway 50, thence along New Jersey Highway 50 to junction U.S. Highway 322, thence along U.S. Highway 322 to junction New Jersey Highway 54, thence along New Jersey Highway 54 to junction U.S. Highway 206, thence along U.S. Highway 206 to junction New Jersey Highway 38, thence along New Jersey Highway 38 to junction New Jersey Highway 541, thence along New Jersey Highway 541 to the Delaware River, on the one hand, and, on the other, those points in Indiana on, north, and west of a line beginning at the Indiana-Ohio State line and extending along U.S. Highway 36 to junction Indiana Highway 38, thence along Indiana Highway 38 to junction Indiana Highway 32, thence along Indiana Highway 32 to junction Indiana Highway 39, thence along Indiana Highway 39 to junction Indiana Highway 37, thence along Indiana Highway 37 to the Ohio River;

(41) Between those points in New Jersey on, east, and north of a line beginning at the Atlantic Ocean and extending along U.S. Highway 30 to junction U.S. Highway 9, thence along U.S. Highway 9 to junction New Jersey Highway 563 Spur, thence along New Jersey Highway 563 Spur to junction New Jersey Highway 563, thence along New Jersey Highway 563 to junction New Jersey Highway 72, thence along New Jersey Highway 72 to junction New Jersey Highway 70, thence along New Jersey Highway 70 to junction unnumbered, highway, thence along unnumbered highway to Wrightstown, thence along New Jersey Highway 545 to the Delaware River, on the one hand, and, on the other, those points in Indiana on, north, and west of a line beginning at the Indiana-Ohio State line and extending along U.S. Highway 36 to Indianapolis, thence along U.S. Highway 31 to the Indiana-Kentucky State line; (42) from points in Indiana to points in New York on and east of a line beginning at the New York-Pennsylvania State line and extending along New York Highway 328, to junction New York Highway 14, thence along New York Highway 14 to junction New York Highway 13, thence along New York Highway 13 to junction U.S. Highway 11, thence along U.S. Highway 11 to junction New York Highway 57, thence along New York Highway 57 to Lake Ontario; (43) between points in Connecticut, Massachusetts, and Rhode Island, on the one hand, and, on the other, points in Indiana; and (44) from points in Indiana to points in Maine, New Hampshire, and Vermont. The purpose of this filing is to eliminate the gateway of Elmira, N.Y.

No. MC 113843 (Sub-No. E859), filed June 4, 1974. Applicant: REFRIGERATED FOOD EXPRESS, INC., 316 Summer Street, Boston, Mass. 02210. Applicant's representative: Lawrence T. Sheils (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, between Pittston, Pa., on the one hand, and, on the other, those points in Ohio on, north, and west of a line beginning at the Ohio-Pennsylvania State line and extending along U.S. Highway 322 to junction Ohio Highway 44, thence along Ohio Highway 44 to junction Interstate Highway 76, thence along Interstate Highway 76 to junction Interstate Highway 77, thence along Interstate Highway 77 to junction Ohio Highway 39, thence along Ohio Highway 39 to junction Ohio Highway 93, thence along Ohio Highway 93 to junction U.S. Highway 36, thence along U.S. Highway 36 to junction Ohio Highway 16, thence along Ohio Highway 16 to junction Ohio Highway 79, thence along Ohio Highway 79 to junction Interstate Highway 70, thence along Interstate Highway 70 to junction Ohio Highway 37, thence along Ohio Highway 37 to junction U.S. Highway 33, thence along U.S. Highway 33 to junction Ohio Highway 93, thence along Ohio Highway 93 to the Ohio-Kentucky State line. The purpose of this filing is to eliminate the gateway of Elmira, N.Y.

No. MC 113908 (Sub-No. E192), filed December 5, 1974. Applicant: ERICKSON TRANSPORT CORP., P.O. Box 3180—Glenstone Station, Springfield, Mo. 65804. Applicant's representative: John E. Jandera, 641 Harrison Street, Topeka, Kans. 66603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Vinegar*, in bulk, in tank vehicles, from St. Paul, Minn., to points in California, with no transportation for compensation on return except as otherwise authorized. The purpose of this filing is to eliminate the gateway of Denver, Colo.

No. MC 114211 (Sub-No. E612), filed June 4, 1974. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, Iowa 50704. Applicant's representative: Kenneth R. Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Tractors* (except those with vehicle beds, bed frames, and fifth wheels), *equipment* designed for use in conjunction with tractors, *attachments* for the above described commodities above in mixed loads with such commodities, and *parts*, from points in that part of Minnesota on and south of a line beginning at the Minnesota-South Dakota State line extending along Minnesota Highway 68 to junction U.S. Highway 75, thence along U.S. Highway 75 to junction Minnesota Highway 67, thence along Minnesota Highway 67 to junction Minnesota Highway 23, thence along Minnesota Highway 23 to junction U.S. Highway 212, thence along U.S. Highway 212 to junction U.S. Highway 12, thence along U.S. Highway 12 to the Minnesota-Wisconsin State line, to points in that part of California on and west of a line beginning at the California-Nevada State line extending along U.S. Highway 6 to junction U.S. Highway 395, thence along U.S. Highway 395 to San Diego, Calif., to points in that part of Nevada on and east of a line beginning at the Nevada-California State line extending along U.S. Highway 6 to junction U.S. Highway 95, thence along U.S. Highway 95 to junction U.S. Highway 40, thence along U.S. Highway 40 to junction Nevada Highway 18, thence along Nevada Highway 18 to junction Nevada Highway 11, thence along Nevada Highway 11 to junction Nevada Highway 51, thence along Nevada Highway 51 to the Nevada-Idaho State line, to points in that part of Idaho on and west of a line beginning at the Idaho-Nevada State line extending along Idaho Highway 51 to junction

U.S. Highway 30, thence along U.S. Highway 30 to junction Interstate Highway 80N, thence along Interstate Highway 80N to junction Interstate Highway 15, thence along Interstate Highway 15 to the Idaho-Montana State line, and to points in that part of Montana on and west of a line beginning at the Montana-Idaho State line extending along Interstate Highway 15 to junction Interstate Highway 90, thence along Interstate Highway 90 to junction U.S. Highway 10, thence along U.S. Highway 10 to the Montana-South Dakota State line, and to points in Washington and Oregon. The purpose of this filing is to eliminate the gateway of that part of the Fargo, N. Dak., commercial zone, located in Moorhead, Minn.

No. MC 119777 (Sub-No. E112), filed May 15, 1974. Applicant: LIGON SPECIALIZED HAULER, INC., P.O. Drawer L, Madisonville, Ky. 42431. Applicant's representative: Jean Holmes (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commodities*, the transportation of which, because of their size or weight, requires use of special equipment, *related machinery parts*, and *related contractor's materials and supplies*, when their transportation is incidental to the transportation of such commodities, except prefabricated buildings, and except oilfield commodities, as described in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, 299, and except machinery, materials, supplies, and equipment incidental to or used in the construction, development, operation, and maintenance of facilities for the discovery, development, and production of natural gas and petroleum, and incidental to, or used in connection with (a) the discovery, development, production, and preservation of natural gas and petroleum, (b) the construction, operation, repair, servicing, dismantling, and maintenance of pipelines and facilities for the storage of natural gas, gasoline and petroleum, and (c) the dismantling and maintenance of plants and facilities for refining, recycling, processing, repressuring, and blending gasoline, natural gas and petroleum; (1)(a) from points in Illinois on, south, and west of a line beginning at the Illinois-Iowa State line extending along U.S. Highway 30 to junction Illinois Highway 84, thence along Illinois Highway 84 to junction Interstate Highway 74, thence along Interstate Highway 74 to junction Illinois Highway 92, thence along Illinois Highway 92 to junction Illinois Highway 78, thence along Illinois Highway 78 to junction U.S. Highway 34, thence along U.S. Highway 34 to junction U.S. Highway 51, thence along U.S. Highway 51 to junction Illinois Highway 18, thence along Illinois Highway 18 to junction Illinois Highway 17, thence along Illinois Highway 17 to junction Illinois Highway 53, thence along Illinois Highway 53 to junction Illinois Highway 102, thence along Illinois Highway 102 to junction Illinois Highway 17, thence along Illinois Highway 17 to junction Illinois Highway 114, thence along Illinois Highway 114 to the terminus of Illinois Highway 114 at the Illinois-Indiana State line, and the point of East Dubuque, Ill., to points in New York and New Jersey within that part of the New York commercial zone, as defined in the fifth supplemental report in *Commercial Zones and Terminal Areas*, 53 M.C.C. 451, within which local operations may be conducted under the exemption provided by Section 203(b)(8) of the Interstate Commerce Act, and

(b) From points in Illinois on, south, and west of a line beginning at the Illinois-Iowa State line extending along U.S. Highway 30 to junction Illinois Highway 84, thence along Illinois Highway 84 to junction Illinois Highway 74, thence along Illinois Highway 74 to junction Illinois Highway 92, thence along Illinois Highway 92 to junction Illinois Highway 78, thence along Illinois Highway 78 to junction U.S. Highway 34, thence along U.S. Highway 34 to junction U.S. Highway 51, thence along U.S. Highway 51 to junction Illinois Highway 18, thence along Illinois Highway 18 to junction Illinois Highway 17, thence along Illinois Highway 17 to junction Illinois Highway 53, thence along Illinois Highway 53 to junction Illinois Highway 102, thence along Illinois Highway 102 to junction Illinois Highway 17, thence along Illinois Highway 17 to junction Illinois Highway 114, thence along Illinois Highway 114 to the terminus of Illinois Highway 114 at the Illinois-Indiana State line, and the point of East Dubuque, Ill., to points in New York and New Jersey within that part of the New York commercial zone, as defined in the fifth supplemental report in *Commercial Zones and Terminal Areas*, 53 M.C.C. 451, within which local operations may be conducted under the exemption provided by Section 203(b)(8) of the Interstate Commerce Act, that are in New York and in New Jersey on and north of U.S. Highway 19; (2)(a) from points in Indiana on and west of a line beginning at the Kentucky-Indiana State line extending along U.S. Highway 421 to junction Interstate Highway 465, thence along Interstate Highway 465 to junction Interstate Highway 65, thence along Interstate Highway 65 to junction U.S. Highway 52, thence along U.S. Highway 52 to junction U.S. Highway 41, thence along U.S. Highway 41 to junction Indiana Highway 114, thence along Indiana Highway 114 to the Indiana-Illinois State line, to points in New York and New Jersey within that part of the New York, N.Y., commercial zone as defined in the fifth supplemental report in Commercial Zones and Terminal Areas, 53 M.C.C. 451, within which local operations may be conducted under the exemption provided by Section 203(b)(8) of the Interstate Commerce Act,

(b) From points in Indiana, on, south, and west of a line beginning at the Indiana-Illinois State line extending along Indiana Highway 10, thence along Indiana Highway 10 to junction Indiana Highway 55, thence along Indiana Highway 55 to junction Indiana Highway 114, thence along Indiana Highway 114 to junction U.S. Highway 231, thence along U.S. Highway 231 to junction Indiana Highway 16, thence along Indiana Highway 16 to junction U.S. Highway 421, thence along U.S. Highway 421 to junction Indiana Highway 25, thence along Indiana Highway 25 to junction Indiana Highway 218, thence along Indiana Highway 218 to junction Indiana Highway 29, thence along Indiana Highway 29 to junction Indiana Highway 26, thence along Indiana Highway 26 to junction Indiana Highway 19, thence along Indiana Highway 19 to junction Indiana Highway 28, thence along Indiana Highway 28 to junction Indiana Highway 213, thence along Indiana Highway 231 to junction Indiana Highway 37, thence along Indiana Highway 37 to junction Indiana Highway 13, thence along Indiana Highway 13 to junction U.S. Highway 40, thence along U.S. Highway 40 to junction Indiana Highway 9, thence along Indiana Highway 9 to junction U.S. Highway 52, thence along U.S. Highway 52 to junction Indiana Highway 3, thence along Indiana Highway 3 to junction Interstate Highway 74, thence along Interstate Highway 74 to junction Indiana Highway 101, thence along Indiana Highway 101 to junction Indiana Highway 48, thence along Indiana Highway 48 to junction Indiana Highway 148, thence along Indiana Highway 148 to the Indiana-Kentucky State line, to points within that part of the New York, N.Y., commercial zone as defined in the fifth supplemental report in Commercial Zones and Terminal Areas, 53 M.C.C. 451, within which local operations may be conducted under the exemption provided by Section 203(b)(8) of the Interstate Commerce Act, that are in that part of New Jersey on and north of a line beginning at the New York-New Jersey State line extending along Interstate Highway 95 to junction New Jersey Highway 46, thence along New Jersey Highway 46 to the western limits of the New York City commercial zone, as described above, and

(c) From points in Indiana on, south, and west of a line beginning at the Indiana-Illinois State line extending along Indiana Highway 10 to junction Indiana Highway 55, thence along Indiana Highway 55 to junction Indiana Highway 114, thence along Indiana Highway 114 to junction U.S. Highway 231, thence along U.S. Highway 231 to junction Indiana Highway 16, thence along Indiana Highway 16 to junction U.S. Highway 421, thence along U.S. Highway 421 to junction Indiana Highway 25, thence along Indiana Highway 25 to junction Indiana Highway 218, thence along Indiana Highway 218 to junction Indiana Highway 29, thence along Indiana Highway 29 to junction Indiana Highway 22, thence along Indiana Highway 22 to junction U.S. Highway 31, thence along U.S. Highway 31 to junction Indiana Highway 26, thence along Indiana Highway 26 to junction Indiana Highway 19, thence along Indiana Highway 19 to junction Indiana Highway 28, thence along Indiana Highway 28 to junction Indiana Highway 213, thence along Indiana Highway 213 to junction Indiana Highway 37, thence along Indiana Highway 37 to junction Indiana Highway 13, thence along Indiana Highway 13 to

junction U.S. Highway 40, thence along U.S. Highway 40 to junction Indiana Highway 9, thence along Indiana Highway 9 to junction U.S. Highway 52, thence along U.S. Highway 52 to junction Indiana Highway 3, thence along Indiana Highway 3 to junction Interstate Highway 74, thence along Interstate Highway 74 to junction Indiana Highway 101, thence along Indiana Highway 101 to junction Indiana Highway 48, thence along Indiana Highway 48 to junction Indiana Highway 148, thence along Indiana Highway 148 to the Indiana-Kentucky State line, to points in New York that are within that part of the New York, N.Y., commercial zone as defined in the fifth supplemental report in Commercial Zones and Terminal Areas, 53 M.C.C. 451, within which local operations may be conducted under the exemption provided by Section 203(b)(8) of the Interstate Commerce Act;

(3)(a) from points in Kentucky on and west of a line beginning at the Ohio River at junction U.S. Highway 42 and U.S. Highway 127 (five miles east of Warsaw, Ky.), thence along U.S. Highway 127 to junction Kentucky Highway 36, thence along Kentucky Highway 36 to junction Kentucky Highway 227, thence along Kentucky Highway 227 to junction Kentucky Highway 89, thence along Kentucky Highway 89 to junction Kentucky Highway 52, thence along Kentucky Highway 52 to junction Kentucky Highway 11, thence along Kentucky Highway 11 to junction Kentucky Highway 92, thence along Kentucky Highway 92 to junction U.S. Highway 27, thence along U.S. Highway 27 to the Kentucky-Tennessee State line, to points in New York that are within that part of the New York, N.Y., commercial zone as defined in the fifth supplemental report in Commercial Zones and Terminal Areas, 53 M.C.C. 451, within which local operations may be conducted under the exemption provided by Section 203(b)(8) of the Interstate Commerce Act, and (b) from points in Kentucky on, and west of a line beginning at junction U.S. Highway 42 and U.S. Highway 127 (five miles east of Warsaw, Ky.), thence along U.S. Highway 127 to junction Kentucky Highway 36, thence along Kentucky Highway 36 to junction Kentucky Highway 227, thence along Kentucky Highway 227 to junction Kentucky Highway 627, thence along Kentucky Highway 627 to junction Kentucky Highway 388, thence along Kentucky Highway 388 to junction U.S. Highway 421, thence along U.S. Highway 421 to junction Kentucky Highway 11, thence along Kentucky Highway 11 to junction Kentucky Highway 92, thence along Kentucky Highway 92 to junction U.S. Highway 27, thence along U.S. Highway 27 to the Kentucky-Tennessee State line, to points in New York and New Jersey within that part of the New York, N.Y., commercial zone as defined in the fifth supplemental report in Commercial Zones and Terminal Areas, 53 M.C.C. 451, within which local operations may be conducted under the exemption provided by Section 203(b)(8) of the Interstate Commerce Act;

(4)(a) From points in Tennessee on and west of a line beginning at the Georgia-Tennessee State line extending along U.S. Highway 11, thence along U.S. Highway 11 to junction U.S. Highway 127, thence along U.S. Highway 127 to junction Tennessee Highway 52, thence along Tennessee Highway 52 to junction U.S. Highway 27, thence along U.S. Highway 27 to the Tennessee-Kentucky State line, to points in New York and New Jersey within that part of the New York, N.Y., commercial zone as defined in the fifth supplemental report in *Commercial Zones and Terminal Areas*, 53 M.C.C. 451, within which local operations may be conducted under the exemption provided by Section 203(b)(8) of the Interstate Commerce Act, and (b) from points in Tennessee on and west of a line beginning at the Georgia-Tennessee State line extending along U.S. Highway 11 to junction U.S. Highway 27, thence along U.S. Highway 27 to junction Tennessee Highway 68, thence along Tennessee Highway 68 to junction U.S. Highway 127, thence along U.S. Highway 127 to junction Tennessee Highway 52, thence along Tennessee Highway 52 to junction U.S. Highway 27, thence along U.S. Highway 27 to the Tennessee-Kentucky State line, to points within that part of the New York, N.Y., commercial zone as defined in the fifth supplemental report in *Commercial Zones and Terminal Areas*, 53 M.C.C. 451, within which local operations may be conducted under the exemption provided by Section 203(b)(8) of the Interstate Commerce Act, that are within New York and that are within that part of New Jersey located west of the Hudson River on and north of New Jersey Highway 3 and Interstate Highway 495; (5)(a) between all points in Illinois, on the one hand, and, on the other, Portsmouth, Ohio, on and south of a line beginning at junction U.S. Highway 52 and Ohio Highway 141, thence along Ohio Highway 141 to junction Ohio Highway 217, thence along Ohio Highway 217 to its terminus at Miller, Ohio,

(b) Between all points in Illinois, on, south, and west of a line beginning at the Illinois-Wisconsin State line extending along Illinois Highway 73, to junction Illinois Highway 72, thence along Illinois Highway 72 to junction Illinois Highway 26, thence along Illinois Highway 26 to junction U.S. Highway 52, thence along U.S. Highway 52 to junction U.S. Highway 51, thence along U.S. Highway 51 to junction Illinois Highway 121, thence along Illinois Highway 121 to junction Illinois Highway 32, thence along Illinois Highway 32 to junction Illinois Highway 33, thence along Illinois Highway 33 to junction Illinois Highway 130, thence along Illinois Highway 130 to junction U.S. Highway 50, thence along U.S. Highway 50 to the Illinois-Indiana State line, on the one hand, and, on the other, points in Ohio on and south of a line beginning at the Ohio-Kentucky State line extending along Ohio Highway 41, thence along Ohio Highway 41 to junction Ohio Highway 32, thence along Ohio Highway 32 to junction Ohio Highway 73, thence along Ohio Highway 73 to junction Ohio Highway 348, thence along Ohio Highway 348 to junction Ohio Highway 139, thence along Ohio Highway 139 to junction Ohio Highway 279, thence along Ohio Highway 279 to junction U.S. Highway 35, thence along U.S. Highway 35 to junction Ohio Highway 160, thence along Ohio Highway 160 to its terminus at Gallipolis, Ohio,

(c) Between points in Illinois on and south of a line beginning at the Illinois-Missouri State line extending along U.S. Highway 24 to junction Illinois Highway 99, thence along Illinois Highway 99 to junction Illinois Highway 104, thence along Illinois Highway 104 to junction U.S. Highway 36, thence along U.S. Highway 36 to junction Illinois Highway 29, thence along Illinois Highway 29 to junction Illinois Highway 16, thence along Illinois Highway 16 to junction Illinois Highway 128, thence along Illinois Highway 128 to junction Illinois Highway 33, thence along Illinois Highway 33 to junction Illinois Highway 130, thence along Illinois Highway 130 to junction U.S. Highway 50, thence along U.S. Highway 50 to the Illinois-Indiana State line, on the one hand, and, on the other, points in Ohio on, south, and east of a line beginning at the Ohio-Kentucky State line extending along U.S. Highway 62 to junction U.S. Highway 50, thence along U.S. Highway 50 to junction Ohio Highway 339, thence along Ohio Highway 339 to junction Ohio Highway 60, thence along Ohio Highway 60 to junction Ohio Highway 530, thence along Ohio Highway 530 to junction Ohio Highway 821, thence along Ohio Highway 821 to junction Ohio Highway 145, thence along Ohio Highway 145 to junction Ohio Highway 148, thence along Ohio Highway 148 to junction Ohio Highway 9, thence along Ohio Highway 9 to junction U.S. Highway 22, thence along U.S. Highway 22 to junction Ohio Highway 7, thence along Ohio Highway 7 to junction U.S. Highway 62, thence along U.S. Highway 62 to the Ohio-Pennsylvania State line,

(d) Between points in Illinois, on, south, and west of a line beginning at the Illinois-Missouri State line extending along U.S. Highway 24 to junction Illinois Highway 96, thence along Illinois Highway 96 to junction Illinois Highway 100, thence along Illinois Highway 100 to junction Illinois Highway 16, thence along Illinois Highway 16 to junction Illinois Highway 4, thence along Illinois Highway 4 to junction U.S. Highway 50, thence along U.S. Highway 50 to the Illinois-Indiana State line, on the one hand, and, on the other, points in Ohio on and east of a line beginning at Cleveland, Ohio, on Interstate Highway 71, thence along Interstate Highway 71 to the Ohio-Kentucky State line (except Columbus), (e) between points in Illinois, on and south of a line beginning at the Illinois-Indiana State line extending along U.S. Highway 460 to junction Illinois Highway 13, thence along Illinois Highway 13 to junction Illinois Highway 156, thence along Illinois Highway 156 to its terminus, on

the one hand, and, on the other, all points in Ohio (except Columbus), and (f) between points in Illinois on and south of a line beginning at the Illinois-Missouri State line extending along U.S. Highway 67 to junction Illinois Highway 140, thence along Illinois Highway 140 to junction Illinois Highway 4, thence along Illinois Highway 4 to junction U.S. Highway 50, thence along U.S. Highway 50 to the Illinois-Indiana State line, on the one hand, and, on the other, points in Ohio on and east of a line beginning at Sandusky, Ohio, on U.S. Highway 250, thence along U.S. Highway 250 to junction Ohio Highway 13, thence along Ohio Highway 13 to junction Interstate Highway 71, thence along Interstate Highway 71 to the Ohio-Kentucky State line (except Columbus);

(6) (a) Between points in Illinois on and south of a line beginning at the Iowa-Illinois State line extending along Interstate Highway 80 to junction U.S. Highway 51, thence along U.S. Highway 51 to junction Illinois Highway 17, thence along Illinois Highway 17 to junction Illinois Highway 1, thence along Illinois Highway 1 to junction U.S. Highway 24, thence along U.S. Highway 24 to the Indiana-Illinois State line and East Dubuque, Ill., on the one hand, and, on the other, points in Pennsylvania on, south, and east of a line beginning at the New Jersey-Pennsylvania State line extending along U.S. Highway 30 to junction U.S. Highway 13, thence along U.S. Highway 13 to junction U.S. Highway 1, thence along U.S. Highway 1 to the Pennsylvania-New Jersey State line, (b) between points in Illinois on and south of a line beginning at the Missouri-Illinois State line extending along U.S. Highway 24 to junction U.S. Highway 67, thence along U.S. Highway 67 to junction Illinois Highway 104, thence along Illinois Highway 104 to junction Illinois Highway 29, thence along Illinois Highway 29 to junction Illinois Highway 16, thence along Illinois Highway 16 to junction Illinois Highway 121, thence along Illinois Highway 121 to junction Illinois Highway 130, thence along Illinois Highway 130 to junction Illinois Highway 33, thence along Illinois Highway 33 to Russellville, Ill., on the one hand, and, on the other, all points in Pennsylvania.

(c) Between points in Indiana on and south of a line beginning at the Iowa-Illinois State line extending along U.S. Highway 34 to junction Illinois Highway 116, thence along Illinois Highway 116 to junction U.S. Highway 67, thence along U.S. Highway 67 to junction Illinois Highway 9, thence along Illinois Highway 9 to junction Illinois Highway 29, thence along Illinois Highway 29 to junction U.S. Highway 136, thence along U.S. Highway 136 to junction Iowa Highway 74, thence along Iowa Highway 74 to the Indiana-Illinois State line, on the one hand, and, on the other, points in Pennsylvania on and east of a line beginning at the New York-Pennsylvania State line extending along U.S. Highway 220 to junction Pennsylvania Highway 414, thence along Pennsylvania Highway 414 to junction Pennsylvania Highway 14, thence along Pennsylvania Highway 14 to junction U.S. Highway 15, thence along U.S. Highway 15 to junction U.S. Highway 11, thence along U.S. Highway 11 to junction Interstate Highway 83, thence along Interstate Highway 83 to the Pennsylvania-Maryland State line, (d) between points in Illinois on and south of a line beginning at the Iowa-Illinois State line extending along U.S. Highway 136 to junction Illinois Highway 97, thence along Illinois Highway 97 to junction Illinois Highway 29, thence along Illinois Highway 29 to junction Illinois Highway 16, thence along Illinois Highway 16 to junction Illinois Highway 130, thence along Illinois Highway 130 to junction Illinois Highway 33, thence along Illinois Highway 33 to Russellville, Ill., on the one hand, and, on the other, points in Pennsylvania on and east of a line beginning at the New York-Pennsylvania State line extending along U.S. Highway 62 to junction U.S. Highway 6, thence along U.S. Highway 6 to junction Pennsylvania Highway 948, thence along Pennsylvania Highway 948 to junction Pennsylvania Highway 66, thence along Pennsylvania Highway 66 to junction Pennsylvania Highway 28, thence along Pennsylvania Highway 28 to junction Pennsylvania Highway 8, thence along Pennsylvania Highway 8 to junction U.S. Highway 19, thence along U.S. Highway 19 to junction U.S. Highway 40, thence along U.S. Highway 40 to junction Pennsylvania Highway 381, thence along Pennsylvania Highway 381 to the West Virginia-Pennsylvania State line, and

(e) Between Peoria, Ill., on the one hand, and, on the other, points in Pennsylvania on and east of a line beginning at the New York-Pennsylvania State line extending along Pennsylvania Highway 187 to junction U.S. Highway 6, thence along U.S. Highway 6 to junction U.S. Highway 220, thence along U.S. Highway 220 to junction Pennsylvania Highway 42, thence along Pennsylvania Highway 42 to junction Pennsylvania Highway 254, thence along Pennsylvania Highway 254 to junction U.S. Highway 15, thence along U.S. Highway 15 to junction U.S. Highway 522, thence along U.S. Highway 522 to junction U.S. Highway 22, thence along U.S. Highway 22 to junction Pennsylvania Highway 35, thence along Pennsylvania Highway 35 to junction U.S. Highway 522, thence along U.S. Highway 522 to junction Interstate Highway 76, thence along Interstate Highway 76 to junction U.S. Highway 220, thence along U.S. Highway 220 to the Pennsylvania-Maryland State line;

(7) (a) Between all points in Illinois, on the one hand, and, on the other, points in West Virginia on and south of a line beginning at the West Virginia-Kentucky State line extending along U.S. Highway 60 to junction Interstate Highway 64, thence along Interstate Highway 64 to junction West Virginia Highway 34, thence along West Virginia Highway 34 to junction West Virginia Highway 62, thence along West Virginia Highway 62 to junction U.S. Highways 21, 60, and 119, thence along U.S. Highways 21, 60, and 119 to junction West Virginia Highway 4, thence along West Virginia Highway 4 to junction West Virginia Highway 20, thence along West Virginia Highway 20 to junction West Virginia Highway 15, thence along West Virginia Highway 15 to junction U.S. Highway 219, thence along U.S. Highway 219 to junction U.S. Highway 250, thence along U.S. Highway 250 to the West Virginia-Virginia State line, (b) between all points in Illinois on, south, and west of a line beginning at the Iowa-Illinois State line extending along U.S. Highway 136 to junction U.S. Highway 67, thence along U.S. Highway 67 to junction Illinois Highway 125, thence along Illinois Highway 125 to junction Illinois Highway 29, thence along Illinois Highway 29 to junction Illinois Highway 16, thence along Illinois Highway 16 to junction Illinois Highway 128, thence along Illinois Highway 128 to junction Illinois Highway 33, thence along Illinois Highway 33 to junction Illinois Highway 1, thence along Illinois Highway 1 to junction Illinois Secondary Road which goes through Hutsonville to the Illinois-Indiana State line on Indiana Highway 154, on the one hand, and, on the other, all points in West Virginia,

(c) Between all points in Illinois on, south, and west of a line beginning at the Illinois-Iowa State line extending along U.S. Highway 34 to junction Illinois Highway 164, thence along Illinois Highway 164 to junction U.S. Highway 34, thence along U.S. Highway 34 to junction Illinois Highway 41, thence along Illinois Highway 41 to junction U.S. Highway 136, thence along U.S. Highway 136 to junction Illinois Highway 97, thence along Illinois Highway 97 to junction U.S. Highway 36, thence along U.S. Highway 36 to junction Illinois Highway 121, thence along Illinois Highway 121 to junction Illinois Highway 16, thence along Illinois Highway 16 to junction Illinois Highway 130, thence along Illinois Highway 130 to junction Illinois Highway 33, thence along Illinois Highway 33 to junction Illinois Highway 1, thence along Illinois Highway 1 to junction Illinois Secondary Road which passes through Hutsonville, Ill., to the Illinois-Indiana State line at Indiana Highway 154, on the one hand, and, on the other, points in West Virginia on, south, and east of a line beginning at the West Virginia-Ohio State line extending along U.S. Highway 50 to junction U.S. Highway 19, thence along U.S. Highway 19 to the West Virginia-Pennsylvania State line, (d) between all points in Illinois on, south, and west of a line beginning at the Illinois-Indiana State line extending along U.S. Highway 150 to junction Illinois Highway 133, thence along Illinois Highway 133 to junction U.S. Highway 51, thence along U.S. Highway 51 to junction Illinois Highway 17, thence along Illinois Highway 17 to junction Illinois Highway 23, thence along Illinois Highway 23 to junction U.S. Highway 52, thence along U.S. Highway 52 to junction Illinois Highway 26, thence along Illinois Highway 26 to the Illinois-Wisconsin State line, on the one hand, and, on the other, points in

West Virginia on and south of a line beginning at the West Virginia-Ohio State line extending along U.S. Highway 35 to junction West Virginia Highway 2, thence along West Virginia Highway 2 to junction U.S. Highway 33, thence along U.S. Highway 33 to junction U.S. Highway 19, thence along U.S. Highway 19 to junction West Virginia Highway 4, thence along West Virginia Highway 4 to junction West Virginia Highway 20, thence along West Virginia Highway 20 to junction West Virginia Highway 15, thence along West Virginia Highway 15 to junction U.S. Highway 219, thence along U.S. Highway 219 to junction U.S. Highway 33, thence along U.S. Highway 33 to junction West Virginia Highway 28, thence along West Virginia Highway 28 to junction West Virginia Highway 55, thence along West Virginia Highway 55 to the West Virginia-Virginia State line, and

(e) Between all points in Illinois, on, south, and west of a line beginning at the Illinois-Indiana State line extending along U.S. Highway 150 to junction Illinois Highway 1, thence along Illinois Highway 1 to junction U.S. Highway 136, thence along U.S. Highway 136 to junction Illinois Highway 49, thence along Illinois Highway 49 to junction U.S. Highway 52, thence along U.S. Highway 52 to junction U.S. Highway 30, thence along U.S. Highway 30 to junction Illinois Highway 59, thence along Illinois Highway 59 to junction U.S. Highway 12, thence along U.S. Highway 12 to the Illinois-Wisconsin State line, on the one hand, and, on the other, all points in West Virginia on and south of a line beginning at the West Virginia-Kentucky State line extending along U.S. Highway 60 to junction Interstate Highway 64, thence along Interstate Highway 64 to junction West Virginia Highway 34, thence along West Virginia Highway 34 to junction West Virginia Highway 62, thence along West Virginia Highway 62 to junction U.S. Highway 21/60, thence along U.S. Highway 21/60 to junction West Virginia Highway 4, thence along West Virginia Highway 4 to junction U.S. Highway 119, thence along U.S. Highway 119 to junction West Virginia Highway 16, thence along West Virginia Highway 16 to junction West Virginia Highway 4, thence along West Virginia Highway 4, thence along West Virginia Highway 4 to junction West Virginia Highway 20, thence along West Virginia Highway 20 to junction West Virginia Highway 15, thence along West Virginia Highway 15 to junction U.S. Highway 219, thence along U.S. Highway 219 to junction U.S. Highway 250, thence along U.S. Highway 250 to the West Virginia-Virginia State line; (8) between points in Illinois, on the one hand, and, on the other, all points in Tennessee;

(9) (a) Between points in Indiana, on and south of a line beginning at the Illinois-Indiana State line extending along U.S. Highway 50 to junction U.S. Highway 150, thence along U.S. Highway 150 to the Indiana-Kentucky State line, on the one hand, and, on the other, points in Ohio on and east of a line beginning at the Kentucky-Ohio State line extending along U.S. Highway 25 to junction Ohio Highway 4, thence along Ohio Highway 4 to junction U.S. Highway 68, thence along U.S. Highway 68 to junction Interstate Highway 75, thence along Interstate Highway 75 to junction U.S. Highway 25, thence along U.S. Highway 25 to the Ohio-Michigan State line (except Columbus), (b) between points in Indiana on, west, and south of a line beginning at the Illinois-Indiana State line extending along U.S. Highway 150 to junction Indiana Highway 46, thence along Indiana Highway 46 to junction Indiana Highway 135, thence along Indiana Highway 135 to junction U.S. Highway 50, thence along U.S. Highway 50 to junction U.S. Highway 31, thence along U.S. Highway 31 to junction Indiana Highway 56, thence along Indiana Highway 56 to junction Indiana Highway 62, thence along Indiana Highway 62 to junction unmarked road at or near New Washington, Ind., thence along unmarked road to Otto, Ind., thence along another unmarked road to Bethlehem, Ind., on the Ohio River, on the one hand, and, on the other, points in Ohio on and south of a line beginning at the Kentucky-Ohio State line extending along U.S. Highway 52 to junction Ohio Highway 139, thence along Ohio Highway 139 to junction Ohio Highway 279, thence along Ohio Highway 279 to junction U.S. Highway 35, thence along U.S. Highway 35 to the Ohio-West Virginia State line,

(c) Between points in Indiana on and west of a line beginning at Michigan City, Ind., extending along U.S. Highway 12 to junction Indiana Highway 49, thence along Indiana Highway 49 to junction U.S. Highway 30, thence along U.S. Highway 30 to junction U.S. Highway 421, thence along U.S. Highway 421 to junction Indiana Highway 8, thence along Indiana Highway 8 to junction U.S. Highway 35, thence along U.S. Highway 35 to junction Indiana Highway 14, thence along Indiana Highway 14 to junction Indiana Highway 17, thence along Indiana Highway 17 to junction U.S. Highway 35, thence along U.S. Highway 35 to junction Indiana Highway 22, thence along Indiana Highway 22 to junction Indiana Highway 29, thence along Indiana Highway 29 to junction U.S. Highway 421, thence along U.S. Highway 421 to junction U.S. Highway 52, thence along U.S. Highway 52 to junction Indiana Highway 9, thence along Indiana Highway 9 to junction Indiana Highway 7, thence along Indiana Highway 7 to the Indiana-Kentucky State line, on the one hand, and, on the other, points in Ohio on and south of a line beginning at the Ohio River on Ohio Highway 243, thence along Ohio Highway 243 to junction Ohio Highway 7, thence along Ohio Highway 7 to Athalia, Ohio, and (d) between points in Indiana on and south of a line beginning at the Illinois-Indiana State line extending along Indiana Highway 64 to junction Indiana Highway 61, thence along Indiana Highway 61 to junction Indiana Highway 56, thence along Indiana Highway 56 to junction U.S. Highway 231, thence along U.S. Highway 231 to junction Indiana Highway 64, thence along Indiana Highway 64 to junction Indiana Highway 135, thence along Indiana Highway 135 to junction U.S. Highway 150, thence along U.S. Highway 150 to the Indiana-Kentucky State line, on the one hand, and, on the other, all points in Ohio (except Columbus);

(10) (a) Between points in Indiana on and south of a line beginning at the Kentucky-Indiana State line extending along Indiana Highway 7 to junction Indiana Highway 46, thence along Indiana Highway 46 to junction Indiana Highway 48, thence along Indiana Highway 48 to junction Indiana Highway 43, thence along Indiana Highway 43 to junction Indiana Highway 54, thence along Indiana Highway 54 to junction Indiana Highway 57, thence along Indiana Highway 57 to junction Indiana Highway 67, thence along Indiana Highway 67 to junction Indiana Highway 48, thence along Indiana Highway 48 to junction Indiana Highway 159, thence along Indiana Highway 159 to junction Indiana Highway 246, thence along Indiana Highway 246 to junction Indiana Highway 63, thence along Indiana Highway 63 to junction Indiana Highway 154, thence along Indiana Highway 154 to the Indiana-Illinois State line, on the one hand, and, on the other, all points in Pennsylvania,

(b) Between points in Indiana on, south, and west of a line beginning at the Indiana-Illinois State line extending along Indiana Highway 114, thence along Indiana Highway 114 to junction U.S. Highway 41, thence along U.S. Highway 41 to junction U.S. Highway 52, thence along U.S. Highway 52 to junction Indiana Highway 26, thence along Indiana Highway 26 to junction Indiana Highway 29, thence along Indiana Highway 29 to junction U.S. Highway 421, thence along U.S. Highway 421 to junction Interstate Highway 465, thence along Interstate Highway 465 to junction U.S. Highway 52, thence along U.S. Highway 52 to junction Indiana Highway 9, thence along Indiana Highway 9 to junction Interstate Highway 74, thence along Interstate Highway 74 to junction Indiana Highway 44, thence along Indiana Highway 44 to Homer, Ind., thence along Indiana Highway 44 to junction Interstate Highway 74, thence along Interstate Highway 74 to junction Indiana Highway 244, thence along Indiana Highway 244 to junction Indiana Highway 3, thence along Indiana Highway 3 to junction Interstate Highway 74, thence along Interstate Highway 74 to junction Indiana Highway 229, thence along Indiana Highway 229 to junction Indiana Highway 48, thence along Indiana Highway 48 to junction U.S. Highway 421, thence along U.S. Highway 421 to junction Indiana Highway 129, thence along Indiana Highway 129 to junction Indiana Highway 250, thence along Indiana Highway 250 to the terminus of Indiana Highway 250 at Patriot, Ind., on the one hand, and, on the other, points in Pennsylvania on, south, and west of a line

beginning at the New Jersey-Pennsylvania State line extending along U.S. Highway 30 to junction U.S. Highway 13, thence along U.S. Highway 13 to junction U.S. Highway 1, thence along U.S. Highway 1 to the Pennsylvania-New Jersey State line.

(c) Between points in Indiana on and south of a line beginning at the Indiana-Illinois State line extending along U.S. Highway 136 to junction Interstate Highway 74, thence along Interstate Highway 74 to junction U.S. Highway 421, thence along U.S. Highway 421 to junction Indiana Highway 129, thence along Indiana Highway 129 to junction Indiana Highway 250, thence along Indiana Highway 250 to the terminus of Indiana Highway 250 at Patriot, Ind., on the one hand, and, on the other, points in Pennsylvania on and east of a line beginning at the Pennsylvania-New York State line extending along U.S. Highway 220 to junction U.S. Highway 6, thence along U.S. Highway 6 to junction Pennsylvania Highway 309, thence along Pennsylvania Highway 309 to junction U.S. Highway 209, thence along U.S. Highway 209 to junction Pennsylvania Highway 61, thence along Pennsylvania Highway 61 to junction Pennsylvania Highway 10, thence along Pennsylvania Highway 10 to junction Interstate Highway 76, thence along Interstate Highway 76 to the crossing of Pennsylvania Highway 82, thence along Pennsylvania Highway 82 to junction Pennsylvania Highway 841, thence along Pennsylvania Highway 841 to the Pennsylvania-Maryland State line, (d) between points in Indiana on and south of a line beginning at the Indiana-Illinois State line extending along U.S. Highway 40, to junction Indiana Highway 46, thence along Indiana Highway 46 to junction Indiana Highway 7, thence along Indiana Highway 7 to the Indiana-Kentucky State line, on the one hand, and, on the other, points in Pennsylvania on and east of a line beginning at the Pennsylvania-New York State line extending along U.S. Highway 62 to junction Pennsylvania Highway 36, thence along Pennsylvania Highway 36 to junction Pennsylvania Highway 66, thence along Pennsylvania Highway 66 to junction U.S. Highway 322, thence along U.S. Highway 322 to junction Pennsylvania Highway 68, thence along Pennsylvania Highway 68 to junction Pennsylvania Highway 854, thence along Pennsylvania Highway 854 to junction Pennsylvania Highway 861, thence along Pennsylvania Highway 861 to junction Pennsylvania Highway 66, thence along Pennsylvania Highway 66 to junction U.S. Highway 422, thence along U.S. Highway 422 to Kittanning, thence along U.S. Highway 422 to junction U.S. Highway 119, thence along U.S. Highway 119 to junction Pennsylvania Highway 56, thence along Pennsylvania Highway 56 to junction Pennsylvania Highway 403, thence along Pennsylvania Highway 403 to junction U.S. Highway 219, thence along U.S. Highway 219 to the Pennsylvania-Maryland State line, and

(e) Between points in Indiana on and south of a line beginning at the Indiana-Illinois State line extending along U.S. Highway 36 to junction Indiana Highway 59, thence along Indiana Highway 59 to junction U.S. Highway 40, thence along U.S. Highway 40 to junction U.S. Highway 231, thence along U.S. Highway 231 to junction Indiana Highway 42, thence along Indiana Highway 42 to junction Indiana Highway 142, thence along Indiana Highway 142 to junction Indiana Highway 67, thence along Indiana Highway 67 to junction Indiana Highway 39, thence along Indiana Highway 39 to junction Indiana Highway 37, thence along Indiana Highway 37 to junction Indiana Highway 44, thence along Indiana Highway 44 to junction U.S. Highway 421, thence along U.S. Highway 421 to junction Indiana Highway 129, thence along Indiana Highway 129 to junction Indiana Highway 156, thence along Indiana Highway 156 to VeVay, Ind., on the one hand, and, on the other, points in Pennsylvania on and east of a line beginning at the New York-Pennsylvania State line extending along Pennsylvania Highway 14 to junction U.S. Highway 6, thence along U.S. Highway 6 to junction U.S. Highway 220, thence along U.S. Highway 220 to junction Pennsylvania Highway 487, thence along Pennsylvania Highway 487 to junction Interstate Highway 80, thence along Interstate Highway 80 to junction U.S. Highway 15, thence along U.S. Highway 15 to junction Pennsylvania Highway 45, thence along Pennsylvania Highway 45 to junction Pennsylvania Highway 147, thence along Pennsylvania Highway 147 to junction U.S. Highway 322, thence along U.S. Highway 322 to junction Interstate Highway 83, thence along Interstate Highway 83 to junction BR Highway 83, thence along BR Highway 83, through and including York, Pa., to the junction Interstate Highway 83, thence along Interstate Highway 83 to the Maryland-Pennsylvania State line;

(11) (a) Between all points in Indiana, on the one hand, and, on the other, all points in Tennessee on, south, and west of a line beginning at the Kentucky-Tennessee State line extending along U.S. Highway 127 to junction Tennessee Highway 68, thence along Tennessee Highway 68 to junction U.S. Highway 411, thence along U.S. Highway 411 to junction Tennessee Highway 72, thence along Tennessee Highway 72 to junction U.S. Highway 129, thence along U.S. Highway 129 to the Tennessee-North Carolina State line, and all points in Tennessee on and east of a line beginning at the North Carolina-Tennessee State line extending along U.S. Highway 23 to junction U.S. Highway 19, thence along U.S. Highway 19 to the Tennessee-Virginia State line, (b) between all points in Indiana on, west, and north and south of a line beginning at the Indiana-Ohio State line extending along Indiana Highway 67 to junction Indiana Highway 1, thence along Indiana Highway 1 to junction Indiana Highway 121, thence along Indiana Highway 121 to junction U.S. Highway 52, thence along U.S. Highway 52 to junction Indiana Highway 229, thence along Indiana Highway 229 to junction Indiana Highway 46, thence along Indiana Highway 46 to junction Indiana Highway 101, thence along Indiana Highway 101 to junction Indiana Highway 350, thence along Indiana Highway 350 to junction Indiana Highway 350 with the Kentucky-Indiana State line at Aurora, Ill., on the one hand, and, on the other, all points in Tennessee, and (c) between all points in Indiana on and west of a line beginning at the Indiana-Ohio State line extending along U.S. Highway 40 to junction U.S. Highway 27, thence along U.S. Highway 27 to junction Indiana Highway 101, thence along Indiana Highway 101 to junction Indiana Highway 1, thence along Indiana Highway 1 to junction Indiana Highway 1 with the Kentucky-Indiana State line, on the one hand, and, on the other, all points in Tennessee on, west, and south, and east of a line beginning at the Kentucky-Tennessee State line extending along U.S. Highway 27 to junction U.S. Highway 70, thence along U.S. Highway 70 to junction U.S. Highway 11E, thence along U.S. Highway 11E to junction U.S. Highway 25E, thence along U.S. Highway 25E to junction U.S. Highway 11W, thence along U.S. Highway 11W to junction U.S. Highway 23, thence along U.S. Highway 23 to junction U.S. Highway 23 with the Tennessee-Virginia State line;

(12) (a) Between points in Indiana on and south of a line beginning at and including, Jeffersonville, Ind., on Indiana Highway 62, thence along Indiana Highway 62 to junction Indiana Highway 56, thence along Indiana Highway 56 to junction Interstate Highway 65, thence along Interstate Highway 65 to junction Indiana Highway 58, thence along Indiana Highway 58 to junction Indiana Highway 37, thence along Indiana Highway 37 to junction Indiana Highway 45, thence along Indiana Highway 45 to junction Indiana Highway 48, thence along Indiana Highway 48 to junction Indiana Highway 43, thence along Indiana Highway 43 to junction Indiana Highway 54, thence along Indiana Highway 54 to junction U.S. Highway 41, thence along U.S. Highway 41 to junction Indiana Highway 154, thence along Indiana Highway 154 to the Indiana-Illinois State line, on the one hand, and, on the other, points in West Virginia, (b) between points in Indiana on and west of a line beginning at the Indiana-Michigan State line extending along Indiana Highway 15 to junction U.S. Highway 30, thence along U.S. Highway 30 to junction Indiana Highway 5, thence along Indiana Highway 5 to junction U.S. Highway 224, thence along U.S. Highway 224 to junction Interstate Highway 69, thence along Interstate Highway 69 to junction Indiana Highway 109, thence along Indiana Highway 109 to junction Indiana Highway 38, thence along Indiana Highway 38 to junction Indiana Highway 3, thence along Indiana Highway 3 to junction Indiana Highway 46, thence along Indiana Highway 46 to junction Indiana Highway 229, thence

along Indiana Highway 229 to junction U.S. Highway 421, thence along U.S. Highway 421 to junction Indiana Highway 129, thence along Indiana Highway 129 to the Indiana-Kentucky State line, on the one hand, and, on the other, points in West Virginia on and south of a line beginning at, and including, Williamson, W. Va., thence along U.S. Highway 52 to junction West Virginia Highway 80, thence along West Virginia Highway 80 to junction West Virginia Highway 83, thence along West Virginia Highway 83 to junction West Virginia Highway 16, thence along West Virginia Highway 16 to the West Virginia-Virginia State line,

(c) Between points in Indiana on and west of a line beginning at, and including, Michigan City, Ind., thence along U.S. Highway 35 to junction U.S. Highway 31, thence along U.S. Highway 31 to, and including, Indianapolis, Ind., thence along Interstate Highway 74 to junction Indiana Highway 3, thence along Indiana Highway 3 to junction Indiana Highway 7, thence along Indiana Highway 7 to the Indiana-Kentucky State line at Madison, Ind., on the one hand, and, on the other, points in West Virginia on and south of a line beginning at, and including, Huntington, W. Va., thence along U.S. Highway 60 to junction West Virginia Highway 39, thence along West Virginia Highway 39 to junction West Virginia Highway 41, thence along West Virginia Highway 41 to junction West Virginia Highway 20, thence along West Virginia Highway 20 to junction West Virginia Highway 15, thence along West Virginia Highway 15 to junction U.S. Highway 219, thence along U.S. Highway 219 to junction West Virginia Highway 39, thence along West Virginia Highway 39 to junction West Virginia Highway 92, thence along West Virginia Highway 92 to junction West Virginia Highway 84, thence along West Virginia Highway 84 to the West Virginia-Virginia State line, (d) between points in Indiana on and west of a line beginning at, and including, Aurora, Ind., on U.S. Highway 50, thence along U.S. Highway 50 to junction Indiana Highway 101, thence along Indiana Highway 101 to junction Indiana Highway 46, thence along Indiana Highway 46 to junction Indiana Highway 229, thence along Indiana Highway 229 to junction U.S. Highway 52, thence along U.S. Highway 52 to junction Indiana Highway 121, thence along Indiana Highway 121 to junction Indiana Highway 1, thence along Indiana Highway 1 to junction U.S. Highway 224, thence along U.S. Highway 224 to junction U.S. Highway 27, thence along U.S. Highway 27 to the Indiana-Michigan State line, on the one hand, and, on the other, to the point of Williamson, W. Va., and

(e) Between points in Indiana on and south of a line beginning at the Illinois-Indiana State line extending along U.S. Highway 150 to junction U.S. Highway 41, thence along U.S. Highway 41 to junction Interstate Highway 70, thence along Interstate Highway 70 to junction Indiana Highway 46, thence along Indiana Highway 46 to junction U.S. Highway 31, thence along U.S. Highway 31 to junction Indiana Highway 56, thence along Indiana Highway 56 to junction Indiana Highway 62, thence along Indiana Highway 62 to the Indiana-Kentucky State line, on the one hand, and, on the other, points in West Virginia, on, south, and east of a line beginning at the Ohio-West Virginia State line extending along U.S. Highway 35 to junction West Virginia Highway 2, thence along West Virginia Highway 2 to junction U.S. Highway 33, thence along U.S. Highway 33 to junction West Virginia Highway 16, thence along West Virginia Highway 16 to junction West Virginia Highway 47, thence along West Virginia Highway 47 to junction U.S. Highway 33, thence along U.S. Highway 33 to junction U.S. Highway 19, thence along U.S. Highway 19 to junction U.S. Highway 119, thence along U.S. Highway 119 to the West Virginia-Pennsylvania State line; (13) (a) between points in that part of Kentucky bounded on the west by a line beginning at the Indiana-Kentucky State line and extending along U.S. Highway 31E to Kentucky Highway 61, thence along Kentucky Highway 61 to junction Kentucky Highway 470, thence along Kentucky Highway 470 to junction U.S. Highway 31E, thence along U.S. Highway 31E to the Kentucky-Tennessee State line, and bounded on, north, and east of a line beginning at the junction of U.S. Highway 31E and Kentucky Highway 44, thence along Kentucky Highway 44 to junction Kentucky Highway 55, thence along Kentucky Highway 55 to junction Kentucky Highway 208, thence along Kentucky Highway 208 to junction Kentucky Highway 55, thence along Kentucky Highway 55 to junction Kentucky Highway 61, thence along Kentucky Highway 61 to junction U.S. Highway 127, thence along U.S. Highway 127 to the Kentucky-Tennessee State line, and bounded on the south by the Kentucky-Tennessee State line, on the one hand, and, on the other, all points in Ohio (except Columbus),

(b) Between points in that part of Kentucky bounded on the west by 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 470, thence along Kentucky Highway 470 to junction U.S. Highway 31E, thence along U.S. Highway 31E to the Kentucky-Tennessee State line bounded on the north by U.S. Highway 42 and bounded on the east by a line beginning at junction U.S. Highway 42 and U.S. Highway 421, thence along U.S. Highway 421 to junction U.S. Highway 127, thence along U.S. Highway 127 to junction U.S. Highway 150, thence along U.S. Highway 150 to junction U.S. Highway 25, thence along U.S. Highway 25 to junction U.S. Highway 25E, thence along U.S. Highway 25E to the Kentucky-Tennessee State line, and bounded on the south by the Kentucky-Tennessee State line, on the one hand, and, on the other, all points in Ohio on and north of a line beginning at the Ohio-Pennsylvania State line on U.S. Highway 422, thence along U.S. Highway 422 to, and including, Cleveland, Ohio, and (c) between points in that part of Kentucky bounded on the west by 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 470, thence along Kentucky Highway 470 to junction U.S. Highway 31E, thence along U.S. Highway 31E to the Kentucky-Tennessee State line and bounded on the north and east by a line beginning at junction U.S. Highway 31E and Kentucky Highway 44, thence along Kentucky Highway 44 to junction Kentucky Highway 55, thence along Kentucky Highway 55 to junction Kentucky Highway 49, thence along Kentucky Highway 49 to junction Kentucky Highway 70, thence along Kentucky Highway 70 to junction Kentucky Highway 635, thence along Kentucky Highway 635 to junction U.S. Highway 27, thence along U.S. Highway 27 to the Kentucky-Tennessee State line, and bounded on the south by the Kentucky-Tennessee State line, on the one hand, and, on the other, points in Ohio on and north of a line beginning at the Ohio-Indiana State line extending along U.S. Highway 30 to junction U.S. Highway 30S, thence along U.S. Highway 30S to junction Ohio Highway 95, thence along Ohio Highway 95 to junction Ohio Highway 13, thence along Ohio Highway 13 to junction U.S. Highway 36, thence along U.S. Highway 36 to junction U.S. Highway 22, thence along U.S. Highway 22 to the Ohio-West Virginia State line;

(14) (a) Between points in that part of Kentucky bounded on the west by 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 470, thence along Kentucky Highway 470 to junction U.S. Highway 31E, thence along U.S. Highway 31E to the Kentucky-Tennessee State line, bounded on the north by the Kentucky-Indiana State line, bounded on the east by a line beginning at the Indiana-Kentucky State line on U.S. Highway 421, thence along U.S. Highway 421 to junction U.S. Highway 127, thence along U.S. Highway 127 to junction U.S. Highway 150, thence along U.S. Highway 150 to junction U.S. Highway 27, thence along U.S. Highway 27 to the Tennessee-Kentucky State line, and bounded on the south by the Kentucky-Tennessee State line, on the one hand, and, on the other, all points in Pennsylvania, (b) between points in that part of Kentucky bounded on the west by 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 470, thence along Kentucky Highway 470 to junction U.S. Highway 31E, thence along U.S. Highway 31E to the Kentucky-Tennessee State

line, bounded on the north by the Kentucky-Indiana State line extending along U.S. Highway 421 to junction U.S. Highway 60, thence along U.S. Highway 60 to junction Kentucky Highway 169, thence along Kentucky Highway 169 to junction U.S. Highway 27, thence along U.S. Highway 27 to junction U.S. Highway 150, thence along U.S. Highway 150 to junction U.S. Highway 25, thence along U.S. Highway 25 to junction Kentucky Highway 80, thence along Kentucky Highway 80 to junction Kentucky Highway 11, thence along Kentucky Highway 11 to junction U.S. Highway 25E, thence along U.S. Highway 25E to the Tennessee-Kentucky State line and bounded on the south by the Kentucky-Tennessee State line, on the one hand, and, on the other, points in Pennsylvania on, north, and west of a line beginnnig at the Pennsylvania-Ohio State line extending along U.S. Highway 6, to junction Pennsylvania Highway 77, thence along Pennsylvania Highway 77 to junction Pennsylvania Highway 27, thence along Pennsylvania Highway 27 to junction U.S. Highway 6, thence along U.S. Highway 6 to junction Pennsylvania Highway 349, thence along Pennsylvania Highway 349 to junction Pennsylvania Highway 49, thence along Pennsylvania Highway 49 to junction Pennsylvania Highway 249, thence along Pennsylvania Highway 249 to the Pennsylvania-New York State line.

(c) Between points in that part of Kentucky bounded on the west by 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 470, thence along Kentucky Highway 470 to junction U.S. Highway 31E, thence along U.S. Highway 31E to the Kentucky-Tennessee State line, bounded on the north by the Kentucky-Indiana State line, bounded on the east by a line beginning at Carrollton, Ky., extending along Kentucky Highway 227 to junction Kentucky Highway 355, thence along Kentucky Highway 355 to junction U.S. Highway 127, thence along U.S. Highway 127 to junction U.S. Highway 60, thence along U.S. Highway 60 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 Tennessee-Kentucky State line, and bounded on the south by the Kentucky-Tennessee State line, on the one hand, and, on the other, points in Pennsylvania on and east of a line beginning at the New York-Pennsylvania State line on U.S. Highway 62, thence along U.S. Highway 62 to junction U.S. Highway 6, thence along U.S. Highway 6 to junction U.S. Highway 219, thence along U.S. Highway 219 to junction Pennsylvania Highway 255, thence along Pennsylvania Highway 255 to junction Pennsylvania Highway 120, thence along Pennsylvania Highway 120 to junction Pennsylvania Highway 144, thence along Pennsylvania Highway 144 to junction Pennsylvania Highway 53, thence along Pennsylvania Highway 53 to junction Pennsylvania Highway 322, thence along Pennsylvania Highway 322 to junction Pennsylvania Highway 75, thence along Pennsylvania Highway 75 to junction Pennsylvania Highway 74, thence along Pennsylvania Highway 74 to junction U.S. Highway 11, thence along U.S. Highway 11 to junction U.S. Highway 30, thence along U.S. Highway 30 to junction U.S. Highway 140, thence along U.S. Highway 140 to the Maryland-Pennsylvania State line,

(d) Between points in that part of Kentucky bounded on the west by 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 470, thence along Kentucky Highway 470 to junction U.S. Highway 31E, thence along U.S. Highway 31E to the Kentucky-Tennessee State line, bounded on the north by the Kentucky-Indiana State line, bounded on the east by a line beginning at Warsaw, Ky., extending along U.S. Highway 42 to junction U.S. Highway 127, thence along U.S. Highway 127 to junction Kentucky Highway 227, thence along Kentucky Highway 227 to junction Interstate Highway 75, thence along Interstate Highway 75 to junction U.S. Highway 60, thence along U.S. Highway 60 to junction Kentucky Highway 627, thence along Kentucky Highway 627 to junction Interstate Highway 75, thence along Interstate Highway 75 to junction U.S. Highway 421, thence along U.S. Highway 421 to junction Kentucky Highway 11, thence along Kentucky Highway 11 to junction Kentucky Highway 92, thence along Kentucky Highway 92 to junction Interstate Highway 75, thence along Interstate Highway 75 to the Tennessee-Kentucky State line, bounded on the south by the Kentucky-Tennessee State line, on the one hand, and, on the other, points in Pennsylvania, on, north, and east of a line beginning at the New York-Pennsylvania State line extending along U.S. Highway 220, thence along U.S. Highway 220 to junction U.S. Highway 6, thence along U.S. Highway 6 to junction Pennsylvania Highway 307, thence along Pennsylvanfa Highway 307 to junction Interstate Highway 81E, thence along Interstate Highway 81E to junction Interstate Highway 80, thence along Interstate Highway 80 to the New Jersey-Pennsylvania State line, and

(e) Between points in that part of Kentucky bounded on the west by 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 470, thence along Kentucky Highway 470 to junction U.S. Highway 31E, thence along U.S. Highway 31E to the Kentucky-Tennessee State line, bounded on the north by the Kentucky-Indiana State line, and bounded on the east by a line beginning at the Indiana-Kentucky State line extending along U.S. Highway 421, thence along U.S. Highway 421 to junction U.S. Highway 127, thence along U.S. Highway 127 to junction U.S. Highway 150, thence along U.S. Highway 150 to junction Kentucky Highway 461, thence along Kentucky Highway 461 to junction Kentucky Highway 80, thence along Kentucky Highway 80 to junction U.S. Highway 27, thence along U.S. Highway 27 to junction Kentucky Highway 92, thence along Kentucky Highway 92 to junction U.S. Highway 25W, thence along U.S. Highway 25W to the Tennessee-Kentucky State line, and bounded on the south by the Kentucky-Pennsylvania State line, on the one hand, and, on the other, the point of Pittsburgh, Pa.; (15) (a) between points in eastern Kentucky, on and east of a line beginning at the Indiana-Kentucky State line at Louisville, Ky., extending along U.S. Highway 31E to junction Kentucky Highway 61, thence along Kentucky Highway 61 to junction Kentucky Highway 470, thence along Kentucky Highway 470 to junction U.S. Highway 31E, thence along U.S. Highway 31E to the Kentucky-Tennessee State line, on the one hand, and, on the other, points in Tennessee on, west, and north of a line beginning at the Kentucky-Tennessee State line extending along U.S. Highway 231 to junction Tennessee Highway 99, thence along Tennessee Highway 99 to junction U.S. Highway 31 Alternate, thence along U.S. Highway 31 Alternate to junction Tennessee Highway 11, thence along Tennessee Highway 11 to the terminus of Tennessee Highway 11 at the Alabama-Tennessee State line.

(b) Between Covington and Newport, Ky., on the one hand, and, on the other, all points in Tennessee on, south, and west of a line beginning at the Kentucky-Tennessee State line extending along U.S. Highway 127 to junction Interstate Highway 40, thence along Interstate Highway 40 to junction U.S. Highway 27, thence along U.S. Highway 27 to junction Tennessee Highway 68, thence along Tennessee Highway 68 to junction U.S. Highway 411, thence along U.S. Highway 411 to junction U.S. Highway 64, thence along U.S. Highway 64 to the Tennessee-North Carolina State line, and (c) between points in Kentucky on, east, and north of a line beginning at Louisville, Ky., extending along U.S. Highway 31E to junction Kentucky Highway 61, thence along Kentucky Highway 61 to junction Kentucky Highway 470, thence along Kentucky Highway 470 to junction U.S. Highway 31E, thence along U.S. Highway 31E to junction Kentucky Highway 80, thence along Kentucky Highway 80 to junction Kentucky Highway 206, thence along Kentucky Highway 206 to junction U.S. Highway 127, thence along U.S. Highway 127 to junction U.S. Highway 27, thence along U.S. Highway 27 to the Tennessee-Alabama State line on U.S. Highway 27; (16) (a) between points in that part of Kentucky bounded on the west by 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 470, thence along Kentucky Highway 470 to junction U.S. Highway 31E, thence along U.S. Highway 31E to the Kentucky-Tennessee State line, bounded on the south by the

Kentucky-Tennessee State line extending along Kentucky Highway 61 to junction Kentucky Highway 90, thence along Kentucky Highway 90 to junction Kentucky Highway 163, thence along Kentucky Highway 163 to junction U.S. Highway 68, thence along U.S. Highway 68 to junction Kentucky Highway 55, thence along Kentucky Highway 55 to junction Kentucky Highway 155, thence along Kentucky Highway 155 to junction Interstate Highway 264, thence along Interstate Highway 264 to junction Interstate Highway 71, thence along Interstate Highway 71 to its terminus at Louisville, Ky., on the one hand, and, on the other, all points in West Virginia,

(b) Between points in that part of Kentucky bounded on the west by 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 470, thence along Kentucky Highway 470 to junction U.S. Highway 31E, thence along U.S. Highway 31E to the Kentucky-Tennessee State line, bounded on the north by the Kentucky-Indiana State line, and bounded on the east by a line beginning at the Kentucky-Tennessee State line extending along U.S. Highway 127 to junction Kentucky Highway 390, thence along Kentucky Highway 390 to junction Kentucky Highway 53, thence along Kentucky Highway 53 to junction Kentucky Highway 44, thence along Kentucky Highway 44 to junction Kentucky Highway 148, thence along Kentucky Highway 148 to junction Kentucky Highway 155, thence along Kentucky Highway 155 to junction Interstate Highway 264, thence along Interstate Highway 264 to junction Interstate Highway 71, thence along Interstate Highway 71 to its terminus at Louisville, Ky., on the one hand, and, on the other, points in West Virginia on and east of a line beginning at the Virginia-West Virginia State line extending along West Virginia Highway 3 to junction U.S. Highway 219, thence along U.S. Highway 219 to junction U.S. Highway 33, thence along U.S. Highway 33 to junction U.S. Highway 250, thence along U.S. Highway 250 to junction U.S. Highway 50, thence along U.S. Highway 50 to junction U.S. Highway 19, thence along U.S. Highway 19 to junction West Virginia Highway 20, thence along West Virginia Highway 20 to its terminus at New Martinsville, W. Va., and

(c) Between points in that part of Kentucky bounded on the west by 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 470, thence along Kentucky Highway 470 to junction U.S. Highway 31E, thence along U.S. Highway 31E to the Kentucky-Tennessee State line, bounded on the north by the Kentucky-Tennessee State line, bounded on the north by the Kentucky-Indiana State line, and bounded on the east by a line beginning at the Tennessee-Kentucky State line extending along U.S. Highway 27 to junction U.S. Highway 127, thence along U.S. Highway 127 to junction Kentucky Highway 44, thence along Kentucky Highway 44 to junction Kentucky Highway 53, thence along Kentucky Highway 53 to junction Kentucky Highway 55, thence along Kentucky Highway 55 to junction Kentucky Highway 157, thence along Kentucky Highway 157 to junction U.S. Highway 42, thence along U.S. Highway 42 to Louisville, Ky., on the one hand, and, on the other, points in West Virginia on and east of a line beginning at Moundsville, W. Va., extending along U.S. Highway 250 to junction U.S. Highway 19, thence along U.S. Highway 19 to junction West Virginia Highway 20, thence along West Virginia Highway 20 to junction U.S. Highway 119, thence along U.S. Highway 119 to junction U.S. Highway 33, thence along U.S. Highway 33 to junction U.S. Highway 250, thence along U.S. Highway 250 to the West Virginia-Virginia State line. The purpose of this filing is to eliminate the gateways of either Louisville, Ky., or that part of Kentucky on and west of a line beginning at Louisville, Ky., and extending along U.S. Highway 31E through Bardstown and Hodgenville, Ky., to junction Kentucky Highway 61, thence along Kentucky Highway 61 to junction Kentucky Highway 470, thence along Kentucky Highway 470 to junction U.S. Highway 31E, thence along U.S. Highway 31E through Glasgow and Scottsville, Ky., to the Kentucky-Tennessee State line.

No. MC 119777 (Sub-No. E130), filed January 29, 1975. Applicant: LIGON SPECIALIZED HAULER, INC., P.O. Drawer L, Madisonville, Ky. 42431. Applicant's representative: Jean Holmes (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Pallets, wire bound boxes, and lumber*, (1) between points in Alabama, on the one hand, and, on the other, points in Idaho, Montana, Oregon, Washington, and Wyoming; (2) (a) between points in Connecticut, on the one hand, and, on the other, points in Arizona, California, Idaho, Nevada, Oregon, Utah, Washington, and Wyoming, (b) from points in Connecticut to points in New Mexico; (3) (a) between points in Delaware, on the one hand, and, on the other, points in Arizona, California, Idaho, Nevada, Oregon, Utah, Washington, and Wyoming, (b) from points in Delaware to points in New Mexico; (4) (a) between points in Washington, D.C., on the one hand, and, on the other, points in Arizona, California, Idaho, Nevada, Oregon, Utah, Washington, and Wyoming, (b) from points in Washington, D.C., to points in New Mexico; (5) between points in Florida, on the one hand, and, on the other, points in Idaho, Montana, Oregon, Utah, Washington, and Wyoming; (6) between points in Georgia, on the one hand, and, on the other, points in California, Idaho, Montana, Nevada, Oregon, Utah, Washington, and Wyoming;

(7) (a) Between points in Maine, on the one hand, and, on the other, points in Arizona, California, Idaho, Nevada, Oregon, Utah, Washington, and Wyoming, (b) from points in Maine to points in New Mexico; (8) (a) between points in Maryland, on the one hand, and, on the other, points in Arizona, California, Idaho, Nevada, Oregon, Utah, Washington, and Wyoming, (b) from points in Maryland to points in New Mexico; (9) (a) between points in Massachusetts, on the one hand, and, on the other, points in Arizona, California, Idaho, Nevada, Oregon, Utah, and Washington, (b) from points in Massachusetts to points in New Mexico; (10) (a) between points in New Hampshire, on the one hand, and, on the other, points in Arizona, California, Idaho, Nevada, Oregon, Utah, and Washington, (b) from points in New Hampshire to points in New Mexico; (11) (a) between points in New Jersey, on the one hand, and, on the other, points in Arizona, California, Idaho, Nevada, Oregon, Utah, and Washington, (b) from points in New Jersey to points in New Mexico; (12) (a) between points in New York (except Jamaica, Long Island), on the one hand, and, on the other, points in Arizona, California, Idaho, Nevada, Oregon, Utah, and Washington, (b) from points in New York to points in New Mexico; (13) (a) between points in North Carolina (except Moncure), on the one hand, and, on the other, points in Arizona, California, Idaho, Montana, Nevada, Oregon, Utah, Washington, and Wyoming, (b) from points in North Carolina to points in New Mexico;

(14) (a) Between points in Ohio on the one hand, and, on the other, points in Arizona, California, and Oregon, (b) from points in Ohio to points in New Mexico; (15) (a) between points in Pennsylvania, on the one hand, and, on the other, points in Arizona, California, Idaho, Nevada, Oregon, Utah, and Washington, (b) from points in Pennsylvania to points in New Mexico; (16) (a) between points in Rhode Island, on the one hand, and, on the other, points in Arizona, California, Idaho, Montana, Nevada, Oregon, Utah, Washington, and Wyoming, (b) from points in Rhode Island to points in New Mexico; (17) (a) between points in South Carolina, on the one hand, and, on the other, points in Arizona, California, Idaho, Montana, Nevada, Oregon, Utah, Washington, and Wyoming, (b) from points in South Carolina to points in New Mexico; (18) between points in Tennessee (except Memphis), on the one hand, and, on the other, points in Idaho, Oregon, and Washington; (19) (a) between points in Vermont, on the one hand, and, on the other, points in Arizona, California, Idaho, Nevada, Oregon, Utah, and Washington, (b) from points in Vermont to points in New Mexico; (20) (a) between points in Virginia (except Chesapeake and Norfolk), on the one hand, and, on the other, points in Arizona, California, Idaho, Nevada, Oregon, Utah, Washington, and Wyoming, (b) from points in Virginia (except Chesapeake and Norfolk) to points in New Mexico; (21) (a)

between points in West Virginia, on the one hand, and, on the other, points in Arizona, California, Idaho, Nevada, Oregon, Utah, and Washington, (b) from points in West Virginia to points in New Mexico. The purpose of this filing is to eliminate the gateways of Logan County, Ky., and Karnak, Ill.

By the Commission.

[SEAL] JOSEPH M. HARRINGTON,
Acting Secretary.

[FR Doc.75-15411 Filed 6-11-75;8:45 am]

[Notice No. 6]

MOTOR CARRIER BOARD TRANSFER PROCEEDINGS

JUNE 12, 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 approvel 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 July 2, 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-75469. By order of June 6, 1975 the Motor Carrier Board approved the transfer to Gary C. Cooper, Doing Business as Aberdeen Truck Line, of Certificate No. MC-64186, issued November 27, 1957, to Owen W. Peterson and John M. Bollwinkle, a partnership, Doing Business As Aberdeen Truck Line, Aberdeen, Idaho, authorizing the transportation of general commodities, with exceptions, between Pocatello, Idaho, and Aberdeen, Idaho, over described routes. John B. Kugler, P.O. Box 1392, Pocatello, Idaho 83201 attorney for applicants.

No. MC-FC-75832. By order of June 6, 1975, the Motor Carrier Board approved the transfer to Shelton Trucking Service, Inc., Altha, Fla., of the operating rights in Certificates Nos. MC-138277 (Corrected), MC-138277 (Sub-No. 1), MC-138277 (Sub-No. 2), and MC-138277 (Sub-No. 3), issued February 18, 1975, May 6, 1974, March 12, 1974, and January 30, 1975, respectively, to Geer Trucking Company, Inc., Florence, S.C., authorizing the transportation of building materials and asphalt paving materials (except commodities in bulk), from the facilities of the Celotex Corporation in Wayne County, N.C., to points in that part of the United States in and east of Texas, Oklahoma, Kansas, Nebraska, South Dakota, and North Dakota (except Alabama, Florida, Georgia, South Carolina, North Carolina, Tennessee, and Virginia); steel joists, from the plantsite of Socar, Inc., in Florence County, S.C., to points in Florida, Georgia, North Carolina, and Tennessee; lighting fixtures and materials and supplies used in the installation thereof (except commodities in bulk), from Scottsboro, Ala., to points in that part of the United States in and east of Texas, Oklahoma, Kansas, Nebraska, South Dakota, and North Dakota (except Ohio, Illinois, Rhode Island, Connecticut, Massachusetts, points in New Jersey on and north of New Jersey Highway 33, Baltimore, Md., New York, N.Y., and Philadelphia, Pa.); materials and supplies used in the manufacture of lighting fixtures (except commodities in bulk), from the previously-specified destination territory to Scottsboro, Ala., and composition board, from the facilities of the Celotex Corp., at or near Marion, S.C., to points in the United States east of the Mississippi River. Sol H. Proctor, 1107 Blackstone Building, Jacksonville, Fla. 32202, Attorney for applicants.

No. MC-FC-75846. By order of June 5, 1975, the Motor Carrier Board approved the transfer to Transport Expediters, Inc., Orem, Utah, of that portion of the operating rights in Certificate No. MC-125433 (Sub-No. 1), issued September 24, 1965, to F-B Truck Line Company, a corporation, Salt Lake City, Utah, authorizing the transportation of machinery and machinery parts, and mining and construction materials, equipment and supplies, between points, both of which are located in the same state, in Idaho, Utah, and Montana, restricted to traffic having an immediately prior or immediately subsequent movement by rail. Irene Warr, 430 Judge Building, Salt Lake City, Utah 84111 Attorney for applicants.

No. MC-FC-75853. By order of June 6, 1975, the Motor Carrier Board approved the transfer to Robert E. Mack, II, Edward F. Mack , Jr., Carl Brown, Estelle Funk, and Albert R. Funk, a partnership, doing business as Mack Transportation Company, Philadelphia, Pa., of the operating rights in Permit No. MC-105809 and those in Certificate No. MC-10223 and subnumbers thereunder issued to Robert E. Mack, Carl Brown, Sophie R. Mack, Estelle M. Funk, and Theresa R. Molloy, a partnership, doing business as Mack Transportation Company, Philadelphia, Pa., authorizing the transportation of radios, televisions, phonographs, tape recorders, advertising materials, household appliances, and related accessories, between King of Prussia, Pa., on the one hand, and, on the other, points in New Jersey, Delaware, Maryland (except Baltimore), under continuing contract with Philco Distributors, Inc.; such commodities as are dealt in by chain retail and mail order houses, from Philadelphia, Pa., to points in New Jersey and Delaware within 35 miles of Philadelphia; such commodities as are dealt in by department stores, between Bloomfield, N.J., and Langhorne, Pa., on the one hand, and, on the other, New York, N.Y., and points in Nassau, Suffolk, Westchester, Rockland, Orange, and Putnam Counties, N.Y., and Fairfield County, Conn.; and general commodities, between points in Philadelphia, Pa. *Dual operations were approved.* R. James Reynolds, Jr., P.O. Box 1181, Harrisburg, Pa. 17108, Attorney for applicants.

RICHARD W. KYLE,
Acting Secretary.

[FR Doc.75-15408 Filed 6-11-75;8:45 am]

[Notice No. 787]

ASSIGNMENT OF HEARINGS

JUNE 9, 1975.

Cases assigned for hearing, postponement, cancellation or oral argument appear below and will be published only once. This list contains prospective assignments only and does not include cases previously assigned hearing dates. The hearings will be on the issues as presently reflected in the Official Docket of the Commission. An attempt will be made to publish notices of cancellation of hearings as promptly as possible, but interested parties should take appropriate steps to insure that they are notified of cancellation or postponements of hearings in which they are interested.

MC 117815, Sub 236, Ouiley Freight Lines, Inc., now assigned June 17, 1975, at St. Louis, Mo., is canceled and transferred to Modified Procedure.

MC 129537, Sub 13, Reeves Transportation Co., now assigned July 7, 1975 at Tallahassee, Florida is postponed to August 11, 1975 (1 week) at Tallahassee, Florida in the Florida Public Service Commission, Commission Hearing Room, 700 S. Adams Street.

MC 112304, Sub 86, Ace Doran Hauling & Rigging Co., now assigned July 8, 1975, at St. Louis, Missouri will be held in Court Room 2, 5th Floor, 1114 Market Street.

MC 106497, Sub 107, Parkhill Truck Company, now assigned July 9, 1975, at St. Louis, Missouri, will be held in Court Room 2, 5th Floor, 1114 Market Street.

MC-F 12451, William M. and Barbara R. Gully—Control—C. L. Connors, Inc., now assigned July 10, 1975, at St. Louis, Missouri, will be held in Court Room 2, 5th Floor, 1114 Market Street.

I&S 9037, Sub 1, Advancement of Charges, Universal Carloading & Dist., Co. and I&S 9037 Sub 2, Advancement of Charges By Freight Forwarders, now assigned June 10, 1975, at Washington, D.C., is canceled.

MC 130261, International Weekends, Inc., Now assigned August 20, 1975 at Boston, Massachusetts is canceled, reassigned August 13, 1975 (3 days) at 150 Causeway, 5th Floor, Boston, Massachusetts.

MC 99569, Sub 4, Stott & Davis Motor Express, Inc., now assigned July 14, 1975, at Buffalo, New York, is postponed Indefinitely.

MC 134142, Sub 8, Brown Refrigerated Express, Inc., now being assigned September 11, 1975 (2 days) at Kansas City, Missouri; in a hearing room to be designated later.

MC-F-12379, Courier-Newsom Express, Inc.—Purchase—Berglund Trucking, Inc. and MC 69901 Sub 30, Courier-Newsom Express, Inc., now being assigned July 28, 1975 (1 week) at Chicago, Illinois; in a hearing room to be designated later.

MC-C 8523, Mexicoach, Inc. v. Greyhound Lines, Inc., Et al. now assigned July 15, 1975 at Los Angeles, California is canceled.

MC 112304, (Sub-No. 88), Ace Doran Hauling and Rigging Co., now being assigned July 14, 1975 (1 day), at Chicago, Ill., in Room 204A, Everett McKinley Dirksen Building, 219 S. Dearborn St.

MC 106674, Sub 147, Schilli Motor Lines, Inc., now being assigned July 15, 1975 (1 day), at Chicago, Ill., in Room 204A, Everett McKinley Dirksen Building, 219 S. Dearborn St.

MC 74321, Sub 105, B. F. Walker, Inc., in which hearing was inadvertenly cancelled and application dismissed, is now being reassigned for hearing June 30, 1975, at the Offices of the Interstate Commerce Commission, Washington, D.C.

MC 140509, Sub 1, Art Kohler Trucking, Inc., now being assigned September 9, 1975 (1 day) at St. Paul, Minnesota; in a hearing room to be designated later.

MC-F 12148, Anderson Trucking Service, Inc.—Purchase (Portion)—Bay and Bay Transfer Co., Inc., now being continued to July 28, 1975, at Minneapolis, Minnesota; in a hearing room to be designated later.

MC 95876, Sub 171, Anderson Trucking Service, Inc., now being assigned July 28, 1975 (2 weeks), at Minneapolis, Minnesota; in a hearing room to be designated later.

[SEAL] RICHARD W. KYLE,
Acting Secretary.

[FR Doc.75-15409 Filed 6-11-75;8:45 am]

DEPARTMENT OF STATE

[Public Notice 450]

FOREIGN MILITARY SALES ACT

Notice of Presidential Determination

Pursuant to section 654(c) of the Foreign Assistance Act of 1961, as amended (22 U.S.C. 2414(c)), notice is hereby given that:

(1) On May 9, 1975, the President made a determination pursuant to section 3(b) of the Foreign Military Sales Act, as amended (22 U.S.C. 2753(b)); and

(2) The President has concluded that publication of the said determination in the FEDERAL REGISTER would be harmful to the national security of the United States.

Dated: May 16, 1975.

[SEAL] GEORGE S. SPRINGSTEEN,
Executive Secretary,
Department of State.

[FR Doc.75-15286 Filed 6-11-75;8:45 am]

Agency for International Development

AID AFFAIRS OFFICER, THE LEBANON

Redelegation of Authority Regarding Contracting Functions

Pursuant to authority delegated to me as Director, Office of Contract Management, under Redelegation of Authority No. 99.1 (38 FR 12836) from the Assistant Administrator for Program and Management Services of the Agency for International Development, I hereby redelegate to the AID Affairs Officer, The Lebanon, the authority to sign and approve:

1. U.S. Government contracts and amendments thereto, and AID grant-financed host country contracts for technical assistance, provided that the aggregate amount of each individual contract does not exceed $25,000 or local currency equivalent.

2. Contracts with individuals for the services of the individual alone without monetary limitation.

The authority herein delegated may be redelegated in writing, in whole or in part, by said AID Affairs Officer only to the person or persons designated by the AID Affairs Officer as Contracting Officer. Such redelegation shall remain in effect until such designated person ceases to hold the office of Contracting Officer for AID programs, or until the redelegation is revoked by the AID Affairs Officer, whichever shall first occur. The authority so redelegated by the AID Affairs Officer may not be further redelegated.

The authority delegated herein is to be exercised in accordance with regulations, procedures, and policies now or hereafter established or modified and promulgated within AID and is not in derogation of the authority of the Director of the Office of Contract Management to exercise any of the functions herein redelegated.

The authority herein delegated to the AID Affairs Officer may be exercised by duly authorized persons who are performing the functions of the AID Affairs Officer in an acting capacity.

This redelegation of authority shall be effective immediately.

Dated: June 3, 1975.

HUGH L. DWELLEY,
Acting Director,
Office of Contract Management.

[FR Doc.75-15357 Filed 6-11-75;8:45 am]

AID REPRESENTATIVE, U.S. EMBASSY TO PORTUGAL

Redelegation of Authority Regarding Contracting Functions

Pursuant to authority delegated to me as Director, Office of Contract Management, under Redelegation of Authority No. 99.1 (38 FR 12836) from the Assistant Administrator for Program and Management Services of the Agency for International Development, I hereby redelegate to the AID Representative, U.S. Embassy, Portugal, the authority to sign and approve:

1. U.S. Government contracts and amendments thereto, and AID grant-financed host country contracts for technical assistance, provided that the aggregate amount of each individual contract does not exceed $25,000 or local curency equivalent.

2. Contracts with individuals for the services of the individual alone without monetary limitation.

The authority herein delegated may be redelegated in writing, in whole or in part, by said AID Representative only to the person or persons designated by the AID Representative as Contracting Officer. Such redelegation shall remain in effect until such designated person ceases to hold the office of Contracting Officer for AID programs, or until the redelegation is revoked by the AID Representative, whichever shall first occur. The authority so redelegated by the AID Representative may not be further redelegated.

The authority delegated herein is to be exercised in accordance with regulations, procedures, and policies now or hereafter established or modified and promulgated within AID and is not in derogation of the authority of the Director of the Office of Contract Management to exercise any of the functions herein redelegated.

The authority herein delegated to the AID Representative may be exercised by duly authorized persons who are performing the functions of the AID Representative in an acting capacity.

This redelegation of authority shall be effective June 1, 1975.

Dated: June 2, 1975.

HUGH L. DWELLEY,
Acting Director,
Office of Contract Management.

[FR Doc.75-15356 Filed 6-11-75;8:45 am]

SMALL BUSINESS ADMINISTRATION

[License No. 04/05-0100]

SPACE COAST SBIC, INC.

Surrender of License

Notice is hereby given that, pursuant to Section 107.105 of the Small Business Administration (SBA) rules and regulations governing Small Business Investment Companies (13 CFR (1975)), Space Coast SBIC, Inc. (Space Coast), 15 E. Merritt Island Causeway, Merritt Island, Florida 32952, incorporated under the laws of the State of Florida, has surrendered its license No. 04/05-0100 issued by SBA on February 3, 1972.

Space Coast has complied with all conditions set forth by SBA for surrender of its license. Therefore, under the authority vested by the Small Business Investment Act of 1958, as amended, and pursuant to the above-cited Regulation, the license of Space Coast is hereby accepted and it is no longer licensed to operate as a Small Business Investment Company.

Dated: June 3, 1975.

JAMES THOMAS PHELAN,
Deputy Associate Administrator
for Investment.

[FR Doc.75-15354 Filed 6-11-75;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

ENFORCEMENT ACTIVITIES ON MISUSE OF PESTICIDES AND PESTICIDE CONTAMINATION OF FOOD

Notice of Agreement Between the Food and Drug Administration and U.S. Environmental Protection Agency

The Environmental Protection Agency and the Food and Drug Administration have drawn up a Memorandum of Understanding concerning certain related objectives in carrying out their respective responsibilities under the Federal Insecticide, Fungicide, and Rodenticide Act, as amended, and the Federal Food, Drug, and Cosmetic Act. The agreement, which sets forth the working arrangements being adopted in the interest of the public so that each agency will discharge as effectively as possible its regulatory activities pertaining to the misuse of pesticides and the pesticide contamination of foods, reads as follows:

MEMORANDUM OF UNDERSTANDING BETWEEN DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE, FOOD AND DRUG ADMINISTRATION AND U.S. ENVIRONMENTAL PROTECTION AGENCY

RELATIVE TO ENFORCEMENT ACTIVITIES INVOLVING THE MISUSE OF PESTICIDES AND THE PESTICIDE CONTAMINATION OF FOODS

The Food and Drug Administration (FDA) of the Department of Health, Education, and Welfare, is responsible for administering and enforcing the Federal Food, Drug, and Cosmetic Act (FFDCA). In fulfilling its responsibilities under FFDCA, the regulatory activities of FDA are directed toward the protection of the public health of the nation by assuring that foods are safe and, among other things, are free of illegal pesticide residues. This is accomplished by inspection, which makes certain that authorized pesticides are used in the production, processing and distribution of foods, and by sample analysis, which makes certain that pesticide residues in foods comply with established tolerances or action levels. FFDCA provides for the seizure of foods that contain illegal pesticide residues, for the use of injunction, and for criminal penalties for causing such violations.

The Environmental Protection Agency (EPA) is responsible for administering and enforcing the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended. Under FIFRA, EPA has the authority to protect man and his environment from the adverse effects of pesticide chemicals. This is done by regulating the manufacture, sale, and use of pesticide products. As part of this mandate, EPA samples pesticide chemicals to verify label claims concerning content, effectiveness, and safety and investigates incidents where the misuse of pesticides may have occurred. FIFRA provides for civil or criminal proceedings against the violator.

EPA is also responsible for establishing tolerances for residues of pesticides in food under the FFDCA, 21 U.S.C. 346, 346a and 348. This authority was formerly vested in the Secretary of Health, Education, and Welfare, but was transferred to the Administrator of EPA (effective December 2, 1970) pursuant to section 2, paragraph (4) of Reorganization Plan No. 3 of 1970, 84 Stat. 2086. Responsibility for enforcing pesticide tolerances established by EPA is vested in FDA; however, Reorganization Plan No. 3 gave EPA the authority to "monitor compliance with (pesticide) tolerances and the effectiveness of surveillance and enforcement."

Foods may become contaminated with illegal residues of pesticides through the use of a registered pesticide in a manner inconsistent with the label directions, through the unauthorized use of a non-registered pesticide, or as a result of environmental or other indirect sources of contamination. Regardless of the source of contamination, the immediate and primary concerns of FDA under FFDCA are to remove the adulterated food from consumer channels and to prevent further marketing of the food. The immediate and primary concerns of EPA under FIFRA regard the conditions under which pesticide usage caused the contamination of the food and the issues of whether a violation of FIFRA has occurred or whether use, if approved is consistent with protecting man and his environment. Of concern to both agencies is the protection of human health from exposure to harmful pesticides and pesticide residues, the prevention of further pesticide abuse and contamination, and the need for cooperation of both agencies to assure the optimum expenditure of public funds. Since FDA and EPA have common and related objectives in carrying out their respective statutory responsibilities, it is believed desirable and in the public interest to set forth in this Memorandum of Understanding the working arrangements being adopted by EPA and FDA in order to discharge as effectively as possible their responsibilities relative to pesticide enforcement.

Execution of this agreement by EPA is found to further the will of Congress that EPA "* * * cooperate with * * * any other Federal agency * * * in carrying out the provisions of (FIFRA)" and is entered into under the authority of the Economy Act of 1932 (31 U.S.C. 686).

A. The Environmental Protection Agency will:

1. Supply all FDA district offices and appropriate FDA headquarters offices with a complete list of pesticide products and approved use as contained in the "EPA Compendium of Registered Pesticides" and routinely furnish these offices with revisions to this compendium;

2. Immediately advise the appropriate FDA district office of any incident of pesticide misuse encountered by EPA that may have resulted in illegal residues in food or feed products, and provide that office with all information relevant to or necessary for an FDA investigation of the incident;

3. Investigate reports from FDA which give EPA probable cause to suspect that a violation of FIFRA has occurred and where deemed warranted, based on evidence disclosed by either FDA or EPA investigations or both, initiate appropriate regulatory action under FIFRA;

4. Report to the appropriate FDA district office the results of any EPA investigation initiated because of information made available by that FDA office;

5. Make available to FDA any reports or documents necessary to support a regulatory action under FFDCA which involves pesticides, and upon request, make EPA personnel available for testimony; and

6. Provide FDA with any information obtained during the course of EPA investigations which may involve a violation of FFDCA.

B. The Food and Drug Administration will:

1. Immediately notify the appropriate EPA regional office when an FDA investigation reveals possible misuse of pesticides or when an FDA sample analysis discloses pesticide residues in food or feed that exceed established tolerances or action levels and provide that office with all information relevant to or necessary to support an investigation by EPA;

2. Investigate reports from EPA which give FDA probable cause to suspect that food or fed has become contaminated with violative pesticide residues and where deemed warranted, based on evidence disclosed by either FDA or EPA investigations or both, initiate appropriate regulatory action under FFDCA;

3. Report to the appropriate EPA regional office the results of any FDA investigation initiated because of information made available by that EPA office;

4. Make available to EPA any reports or documents necessary to support a regulatory action under FIFRA which involve pesticides and upon request, make FDA personnel available for testimony; and

5. Provide EPA with any information obtained during the course of FDA investigations which may involve a violation of FIFRA.

C. It is mutually agreed that each agency will:

1. Maintain a close working relation, both in headquarters as wel las in the field, including an exchange of information relative to the agencies' planned pesticide surveillance/enfrocement activities;

2. Coordinate investigations, sample analysis and enforcement actions involving violations of both FIFRA and FFDCA to the extent necessary to avoid any duplication of effort;

3. Presume that when information reveals a violation of both FIFRA and FFDCA which involves misuse of pesticides, any punitive action initiated by EPA under FIFRA will represent the interests of both agencies and the public. Such action by EPA will not preclude FDA from initiating other legal sanctions of seizure and/or injunction in regard to that violation, but ordinarily FDA will not initiate separate criminal proceedings under FFDCA;

4. Designate to the other a headquarters contact point to which communications dealing with this agreement or matters affected thereby may be referred for attention, assign regional/district liaisions between the agencies and provide a mechanism by which regional contacts will be made and maintained for the period of agreement.

Instructions and guidelines implementing this Memorandum of Understanding will be issued by each agency and exchanged by both agencies which identify interagency contacts and liaison representatives and set forth other pertinent operational procedures to be followed relative to the agreement.

Nothing in this Memorandum of Understanding modifies other existing agreements, nor does it preclude entering into separate agreements setting forth procedures for special programs which can be handled more efficiently and expeditiously by such special agreement.

This Memorandum of Understanding, when accepted by both parties, shall continue in effect unless modified by mutual written consent of both parties or terminated by either party upon a thirty (30) day advance written notice to the other.

For the Environmental Protection Agency.

Dated: April 8, 1975.

Approved:

RICHARD H. JOHNSON,
Acting Assistant Administrator for Enforcement.

For the Food and Drug Administration.

Dated: May 27, 1975.

Approved:

SAM D. FINE,
Associate Commissioner for Compliance.

Effective date. This agreement becomes effective June 12, 1975.

Dated: May 27, 1975.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.75-15218 Filed 6-11-75;8:45 am]

[FDA-225-75-4072]

RECALL AND DISPOSITION OF CLASS I AND CLASS II RECALLED PRODUCTS FOR HUMAN CONSUMPTION

Memorandum of Understanding With the Animal and Plant Health Inspection Service

The Animal and Plant Health Inspection Service of the Department of Agriculture and the Food and Drug Administration have entered into an agreement concerning certain related objectives in carrying out their respective responsibilities under the Federal Meat Inspection Act and the Poultry Products Inspection Act, and the Federal Food, Drug, and Cosmetic Act. The agreement, which sets forth the working arrangements to be followed or adopted in order to enable each agency to discharge its responsibilities when an FDA Class I or Class II recall is initiated, reads as follows:

MEMORANDUM OF UNDERSTANDING BETWEEN THE DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE, FOOD AND DRUG ADMINISTRATION AND THE DEPARTMENT OF AGRICULTURE, ANIMAL AND PLANT HEALTH INSPECTION SERVICE

CONCERNING THE RECALL AND DISPOSITION OF CLASS I AND CLASS II RECALLED PRODUCTS FOR HUMAN CONSUMPTION

The Food and Drug Administration (FDA) of the Department of Health, Education, and Welfare is charged with the enforcement of the Federal Food, Drug, and Cosmetic Act. In fulfilling its responsibilities under the act, FDA directs its activities toward the protection of the public health of the nation by ensuring that foods are safe and wholesome and that products are honestly and informatively labeled. This is accomplished by inspecting the processing and distribution of foods and examining samples thereof to assure compliance with the act.

When illegal products are encountered, FDA will move expeditiously with one of several procedures to assure the removal of the product from the market. Recall is one of the most frequently used procedures for removing illegal products from consumer channels. It has assumed a new dimension of importance in FDA's enforcement scheme.

The Animal and Plant Health Inspection Service (APHIS) of the Department of Agriculture (USDA) was established by the Secretary of Agriculture on April 2, 1972, pursuant to authority contained in 5 U.S.C. 301 and Reorganiztaion Plan 2 of 1953.

APHIS was created to conduct regulatory and control programs to protect the wholesomeness of meat and poultry products for human consumption and to protect and improve animal and plant health for the benefit of man and his environment. In cooperation with state governments, APHIS administers federal laws and regulations pertaining to animal and plant health and quarantine, meat and poultry inspection, humane treatment of animals, and control and eradication of pests and diseases. Federal inspection is made of all meat, poultry, and related products processed by plants shipping in interstate and foreign commerce as required by law. The work includes inspection of poultry and animals at the time of slaughter and inspection of processed products during various stages of production and handling to assure wholesomeness of products and truthfulness in labeling.

During the recall of a product processed in accordance with the Federal eMat Inspection Act and/or the Poultry Prroducts Inspection Act, which name recalled ingredients subject to FDA jurisdiction, both agencies have common or related objectives in carrying out their respective regulatory and service activities. This Memorandum of Understanding sets forth the working arrangements which are being followed or adopted to enable each agency to discharge as effectively as possible its responsibilities wen an FDA Class I or Class II recall is initiated. A Class I recall is initiated in an emergency situation which is life threatening and in which the hazardous product is the direct cause of the threat. A Class II recall is initiated in a priority situation which may be immediate or long range and potentially life threatening or otherwise hazardous to health, and in which the hazardous product is either indirectly or directly the cause of the threat.

SERVICES TO BE FURNISHED

A. Food and Drug Administration will:

1. Expeditiously furnish APHIS Meat and Poultry Inspection Program, compliance staff, the rationale on which the recall is based and the identity of USDA inspected firms known by FDA to have received the products being recalled. This information will relate to ingredients under the exclusive jurisdiction of FDA that weer subsequently used i nmeat and poultry products in a USDA inspected plant.

2. Assist USDA (when requested) in its investigation and evaluation to determine the need for the secondary recall of a meat and/or poultry product processed in a USDA inspected plant.

3. Furnish the APHIS compliance staff pertinent evidence to support a USDA request to a U.S. attorney for seizure (if necessary) under section 403(a) of the Federal Meat Inspection Act (21 U.S.C. 673) and section 20 of the Poultry Products Inspection Act (21 U.S.C. 469(b)).

B. The Animal and Plant Health Inspection Service will:

1. Evaluate processing procedures in consultation with FDA to determine the need for the secondary recall of USDA meat and poultry inspected products.

2. Initiate a secondary recall of meat and poultry products, when necessary, and monitor and determine the effectiveness of the recall.

3. Issue appropriate press releases after consultation with FDA and affected firms.

4. Provide FDA with the identity and amounts of USDA inspected meat and poultry products containing ingredients under recall.

5. Advise FDA of product disposition, if other than destruction, before disposition occurs.

C. It is mutually agreed that:

1. Each agency will keep its customary records and make those related to the operation of this Memorandum of Understanding available to the other agency as mutually agreed upon.

2. Both agencies will collaborate in furnishing reports of the progress of the work and such other reports as may be mutually agreed upon from time to time between the cooperating parties.

3. Primary liaison for operational matters will be maintained between the following units:

For USDA: Compliance Staff, FO, MPI, APHIS (202-447-3317).

For FDA: Field Compliance Branch, FOD, EDRO (301-443-1240).

4. Secondary liaison for technical matters will be maintained between the following units:

For USDA: Toxicology and Epidemiology Staff, SS, MPI, APHIS (301-344-2003).

For FDA: Recall Office, Division of Regulatory Guidance, Bureau of Foods (202-245-1251).

Secondary liaison will include early transmissions to USDA of hazard notices involving FDA regulated products which are potential ingredients in USDA inspected meat or poultry products.

5. This agreement, when accepted by both parties, may be modified by mutual consent or terminated by either party upon thirty (30) days advance written notice.

Approved for the Department of Agriculture:

Dated: June 3, 1975.

F. J. MULHERN,
Administrator, Animal and Plant Health Inspection Service.

Approved for the Food and Drug Administration:

Dated: May 20, 1975.

SAM D. FINE,
Associate Commissioner for Compliance.

Effective date. This agreement becomes effective June 12, 1975.

Dated: June 5, 1975.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.75-15323 Filed 6-11-75;8:45 am]

Health Resources Administration

NATIONAL ADVISORY PUBLIC HEALTH TRAINING COUNCIL

Cancelled Meeting

In FR Doc. 75-11815 appearing at page 19673 in the issue for Tuesday, May 6, 1975, the June 12-13 meeting of the "National Advisory Public Health Training Council" has been cancelled.

Dated: June 10, 1975.

JAMES A. WALSH,
Acting Associate Administrator for Operations and Management.

[FR Doc.75-15473 Filed 6-11-75;8:45 am]

Public Health Service

ASSISTANT SECRETARY FOR HEALTH, REGIONAL HEALTH ADMINISTRATORS

Delegations of Authority

Notice is hereby given that on May 22, 1975, the Secretary delegated to the As-

sistant Secretary for Health all of his authority under Part B, Title VI of the Public Health Service Act (42 U.S.C. 291j-1 et seq.). This authority may be redelegated. The reference to Sections 627(b) and 627(c) of the Public Health Service Act, as amended, in the Secretary's delegation of April 30, 1974, is superseded.

Notice is hereby given that on May 22, 1975, the Secretary ratified the following actions undertaken by Regional Health Administrators and by persons acting at their direction: (1) All agreements to make loans and to guarantee loans under Part B of such Title VI which had been signed on his behalf prior to such date; (2) all such loans made or guaranteed on his behalf until such date; and (3) all actions undertaken in accordance with such agreements to make and guarantee such loans and in accordance with any documents executed pursuant to such agreements.

Notice is hereby given that on May 22, 1975, the Assistant Secretary for Health delegated to the Regional Health Administrators the authority to enter into agreements to make loans and to guarantee loans under Part B, Title VI of the Public Health Service Act, and the authority to make such loans and to guarantee such loans. This authority may be redelegated.

Dated: June 5, 1975.

JOHN OTTINA,
Assistant Secretary for Administration and Management.

[FR Doc.75-15403 Filed 6-11-75;8:45 am]

HEALTH RESOURCES ADMINISTRATION

National Guidelines for Health Planning

Section 1501 of Pub. L. 93-641, the National Health Planning and Resources Development Act of 1974, calls for the Secretary of the Department of Health, Education, and Welfare to issue, by regulation, guidelines concerning national health planning policy. The Guidelines are to include:

(1) Standards respecting the appropriate supply, distribution, and organization of health resources.

(2) A statement of national health planning goals developed after consideration of the priorities, set forth in section 1502, which goals, to the maximum extent practicable, shall be expressed in quantitative terms.

A Departmental Committee has been established to oversee the development of these guidelines. The Committee is co-chaired by the Assistant Secretary for Health and the Deputy Assistant Secretary for Planning and Evaluation/Health. It includes representation from the various DHEW offices concerned with this topic.

The Committee also desires to receive the assistance of other interested individuals and groups in identifying issues and materials that should be considered in developing the standards and goals called for by the statute. Interested individuals and agencies are requested to submit information on past analyses along these lines, ideas as to subjects that should be analyzed, and recommendations with respect to potential standards and goals. Communications should be addressed to the Office of Planning, Evaluation, and Legislation, Health Resources Administration, Room 10A-56, 5600 Fishers Lane, Rockville, Maryland.

Section 1501(c) of Pub. L. 93-641 requires the Secretary, in developing the guidelines, to consult with and solicit recommendations and comments from certain specified parties. This Notice is to supplement the required statutory consultation process, not to substitute for it. Arrangements will be made subsequently for individual consultations with those specified in the law, as well as other national groups and agencies known to be especially concerned with these matters.

Dated: June 2, 1975.

THEODORE COOPER,
Assistant Secretary for Health.

[FR Doc.75-15347 Filed 6-11-75;8:45 am]

Office of the Secretary

SOCIAL SECURITY ADMINISTRATION

Statement of Organization, Functions, and Delegations of Authority; Correction

In FR Doc. 75-12814 appearing on page 21062 in the FEDERAL REGISTER of May 15, 1975 (Volume 40, Number 95), the first and second lines of the second paragraph are corrected to read as follows:

"(8) By individuals from determinations made, under section 1876(f) of the Social".

Dated: May 30, 1975.

THOMAS S. MCFEE,
Deputy Assistant Secretary for Management Planning & Technology.

[FR Doc.75-15404 Filed 6-11-75;8:45 am]

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Federal Disaster Assistance Administration

[FDAA-470-DR; Docket No. NFD 279]

LOUISIANA

Notice of Major Disaster and Related Determinations

Pursuant to the authority vested in the Secretary of Housing and Urban Development by the President under Executive Order 11795 of July 11, 1974, and delegated to me by the Secretary under Department of Housing and Urban Development Delegation of Authority, Docket No. D-74-285; and by virtue of the Act of May 22, 1974, entitled "Disaster Relief Act of 1974" (88 Stat. 143); notice is hereby given that on June 6, 1975, the President declared a major disaster as follows:

I have determined that the damage in certain areas of the State of Louisiana resulting from heavy rains, flooding, and tornadoes beginning about March 14, 1975, is of sufficient severity and magnitude to warrant a major disaster declaration under Public Law 93-288. I therefore declare that such a major disaster exists in the State of Louisiana.

Notice is hereby given that pursuant to the authority vested in the Secretary of Housing and Urban Development under Executive Order 11795, and delegated to me by the Secretary under Department of Housing and Urban Development Delegation of Authority, Docket No. D-74-285, I hereby appoint Mr. Joe D. Winkle, HUD Region VI, to act as the Federal Coordinating Officer for this declared major disaster.

I do hereby determine the following areas of the State of Louisiana to have been adversely affected by this declared major disaster:

The Parishes of:

Avoyelles	Franklin
Caldwell	Grant
Catahoula	Ouachita
Concordia	West Feliciana

(Catalog of Federal Domestic Assistance No. 14.701, Disaster Assistance.)

Dated: June 6, 1975.

THOMAS P. DUNNE,
Administrator, Federal Disaster Assistance Administration.

[FR Doc.75-15325 Filed 6-11-75;8:45 am]

[FDAA-470-DR; Docket No. NFD 278]

LOUISIANA

Amendment to Notice of Major Disaster

Notice of Major Disaster for the State of Louisiana, dated June 6, 1975, is hereby amended to include the following parishes among those parishes determined to have been adversely affected by the catastrophe declared a major disaster by the President in his declaration of June 5, 1975:

The Parishes of:

La Salle	St. Landry
Rapides	

(Catalog of Federal Domestic Assistance No. 14.701, Disaster Assistance.)

Dated: June 6, 1975.

WILLIAM E. CROCKETT,
Acting Administrator, Federal Disaster Assistance Administration.

[FR Doc.75-15326 Filed 6-11-75;8:45 am]

Office of Interstate Land Sales Registration

[Docket No. N75-302]

ELDORADO AT SANTA FE

Notice of Hearing

In the matter of Eldorado at Santa Fe, OILSR No. 0-2419-36-108; Docket No. 75-42.

Pursuant to 15 U.S.C. 1706(d) and 24 CFR 1720.160(d) notice is hereby given that:

1. Eldorado at Santa Fe, Inc., Howard W. Friedman, 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 May 2, 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 Eldorado at Santa Fe, located in Santa Fe County, New Mexico, 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 20, 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 11, at 10 a.m.

5. The following time and procedure is applicable to such hearing: All affidavits and a list of all witnesses are requested to be filed with the Hearing Clerk, HUD Building, Room 10150, Washington, D.C. 20410 on or before July 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.

Dated: June 5, 1975.

JOHN W. MAST,
Administrative Law Judge.

[FR Doc.75-15327 Filed 6-11-75;8:45 am]

[Docket No. N75-301]

ROLLING HILLS LAKE

Notice of Hearing

In the matter of Rolling Hills Lake, OILSR No. 0-2983-28-55; Docket No. Y-981.

Pursuant to 15 U.S.C. 1706(d) and 24 CFR 1720.160(d) notice is hereby given that:

1. Rolling Hills, Inc., Jack R. Lacy, 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 4, 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 Rolling Hills Lakes, located in Pearl River County, Mississippi, 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 16, 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 8, 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 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.

Dated: June 5, 1975.

JOHN W. MAST,
Administrative Law Judge.

[FR Doc.75-15328 Filed 6-11-75;8:45 am]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

AIR AMBULANCE STANDARDS

Notice of Meetings

Notice is hereby given that the Air Ambulance Standards Working Group will hold a meeting at 9:00 a.m., m.d.t., July 16, 1975, at the Sheraton Inn Airport, Quebec Street and 35th, Denver, Colorado, and a meeting at 9:00 a.m., e.d.t., July 23, 1975, in the Auditorium, 3rd floor, Federal Aviation Administration, 800 Independence Ave., SW, Washington, D.C., with air ambulance operators to solicit their recommendations for standards. The following items are scheduled for discussion:

Aircraft patient compartment requirements
Required medical equipment
Compartment environmental conditions
Minimum flight crew
Attendant training
Designation of a physician
Aircraft lighting
Electrical power requirements

All those interested in attending the meeting should contact Bernard A. Geier, Chairman, Air Ambulance Standards Working Group, AFS-800, 800 Independence Ave., SW, Washington, D.C. 20591, Tel. (202) 426-8212. The meeting will be open to other than air ambulance operators on a space-available basis, and suggestions will be received.

Issued in Washington, D.C., on May 30, 1975.

BERNARD A. GEIER,
Chairman, *Air Ambulance Standards Working Group.*

[FR Doc.75-15312 Filed 6-11-75;8:45 am]

ENVIRONMENTAL PROTECTION AGENCY

[FRL 385-4]

DEPARTMENT OF INTERIOR

Filing of Petition for Food Additive

Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348(b)(5)), notice is given that a petition (FAP 5H5048) has been filed by the United States Department of Interior, Bureau of Reclamation, Washington, D.C. 20240, proposing establishment of a food additive tolerance (21 CFR Part 121) for residues of the herbicide 2,4-D (2,4-dichlorophenoxyacetic acid) in potable water at 0.1 part per million resulting from application of 2,4-D dimethylamine salt and butoxyethanol ester to Fort Cobb Reservoir in central Oklahoma in a proposed experimental program to control Eurasian watermilfoil.

Dated: June 2, 1975.

JOHN B. RITCH, Jr.,
Director,
Registration Division (WH-567).

[FR Doc.75-15280 Filed 6-11-75;8:45 am]

[FRL 385-3]

MOBAY CHEMICAL CORP.

Filing of Petition for Food Additive

MAY 29, 1975.

Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348(b)(5)), notice is given that a petition (FAP 5H5086) has been filed by Chemagro Agricultural Division, Mobay Chemical Corp., P.O. Box 4913, Kansas City, MO 64120, proposing establishment of a food additive tolerance (21 CFR Part 121) for residues of the fungicide *O*-ethyl *S,S*-diphenyl phosphorodithioate in or on rice hulls at 0.3 part per million resulting from use of the fungicide in a proposed experimental program involving application to growing rice.

Dated: June 2, 1975.

JOHN B. RITCH, Jr.,
Director,
Registration Division.

[FR Doc.75-15281 Filed 6-11-75;8:45 am]

[FRL 379-5]

NASSAU AND SUFFOLK COUNTIES, LONG ISLAND, NEW YORK

Proposal on EPA Determination Regarding Aquifers

On March 6, 1975, the Environmental Protection Agency published a notice in the FEDERAL REGISTER (40 FR 10514) that it had received a petition, pursuant to section 1424(e) of the Public Health Service Act, as amended by the Safe Drinking Water Act, Pub. L. 93-523, to make a determination that the Edwards Aquifer is the sole or principal drinking water source for the San Antonio area which, if contaminated, would create a significant hazard to public health.

A petition has been submitted, on behalf of the Environmental Defense Fund, requesting the Administrator of the Environmental Protection Agency to make a similar determination with respect to the aquifers underlying Nassau and Suffolk Counties. This petition is reprinted in full below:

BEFORE THE UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

Russell E. Train, Administrator

In the Matter of the Petition of the Environmental Defense Fund, Inc. Under Section 1424(e) of the 1974 Water Supply Act with Respect to the Aquifers of Nassau and Suffolk Counties, New York.

PETITION

1. Section 1424(e) of the 1974 Water Supply Act provides as follows:

(e) If the Administrator determines, on his own initiative or upon petition, that an area has an aquifer which is the sole or principal drinking water source for the area and which, if contaminated, would create a significant hazard to public health, he shall publish notice of that determination in the FEDERAL REGISTER. After the publication of any such notice, no commitment for Federal financial assistance (through a grant, contract, loan guarantee, or otherwise) may be entered into for any project which the Administrator determines may contaminate such aquifer through a recharge zone so as to create a significant hazard to public health, but a commitment for Federal financial assistance may, if authorized under another provision of law, be entered into to plan or design the project to assure that it will not so contaminate the aquifer.

2. The aquifers which underlie Nassau and Suffolk Counties, New York, a standard statistical metropolitan area, are the sole water source for this area. Numerous publications by federal agencies, including "An Atlas of Long Island's Water Resources," New York Water Resources Commission Bulletin 62, by Phillip Cohen, O. L. Franke and B. L. Foxworthy, Hydrologists, United States Geological Survey (in particular p. 70) and the Environmental Impact Statement entitled "Environmental Impact Statement on Waste Treatment Facilities Construction Grants for Nassau and Suffolk Counties, New York (the "EIS"), p. 50-51, prepared by the U.S. Environmental Protection Agency in July 1972 establish this fact.

3. Nassau County has a population of approximately 1.45 million people according to the 1970 census. At the time of the census, Suffolk County had a population of about 1.13 million, but has been growing rapidly since that time. The latest population figure for Suffolk County is 1,256,216. The population of Suffolk County, which in terms of land area takes up almost two thirds of Long Island, is gradually spreading eastward.

4. Nassau and Suffolk Counties have three principal aquifers, the Glacial Aquifer (the top aquifer), the Magothy Aquifer and the Lloyd Aquifer. The top two aquifers, the Glacial and Magothy Aquifer are the principal sources of water for the residents of Nassau and Suffolk Counties.

5. Since these aquifers are the sole source of drinking water for Nassau and Suffolk Counties, contamination of these aquifers could create a significant hazard to public health.

6. That contamination of the Glacial Aquifer is already a problem is evident from the EIS itself. Numerous U.S. Geological Survey and Nassau and Suffolk County Reports substantiate this contamination problem. Indeed, the expenditure of hundreds of millions of dollars of EPA grant money to fund huge coastal treatment plants with outfalls described in the EIS is evidence of this contamination problem.

7. Finally, the two counties, Nassau and Suffolk, are filing a joint application to designate the Bi-County Planning Commission as a section 208 local planning organization under section 208 of the 1972 Federal Water Pollution Control Act Amendments in recognition of the fact that the two Counties are an area "which has substantial water quality control problems."

8. Therefore, we request that you determine that Nassau and Suffolk Counties have aquifers which are "the sole or principal drinking water source for the area and which, if contaminated, would create a significant hazard to public health, * * *" and that you therefore publish notice of this determination in the FEDERAL REGISTER.

Respectfully submitted,

JAMES T. B. TRIPP,
Counsel, Environmental Defense Fund, Inc., 162 Old Town Road, East Setauket, New York 11733.

East Setauket, New York
JANUARY 21, 1975.

EPA intends to decide whether to make the requested determination at the earliest time consistent with a complete review of the relevant data and information, and a full opportunity for public participation. In this regard, the Agency is developing a full factual record, and solicits comments, data, and references to additional sources of information relevant to the determination required by section 1424(e). In particular, information is sought concerning whether or not the underground water body or bodies underlying Nassau and Suffolk Counties are a single aquifer, or are two or more separate, distinct aquifers. Information is further sought concerning the geographical boundaries and other characteristics of the aquifer or aquifers and their recharge zones, the area or areas dependent upon them for drinking water, the significance of current or anticipated threats to public health that might result from contamination of the aquifers, and the prospects that such contamination will occur as a result of current activities or events that must be anticipated.

Comments, data, and references in response to this notice should be submitted in writing to the Regional Administrator, Region II, Environmental Protection Agency, 26 Federal Plaza, Room 1009, New York, N.Y. 10007 within 60 days. Information which is available to the Agency concerning the aquifers underlying Nassau and Suffolk Counties will be available for inspection at the address listed above.

Dated: June 6, 1975.

RUSSELL E. TRAIN,
Administrator.

[FR Doc.75-15279 Filed 6-11-75;8:45 am]

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 20476; FCC 75-534]

AMERICAN TELEPHONE AND TELEGRAPH CO.

Memorandum Opinion and Order Instituting Hearing

In the matter of American Telephone and Telegraph Company's proposed tariff revisions in Tariff F.C.C. No. 263 exempting Mebane Home Telephone Company of North Carolina from the obligation to afford customers the option of interconnecting customer-provided equipment to Mebane's facilities; AT&T Transmittal No. 12321.[1]

1. Mebane Home Telephone Company (Mebane) is an independent telephone company in North Carolina,[2] listed by American Telephone and Telegraph Company (AT&T) in AT&T's Tariff F.C.C. No. 257 as a connecting carrier. Sections 2.6.1 and 2.7.1. of AT&T's Tariff F.C.C. No. 263 (AT&T's Message Toll Service Tariff) set forth the general regulation, which is binding on connecting carriers such as Mebane,[3] that the telephone company will permit interconnection of customer-provided terminal equipment and customer-provided communications systems, respectively, with facilities furnished by the telephone company. Other subparagraphs of §§ 2.6 and 2.7 set forth the means by which

[1] Chairman Wiley issuing additional views in which Commissioner Lee joins; Commissioners Reid and Quello concurring in the result; Commissioner Hooks dissenting and issuing a statement; Commissioners Robinson and Washburn issuing a joint concurring statement are all filed as part of the original document.

[2] We describe Mebane's telephone system in some detail at paras. 12-15 herein.

[3] "Connecting carriers" engage in interstate and foreign service only through physical connection of their facilities with the facilities of other carriers with which they have no direct or indirect corporate or other affiliations. Connecting carriers are nevertheless expressly subject to the substantive requirements of sections 201-205 of the Act except they are relieved of the tariff filing requirements of Section 203. However, their participation in interstate and foreign services is governed by the same terms and conditions of the tariff schedules filed with the Commission by the carriers with which they connect. (See sections 3(u) and 2(b) of the Act). See our decision in Telerent Leasing, 45 FCC 2d 204, 215-20 (1974), appeal docketed, North Carolina Utilities Commission, et al. v. U.S., Case Nos. 74-1220, 74-1390, 74-1449, 74-1514, 74-1515 and 74-1516 (4th Cir. 1974).

interconnection of customer-provided equipment shall be accomplished, e.g., generally telephone company-provided connecting arrangements (CA) or network control signalling units (NCSU) are required. See AT&T Foreign Attachment Tariff Revisions, 15 FCC 2d 605, 606–609 (1968), on reconsideration, 18 FCC 2d 871 (1969). The matter before us concerns Mebane's effort to obtain a partial exemption from the obligation imposed by the aforementioned AT&T tariff provisions, in particular, the obligation Mebane is now under to permit interconnection of customer-provided communications systems such as customer-provided PBX's and telephone key systems.

2. Pursuant to Mebane's request, on February 7, 1975, AT&T filed revisions in §§ 2.6.1 and 2.7.1 of AT&T's Tariff F.C.C. No. 263, Transmittal No. 12267, scheduled to be effective on March 9, 1975. AT&T is of the opinion that it is only carrying out a ministerial task in filing tariff revisions on behalf of Mebane. AT&T proposed to exempt Mebane from the general customer interconnection requirements of §§ 2.6.1 and 2.7.1 by adding the following paragraph to each section:

In the Mebane, North Carolina exchange of the Mebane Home Telephone Company these regulations do not apply to replacements of or substitutions for any part of the telephone system provided by the company, except where the telephone system equipment or facilities desired by a customer are not available from the Mebane Home Telephone Company.

Mebane submitted a letter on the same day AT&T filed the proposed tariff revisions setting forth its view as to why such filing and the language used therein was appropriate. On February 28, 1975, the Chief, Common Carrier Bureau by Letter Order rejected the proposed tariff revisions for violations of §§ 61.55 (f) and (g) of the Commission's rules which require tariff provisions to contain clear and explicit terms regarding rates and regulations, 47 CFR 61.55 (f) and (g). The Chief, Common Carrier Bureau's rejection did not address the merits of Mebane's legal rationale given in support of the filing.[4] On April 14, 1975, pursuant to Mebane's request, AT&T again filed tariff revisions proposing to exempt Mebane from the general requirements of § 2.6.1 and 2.7.1 AT&T Transmittal No. 12321, to be effective May 14, 1975.[5] AT&T proposed to add the following paragraph to § 2.6.1 and 2.7.1:

These regulations are applicable in the Mebane, North Carolina exchange of Mebane Home Telephone Company to customer-provided terminal equipment [communications systems] interconnected to the wireline telephone system (telephone to telephone) used by the company in providing telephone service. In the Mebane exchange telephone service is offered only as a complete service, using facilities, including the telephone itself, furnished by the company. The company does not offer a service in which customer-provided terminal equipment [communications systems] may be used as replacements or substitutions for wireline telephone system (telephone to telephone) facilities furnished by the company.

3. The appropriateness of the action taken by the Chief, Common Carrier Bureau with respect to AT&T's original tariff filing on behalf of Mebane is not before us for review. Our action herein is prompted by AT&T's new tariff filing, Transmittal No. 12321, and, in particular, the legal rationale asserted by Mebane in support of both filings. In support of its position that AT&T may lawfully file the instant tariff revision on its behalf, Mebane states that General Telephone and Electronics Corp. (GTE) petitioned for reconsideration of Carterfone, 13 FCC 2d 420 (1968), reconsideration denied, 14 FCC 2d 571 (1969), alleging, among other things, that the decision "would expose the public telephone service to the unlimited use for interstate service of customer-provided equipment of all types" (GTE Petition, p. 5) and that "[t]o permit the interconnection of privately-owned communications systems with the public network inevitably involves the substitution and replacement of telephone-company provided equipment with customer-owned equipment" Id., at p. 8. Mebane claims that in denying the GTE petition, the Commission stated that "[t]he facts in this case [Carterphone] did not involve the furnishing of purely telephone system equipment telephone to telephone on the message toll telephone system" (14 FCC 2d at 572). Mebane claims further that in dismissing petitions for rejection, suspension or investigation of tariffs filed by AT&T in response to Carterfone, AT&T Foreign Attachment Tariff Revisions, supra., the Commission again emphasized "[o]ur decision in Carterfone does not hold that a customer may substitute his own equipment or facilities (whether it be telephone instruments, loops, poles or central office equipments) for that furnished by the telephone company in providing message toll telephone service as that service is defined in the tariff. Our decision dealt with interconnections and not replacements of any part of the telephone system." (15 FCC 2d, at 609–10).

4. In view of the foregoing, Mebane claims that AT&T is not prohibited by Carterfone or related decisions from filing the tariff exemption in question, the language which is an attempt to implement Mebane's position (see para. 2 above). Mebane claims that AT&T's current customer-interconnection tariff provisions go beyond what is legally required to the extent that AT&T permits interconnection of customer-provided communications systems (§ 2.7), such as customer-owned PBX's or telephone key systems, which necessarily constitute a substitution of customer-provided equipment for telephone company equipment utilized as part of the telephone system. In this connection, Mebane argues that at no time has the Commission expressly or by implication, approved the AT&T "Carterfone" tariff provisions but rather, it merely "permit[ted] the new and revised tariffs to go into effect" with a specific disclaimer that "[o]ur action is not to be construed as approval thereof * * *" (15 FCC 2d, at 611). Presumably, Mebane claims, the Commission did not consider these tariff provisions to be in violation of Carterfone but it did not and has not concluded that these provisions were required by or necessary to comply with Carterfone. Mebane concludes that these were and are but carrier-filed provisions and as such, they do not preclude the filing of different provisions by or on behalf of other carriers such as AT&T has attempted to do on behalf of Mebane. Mebane argues that Rochester Telephone Corporation, for example, has had such a filing made on its behalf (see the second paragraph in AT&T's §§ 2.6.1 and 2.7.1 of AT&T Tariff F.C.C. No. 263).[6] In summary, the practical effect of Mebane's interpretation of our policy, assuming arguendo that AT&T could lawfully file a tariff exception for Mebane, is that Mebane would not be obligated to permit a customer to interconnect with its facilities certain kinds of customer-provided equipment, such as a customer-provided PBX or telephone key system, and probably other customer-provided equipment depending on the tariff language filed by AT&T, because such equipment could be defined to constitute a so-called replacement of or substitution for telephone company-provided equipment in the telephone company system.

5. It is true that the particular interconnected device[7] at issue in Carterfone (a device used to interconnect mobile radio systems to the telephone network) did not involve any replacement or substitution of telephone system equipment.

[4] Mebane's position is based upon its letters of December 4, 1974, February 7, 1975, March 19 and March 28, 1975, and its March 3, 1975 Opposition to North American Telephone Association's (NATA) Petition to Reject AT&T's original tariff filing on behalf of Mebane.

[5] On May 1, 1975 NATA filed with the Chief, Common Carrier Bureau a Petition to Reject the tariff revisions filed with AT&T Transmittal No. 12321 alleging essentially violations by AT&T and Mebane of the Commission's customer interconnection policies established by Carterfone, Hush-A-Phone and Telerent Leasing. Mebane filed an opposition to NATA's petition on May 7, 1975 stressing the threat to its economic viability posed by substitution or replacements of telephone system equipment by customers.

[6] The Rochester provision provides: In lieu of the regulations governing the provision of Telephone Company provided network control signalling equipment, connecting arrangements and data access arrangements to the extent specified in §§ 2.6.3 and 2.6.4 following, an alternative, optional method of connecting customer-provided terminal equipment [communications systems] is available in all exchanges served by the Rochester Telephone Corporation, Rochester, N.Y. to the extent specified in § 2.9 following.

[7] Our use of the term "interconnected device" is to be construed broadly for the purposes of this decision. Thus, any customer-provided communications terminal equipment or customer-provided communications system which may be connected to telephone company facilities acoustically, inductively or by direct wire connection is intended to be covered in the term "interconnected device."

It is also true that AT&T's tariff response to Carterfone went beyond the facts of Carterfone to the extent that such tariffs permit interconnection of devices, such as PBX's and telephone key systems, which may constitute a substitution or replacement of telephone system equipment, provided that there is a connecting arrangement (CA) to preclude technical harm to the telephone network. As we see it, however, the basic question raised by AT&T's tariff filing on behalf of Mebane is not only whether such filing is consistent with Carterfone as described above, but also whether any public interest reasons now exist for the applicability of our customer interconnection policy to depend on a distinction between interconnection devices which may constitute a substitution for telephone system equipment, such as PBX's and key systems, and other interconnected devices such as the Carterfone device. For the reasons to follow we conclude that the public interest requires that the customer's right to interconnect not be infringed merely because the device he seeks to interconnect can be defined to constitute a substitution for telephone system equipment.

6. Although as noted above Carterfone did not involve any substitution of telephone system equipment it was nonetheless based upon the broad principle established by the court in Hush-A-Phone v. U.S., 238 F. 2d 266, 269 (D.C. Cir. 1956) which stressed the "telephone subscriber's right reasonably to use his telephone in ways which are privately beneficial without being publicly detrimental." In Carterfone we stated that "[t]he principle of Hush-A-Phone is directly applicable here, there being no material distinction between a foreign attachment such as the Hush-A-Phone and an interconnection device such as the Carterfone * * *" (13 FCC 2d at 423–24). Further, we stated that "[e]ven if not compelled by the Hush-A-Phone decision, our conclusion here is that a customer desiring to use an interconnecting device to improve the utility to him of both the telephone system and a private radio system should be able to do so, so long as the interconnection does not adversely affect the telephone company's operations or the telephone system's utility for others" (13 FCC 2d at 424). Thus, we held in Carterfone "that the Carterfone filled a need, that its use did not adversely affect the telephone system, that its use was nevertheless precluded by the tariff, and that the tariff was unlawful, and had been in the past, because it prohibited the use of the Carterfone and other interconnecting devices without regard to actual harm caused to the system" (14 FCC 2d at 572). We also recognized that the economic effects of customer interconnection upon carriers might well be a pertinent public interest question, but found no substantial showing in the record to demonstrate economic harm (14 FCC 2d at 572–73). Our Telerent Leasing decision restated the subscriber's right to make beneficial use of an interconnected device without causing harm to the telephone company's operations (45 FCC 2d at 204, 205–07, 216 and 224).

7. The foregoing adequately demonstrates the broad principle underlying Hush-A-Phone and Carterfone, namely, the subscriber's right to make beneficial use of an interconnected device without causing harm to the telephone company's operations. We see no reason why this broad principle should not extend to interconnected devices such as PBX's and key systems which may replace telephone system equipment. Clearly, the customer would obtain the requisite benefit from such interconnection. Thus, the only question remaining regarding the applicability of the broad principle underlying Hush-A-Phone and Carterfone to interconnected devices such as PBX's and key systems is whether such interconnection would be harmful to the telephone company's operations. Significantly, we have had substantial experience under the AT&T customer interconnection tariffs which do permit interconnection of customer devices such as PBX's and key systems. Indeed, PBX's and key systems constitute the heart of interconnection that now exists. Our experience indicates that not only have customers obtained substantial private benefit from such interconnection, but there has been no technical harm to telephone company operations. Nor has Mebane alleged any facts showing that interconnection of PBX's or key systems would be technically harmful. Moreover, as shown below, Mebane has made no prima facie showing warranting summary relief or hearing on economic injury grounds, although we have decided to afford it an opportunity to make such a showing in an evidentiary hearing on our own motion.

8. Under the foregoing circumstances, we believe that here as in Carterfone it would be unjust, unreasonable and unlawful under section 201(b) of the Act to restrict the customer's right to use beneficial interconnection devices that are not publicly detrimental, through a blanket prohibition against interconnection of devices that may involve some substitution of telephone company equipment. The determining factor should be whether there is harm to the telephone network, irrespective of whether the particular interconnection device is one of the nature involved in Carterfone or a PBX or key system. To make a distinction based solely on whether there is a substitution of telephone company equipment, would be an arbitrary and unreasonable infringement of the subscriber's right in the absence of technical harm or other public detriment. A subscriber has a statutory right under section 201(b) not to be subjected to tariff restrictions which indiscriminately bar interconnection of customer-provided equipment without regard to harm. Moreover, as noted above, the option of the customer to interconnect his PBX or key system is a service that has been generally available to the public under the AT&T tariffs for several years.

9. We also note that the Rochester Telephone Company alternative in AT&T's customer interconnection tariff, relied upon by Mebane in support of the AT&T tariff filing on its behalf, represented only a liberalization of the CA and NCSU provisions (See para. 1 above), Telerent Leasing, 45 FCC 2d at 221, and not an attempt to distinguish interconnected devices such as PBX's and key systems from other interconnected devices not involving substitution of telephone system equipment. In this connection, informal and formal proceedings looking into the necessity for AT&T's CA and NCSU tariff provisions are summarized in Telerent Leasing, 45 FCC 2d at 206–07.

10. It follows that the AT&T tariff filing on behalf of Mebane seeking arbitrarily to deny the customer's right of interconnection of an interconnected device that can be defined to constitute a substitution for telephone system equipment, if effective, would be patently contrary to the policy we have discussed herein and unlawful for the reasons stated above under section 201(b) of the Communications Act. Under such circumstances we believe rejection of AT&T's tariff filing is required. Cf. Associated Press v. F.C.C., 448 F. 2d 1095 (D.C. Cir. 1971) and American Telephone & Telegraph Company v. F.C.C., 487 F. 2d 865 at 880 (2nd Cir. 1973).

11. Mebane contends nonetheless that it is entitled to a partial exemption or waiver from the obligation it is under as a connecting carrier, at least with respect to PBX's and telephone key systems, because of the alleged economic injury it will incur if it is required to comply with such obligation. Our institution of Docket No. 20003, Economic Implications and Interrelationships Arising from Policies and Practices Relating to Customer Interconnection, Jurisdictional Separations and Rate Structures, Notice of Inquiry, 46 FCC 2d 214 (1974) and First Supplemental Notice, 50 FCC 2d 574 (1975), amply demonstrates our concern with the economic implications of customer interconnection on, among others, telephone companies such as Mebane. Our view when we instituted Docket No. 20003, was and still is, that the several economic issues in question were highly interrelated, and could not be treated consistently or comprehensively, in a manner which best serves the public interest, through separate, independent proceedings (46 FCC 2d at 215–16). Docket No. 20003 is considering questions similar to those raised by Mebane and our findings therein may lead to the development of policies which will have industry-wide application. Thus, Mebane will eventually be subject to determinations reached as a result of our findings in Docket No. 20003. Notwithstanding the foregoing, however, Mebane appears to be of the view that it is entitled to immediate relief prior to resolution of the economic issues in Docket No. 20003 or any subsequent proceedings. Mebane's allegations of economic injury are as follows.

12. Mebane, which has one exchange serving some 5000 stations, claims that the area it serves in North Carolina is

largely rural in nature, with some manufacturing, and that it has a large turnover in subscribers. It claims this results in large amounts of uncollectables and an unstable subscriber base to support plant investments. Mebane claims that its basic monthly rates of $6.90 for residential service and $12.00 for business service are among the lowest in North Carolina for an exchange with a toll-free calling scope of 50,000 stations. Mebane states that its operating revenues for the six-month period ending June 30, 1974 were approximately $367,000, with local service revenues accounting for approximately $222,000. Of the local service revenue, Mebane claims approximately $53,000 (23.3 percent) represent PBX and key systems. Mebane has 7 PBX customers and 47 key system customers. Mebane states that it is the possibility of a loss of all or a significant portion of the local service revenues currently being received from PBX and key system subscribers, and the resulting economic impact on the company and on its other subscribers that prompts its attempts to gain an exemption.

13. Mebane states that if it were to lose all of its PBX and key system local revenue, its net income for the first six months of 1974 would have been less than $2,500. It claims that with so thin a margin, not only would the security for REA loans it holds (approximately $2.3 million) be jeopardized but its continued economic viability would be questionable. Although lesser revenue loss could be assumed, Mebane claims the basic question remaining is whether any measurable revenue loss would be outweighed by other considerations that may be advanced in support of interconnection of customer-provided equipment. In this connection, assuming it is granted an exemption, Mebane claims that it has and will continue to provide whatever technologically acceptable equipment its subscribers desire. However, Mebane claims that regulatory constraints preclude free and open rate competition by Mebane with suppliers of customer-provided equipment. Even assuming it could enter into price competition with PBX and key system suppliers, Mebane argues that it would still be subject to a revenue loss which it could not economically sustain. Thus, Mebane claims it must maintain at least its current revenues and its only source for such revenues are its subscribers. Mebane claims the basic question is whether the general body of its subscribers should bear the burden of rate increases if all or some of Mebane's PBX and key system subscribers provide their own equipment.

14. Mebane claims that its investment and expenses also warrant attention. As of June 1974, Mebane's net investment in PBX and key system equipment was approximately $198,000 and according to Mebane salvage value was uncertain. Mebane argues that unlike large companies with more than one exchange, it can't simply re-install a PBX or key system in another exchange or transfer it to an affiliated company. In regard to expenses, Mebane notes that it has 20 employees and no reduction in its work force would result from the substitution of customer-provided equipment. Thus, it claims that maintenance, traffic, commercial and other operating expenses at current levels would simply be spread over fewer units. Further, it claims that reduction in depreciation and tax expense would be negligible.

15. In summary, Mebane argues that the impact on Mebane's telephone system of substitution of customer-provided equipment namely, PBX's and key systems would be substantial revenue loss, substantial loss in investment, and only a negligible reduction in expense. Mebane claims that to survive it would have to impose local service rate increases on its remaining business, residential and rural customers on the order of $25 per year. Mebane claims that whether, and if so when, it could gain approval of those rate increases (approximately 35% for residential and 20% for business subscribers) by the North Carolina Utilities Commission is speculative. Accordingly, Mebane requests an exemption or waiver from the policy which now obligates it as a connecting carrier to afford customers the option of providing their own PBX's and telephone key systems.

16. We have carefully considered Mebane's economic injury allegations. Pending Docket No. 20003, which is a comprehensive fact finding inquiry into factors similar to those raised by Mebane, may lead to proceedings to promulgate policies of industry-wide application. Hence, we believe that in order to be granted the relief it requests, Mebane has the burden of showing that compliance with the obligation it is under as a connecting carrier has already resulted in or will result in direct, substantial and immediate economic injury to Mebane's telephone system and detriment to the public interest. The allegations before us are not sufficient to establish this aforementioned showing of injury or detriment or sufficient to warrant hearing. Mebane merely speculates that its compliance will result in a loss of all, or a significant number of its PBX and key system customers but does not show how many PBX or key system subscribers it has actually lost to interconnect suppliers during the time period it has been bound as a connecting carrier to afford customers the option of interconnecting their own PBX and key systems. Certainly, experience gained under an already existing obligation is the most useful tool in judging whether Mebane is entitled to summary relief or a hearing. In view of pending Docket No. 20003, we believe such a showing would be a prerequisite to a claim for relief. Moreover, Mebane has not shown grounds for anticipating any loss from competition from interconnect suppliers in the future. Mebane has failed to show the nature of the competition it presently faces or may reasonably face in the immediate future in the area it serves from interconnect suppliers. In this connection, Mebane has not identified any North Carolina interconnect suppliers actively competing with Mebane or any that are reasonably expected to compete with Mebane in the immediate future.

17. It also appears Mebane may not be as economically depressed as it claims. Mebane has shown no economic losses from the existing obligation it is under as a connecting carrier to permit interconnection of PBX's and key systems. Moreover, even if it loses some PBX or key system customers it may nonetheless replace such lost customers with new PBX or key system customers, or it may make up any lost revenues through the addition of subscribers to its basic exchange services. In this regard, we note that Mebane reached 1000 stations in 1954, 2000 in 1961, 3000 in 1968, 4000 in 1972 and reached 5000 stations in 1974 (3600 of which are main stations). Further, Mebane will put a new electronic central office into service in 1976 at an investment of $1.1 million. The foregoing facts indicate a healthy economic growth rate for Mebane which could potentially absorb any local revenue losses Mebane might incur as a result of lost PBX or key system customers. The economic characteristics of the geographical area served by Mebane also indicate that there may be opportunity for Mebane to sustain a healthy economic growth rate in the immediate future.[*]

18. Thus, Mebane has failed to establish economic grounds which would warrant summary relief or a hearing. Nevertheless, on our own motion we are affording Mebane an opportunity to establish in a hearing that it has good cause for an exemption or waiver from the obligation it is now under as a connecting carrier to permit interconnection of PBX's and key systems. We will expect Mebane to adduce evidence in the areas set for the above. In addition, Mebane should address all issues heretofore enumerated in Docket No. 20003 which may be relevant and material to reaching a determination that the obligation Mebane is under as a connecting carrier has already resulted in or will result in direct, substantial and immediate economic injury to Mebane's telephone system and detriment to the public interest during the pendency of Docket No. 20003 and any subsequent proceedings. For example, evidence regarding Mebane's policy with respect to purchase, marketing and servicing of PBX's and key systems is relevant in evaluating the likelihood that customers would provide their own such equipment in the immediate future. Mebane's policy with respect to cross-subsidization is also relevant to the rates it now charges for its basic exchange services, PBX's and key systems and what rates it may charge in the immediate future.

19. We stress that the opportunity we are affording Mebane for a hearing does not constitute an abandonment of our

[*] U.S. Bureau of the Census, County and City Data Book, 1972 (A Statistical Abstract Supplement), U.S. Government Printing Office, Washington, D.C., 1973. See Table 2—Counties, N.C. (Alamance) at 331–41 and N.C. (Orange) at 342–53.

view that the public interest requires a consistent and comprehensive approach in reaching determinations on the several interrelated economic issues under investigation in Docket No. 20003 such that policies of industry-wide application can eventually be developed. Nor does it mean that every connecting or other carrier such as Mebane will be entitled to an ad hoc evidentiary hearing on alleged economic injury to itself and detriment to the public interest during the pendency of Docket No. 20003 and any subsequent policy making proceedings. Our action is based solely upon the particular circumstances alleged by Mebane and the action we take herein is solely upon our own motion. Moreover, as previously stressed, Mebane will still be subject to any final policy determinations reached after consideration of our findings in Docket No. 20003.

20. Accordingly, *It is ordered*, pursuant to sections 4(i), 4(j), 201(a) and (b), and 403 of the Communications Act, That an evidentiary hearing shall be instituted on the following issues:

(1) Whether, and if so, to what extent has the obligation Mebane is under to afford customers the option of providing, among other interconnected devices, their own PBX's and/or telephone key systems resulted in or will result in direct, substantial and immediate economic injury to Mebane's telephone system and detriment to the public interest during the pendency of Docket No. 20003 and any subsequent policy making proceedings;

(2) If it is found that direct, substantial and immediate economic injury to Mebane's telephone system and detriment to the public interest has resulted, or will result, during the pendency of Docket No. 20003 and any subsequent policy making proceedings from the obligation set forth in (1) above then whether, and if so, to what extent should Mebane be granted an exemption or waiver from such obligation;

21. *It is further ordered*, That the burden of proceeding and burden of proof on the aforementioned issues shall be upon Mebane;

22. *It is further ordered*, That Mebane Home Telephone Company and a separated trial staff of the Chief, Common Carrier Bureau ARE MADE PARTIES to this proceeding;

23. *It is further ordered*, That the hearing will be held at the Commission's offices in Washington, D.C., on a date, and before an Administrative Law Judge, to be specified in a subsequent Order by the Chief Administrative Law Judge;

24. *It is further ordered*, That the presiding Administrative Law Judge shall, upon the closing of the record, prepare an initial decision which shall be subject to exceptions and requests for oral argument as provided in 47 CFR 1.276 and 1.277, after which the Commission shall issue its Final Decision;

25. *It is further ordered*, That any Final Decision herein granting the aforementioned waiver or exemption to Mebane shall be subject to any policies adopted as a result of our findings in Docket No. 20003;

26. *It is further ordered*, That the Secretary shall send a copy of this order by certified mail, return receipt requested, to Mebane Home Telephone Company of North Carolina and shall cause a copy to be published in the FEDERAL REGISTER;

27. *It is further ordered*, That Mebane's request for an exemption or waiver from the obligation it is under to afford its customers the option of providing, among other equipment, their own PBX's or telephone key systems is denied without prejudice to the further opportunity we are affording Mebane herein to establish that it has good cause for an exemption or waiver from such obligation;

28. *It is further ordered*, That the tariff revisions submitted with AT&T's Transmittal No. 12321 are hereby rejected pursuant to Section 61.69 of the Commission's Rules and are returned herewith;

29. *It is further ordered*, That Petitions to Intervene in this proceeding, if any, shall be acted upon by the Commission.

Adopted: May 8, 1975.

Released: June 4, 1975.

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

[FR Doc.75-15300 Filed 6-11-75;8:45 am]

[Report No. 756]

COMMON CARRIER SERVICES INFORMATION [1]

Domestic Public Radio Services Applications Accepted for Filing [2]

JUNE 2, 1975.

Pursuant to §§ 1.227(b)(3) and 21.30(b) of the Commission's rules, an application, in order to be considered with any domestic public radio services application appearing on the attached list, must be substantially complete and tendered for filing by whichever date is earlier: (a) The close of business one business day preceding the day on which the Commission takes action on the previously filed application; or (b) within 60 days after the date of the public notice listing the first prior filed application (with which subsequent applications are in conflict) as having been accepted for filing. An application which is subsequently amended by a major change will be considered to be a newly filed application. It is to be noted that the cut-off dates are set forth in the alternative—applications will be entitled to consideration with those listed in the appendix if filed by the end of the 60 day period, only if the Commission has not acted upon the application by that time pursuant to the first alternative earlier date. The mutual exclusivity rights of a new application are governed by the earliest action with respect to any one of the earlier filed conflicting applications.

The attention of any party in interest desiring to file pleadings pursuant to section 309 of the Communications Act of 1934, as amended, concerning any domestic public radio services application accepted for filing, is directed to §§ 21.27 of the Commission's rules for provisions governing the time for filing and other requirements relating to such pleadings.

FEDERAL COMMUNICATIONS COMMISSION,
VINCENT J. MULLINS,
Secretary.

APPLICATIONS ACCEPTED FOR FILING

DOMESTIC PUBLIC LAND MOBILE RADIO SERVICE

21632-CD-P-(3)-75 Public Service Associates, Inc. (NEW) C. P. for a new station to operate on 454.150, 454.10 & 454.350 MHz. to be located at Baldy Hill, ⅞ mile NW. of Felts Field, Spokane Municipal Airport, Spokane, Washington.

21633-CD-P-75 Central Mobile Radio Phone Service (KU0557) C. P. to change antenna system and replace transmitter operating on 158.70 MHz, located at Fibre Glass Tower, 1 Levis Square, Toledo, Ohio.

21634-CD-P-75 Mahaffey Message Relay, Inc. (NEW) C. P. for a new one-way station to operate on 43.22 MHz. to be located 1 mi East of Munford, Tennessee.

21635-CD-P-75 Mahaffey Message Relay, Inc. (NEW) C. P. for a new one-way station to operate on 43.58 MHz. to be located at 615 West Poplar, Collierville, Tennessee.

21636-CD-P-75 United Telephone Mutual Aid Corporation (NEW) C. P. for a new station to operate on 152.72 MHz. to be located 4.7 Miles Southeast of Olga, North Dakota.

21637-CD-P-(2)-75 United Telephone Mutual Aid Corporation (NEW) C. P. for a new station to operate on 152.54 & 152.63 MHz. to be located West of State Hwy. #20, Adjacent to SW corner of the City of Munich, North Dakota.

21638-CD-P-75 Alert Communications (NEW) C. P. for a new one-way station to operate on 35.22 MHz. to be located at 1201 Spring Street, Longview, Texas.

21639-CD-P-75 Mobilefone Northwest (NEW) C. P. for a new one-way station to operate on 152.240 MHz. to be located 7 Miles East of Wenatchee, Washington.

21640-CD-P-75 Telpage of Iowa, Inc. (NEW) C. P. for a new one-way station to operate on 152.24 MHz. to be located at Warden Bldg., 908 1st Avenue South, Fort Dodge, Iowa.

21641-CD-P-75 Jackson Mobilphone Company, Inc. (NEW) C. P. for a new station to operate on 152.09 MHz. to be located on Somerville Hwy., Rt. 6, 1.5 mi. N of Hwy US 70, Brownsville, Tennessee.

21642-CD-P-75 Jackson Mobilphone Company, Inc. (NEW) C. P. for a new station to operate on 152.18 MHz. to be located at Gibson Road, 1 mi. SE of Trenton, Tennessee.

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[1] All applications listed in the appendix are subject to further consideration and review and may be returned and/or dismissed if not found to be in accordance with the Commission's Rules, regulations and other requirements.

[2] The above alternative cut-off rules apply to those applications listed in the appendix as having been accepted in Domestic Public Land Mobile Radio, Rural Radio, Point-to-Point Microwave Radio and Local Television Transmission Services (Part 21 of the rules).

21643-CD-P-75 Jackson Mobilphone Company, Inc. (NEW) C. P. for a new station to operate on 152.15 MHz. to be located at Hwy. 20 East in Lexington, Tennessee.

INFORMATIVE

It appears that the following applications may be mutually exclusive and subject to the Commission's rules regarding Ex Parte presentations by reason of potential electrical interference.

Advanced Radio Communications Co. KQZ755 Arlington, Va. 21010-CD-P-(3)-75
Great Eastern Communications Co. NEW Waterford, Va. 20683-CD-P-75

RURAL RADIO

60346-CR-P-75 RCA Alaska Communications, Inc. (WQ098) C. P. to change antenna system and for additional facilities to operate on 152.54, 152.63, 152.69 & 152.81 MHz. located On Kalakaket Creek WACS Facility, Kalakaket Creek, Alaska.

60347-CR-P-75 South Central Bell Telephone Company (KLU59) C. P. to change frequency from 157.83 MHz. to 157.86 MHz. located Approximately 7.4 miles SW of Port Sulphur, Louisiana.

POINT-TO-POINT MICROWAVE RADIO SERVICE

3235-CF-P-75 Public Telephone Corporation (KSN79) 225 N. Broadway, Greensburg, Indiana. Lat. 39 20 19 N. -Long. 85 29 07 W. C.P. to change antenna system, transmitter location and alarm center location.

4142-CF-ML-75 Florida Telephone Corporation (KJB37) 131 Apopka Street, Inverness, Florida. Lat. 28 50 12 N. -Long. 82 19 51 W. Mod. of License to change antenna system, change frequency 6352.9V to 600 4.5V MHz toward Bushnell, Florida on azimuth 131 degrees/33 minutes; replace transmitter and change power.

4143-CF-ML-75 Same (KIV80) Virginia Avenue, Bushnell, Florida. Lat. 28 39 50 N. -Long. 82 06 30 W. Mod. of License to change antenna system and frequency 6315.8V MHz to 6315.9V MHz toward Leesburg, Florida on azimuth 53 degrees/38 minutes; change 6004.5V and 6263.9V MHz to 6256.5V and 6375.2V MHz toward Inverness, Florida on azimuth 311 degrees/44 minutes; replace transmitters and change power.

4144-CF—ML-75 Same (KIO66) 425 North 3rd Street, Leesburg, Florida. Lat. 28 48 54 N. -Long. 81 52 38 W. Mod. of License to change antenna system, replace transmitters and change power for frequencies 5945.2V and 6063.8V MHz toward Bushnell, Florida on azimuth 233 degrees/48 minutes.

4145-CF-P-75 The Pacific Telephone and Telegraph Company (KNL90) 1638 Pine Street, Redding, California. Lat. 40 34 59 N. -Long. 122 23 18 W. C.P. to change antenna system & location, transmitter location and change frequencies 6197.2 and 6315.9 MHz to 2112.0V MHz toward Shingletown, California on azimuth 102 degrees/24 minutes; replace transmitter and change power.

4153-CF-P-75 Tuolumne Telephone Company (KNL91) ¼ Mile North and ¼ Mile E/O Shingletown Store & Post Office, Shingletown, California. Lat. 40 29 54 N. -Long. 121 53 25 W. C.P. to change frequencies 5945.2V and 6063.8V MHz to 2162.0V MHz toward Redding, California on azimuth 282 degrees/44 minutes; change 5974.8V and 6093.5V MHz to 2165.2V MHz toward Oak Run, California on azimuth 352 degrees/18 minutes; replace transmitters and change power.

4154-CF-P-75 Same (KNL92) Oak Run, On Fern Road, 0.1 Mile East of Oak Run Rd., 5.1 Miles E/O Oak Run Post Office, California. Lat. 40 41 22 N. -Long. 121 55 25 W. C.P. to change antenna system and frequencies 6226.9 and 6345.5 MHz to 2115.2V MHz toward Shingletown, California on azimuth 172 degrees/18 minutes; replace transmitters and change power.

4141-CF-P-75 The Pacific Telephone and Telegraph Company (KML54) 1455 Van Ness Avenue, Fresno, California: Lat. 36 44 22 N. -Long. 119 47 37 W. C.P. to change antenna system and polarization of frequencies 6004.5 and 6152.8 from Vertical to Horizontal toward O'Neals, California via Passive Reflector on azimuth 268 degrees/50 minutes; replace transmitters and change power.

4163-CF-ML-75 American Telephone and Telegraph Company (KJM71) 5.5 Miles South of Jasper, Florida. Lat. 30 26 17 N.-Long. 82 56 17 W. Mod. of License to change polarity from Horizontal to Vertical on frequencies 3750 3830 3910 4070 4150 and 4198 MHz; from Vertical to Horizontal on 3890 3970 and 4050 MHz toward Madison, Florida on azimuth 274 degrees/28 minutes.

4164-CF-ML-75 Same (KJM72) Brookwood Avenue & State Road #10, Madison, Florida. Lat. 30 28 11 N. -Long. 83 25 11 W. Mod. of License to change polarity from Horizontal to Vertical on frequencies 3710 3790 3870 4030 4110 and 4190 MHz; from Vertical to Horizontal on 3850 3930 and 4010 MHz toward Jasper, Florida on azimuth 94 degrees/13 minutes.

4169-CF-P-75 Southern Bell Telephone and Telegraph Company (WAH553) 1300 Bull Street, Savannah, Georgia. Lat. 32 03 44 N. -Long. 81 05 51 W. C.P. to change antenna system and add frequencies 6197.2V and 6345.5H MHz toward Richmond Hill, Georgia on azimuth 239 degrees/39 minutes.

4170-CF-P-75 Same (KJL29) 1.1 Miles NW of Richmond Hill, Georgia. Lat. 31 57 04 N.-Long. 81 19 11 W. C.P. to change antenna system and alarm equipment; change frequencies 6004.5H 6063.8H and 6123.1H MHz to 5945.2H and 6093.5V MHz toward Ludowici, Georgia on azimuth 252 degrees/19 minutes; change 6034.2V 6093.5V and 6152.8V MHz toward Savannah, Ga. (KJL-30 to 5945.2H and 6063.8H MHz toward a new point of communication at Savannah, Georgia (WAH553) on azimuth 59 degrees/32 minutes; replace transmitters and change power.

4171-CF-ML-75 Same (KJL28) 8.2 Miles North of Ludowici, Georgia. Lat. 31 49 59 N.-Long. 81 45 02 W. Mod. of License to change antenna system and alarm equipment; change frequencies 6526.5V 6315.9V and 6375.2V MHz to 6197.2V and 6345.5H MHz toward Reidsville, Georgia on azimuth 317 degrees/05 minutes; change 6286.2H 6345.-5H and 6404.8H MHz to 6197.2V and 6315.-9V MHz toward Richmond Hill, Georgia on azimuth 72 degrees/05 minutes; replace transmitters and change power.

4172-CF-ML-75 Same (KJL27) 8 Miles ESE of Reidsville, Georiga. Lat. 32 02 53 N.-Long. 81 59 08 W. Mod. of License to change antenna system and alarm equipment; change frequencies 6004.5H 6063.8H and 6123.1H MHz to 5945.2H and 6093.5V MHz toward Vidalia, Georgia on azimuth 294 degrees/55 minutes; change 6034.2V 6093.5V and 6152.8V MHz to 5945.2H and 6063.8H MHz toward Ludowici, Georgia on azimuth 136 degrees/57 minutes; replace transmitters and change power.

4173-CF-ML-75 Same (KJL26) 207 Durden Street, Vidalia, Georgia. Lat. 32 12 56 N.-Long. 82 24 41 W. Mod. of License to change antenna system and alarm equipment; change frequencies 6256.5V 6315.9V and 6375.2V MHz to 6197.2V and 6345.5H MHz toward Orianna, Georiga on azimuth 322 degrees/50 minutes; change 6286.2H 6345.-5H and 6404.8H MHz to 6197.2V and 6315.9V MHz toward Reidsville, Georgia on azimuth 114 degrees/42 minutes; replace transmitters and change power.

4174-CF-ML-75 Southern Bell Telephone and Telegraph Company (KJL25) 0.8 Mile NNW of Orianna, Georgia. Lat. 32 28 57 N.-Long. 82 39 01 W. Mod. of License to change antenna system and alarm equipment; change frequencies 6004.5H 6123.1H and 6063.8H MHz to 5945.2H and 6093.5V MHz toward Nickelsville, Georgia on azimuth 298 degrees/12 minutes; change 6034.2V 6093.5V and 6152.8V MHz to 5945.2H and 6063.8H MHz toward Vidalia, Georgia on azimuth 142 degrees/43 minutes; replace transmitters and change power.

4175-CF-ML-75 Same (KJL23) 4.2 Miles SE of Nickelsville, Georgia. Lat. 32 39 15 N.-Long. 83 01 48 W. Mod. of License to change antenna system and frequencies 6286.2H 6345.5H and 6404.8H MHz to 6197.2V and 6315.9V MHz toward Orianna, Georgia on azimtuh 118 degrees/00 minutes; replace transmitters and change power.

4242-CF-P-75 Carter-Goeken Communications (NEW) 233 S. Wacker Drive, Chicago (Cook) Illinois. Lat. 41 52 44 N.-Long. 87 38 10 W. C.P. for a new station on 2177.0H MHz toward Gray Lake, Illinois on azimuth 328 degrees/48 minutes.

4243-CF-P-75 Same (NEW) 1.42 Miles from Grays Lake on 105° bearing, Grays Lake (Lake) Illinois. Lat. 42 20 22 N.-Long. 88 00 45 W. C.P. for a new station on 2127.0H MHz toward Chicago, Illinois on azimuth 148 degrees/32 minutes and 2120.0H MHz toward Union Grove, Wisconsin on azimuth 04 degrees/43 minutes.

4244-CF-P-75 Same (NEW) 5.1 Miles from Union Grove on 133° bearing, Union Grove (Kenosha) Wisconsin. Lat. 42 38 15 N.-Long. 87 58 45 W. C.P. for a new station on 2170.0H MHz toward Grays Lake, Illinois on azimuth 184 degrees/44 minutes and 2113.0V MHz toward Milwaukee, Wisconsin on azimuth 07 degrees/24 minutes.

4245-CF-P-75 Same (NEW) 250 East Wisconsin Avenue, Milwaukee, Wisconsin. Lat. 43 02 15 N.-Long. 87 54 30 W. C.P. for a new station on 2163.0V MHz toward Union Grove, Wisconsin on azimuth 187 degrees/27 minutes.

MAJOR AMENDMENTS

2801-CF-P-75 Bell Telephone Company of Nevada (KPF88) Eagle Ridge, 8.8 Miles SW of Farnley, Nevada. Lat. 39 29 01 N.-Long. 119 19 04 W. Amend frequency toward McClellan Peak, Nevada (KPR96) to 3890V. All other particulars to remain as reported on Public Notice #744 dated March 10, 1975.

2803-CF-P-75 Same (KPF90) Rabbit Springs, 18.5 Miles NW of Luning, Nevada. Lat. 38 39 16 N.-Long. 118 18 40 W. Amend to change distance and azimuth toward Columbus, Nevada to 61.0 Km and 153°42'. All other particulars to remain as reported on Public Notice #744 dated March 10, 1975.

1779-CF-P-75 United Video, Inc. (WAN80) 0.250 Mile South of Marshfield, Missouri. Lat. 37 19 32 N. -Long. 92 53 40 W. Application amended to change frequency 6034.2H MHz to 5945.2V MHz toward Springfield, Missouri, on azimuth 243°34'.

1781-CF-P-75 Same. (WAN82) Phelps, 7.0 Miles North of Scott City, Missouri. Lat. 37 11 43 N. -Long. 93 55 39 W. Application amended (a) to change point of communication to Joplin (WAY72), Missouri, on frequency 5974.8H MHz and azimuth 257°24' and (b) to change antenna system.

2804-CF-P-75 Bell Telephone Company of Nevada. (KPF91) Columbus, 10 Miles NW of Coaldale, Nevada. Lat. 38 09 26 N. -Long. 118 00 16 W. Amend coordinates to Lat. 38 09 40 N. -Long. 118 00 09 W. Amend azi-

muth and distance to Rabbit Springs, Nevada to 333° 53' and 61.0 Km. Amend azimuth toward Montezuma, Nevada to 132° 54'. All other particulars to remain as reported on Public Notice #744 dated March 10, 1975.

2805-CF-P-75 Same. (KPF92) Montezuma, 8 Miles West of Goldfield, Nevada. Lat. 37 42 06 N. Long. 117 22 57 W. Amend to change azimuth toward Columbus, Nevada (KPF91) to 313° 17 minutes; All other particulars to remain as reported on Public Notice #744 dated March 10, 1975.

[FR Doc.75-15301 Filed 6-11-75;8:45 am]

[Docket No. 20075; File No. BP-19137; FCC 75R-218]

COSMOPOLITAN ENTERPRISES, INC.

Memorandum Opinion and Order Enlarging Issues

In re application of Cosmopolitan Enterprises, Inc., permittee of AM Station KWBY, Edna, Texas, for license to cover construction permit and for construction permit to reduce power.

1. The Commission, by Order and Notice of Apparent Liability, FCC 74-595, 39 FR 21068, published June 18, 1974, designated the application of Cosmopolitan Enterprises, Inc., permittee of AM Station KWBY, Edna, Texas (Cosmopolitan) for hearing on various issues. Presently before the Review Board is a petition to enlarge issues,[1] filed December 30, 1974, by the Broadcast Bureau, seeking the addition of the following issue against Cosmopolitan:

To determine the nature and extent of violations of the Commission's rules and the terms of station authorization committed by Cosmopolitan Enterprises, Inc. for which Official Notices of Violation were issued on December 3, 1974; and whether in light of such violations, and their relationship to issue (a) of the Commission's Order and Notice of Apparent Liability, FCC 74-595, released June 12, 1974, Cosmopolitan Enterprises, Inc. has exercised that degree of responsibility required of a broadcast permittee or licensee.

2. In support of its request, the Bureau asserts that Cosmopolitan has violated the Commission's rules on numerous occasions and as a result of the inspection conducted by the Field Operations Bureau on November 15, 1974, during which 20 violations of the Commission's rules and terms of station authorization as well as 12 unsatisfactory conditions were noted,[2] and Cosmopolitan's pattern of prior violations,[3] an appropriate issue is warranted.[4] The Bureau, relying on The Edgefield-Saluda Radio Co., 5 FCC 2d 148, 8 RR 2d 611 (1966), further asserts that good cause exists for the acceptance of its petition due to the substantial nature of the allegations.

3. In opposition, Cosmopolitan asserts that there is no need to designate a separate issue, since the matters complained of may be dealt with under Issue (a), the standard suppression issue, which the Commission designated in this proceeding,[5] that the request for an inquiry regarding a pattern of conduct is untimely filed, that Cosmopolitan has undergone reorganization and prior violations should not be tied to the new management and that corrective action has been taken and a reinspection has been requested. Cosmopolitan argues that its corrective efforts are similar to those taken by the renewal applicant in Glen West, 27 RR 2d 1262 (1972), where the Commission, recognizing that the violations were not the product of knowing disregard of Commission requirements, held that as a result of corrective action and the subsequent compliance with Commission rules, the applicant should not be precluded from continued operation.

4. In reply, the Bureau asserts that the violations discovered in November 1974 present a much broader question, than that posed by the designated suppression issue which inquires merely into whether or not the licensee can maintain its antenna array. And, more important, the Bureau maintains, the scope and seriousness of Cosmopolitan's violations were not apparent at the time of designation. Rather, these new violations, especially when considered in conjunction with past conduct, make the petition timely. Regarding the assertion that Cosmopolitan is under new management, the Bureau argues that since Cosmopolitan has not obtained Commission authorization for such a change in its composition, the same corporate licensee must be presumed as being in control and, moreover, as conceded by the licensee, there is some question as to whether prior wrongdoers have in fact been fully severed from the corporation. In any event, the Bureau maintains that disassociation of wrongdoers from a licensee does not necessarily absolve the licensee of responsibility for the wrongdoing involved. Finally, the Bureau asserts that the corrective actions taken are irrelevant as to whether Cosmopolitan has exercised the degree of responsibility required of a broadcast licensee or permittee. Moreover, the Bureau asserts that Glen West, supra, is inapposite since only one rule infraction was involved and the applicant in that proceeding possessed an otherwise "unblemished record", whereas here there are allegations of numerous and continuing infractions on the part of Cosmopolitan.

5. The Review Board will add the requested issue. While the petition arguably is untimely, the allegations raised are sufficiently serious that the public interest demands their consideration on the merits. See The Edgefield-Saluda Radio Co., supra. Therefore, the Board will consider the merits of the petition. As a preliminary matter Cosmopolitan's argument that a new management is in control must be rejected, since as previously noted by the Board, the proposed transfer of control whereby the wrongdoer would be severed from the applicant, has not been approved by the Commission.[6] Turning to the merits, the Board agrees with the Bureau, that the number of serious and continuing violations and deficiencies in the maintenance and operation of its station allegedly committed by Cosmopolitan raise a significant question as to whether the applicant will exercise the degree of responsibility required of an operator of a broadcast facility. This question, in our view, will be best addressed in an evidentiary hearing at which time the effect of the corrective program now being performed by Cosmopolitan can be assessed. For these reasons the Board will add the requested issue.

6. *Accordingly, it is ordered*, That the petition to enlarge issues, filed December 30, 1974, by the Broadcast Bureau, is granted, and that the issues in this proceeding are enlarged by the addition of the following issue:

To determine the nature and extent of violations of the Commission's rules and the terms of station authorization committed by Cosmopolitan Enterprises, Inc. for which Official Notices of Violation were issued on December 3, 1974; and whether in light of such violations, and their relationship to issue (a) of the Commission's Order and Notice of Apparent Liability, FCC 74-595, released June 12, 1974, Cosmopolitan Enterprises, Inc. has exercised that degree of responsibility required of a broadcast permittee or licensee.

7. *It is further ordered*, That the burden of proceeding with the introduction of evidence under the foregoing issue shall be on the Broadcast Bureau, and the burden of proof shall be on Cosmopolitan Enterprises, Inc.

Adopted: May 30, 1975.

Released: June 3, 1975.

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

[FR Doc.75-15299 Filed 6-11-75;8:45 am]

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[1] Also before the Board are the following related pleadings: (a) opposition, filed March 12, 1975, by Cosmopolitan, and (b) reply, filed March 21, 1975, by the Broadcast Bureau.

[2] An Official Notice of Violation and an Advisory Notice were issued on December 3, 1974, detailing the violations and deficiencies noted.

[3] Official Notices of Violation were also issued, the Bureau points out, on October 14, 1971 (4 violations); November 20, 1971 (3 violations); April 27, 1973 (5 violations); September 10, 1973 (4 violations); and April 24, 1974 (2 violations).

[4] In support, the Bureau cites Chesapeake-Portsmouth Broadcasting Corp., 49 FCC 2d 482, 31 RR 2d 1097 (1974); Harvit Broadcasting Corp., 31 FCC 2d 816, 22 RR 2d 1062 (1971).

[5] More specifically, Cosmopolitan refers to an issue designed, inter alia, to determine whether Cosmopolitan would be able to operate without causing interference to Station KWKH, Shreveport, Louisiana.

[6] *Cosmopolitan Enterprises, Inc.*, 49 FCC 2d 775, 31 RR 2d 1210 (1974).

STANDARD BROADCAST APPLICATIONS

Deletion of Station Facilities

The following applications were filed in response to the Commission's declaratory ruling released March 20, 1975, *George T. Mobille, et al.*, 51 FCC 2d 1165, 33 RR 2d 19. These applications seek the deleted facilities of station WHMC, Gaithersburg, Maryland. The Commission will accept any other applications for consolidation with these applications which propose essentially the same facilities.

BP-19954 New, Gaithersburg, Maryland
Radio Gaithersburg, Inc.
Req: 1150 kHz, 500 W, 1 kW-LS, DA-2, U

BP-19955 New, Gaithersburg, Maryland
Montgomery Communications, Inc.
Req: 1150 kHz, 500 W, 1 kW-LS, DA-2, U

Pursuant to the provisions of §§ 1.227 (b)(1) and 1.591(b) of the Commission's rules, an application, in order to be considered with these applications must be tendered no later than July 19, 1975.

The attention of any party in interest desiring to file pleadings concerning these applications, pursuant to section 309(d)(1) of the Communications Act of 1934, as amended, is directed to § 1.580 (i) of the Commission's rules for the provisions governing the time of filing and other requirements relating to such pleadings.

Adopted: June 4, 1975.

Released: June 5, 1975.

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

[FR Doc.75-15302 Filed 6-11-75;8:45 am]

[Docket No. 20290; FCC 75-578]

INTERNATIONAL TELECOMMUNICATION UNION WORLD ADMINISTRATIVE RADIO CONFERENCE

Second Notice of Inquiry Regarding Aeronautical Mobile (R) Service

In the matter of preparation for a proposed International Telecommunication Union World Administrative Radio Conference on the Aeronautical Mobile (R) Service to renew and revise Appendix 27 of the International Radio Regulations pertaining to the Aeronautical Mobile (R) Service, as necessary, to provide for the possibility of adopting single sideband techniques.

1. On December 11, 1974, the Commission adopted a Notice of Inquiry on the above entitled matter. It was released December 23, 1974, and published in the FEDERAL REGISTER January 3, 1975 (40 FR 836). The period for comments and reply comments has passed.

2. Three comments were filed. They were from Collins Radio Group/Rockwell International (Collins), Aerospace and Flight Test Radio Coordinating Council (AFTRCC) and a joint filing by Aeronautical Radio, Inc. (ARINC) and the Airport Transport Association of America (ATA). These comments will be utilized in the Commission's ongoing preparation.

3. At this point we believe it appropriate to study, with further and greater detail, the technical ramifications, specifications and requirements accompanying a complete change to SSB in the aviation bands.

4. This Second Notice is therefore instituted with an eye toward making a careful assessment of the potential problems created by the complete adoption of single sideband techniques in the aeronautical bands from 2850 kHz to 22000 kHz.

5. The specific concepts and questions posed in the First Notice of Inquiry for comment are repeated here. The public was asked to comment on the following:

a. The desirability of converting the HF Aeronautical Mobile (R) bands to SSB emission (3A3J). The increased effectiveness of SSB is generally accepted as more desirable than double sideband (6A3).

b. The optimum channel spacing if SSB is adopted. At present, consideration is being given to providing channels spaced at 3 kHz intervals upon full implementation of SSB in the HF Aeronautical Mobile (R) bands.

c. Assuming SSB is adopted, should the practice of limiting the transmissions to upper sideband (USB) only, be continued? Since existing equipment is generally designed for USB only, this would provide compatibility between existing equipment and future requirements.

d. Should a date be established after which DSB (6A3) will no longer be authorized on Aeronautical Mobile (R) bands? When should such a date be? Consideration has been given to July 1, 1982.

e. At present when operating in the 3A3J mode on the lower half of a channel below 10 MHz the carrier (reference) frequency must be displaced 3500 Hz below the center frequency of this channel. During an interim period following the WARC on the Aeronautical Mobile (R) Service and prior to full implementation of 3 kHz channel spacing, should this displacement be reduced to 3000 Hz?

f. Inclusion of the frequencies in the band 21870-22000 kHz in Appendix 27. These frequencies are presently allocated to the Aeronautical Mobile (R) and the Aeronautical Fixed Services but are not allotted within Appendix 27.

g. The desirability of designating certain frequencies in the HF bands for world-wide use.

h. Should technical and regulatory provisions for use of HF data link be provided?

i. What existing authorizations for operation in accordance with Appendix 27 to the ITU Radio Regulations are still valid? The 1977 WARC on the Aeronautical Mobile (R) Service will affect frequency assignments for approximately 7 to 10 years following the Conference. All justifications even though previously provided should be based on requirements for the time period from 1978-1985.

j. Are there other Aeronautical requirements other than those now accommodated which should be included in the existing bands? If so, what are they? Full justification, including use, estimated hours of utilization, if frequency sharing is acceptable and proposed location and area of operation must be provided.

6. At this time no U.S. views for the WARC have been developed, however, considering possible changes as were presented in the First Notice of Inquiry and as listed above in paragraph 5, the Commission seeks the comments of interested parties concerning any problems which could result from adoption of any or all of these concepts. Specifically, we invite further comment on the following questions and/or ideas, assuming the authorized bandwidth is reduced to 3 kHz and further, that 3A3J and 3A3H are adopted as the sole authorized emissions:

a. What problems do you see with operation of present equipment?

b. What technical specifications in Appendix 27 should be changed?

c. Can existing equipment be utilized in a 3 kHz environment?

d. What changes to existing equipment might enable it to meet a 3 kHz, SSB environment?

e. How expensive would this be?

f. How long would it take to develop such a modification?

g. If modifications are not economically feasible how long would it take to develop new equipment and what are the estimated costs?

7. Authority for this Inquiry, which is not a Rule Making proceeding, is contained in section 403 of the Communications Act of 1934, as amended. Interested parties responding to this Inquiry should furnish comments on or before July 3, 1975, and reply comments on or before July 14, 1975. An original and 14 copies of each response must be filed as required by § 1.419 of the Commission's rules and regulations. The Commission may also take into account other pertinent information before it in addition to specific comments elicited by the Notice in this proceeding.

8. Responses will be available for public inspection during regular business hours in the Commission's Public Reference Room at its headquarters in Washington, D.C.

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

[FR Doc.75-15390 Filed 6-11-75;8:45 am]

FEDERAL ENERGY ADMINISTRATION

ENERGY SUPPLY AND ENVIRONMENTAL COORDINATION ACT

Notice of Intention To Issue Construction Orders to Certain Powerplants in the Early Planning Process

The Federal Energy Administration (FEA) hereby gives notice of its intention to issue construction orders pursuant to the authorities granted it by section 2 of the Energy Supply and Environmental Coordination Act of 1974 (ESECA) and in accordance with 10 CFR Parts 303 and 307, to the following powerplants in the early planning process.

Docket No.	Owner	Powerplant No.	Generating station	Location
OFU-001-N	Alabama Power Co.	2	J.H. Miller	West Jefferson, Ala.
OFU-002-N	do	3	do	Do.
OFU-003-N	do		1981 unnamed	Unknown.
OFU-004-N	do		1982 unnamed	Do.
OFU-005-N	do		1983 unnamed	Do.
OFU-006-N	Board of Water & Light Trustees, City of Muscatine, Iowa.	9	Muscatine	Muscatine, Iowa.
OFU-007-N	City of Lakeland, Fla.	3	City of Lakeland	Lakeland, Fla.
OFU-008-N	do	4	do	Do.
OFU-009-N	City of Painesville, Ohio		Painesville Municipal	Painesville, Ohio.
OFU-010-N	Commonwealth Edison Co.		Undesignated 1982	Unknown.
OFU-011-N	do		Undesignated 1983	Do.
OFU-012-N	do	1	Undesignated 1984	Do.
OFU-013-N	do	2	do	Do.
OFU-014-N	do		Undesignated 1985	Do.
OFU-015-N	Golden Valley Electric Association, Inc.	2	Healy	Healy, Alaska.
OFU-016-N	Louisville Gas & Electric Co.	1	Trimble	Trimble County, Ky.
OFU-017-N	do	2	do	Do.
OFU-018-N	do	3	do	Do.
OFU-019-N	Marquette Board of Power & Light.	3	Shires	Marquette, Mich.
OFU-020-N	Niagara Mohawk Power Corp.	1	Lake Erie	Near Dunkirk, N.Y.
OFU-021-N	do	2	do	Do.
OFU-022-N	Oklahoma Gas & Electric Co.	1	Unknown	Unknown.
OFU-023-N	do	2	do	Do.
OFU-024-N	do	3	do	Do.
OFU-025-N	Public Service Co. of Colorado	1	Southern	Eastern Colorado.
OFU-026-N	do	2	Northeastern	Do.
OFU-027-N	Southwestern Electric Power Co.	2	Welsh	Cason, Tex.
OFU-028-N	do	3	do	Do.
OFU-029-N	The Cincinnati Gas & Electric Co.	2	East Bend	Boone County, Ky.
OFU-030-N	The Empire District Electric Co.		Plant X	Unknown.
OFU-031-N	Carolina Power & Light Co.	1	Mayo	Person County, N.C.
OFU-032-N	do	2	do	Do.
OFU-033-N	Central Illinois Public Service Co.	2	Newton	Jasper County, Ill.
OFU-034-N	Central Power & Light Co.	1	Coleto Creek	Goliad County, Tex.
OFU-035-N	Dairyland Power Cooperative	6	Alma	Alma, Wis.
OFU-036-N	Iowa Southern Utilities	1	Ottumwa	Chillicothe, Iowa.
OFU-037-N	Kansas City Power & Light	1	Iatan	Iatan, Mo.
OFU-038-N	Los Angeles Department of Water & Power; and Nevada Power Co.	1	Harry Allen	Las Vegas, Nev.
OFU-039-N	do	2	do	Do.
OFU-040-N	do	3	do	Do.
OFU-041-N	do	4	do	Do.
OFU-042-N	Los Angeles Dept. of Water & Power; Nevada Power Co.; and City of St. George.	1	Warner Valley	Washington County, Utah.
OFU-043-N	do	2	do	Do.
OFU-044-N	Louisville Gas & Electric Co.	4	Mill Creek	Louisville, Ky.
OFU-045-N	Montana-Dakota Utilities Co.	1	Coyote Station	Beulah, N. Dak.
OFU-046-N	Montana Power Co.	3	Colstip	Colstip, Mont.
OFU-047-N	do	4	do	Do.
OFU-048-N	Oklahoma Gas & Electric Co.	1	Sooner	Noble County, Okla.
OFU-049-N	do	2	do	Do.
OFU-050-N	Portland General Electric Co.		Boardman	Boardman, Oreg.
OFU-051-N	Public Service Co. of Colorado	1	Northeastern	Eastern, Colo.
OFU-052-N	Public Service Co. of Oklahoma	3	do	Oologah, Okla.
OFU-053-N	do	4	do	Do.
OFU-054-N	Public Service Co. of New Mexico; and Tucson Gas & Electric Co.	3	San Juan	Waterflow, N. Mex.
OFU-055-N	do	4	do	Do.
OFU-056-N	Sierra Pacific Power Co.	1	Unnamed	Humboldt County, Nev.
OFU-057-N	do	2	do	Do.
OFU-058-N	Southern California Edison Co.; Arizona Public Service; Salt River Project; and San Diego Gas & Electric Co.	1	Kaiparowits	Nipple Beach, Utah
OFU-059-N	do	2	do	Do.
OFU-060-N	do	4	do	Do.
OFU-061-N	Southern Illinois Power Cooperative.	4	Southern Illinois	Marion, Ill.
OFU-062-N	Southern Indiana Gas & Electric Co.	1	A. B. Brown	West Franklin, Ind.
OFU-063-N	Southwestern Electric Power Co.	1	Flint Creek	Gentry, Ark.
OFU-064-N	The Cincinnati Gas & Electric Co.	1	East Bend	Boone County, Ky.
OFU-065-N	The Dayton Power & Light Co.; and the Cincinnati Gas & Electric Co.	1	Killen	Adams County, Ohio
OFU-066-N	do	2	do	Do.
OFU-067-N	The Detroit Edison Co.	1	Belle River	China Township, Mich.
OFU-068-N	do	2	do	Do.
OFU-069-N	The Kansas Power & Light Co.	2	Jeffrey Energy Center.	St. Marys, Kans.
OFU-070-N	do	3	do	Do.
OFU-071-N	do	4	do	Do.
OFU-072-N	Wisconsin Electric Power Co.	1	Pleasant Prairie	Pleasant Prairie, Wis.
OFU-073-N	do	2	do	Do.
OFU-074-N	Wisconsin Public Service Corp.	3	Weston	Weston, Wis.

FEA hereby also gives notice of the opportunity for written presentation of data, views and arguments regarding these proposed construction orders.

The proposed orders would require the powerplants in the early planning process listed above to be designed and constructed to be capable of using coal as their primary energy source.

Prior to issuance of a construction order to a powerplant in the early planning process, section 2(c) of ESECA requires that FEA make two findings. FEA's initial conclusions with respect to, and rationale in support of, these findings are set out, with respect to each of the powerplants, at the conclusion of this notice. These findings and rationale may be amended as a result of comments received by FEA pursuant to this notice and other information available to FEA. The findings will be included, with any amendments, in a construction order when it is issued. In addition, ESECA and FEA's regulations (§ 307.3(d)) require that FEA give consideration to certain other factors prior to issuance of a construction order. FEA's initial conclusions with respect to, and a brief statement of the rationale in support of, such considerations also are set out at the conclusion of this notice. The conclusions with respect to these considerations and rationales therefore may be amended as a result of comments received by FEA pursuant to this notice and other information available to FEA. The conclusions will be included, with any amendments, when the construction order is issued.

Upon conclusion of the proceedings described in this notice, FEA may determine to issue construction orders to some or all of the powerplants in the early planning process listed above. These construction orders will not become effective, however, until FEA has considered the environmental impact of such order pursuant to § 307.7 of the FEA regulations that implement section 2 of ESECA and has served the affected powerplant in the early planning process with a Notice of Effectiveness, as provided in §§ 303.10(b) and 303.47(b) of those regulations. Section 307.7 requires that subsequent to the issuance of a construction order to a powerplant in the early planning process, but prior to the issuance of a Notice of Effectiveness to any such powerplant, FEA shall perform an analysis of the environmental impact of the issuance of such Notice of Effectiveness. That analysis shall result either in a declaration that a specific construction order is not likely to have a significant impact on the quality of the human environment; or, in the alternative, the preparation by FEA of an environmental impact statement covering significant site-specific impacts that are likely to result from a specific construction order or group of construction orders and that have not been adequately discussed in the programmatic Environmental Impact Statement (FEA 75-1, dated April 25, 1975). If FEA prepares an environmental impact statement covering significant site-specific impacts from a construction order or group of such orders, the statement shall be prepared and published for comment in accordance with section 102(2)(C) of

the National Environmental Policy Act of 1969 and prior to issuance of a Notice of Effectiveness. Interested persons may request a public hearing pursuant to § 303.173 of the FEA regulations to comment on the contents of a draft environmental impact statement published pursuant to § 307.7(c) of the FEA regulations.

Public comment on the proposals to issue construction orders to the powerplants in the early planning process listed above is invited in the form of written presentation of data, views and arguments. Comments should relate to individual docket numbers and should make clear to which docket number the individual comment is addressed.

Comments should address (1) the adequacy and validity of each of the proposed findings and the rationale in support of the findings and conclusions with respect to the considerations FEA must make; (2) the identification of any site-specific environmental impacts resulting from the proposed construction orders that were not identified or described in the programmatic Environmental Impact Statement (FEA 75–1, dated April 25, 1975) for the FEA program to implement section 2 of ESECA; and, (3) any other relevant aspects or impacts of the proposed construction order; however, it should be recognized that any such powerplant in the early planning process would have to comply with new source standards prescribed by EPA under the Clean Air Act.

Interested persons are invited to submit written comments consisting of data, views, or arguments with respect to a proposed construction order or group of orders to Executive Communications, Federal Energy Administration, Box CM, Washington, D.C. 20461.

Copies of the FEA regulations implementing section 2 of ESECA (10 CFR Parts 303 and 307) are available from the FEA Regional Offices.

Federal Energy Administration, regional offices

Region	Address	Phone
I	Robert Mitchell, Regional Administrator, 150 Causeway St., Room 700, Boston, Mass. 02114.	(617)223-3703
II	Alfred Kleinfeld, Regional Administrator, 26 Federal Plaza, Room 3206, New York, N.Y. 10007.	(212)264-1021
III	J. A. LaSala, Regional Administrator, 1421 Cherry St., Room 1001, Philadelphia, Pa. 19102.	(215)597-9066
IV	Kenneth Dupuy, Regional Administrator, 1655 Peachtree St. NE., 8th Floor, Atlanta, Ga. 30309.	(404)526-4883
V	N. Allen Andersen, Regional Administrator, Federal Office Bldg., 175 West Jackson Blvd., Room A-333, Chicago, Ill. 60604.	(312)591-6025
VI	Delbert Fowler, Regional Administrator, Corrigan Towers, 212 North St. Paul St., Room 1720, Dallas, Tex. 75201.	(214)749-7345
VII	James Newman, Regional Administrator, Federal Office Bldg., P.O. Box 15,000, 112 East 12th St., Kansas City, Mo. 64106.	(816)374-2064
VIII	Dudley Fawer, Regional Administrator, P.O. Box 26247, Belmar Branch, 1075 South Yukon St., Lakewood, Colo. 80226.	(303)234-2420
IX	William Arntz, Regional Administrator, Barclay Bank Blvd., 111 Pine St., San Francisco, Calif. 94111.	(415)556-7216
X	Jack Robertson, Regional Administrator, Federal Office Bldg., 909 1st Ave., Room 1151, Seattle, Wash. 98174.	(206)442-7280

Comments and other documents submitted to FEA Executive Communications should be identified on the outside of the envelope in which they are transmitted with the designation "Proposed Construction Order for the _____ Power plant." Fifteen copies should be submitted.

All written comments received by 4:30 p.m., e.d.t., June 23, 1975 and all other relevant information submitted to or otherwise available to FEA will be considered by FEA prior to issuance of any construction order.

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 sections of ESECA that are relevant to the proposed construction orders are stated below:

Section 1 Short-Title; Purpose.

(b) * * * the purposes of this Act are (1) to provide for a means to assist in meeting the essential needs of the United States for fuels, in a manner which is consistent, to the fullest extent practicable, with existing national commitments to protect and improve the environment * * *

* * * * *

(c) The Federal Administrator may require that any powerplant in the early planning process (other than a combustion gas turbine or combined cycle unit) be designed and constructed so as to be capable of using coal as its primary energy source. No powerplant may be required under this subsection to be so designed and constructed, if the Administrator determines that (1) to do so is likely to result in an impairment of reliability or adequacy of service, or (2) an adequate and reliable supply of coal is not expected to be available. In considering whether to impose a design and construction requirement under this subsection, the Federal Energy Administrator shall consider the existence and effects of and contractual commitment for the construction of such facilities and the capability of the owner to recover any capital investment made as a result of any requirement imposed under this subsection.

* * * * *

(e) For purposes of this section:

(1) The term "powerplant" means a fossil-fuel fired electric generating unit which produces electric power for purposes of sale or exchange.

(2) The term "coal" includes coal derivatives.

(f)(1) Authority to issue orders or rules under subsections (a) through (d) of this section shall expire at midnight, June 30, 1975. Such a rule or order may take effect at any time before January 1, 1979.

(2) Authority to amend, repeal, rescind, modify, or enforce such rules or orders shall expire at midnight, December 31, 1978; but the expiration of such authority shall not affect any administrative or judicial proceeding which relates to any act or omission which occurred prior to January 1, 1979."

Any questions regarding this notice should be directed to the FEA National Office as follows: Federal Energy Administration, Code OFU (New Powerplant Construction Order), Washington, D.C. 20461.

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

Issued in Washington, D.C., June 6, 1975.

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

FINDINGS IN SUPPORT OF PROPOSED CONSTRUCTION ORDERS

FEA's initial conclusions with respect to the rationale in support of the findings which ESECA requires FEA to make before issuance of a construction order are set out below with respect to each of the powerplants which are the subject of this notice.

1. Powerplants in the early planning process

Docket No.	Owner	Powerplant No.	Generating station	Location
OFU-001-N	Alabama Power Co.	2	J. H. Miller	West Jefferson, Ala.
OFU-002-N	do.	3	do.	Do.
OFU-003-N	do.		1981 unnamed	Unknown.
OFU-004-N	do.		1982 unnamed	Do.
OFU-005-N	do.		1983 unnamed	Do.
OFU-006-N	Board of Water & Light Trustees, City of Muscatine, Iowa.	9	Muscatine	Muscatine, Iowa.
OFU-007-N	City of Lakeland, Fla.	3	City of Lakeland	Lakeland, Fla.
OFU-008-N	do.	4	do.	Do.
OFU-009-N	City of Painesville, Ohio		Painesville Municipal.	Painesville, Ohio.
OFU-010-N	Commonwealth Edison Co.		Undesignated 1982	Unknown.
OFU-011-N	do.		Undesignated 1983	Do.
OFU-012-N	do.	1	Undesignated 1984	Do.
OFU-013-N	do.	2	do.	Do.
OFU-014-N	do.		Undesignated 1985	Do.
OFU-015-N	Golden Valley Electric Association, Inc.	2	Healy	Healy, Alaska.
OFU-016-N	Louisville Gas & Electric Co.	1	Trimble	Trimble County, Ky.
OFU-017-N	do.	2	do.	Do.
OFU-018-N	do.	3	do.	Do.
OFU-019-N	Marquette Board of Power & Light.	3	Shires	Marquette, Mich.
OFU-020-N	Niagara Mohawk Power Corp.	1	Lake Erie	Near Dunkirk, N.Y.
OFU-021-N	do.	2	do.	Do.
OFU-022-N	Oklahoma Gas & Electric Co.	1	Unknown	Unknown.

Docket No.	Owner	Powerplant No.	Generating station	Location
OFU-023-N	do	2	do	Do.
OFU-024-N	do	3	do	Do.
OFU-025-N	Public Service Co. of Colorado	1	Southern	Eastern Colorado.
OFU-026-N	do	2	Northeastern	Do.
OFU-027-N	Southwestern Electric Power Co.	2	Welsh	Cason, Tex.
OFU-028-N	do	3	do	Do.
OFU-029-N	The Cincinnati Gas & Electric Co.	2	East Bend	Boone County, Ky.
OFU-030-N	The Empire District Electric Co.		Plant X	Unknown.
OFU-031-N	Carolina Power & Light Co.	1	Mayo	Person County, N.C.
OFU-032-N	do	2	do	Do.
OFU-033-N	Central Illinois Public Service Co.	2	Newton	Jasper County, Ill.
OFU-034-N	Central Power & Light Co.	1	Coleto Creek	Goliad County, Tex.
OFU-035-N	Dairyland Power Cooperative	6	Alma	Alma, Wis.
OFU-036-N	Iowa Southern Utilities	1	Ottumwa	Chillicothe, Iowa.
OFU-037-N	Kansas City Power & Light	1	Iatan	Iatan, Mo.
OFU-038-N	Los Angeles Department of Water & Power; and Nevada Power Co.	1	Harry Allen	Las Vegas, Nev.
OFU-039-N	do	2	do	Las Vegas, Nev.
OFU-040-N	do	3	do	Do.
OFU-041-N	do	4	do	Do.
OFU-042-N	Los Angeles Dept. of Water & Power; Nevada Power Co.; and City of St. George.	1	Warner Valley	Washington County, Utah.
OFU-043-N	do	2	do	Do.
OFU-044-N	Louisville Gas & Electric Co.	4	Mill Creek	Louisville, Ky.
OFU-045-N	Montana-Dakota Utilities Co.	1	Coyote Station	Beulah, N. Dak.
OFU-046-N	Montana Power Co.	3	Colstip	Colstip, Mont.
OFU-047-N	do	4	do	Do.
OFU-048-N	Oklahoma Gas & Electric Co.	1	Sooner	Noble County, Okla.
OFU-049-N	do	2	do	Do.
OFU-050-N	Portland General Electric Co.		Boardman	Boardman, Oreg.
OFU-051-N	Public Service Co. of Colorado	1	Northeastern	Eastern, Colo.
OFU-052-N	Public Service Co. of Oklahoma	3	do	Oologah, Okla.
OFU-053-N	do	4	do	Do.
OFU-054-N	Public Service Co. of New Mexico; and Tucson Gas & Electric Co.	3	San Juan	Waterflow, N. Mex.
OFU-055-N	do	4	do	Do.
OFU-056-N	Sierra Pacific Power Co.	1	Unnamed	Humboldt County, Nev.
OFU-057-N	do	2	do	Do.
OFU-058-N	Southern California Edison Co.; Arizona Public Service; Salt River Project; and San Diego Gas & Electric Co.	1	Kaiparowits	Nipple Beach, Utah.
OFU-059-N	do	2	do	Do.
OFU-060-N	do	4	do	Do.
OFU-061-N	Southern Illinois Power Cooperative.	4	Southern Illinois	Marion, Ill.
OFU-062-N	Southern Indiana Gas & Electric Co.	1	A. B. Brown	West Franklin, Ind.
OFU-063-N	Southwestern Electric Power Co.	1	Flint Creek	Gentry, Ark.
OFU-064-N	The Cincinnati Gas & Electric Co.	1	East Bend	Boone County, Ky.
OFU-065-N	The Dayton Power & Light Co.; and the Cincinnati Gas & Electric Co.	1	Killen	Adams County, Ohio.
OFU-066-N	do	2	do	Do.
OFU-067-N	The Detroit Edison Co.	1	Belle River	China Township, Mich.
OFU-068-N	do	2	do	Do.
OFU-069-N	The Kansas Power & Light Co.	2	Jeffrey Energy Center.	St. Marys, Kans.
OFU-070-N	do	3	do	Do.
OFU-071-N	do	4	do	Do.
OFU-072-N	Wisconsin Electric Power Co.	1	Pleasant Prairie	Pleasant Prairie, Wis.
OFU-073-N	do	2	do	Do.
OFU-074-N	Wisconsin Public Service Corp.	3	Weston	Weston, Wis.

(a) Proposed findings for each of the above powerplants and rationale for findings:

(i) *The powerplant is in the early planning process.* Based on an analysis of the information submitted to or otherwise available to FEA, including the information prbvided to FEA by the powerplant on FEA form C–603–S–O (Identification Report), FEA proposes to find that this powerplant is in the early planning process within the meaning of ESECA. This proposed finding is based on the facts, interpretations and assumptions stated below:

(A) The date by which the powerplant plans to commence the sale and exchange of electric power is not more than 10 years from June 25, 1975, and the driving of the foundation piling, or the equivalent foundation structural event, in accordance with the approved final drawing for the main boiler of the powerplant, has not commenced.

(B) The powerplant has identified itself as a powerplant in the early planning process by filing with FEA an Identification Report (FEA form C–603–S–O) in accordance with 10 C.F.R. 307.6(b) and a notice of the requirement to file such report that was published in the FEDERAL REGISTER dated May 22, 1975 (40 FR 22309).

(ii) *The design and construction of the powerplant with the capability of using coal as a primary energy source is not likely to result in an impairment of the reliability or adequacy of service to be provided by such powerplant.* Based on an analysis of the information submitted to or otherwise available to FEA, FEA cannot find that the requirement that the powerplant be designed and constructed to be capable of using coal as a primary energy source is likely to result in an impairment of the reliability or adequacy of service, and, therefore, FEA proposes to find that the requirement that the powerplant be designed and constructed to be capable of using coal as its primary energy source is not likely to result in an impairment of the reliability or adequacy of service to be provided by the powerplant. This proposed finding is based on the facts, assumptions and interpretations stated below:

(A) It is 40 or more months before the powerplant can realistically plan to commence the sale or exchange of electric power.

(B) The contract for the design of the powerplant has not been formed (or if such design is not to be performed in accordance with a contract, the design of the powerplant has not commenced), or if a contract has been formed, and/or design of the powerplant has commenced, there will not be a delay in the commencement of the sale or exchange of electric power by reason of the requirement that the powerplant be designed and constructed to be capable of using coal as its primary energy source.

(C) The fact that there will not be a delay in the commencement of the sale or exchange of electric power by the powerplant means that the planning by the dispatching system of which the powerplant will be a part concerning loss of load cannot be adversely affected, nor can the Gross Reserve Margin for such such system be reduced thereby. (As used in this finding, "dispatching system" means the group of powerplants for which there is centralized control of power generation scheduling and transmission planning.)

(D) There will be no derating of the powerplant when using coal as its primary energy source.

(iii) *An adequate and reliable supply of coal is reasonably expected to be available.* Based on an analysis of the information submitted to or otherwise available to FEA, FEA cannot find that an adequate and reliable supply of coal is not expected to be available, and, therefore, FEA proposes to find that an adequate and reliable supply of coal is reasonably expetced to be available. This proposed finding is based on the facts, interpretations and assumptions stated below:

(A) It is 40 or more months before the powerplant can realistically plan to commence the sale or exchange of electric power.

(B) Since the length of time prior to the planned commencement of the sale or exchange of electric power is 40 or more months there is a sufficient period of time for the powerplant to obtain an adequate and reliable supply of coal; and, furthermore, because the powerplant stated on the Identification Report (FEA form C–603–S–O) that it is being designed and constructed either (1) to burn only coal, or (2) if it is being designed and constructed to burn coal or another fossil fuel interchangeably, it will burn coal as its primary energy source, FEA assumes that the powerplant has determined that an adequate and reliable supply of coal will be available at the time the powerplant commences the sale or exchange of electric power.

(b) Proposed conclusions for each of the above powerplants with respect to other factors FEA must consider prior to requiring that the powerplant be designed and constructed to be capable of using coal as its primary energy source.

(i) *No significant adverse effect is expected from the existence and effects of any contractual commitment for the construction of the powerplant.* FEA has not been informed of and is unaware of any contractual commitments for the construction of the powerplant that would be significantly adversely affected by the requirement that the powerplant be designed and constructed to be capable of using coal as its primary energy source.

(ii) *The powerplant has the capability to recover any increase in projected capital investment required as a result of a construction order.* Since in its response to question C.2 of the Identification Report (FEA form C–603–S–O), the powerplant indicated that the powerplant would be designed to be fired by coal, FEA proposes to conclude that the requirement that the powerplant be designed and constructed to be capable of burning coal is its primary energy source will not require any additional new or increased capital investment.

(iii) *No significant loss of revenue resulting from a delay in the commencement of the sale or exchange of electric power, if any, resulting from a construction order will occur.* Since the requirement that the powerplant be designed and constructed to be capable of using coal as its primary energy source will not result in any delay of the commencement of the sale or exchange of electric power by such powerplant, FEA proposes to conclude there will be no potential for a significant loss of revenue from the imposition of such requirement.

(iv) *No significant adverse effect will occur from the relevant regulations or policies of any State or local agency with jurisdiction over the sale or exchange of electric power by powerplant.* No relevant regulations or policies of any State or local agency with jurisdiction of the sale or exchange of electric power by powerplant have been brought to FEA's attention that would significantly adversely affect the requirement that the powerplant be designed and constructed to be capable of using coal as its primary energy source, nor is FEA aware of any such regulations or policies.

[FR Doc.75–15282 Filed 6–9–75;8:45 am]

FEDERAL MARITIME COMMISSION

[Docket No. 75–20]

PUERTO RICO MARITIME SHIPPING AUTHORITY

Order of Investigation and Suspension Regarding Rates on Government Cargo

On June 8, 1975, Puerto Rico Maritime Shipping Authority (PRMSA) proposes to make effective certain rates and rules applicable to the carriage of government cargoes[1] between U.S. Atlantic and Gulf ports and ports in Puerto Rico. The proposed tariff pages would establish three basic rates applicable to government cargo, viz: Cargo N.O.S.; Refrigerated Cargo, and Vehicles. In order to take advantage of these rates, both the shipper and consignee must be a Government or Government Agency and the cargo must be tendered under a Shipping Order as opposed to a Commercial Bill of Lading. The Shipping Order is set forth in section 6–A of PRMSA's tariff FMC–F No. 1.

Protests to this tariff matter were filed by Matson Navigation Company and by the Household Goods Forwarders Association of America, Inc. Both protestants ask for suspension of the subject tariff revisions and both raise the issue as to whether the proposed rates and rules conflict with the Congressional intent expressed in Pub. L. 93–487 which repealed section 6 of the Intercoastal Shipping Act, 1933, on October 26, 1974.

Upon consideration of the subject rates and matters set forth in the protests, the Commission is of the opinion that the proposed tariff matter should be suspended and made the subject of a public investigation and hearing to determine whether it is unjust, unreasonable or otherwise unlawful under sections 16 First and 18(a) of the Shipping Act, 1916 and/or sections 3 and 4 of the Intercoastal Shipping Act, 1933 and good cause appearing,

Therefore, *It is ordered*, That pursuant to the authority of sections 18(a) and 22 of the Shipping Act, 1916, as amended, and sections 3 and 4 of the Intercoastal Shipping Act, 1933, as amended, an investigation is hereby ordered into the lawfulness of the proposed tariff matter set forth in Appendix A hereto for the purpose of making such findings and orders as the facts and circumstances warrant. In the event that the tariff matter hereby placed under investigation is further changed, amended, or reissued, such changes are hereby ordered to be made part of this investigation;

It is further ordered, That pursuant to section 3 of the Intercoastal Shipping Act, 1933, the tariff matter listed in Appendix A to this order is hereby suspended and the use thereof deferred to and including October 7, 1975, unless otherwise ordered by this Commission;

It is further ordered, That there shall be filed immediately with this Commission by Puerto Rico Maritime Shipping Authority a consecutively numbered supplement to the aforesaid tariff which supplement shall bear no effective date, shall fully reproduce this order and shall state that the aforesaid matter is suspended and may not be used until October 8, 1975, unless otherwise authorized by this Commission and that the suspended matter may not be changed until this proceeding has been disposed of or until the period of suspension has expired, whichever comes first, unless otherwise ordered by this Commission;

[1] The applicable tariff matter is set forth in Appendix A hereto. (Appendix A filed as part of the original document).

It is further ordered, That pursuant to section 16, First of the Shipping Act, 1916, as amended, a determination shall be made as to whether PRMSA, by the subject rates and rules, is proposing to grant any undue or unreasonable preference or advantage to governments, government agencies or government cargoes or to subject any particular person or description of traffic to any undue or unreasonable prejudice or disadvantage in any respect whatsoever within the meaning of that section;

It is further ordered, That Puerto Rico Maritime Shipping Authority be named as respondent in this proceeding and that Matson Navigation Company and the Household Goods Forwarders Association of America, Inc. be named as complainants;

It is further ordered, That this proceeding be assigned for public hearing before an Administrative Law Judge of the Commission's Office of Administrative Law Judges and that the hearing be held at a date and place to be determined by the Presiding Administrative Law Judge, but in any event, the hearing shall commence not later than July 8, 1975;

It is further ordered, That (1) a copy of this order be forthwith served upon the respondent and complainants herein and upon the Commission's Bureau of Hearing Counsel, and published in the FEDERAL REGISTER and (2) the respondent, complainants and Hearing Counsel be duly served with notice of time and place of hearing.

All persons (including individuals, corporations, associations, firms, partnerships and public bodies) having an interest in this proceeding and desiring to intervene herein should notify the Secretary of the Commission promptly and file petitions for leave to intervene in accordance with rule 5(1) of the Commission's rules of practice and procedure (46 CFR 502.72) with a copy to all parties to the proceeding.

Upon consideration, the Commission has determined that our actions with respect to the subject tariff matter, will have no effect upon the quality of the human environment since it is our determination that the cargo will move at approximately the same volume regardless of whether the proposed rates and rules become effective.

By the Commission.

[SEAL] FRANCIS C. HURNEY, *Secretary.*

[FR Doc.75–15387 Filed 6–11–75;8:45 am]

FEDERAL POWER COMMISSION

[Docket No. E–8121]

GULF STATES UTILITIES CO.

Order Accepting Compliance Filing of Proposed Fuel Adjustment Clause

JUNE 4, 1975.

By order issued June 14, 1973, in the above captioned docket, the Commission dealt with proposed rate changes and increases by Gulf States Utilities Company (Gulf States) to various wholesale customers in the states of Louisiana

and Texas by allowing the rate increases to go into effect subject to refund after a one day suspension or by instituting section 206 investigations; and the Commission directed Gulf States to file within 60 days of the issuance of above order a revised fuel clause consistent with Opinion No. 633, issued October 30, 1972.

By letter dated September 7, 1974, Gulf States submitted for filing a revised fuel clause in the form of Alternate 2 as contained in the Commission's then proposed rulemaking in Docket No. R–479. By letter dated November 19, 1974, Gulf States was informed that its revised fuel clause was not in the proper format for inclusion in its rate schedules.

On December 9, 1974, Gulf States submitted for filing a fuel clause [1], as shown in Exhibit A, which is in conformance with Commission Opinion No. 633. The fuel clause submitted was Alternate 2 of the Commission's proposed rulemaking in Docket No. R–479 although the Commission had adopted Alternate 1 in its Order No. 517, issued November 13, 1974.[2]

Gulf States' proposed fuel clause was noticed on March 25, 1975. A timely protest was filed on April 11, 1975, by Sam Rayburn Dam Electric Cooperative, Inc. and the Town of Welsh (Sam Dam). Sam Dam claims that Gulf States revised fuel clause does not conform to Commission Order No. 517 in that:

(1) Gulf States has not provided cost support for the base cost of fuel as required by § 35.14(a)(9) of the Commission's regulations as amended by Order No. 517.

(2) It does not provide a credit provision for (a) nuclear fuel consumed in self-generation, or for purchased power, or (b) intersystem sales to assure that the fuel costs for such sales are not passed on to wholesale customers.

(3) The loss factor in the fuel clause is almost 10 percent, an amount generally associated with retail sales. Because of loss distribution associated with wholesale service, Sam Dam's experience indicates that a loss factor of 4 to 6 percentage points less than the retail factor is common for wholesale sales. Specifically, the fuel clause contains a conversion factor, 'to convert the system loss factor to the average loss factor for wholesale sales,' of 0.99986. This appears to be excessive because in most cases the conversion factor is less than 0.95.

(4) Gulf States did not include in its fuel clause a statement concerning the cost of fuel from company-owned or controlled sources as required by § 35.14(a)(7) of the regulations as amended by Order No. 517.

The Commission notes that Gulf States' fuel clause does not comply with the requirements of Order No. 517. However, Gulf States filed the fuel clause on December 9, 1974, before the effective date of Order No. 517, which was January 1, 1975, for all rate filings thereafter containing proposed new or changed fuel clauses. Therefore, Gulf States was not required at that time in filing a fuel clause to have it conform with Order No. 517. Gulf States' fuel clause is in conformance with Commission Opinion No. 633, as directed by the Commission's order of June 14, 1973. The Commission therefore believes that acceptance of Gulf States' fuel clause is appropriate with the proviso that Gulf States must, of course, file a revised fuel clause on or before January 1, 1976, in accordance with Order No. 517. The Commission will permit the fuel clause to become effective, subject to refund, for the various customers on the respective effective dates as shown in the Attachment, as set forth in the June 14, 1973, order.

The Commission finds. (1) It is necessary and appropriate in the public interest and to aid in the enforcement of the Federal Power Act and the Commission's rules and regulations that the Commission accept Gulf States' fuel clause for filing and permit it to become effective, subject to refund, on the effective dates for the respective customers, as shown in the Attachment, as set forth in the June 14, 1973, order.

(2) Sam Dam's request that Gulf States be required to comply with Order No. 517 with this filing of the fuel clause is not justified by fact or law.

The Commission orders. (A) Gulf States' fuel clause is accepted for filing and permitted to become effective, subject to refund, on the effective dates for the various customers, as shown in the Attachment.

(B) Sam Dam's protest is denied.

(C) The Secretary shall cause prompt publication of this order in the FEDERAL REGISTER.

By the Commission.

[SEAL] KENNETH F. PLUMB, *Secretary.*

EXHIBIT A

FUEL CLAUSE

The energy charges for each Kwh billed hereunder will be increased or decreased by the amount of the Fuel Clause Adjustment Factor,[1] which shall be equal to the difference between the current cost and the base cost of fuel, rounded to the nearest 0.01 mills per Kwh, after adjustment for losses. The current cost of fuel will be based upon the cost of fuel charged from Account 151 for coal and oil and the cost of natural gas charged directly to Account 501, considering both the fossil fuel costs of the Company's generation and the fossil fuel costs of the generating party associated with inter-system sales and purchases of energy, for the preceding month. The adjustment for losses shall be determined annually based upon the latest calendar year data and shall be equal to the Kwh available within the electric department for sale at the power source level divided by the actual sales of the electric department for the same calendar year period, with that result being multiplied by 0.99986 to determine the average loss factor applicable to wholesale sales. The base cost of fuel hereunder is 21.5 mills per Kwh.

The amounts used for "F" and "G" are to be adjusted to allow for applicable inter-system sales and purchases of energy and to include applicable hydro energy, if any, at zero cost. The fuel costs included in "F" for fuel costs of Company generation shall include only fuel costs for oil, and for coal beginning with Company's first coal unit estimated to be in service in 1978, charged from Account 151 and the cost of natural gas charged directly to Account 501. No "handling costs" charged to Account 152 are included. The fuel costs included in "F" for inter-system sales and purchases of energy shall be only those fossil fuel costs of the generating party that are applicable to such transactions and that are clearly identifiable in purchased power billing procedures.

[1] Fuel Clause Adjustment Factor

$$= \left(\frac{Fm}{Gm} - \frac{Fb}{Gb}\right)\left(K \times \frac{Gy}{Sy}\right)$$

Where: "F" is the expense of fossil fuel in the base year (b) and current month (m); "G" is the net generation in the base (b), current month (m), and most recent calendar year (y) periods; Sy is the system Kwh sales in the most recent calendar year; and K is the loss factor constant to convert the system loss factor to the average loss factor for wholesale sales (K=0.99986).

ATTACHMENT—*Gulf States Utilities Co., rate schedule designations fuel adjustment clause*

Dated: December 1974.
Filed: Dec. 9, 1974.
Effective: Per Commission order of June 14, 1973.

Designations	Other party	Effective
(1) Supp. No. 5 to rate schedule FPC No. 20 (supersedes supp. No. 4).	Town of Erath, La	June 16, 1973
(2) Supp. No. 6 to rate schedule FPC No. 24 (supersedes supp. No. 5).	Town of Vinton, La	Do.
(3) Supp. No. 5 to rate schedule FPC No. 30 (supersedes supp. No. 4).	Town of St. Martinsville, La	Do.
(4) Supp. No. 4 to rate schedule FPC No. 111 (redesignation of supp. No. 3 to FPC No. 106 and supersedes supp. No. 2 to FPC No. 111).	Town of Gueydan, La	Do.
(5) Supp. No. 3 to rate schedule FPC No. 115 (redesignation of supp. No. 4 to FPC No. 85 and supersedes supp. No. 2 to FPC No. 115).	City of Newton, Tex	Do.
(6) Supp. No. 4 to rate schedule FPC No. 86 (supersedes supp. No. 3).	City of Livingston, Tex	Do.
(7) Supp. No. 3 to rate schedule FPC No. 93 (supersedes supp. No. 2).	City of Abbeville, La	Do.
(8) Supp. No. 4 to rate schedule FPC No. 95 (supersedes supp. No. 3).	City of Jasper, Tex	Do.

[1] See Attachment for Rate Schedule Designations and names of customers.

[2] Order No. 517 applies to rate filings which contain a proposed new fuel clause or a change in an existing fuel clause tendered for filing on or after January 1, 1975.

Designations	Other party	Effective
(9) Supp. No. 3 to rate schedule FPC No. 96 (supersedes supp. No. 2).	City of Liberty, Tex.	Do.
(10) Supp. No. 2 to rate schedule FPC No. 112 (redesignation of supp. No. 2 to FPC No. 99 and supersedes supp. No. 1 to FPC No. 112).	City of Caldwell, Tex.	Do.
(11) Supp. No. 2 to rate schedule FPC No. 101 (supersedes supp. No. 1).	Town of New Roads, La.	Do.
(12) Supp. No. 3 to rate schedule FPC No. 105 (supersedes supp. No. 2).	Town of Rayne, La.	Do.
(13) Supp. No. 4 to rate schedule FPC No. 98 (supersedes supp. No. 2).	Sam Rayburn Dam Electric Co-op., Inc., Vinton, La.; Livingston, Jasper, and Liberty, Tex.	Do.
(14) Supp. No. 5 to rate schedule FPC No. 98 (supersedes supp. No. 3).	Sam Rayburn Dam Electric Co-op., Jasper-Newton Electric Co-op., Inc., and Sam Houston Electric Co-op., Inc.	Do.
(15) Supp. No. 7 to rate schedule FPC No. 69 (supersedes supp. No. 6).	Sam Houston Electric Co-op., Inc.	June 15, 1973
(16) Supp. No. 10 to rate schedule FPC No. 71 (supersedes supp. No. 9).	Jasper-Newton Electric Co-op., Inc.	Do.
(17) Supp. No. 9 to rate schedule FPC No. 72 (supersedes supp. No. 1 to supp. No. 8).	Southwest Louisiana EMC.	Do.
(18) Supp. No. 5 to rate schedule FPC No. 76 (supersedes supp. No. 4).	Mid-South Electric Co-op., Inc.	June 15, 1974
(19) Supp. No. 7 to rate schedule FPC No. 79 (supersedes supp. No. 6).	Houston County Electric Co-op.	June 15, 1973
(20) Supp. No. 6 to rate schedule FPC No. 104 (supersedes supp. No. 5).	Cajun Electric Power Corp., Inc.	June 16, 1973
(21) Supp. No. 4 to rate schedule FPC No. 114 (redesignation of supp. No 5 to FPC No. 51 and supersedes supp. No. 1 to FPC No. 114).	Town of Welsh, La.	Nov. 21, 1973
(22) Supp. No. 4 to rate schedule FPC No. 113 (redesignation of supp. No. 6 to FPC No. 54 and supersedes supp. No. 2 to FPC No. 113).	City of Kaplan, La.	Nov. 1, 1973
(23) Supp. No. 4 to rate schedule FPC No. 110 (redesignation of supp. No. 6 to rate schedule FPC No. 81) (supersedes supp. No. 1 to FPC No. 110).	Kirbyville Light & Power Co.	Aug. 21, 1973
(24) Supp. No. 3 to rate schedule FPC No. 107 (redesignation of supp. No. 5 to rate schedule FPC No. 87) (supersedes supp. No. 2 to FPC No. 107).	Robertson Electric Co-op., Inc.	June 15, 1973

[FR Doc.75-15203 Filed 6-11-75;8:45 am]

[Docket No. E-8365]

KANSAS CITY POWER AND LIGHT CO.

Order Approving Settlement and Providing for Refunds

JUNE 3, 1975.

On August 17, 1973, Kansas City Power and Light Company (KCPL) filed proposed changes in its rates for wholesale service to Missouri Power and Light Company (MP&L), Missouri Public Service Company (MPS), seven municipals, and two cooperatives. By order issued October 16, 1973, we suspended the proposed rate changes for five months until March 18, 1974 except for MPS and MP&L which were being served under fixed-rate contracts. Our order effectively suspended the rates to these two customers until April 15, 1975 and June 1, 1974, the dates where KCPL's contracts with these customers expired by their own terms.

Settlement negotiations were commenced and on April 22, 1974 a settlement agreement was entered into between KCPL and the intervenors. On April 26, 1974, KCPL filed with the Commission the Stipulation and Agreement and a "Motion to Accept Settlement Agreement and for Order Accepting and Putting Into Effect Revised Schedules Conditionally Filed and Terminating These Proceedings." Notice of the proposed settlement was issued on May 1, 1974, with comments and notices due on or before May 15, 1974.

In response to the notice of the filing of the Settlement and the corresponding Motion, the City of Higginsville, Missouri (Higginsville) filed on May 15, 1974, a document entitled "Higginsville's Petition to Intervene, Protest and Objection to Motion to Accept Settlement Agreement." In its Petition Higginsville alleged (a) that there was no adequate record justification for the minimum 70 percent demand ratchet included in the applicable Revised Schedule; (b) that the Settlement rates are discriminatory on their face, (c) that the effective date of March 18, 1974 for the application of the Revised Schedule to Higginsville is discriminatory because April 15, 1975 is the effective date for the MPSC Revised Schedule; and (d) that the Municipal Wholesale Power Contract of March 8, 1967 under which Higginsville purchases electric power and energy from KCPL is a full requirements contract which prevents Higginsville from utilizing its own generation equipment and purchasing from alternate area suppliers.

On June 3, 1974, KCPL filed an Answer and Response to Higginsville's Petition and Protest. In its Answer, KCPL opposed the intervention of Higginsville as not being in the public interest. With respect to Higginsville's Protest and Objections to KCPL's Motion, KCPL replied (1) that Higginsville does not challenge the reasonableness of the ratchet provision; (2) that there is justification for a differential in demand charges for MPLC and other classes of customers; (3) that there is justification for a differential in demand charges for cooperatives and municipals; (4) that KCPL, because of Sierra Pacific and Mobile had no alternative but to wait until April 15, 1975, to change the rates for MPSC; (5) that KCPL would have no objection to serving Higginsville under a partial requirements rate provided the rate was fully compensatory to KCPL; (6) that the Commission has no authority to order wheeling and therefore, there is no need for KCPL to separately state a transmission wheeling rate.

By order issued September 4, 1974, we granted Higginsville's petition to intervene and granted KCPL's Motion to Accept the Settlement Agreement. On October 4, 1974 Higginsville filed an application for rehearing of that order. By order issued November 1, 1974, we granted Higginsville's application for rehearing in part and provided for a hearing on an expedited schedule on the justness and reasonableness of the proposed settlement.

A hearing was convened on January 16, 1975 at which time the parties recessed to engage in settlement negotiations. On February 3, 1975, counsel for Higginsville filed a letter to Presiding Administrative Law Judge Kanell which contained the following:

> This letter is being filed to report on progress in the above-captioned docket. A contract that satisfies the City of Higginsville for settlement agreement purposes with respect to the issues it raised in its pleadings before the Commission has been executed by both the City and Kansas City Power & Light Company, and counsel for KCP&L has assured counsel for Higginsville that the executed contract will be filed shortly with the Commission. A copy of the contract is attached hereto. Accordingly, Higginsville respectfully submits that no further proceedings are necessary in this matter.
>
> All parties join Higginsville in earnestly requesting expedited Commission action to bring about a final resolution of this proceeding in order to permit the early release of refunds to the customer parties, including Higginsville.

On February 11, 1975, KCPL filed, in Docket Nos. E-9263 and E-9264, two superseding agreements with Higginsville and MP&L and proposed that they become effective March 15, 1975. Notice of the filing of the two superseding agreements was issued on February 25, 1975 with any comments and protests due on or before March 11, 1975. No comments or protests were filed.

On March 11, 1975, the Commission Staff filed a Motion to Accept Superseding Agreements For Filing and to Terminate Proceedings in lieu of Certification of Record. The Commission Staff pointed out that since Presiding Judge Kanell has resigned from the Commission no certification of the new agreements to the Commission had been executed. Staff therefore offered its Motion in lieu of such certification as well as to indicate Staff's support for the new agreements. Staff further stated that counsel for KCPL, Higginsville, and the other intervenors authorized it to state they join the Staff in recommending that the superseding agreement involving Higginsville be accepted for filing and that the proceedings in Docket Nos. E-8365, E-9263 and E-9264 be terminated.

After a review of the two filed agreements, Staff's motion and other pleadings filed in these dockets we concluded that the agreements should be accepted for filing. Pursuant to this finding the

Commission Secretary, by letter order dated March 14, 1975, accepted KCPL's two filings in Docket Nos. E-9263 and E-9264, and permitted the agreements to become effective March 15, 1975. Our letter order of that date therefore dealt with Commission Staff's Motion of March 11, 1975. However, our letter order did not effect a final disposition with respect to the overall settlement of this proceeding which was originally filed with the Commission on April 26, 1974. Although we orginally approved the settlement agreement in our order of September 4, 1974, we subsequently granted rehearing in part of that order and established a hearing schedule. Our order specifically limited the issues to be tried to those of whether the demand charge differentials contained in the settlement are unduly discriminatory and of whether the Settlement ratchet provision operates unfairly as to Higginsville. We further stated in our order that "[i]f the record demonstrates that the Settlement Agreement is not in the public interest, we shall at that time establish additional procedures to test the justness and reasonableness of KCPL's proposed rates, as originally filed."

Upon a review of the entire record of this proceeding, the withdrawal of all objections by Higginsville after full opportunity to litigate the contested provisions, and our previous acceptance for filing of the two superseding agreements tendered by KCPL, we are of the opinion that the whole Settlement represents a reasonable resolution of the issues in this proceeding in the public interest and that we should therefore approve and accept the Settlement tendered for filing on April 26, 1974. We note that KCPL has tendered for filing revised tariff sheets in conformance with the Settlement when filed on April 26, 1974. We shall not therefore require KCPL to refile such sheets. We shall accept and approve them and provide for the payment of refunds of all amounts collected in excess of those rates.

The Commission finds. (1) The Settlement of this proceeding as filed with the Commission on April 26, 1974, is reasonable and proper and in the public interest in carrying out the provisions of the Federal Power Act and should be approved.

(2) It is necessary and proper in the public interest and to aid in the enforcement of the Federal Power Act to approve and adopt the revised tariff sheets filed on April 26, 1974 in conformance with the provisions of the Settlement.

The Commission orders. (A) The Settlement Agreement in this proceeding and the conforming revised tariff sheets filed in this proceeding on April 26, 1974 are hereby approved and adopted.

(B) KCPL, within 30 days of the issuance of this order, shall refund to its customers all amounts collected in excess of the settlement rates.

(C) The Secretary shall cause prompt publication of this order in the FEDERAL REGISTER.

By the Commission.

[SEAL] KENNETH F. PLUMB, *Secretary.*

APPENDIX A

KANSAS CITY POWER & LIGHT COMPANY

[Docket No. E-8365]

Summary cost of service for test year 1972 for combined wholesale firm power service (appendix B of settlement agreement):

1. Settlement rate revenues	$2,539,774
2. Operating expenses	1,909,123
3. Operating income	630,651
4. Rate base	8,137,433
5. Rate of return (based on 12 percent on equity) (line 3 ÷ line 4), 7.75 percent.	

Capitalization and rate of return (representing staff's filed capitalization and rate of return with return on equity adjusted to 12 percent)

	Ratio	Cost factor	Weighted component
Long-term debt	54.74	5.83	3.19
Preferred stock	10.39	5.07	.53
Common equity	1.31	12.00	4.03
Deferred taxes	33.56	0	0
Totals	100.00		7.75

APPENDIX B—*Kansas City Power & Light Co. rate schedule designations filing date: April 26, 1974*

[Docket No. E-8365]

Rate schedule designation	Service schedule	Other party
Supp. No. 3 to rate schedule FPC No. 30 (supersedes supp. No. 2)	WFP-1M	Prescott, Kans.
Supp. No. 3 to rate schedule FPC No. 60 (supersedes supp. No. 2)	WFP-1M	Higginsville, Mo.
Supp. No. 2 to rate schedule FPC No. 61 (supersedes supp. No. 1)	WFP-1M	Salisbury, Mo.
Supp. No. 2 to rate schedule FPC No. 62 (supersedes supp. No. 1)	WFP-1M	Armstrong, Mo.
Supp. No. 3 to rate schedule FPC No. 64 (supersedes supp. No. 2)	WFP-1M	Slater, Mo.
Supp. No. 3 to rate schedule FPC No. 66 (supersedes supp. No. 2)	WFP-1M	Gardner, Kans.
Supp. No. 2 to rate schedule FPC No. 71 (supersedes supp. No. 1)	WFP-1M	Pomona, Kans.
Supp. No. 2 to rate schedule FPC No. 68 (supersedes supp. No. 1)	CFP-3	Sugar Valley Electric Cooperative.
Supp. No. 2 to rate schedule FPC No. 69 (supersedes supp. No. 1)	CFP-3	Coffee County Electric Cooperative.
Supp. No. 3 to rate schedule FPC No. 49 (supersedes supp. No. 2)	WFP-1P	Missouri Public Service Co.
Supp. No. 4 to rate schedule FPC No. 51 (supersedes supp. No. 3)	HVFP-2	Missouri Power & Light Co.

[FR Doc.75-15204 Filed 6-11-75;8:45 am]

[Docket No. E-8878]

THE POTOMAC EDISON CO.

Order Accepting Proposed Settlement Agreement, Approving Rates, and Terminating Proceeding

JUNE 3, 1975.

On July 1, 1974 Allegheny Power Service Corporation (APSCO) tendered for filing, on behalf of its affiliate Potomac Edison Company (PE) certain revisions to its wholesale tariff schedules to provide for new customers acquired in a merger within the Allegheny Power system, an amendment to the electric service agreement with the Borough of Chambersburg, Pennsylvania, and notices of cancellation of certain rate schedules in effect before the merger for service to wholesale customers of PE's subsidiaries and affiliates. The revisions proposed represent an net annual increase in rates of $395,765, of which $55,320 is attributable to the Town of Front Royal, Virginia, based on estimated sales for the 12 months ended May 31, 1975. Attached as Appendix A is a summary cost of service based on Applicant's filing in support of the rate increase. Appendix B is the capitalization and claimed capital costs filed by PE in support of the rate increase.

Notice of this filing was issued on July 12, 1974, with protests and petitions to intervene due on or before July 29, 1974. On July 29, 1974, the Town of Front Royal, Virginia (Front Royal) filed a Motion to Reject or, alternatively, a Protest and Petition to Intervene. No other Protests or Petitions to Intervene were filed.

By order issued July 31, 1974, the filing was accepted and suspended until August 2, 1974 for all customers with the exception of Front Royal. With regard to service to Front Royal, an investigation pursuant to section 206 of the Federal Power Act was instituted.

Testimony and exhibits in support of these rates were filed on October 18 and October 29, 1974. On December 3, 1974, Staff Counsel filed a Statement of Position indicating that Staff believed the rates to be just and reasonable but agreeing with Front Royal that wholesale losses rather than system losses should be used in PE's fuel cost adjustment clause.

On January 23, 1975, a Settlement Agreement between Front Royal and PE was filed. An amendment to the Service Agreement between PE and Front Royal, dated February 23, 1970, consistent with the proposed Settlement Agreement, was also filed. The Settlement Agreement provides that PE's proposed fuel clause will become effective as to Front Royal effective as of February 1, 1975, but that PE will modify its fuel clause to conform to Order No. 517.[1] The Settlement Agreement provides also that the revised rates tendered in the instant proceeding will otherwise become effective on April 1, 1975, for service to Front Royal. Additionally, the Settlement Agreement contains an agreement that the parties shall negotiate additional agreements relating to interchange or transmission services

[1] Docket No. R-479, issued November 13, 1975.

as requested by Front Royal and that the capacity limitation on service to Front Royal heretofore contained in the Service Agreement will be removed.

Staff filed comments in support of the proposed settlement on February 20, 1975.

Our review of the rates and charges proposed in the instant proceeding to PE's customers other than Front Royal are just and reasonable and therefore that the refund obligation imposed by our order of July 31, 1974 be terminated and that the rates be effective August 2, 1974, as ordered therein. We also believe that the Settlement Agreement is in the public interest and approve it.

The Commission finds. (1) PE's proposed rate changes to customers other than Front Royal are just and reasonable and should be approved effective August 2, 1974, without refund obligation.

(2) The proposed Settlement Agreement is in the public interest and should be approved.

The Commission orders. (A) PE's rates and charges to wholesale customers other than Front Royal, as proposed to be amended herein, are accepted effective August 2, 1974, and the refund obligation established by our order of July 31, 1974 is hereby terminated.

(B) The proposed Settlement Agreement is hereby accepted and permitted to become effective February 1, 1975 with regard to PE's fuel clause and April 1, 1975 with regard to other aspects of the proposed rate increase.

(C) The proceedings herein are hereby terminated.

(D) The Secretary shall cause prompt publication of this order in the FEDERAL REGISTER.

By the Commission.

[SEAL] KENNETH F. PLUMB, *Secretary.*

APPENDIX A—*Cost of service study, 12 mo. ended Apr. 30, 1974, comparison of cost of service*

Line No.		Present rates (a)	Proposed rates (b)
	Rate base:		
1	Electric plant	$20,581,152	$20,581,152
2	Less accumulated depreciation	4,749,425	4,749,425
3	Net electric plant	15,831,737	15,831,737
	Add:		
4	Electric plant held for future use	88,500	88,500
5	Materials and supplies	400,911	400,911
6	Prepayments	95,665	95,665
7	Working cash allowance	360,680	323,277
	Deduct:		
8	Contributions in aid of construction		
9	Accumulated deferred income taxes	252,822	252,821
10	Total rate base	16,473,761	16,496,359
	Return:		
11	Operating revenues	3,924,938	4,174,896
	Operating expenses:		
12	Operation and maintenance	2,807,946	2,967,883
13	Depreciation	597,869	597,869
14	Taxes, other	321,053	322,928
15	Income taxes deferred	50,877	50,877
16	Amortization of deferred taxes	(21,420)	(21,420)
17	Investment tax credit, net	66,632	66,632
18	Income taxes, Federal	(528,363)	(487,091)
19	Income taxes, State	9,089	11,189
20	Total operating expenses	3,303,653	3,508,867
21	Return	621,285	666,029
22	Rate of return (percent)	3.77	4.04

APPENDIX B—*Claimed cost of capital assuming total return of 8.98 percent for 1973 and 9.76 percent for 1974*

	Dec. 31, 1973			Estimated Dec. 31, 1974		
	Ratio	Cost	Weighted cost	Ratio	Cost	Weighted cost
Long-term debt	52.8	6.40	3.38	51.0	7.24	3.69
Long-term unsecured lease obligation	1.7	6.50	.11	2.0	6.50	.13
Preferred stock	11.9	6.80	.81	11.9	7.13	.85
Common equity	33.6	13.93	4.68	35.1	14.50	5.09
Total			8.98			9.76

[FR Doc.75-15207 Filed 6-11-75;8:45 am]

[Rate Schedule Nos. 133, etc.]

CONTINENTAL OIL COMPANY, ET AL.

Rate Change Filings

JUNE 6, 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. Pursuant to Opinion No. 699-H the rates, if accepted, will become effective as of the date of filing.

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 20, 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). A protest will not serve to make the protestant a party to the proceeding. Any party wishing to become a party to a proceeding must file a petition to intervene in accordance with the Commission's rules.

KENNETH F. PLUMB,
Secretary.

APPENDIX

Filing date	Producer	Rate schedule No.	Buyer	Area
May 21, 1975	Continental Oil Co., P.O. Box 2197, Houston, Tex. 77001.	133	Tennessee Gas Pipeline Co.	Texas Gulf Coast.
May 22, 1975	Continental Oil Co.	248	Texas Eastern Transmission Corp.	Do.

[FR Doc.75-15384 Filed 6-11-75;8:45 am]

[Rate Schedule Nos. 212, etc.]

MOBIL OIL CORP., ET AL.

Rate Change Filings

JUNE 6, 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. Pursuant to Opinion No. 699-H the rates, if accepted, will become effective as of the date of filing.

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 20, 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). A protest will not serve to make the protestant a party to the proceeding. Any party wishing to become a party to a proceeding must file a petition to intervene in accordance with the Commission's rules.

KENNETH F. PLUMB,
Secretary.

APPENDIX

Filing date	Producer	Rate schedule No.	Buyer	Area
May 15, 1975	Mobil Oil Corp., 3 Greenway Plaza East, Suite 800, Houston, Tex. 77046.	212	Montana-Dakota Utilities Co.	Rocky Mountain.
May 16, 1975	Sun Oil Co., Southland Center, P.O. Box 2880, Dallas, Tex. 75221.	66	United Gas Pipe Line Co.	Other Southwest.
May 19, 1975	Continental Oil Co., P.O. Box 2197, Houston, Tex. 77001.	290	Montana-Dakota Utilities Co.	Rocky Mountain.
May 27, 1975	Burmah Oil & Gas Co., 2800 North Loop West, Houston, Tex. 77018.	31	Lone Star Gas Co.	Other Southwest.
May 28, 1975	General American Oil Co. of Texas, Meadows Bldg., Dallas, Tex. 75206.	45	Arkansas Louisiana Gas Co.	Do.

[FR Doc.75-15385 Filed 6-11-75;8:45 am]

[Project No. 349]

ALABAMA POWER CO.

Issuance of Annual License

JUNE 5, 1975.

On June 1, 1970, Alabama Power Co., Licensee for Martin Dam Project No. 349, located on the Tallapoosa River in Elmore, Tallapoosa, and Coosa Counties, within 30 miles of the cities of Alexander City, Auburn and Montgomery, Alabama, filed an application for a new license under section 15 of the Federal Power Act and Commission Regulations thereunder §§ 16.1-16.6).

The License for Project No. 349 was issued effective June 9, 1923 for a period ending June 8, 1973. Since the original date of expiration, the Project has been under annual license. In order to authorize the continued operation and maintenance of the Project pursuant to section 15 of the Act, pending Commission action on Licensee's application, it is appropriate and in the public interest to issue an annual license to Alabama Power Company for continued operation and maintenance of Project No. 349.

Take notice that an annual license is issued to Alabama Power Co. (Licensee) under section 15 of the Federal Power Act for the period June 9, 1975 to June 8, 1976, or until Federal takeover, or the issuance of a new license for the project, whichever comes first, for the continued operation and maintenance of Martin Dam Project No. 349, subject to the terms and conditions of its present license.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-15358 Filed 6-11-75;8:45 am]

[Docket No. E-8884]

CAROLINA POWER & LIGHT CO.

Filing of Changes of Service Agreements

JUNE 5, 1975.

Take notice that Carolina Power & Light Co. by letter of May 30, 1975, tendered for filing with the FPC changes outlined below in its filed agreements with certain electric membership corporations and the Town of Louisburg.

1. For the following electric membership corporations, the points of delivery were changed as indicated:

a. *Tideland EMC—Hobucken Point of Delivery*—The maximum commitment at this point of delivery was increased from 400 KW to 1,350 KW. In addition, an agreement was reached whereby the EMC will at a later date take the delivery at the secondary bus of Company's general distribution high tension substation within the area.

b. *Lumbee River EMC*—The present Laurinburg 23 KV point of delivery located on Company's distribution line is abandoned and a new point of delivery established at the secondary bus of Company's Laurinburg 115/23 KV bus.

c. *Brunswick EMC*—Two new 115 KV points of delivery are established by this filing, one to be known as Chadbourn-Peacock and the other to be known as Cherry Grove.

d. *South River EMC*—The Manchester 115 KV point of delivery is relocated and the metering voltage for this point of delivery is changed from 12 KV to 115 KV.

e. *Wake EMC*—A new 23 KV point of delivery, to be known as Knightdale, is established on a secondary bus of Company's Knightdale 115/23 KV substation.

2. The load presently served for Pee Dee EMC at the Hamlet Point of Delivery has been transferred to the Rockingham Point of Delivery and the Hamlet Point of Delivery is cancelled and terminated by this filing.

3. The point of delivery for the Town of Louisburg was relocated from the secondary bus of Company's 66/4 KV substation to the secondary bus of Company's 115/23 KV substation. In this relocation the Town of Louisburg is served under Agreement dated January 30, 1956, which has been filed with the Commission and assigned FPC No. 68.

The rates and charges for service rendered to the above customers are in accordance with Resale Service Schedule RS-10 filed in Docket No. E-8884, which is subject to refund pending final decision of the Commission in this Docket. Service to the electric membership corporations is provided under filed-out, unexecuted service agreements filed in this Docket. The filings made herewith for the electric membership corporations

will become a part of these filled-out, unexecuted service agreements.

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 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 filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-15359 Filed 6-11-75;8:45 am]

[Docket Nos. CP73-329; PGA75-5c]

CHATTANOOGA GAS CO.

Proposed PGA Rate Adjustment

JUNE 6, 1975.

Take notice that on May 30, 1975, Chattanooga Gas Co., (Chattanooga) tendered for filing proposed changes to Original Volume No. 1 of its FPC Gas Tariff to be effective on January 1, 1975, consisting of the following revised tariff sheets:

TENTH REVISED SHEET NO. 6

Chattanooga states that the sole purpose of this Revised Tariff Sheet is to adjust Chattanooga's LNG rates pursuant to the PGA provision in section 5 of the General Terms and Conditions of its FPC Tariff to reflect PGA rate increases by its suppliers, Southern Natural Gas Co. (Southern) and East Tennessee Natural Gas Co. (East Tennessee) in FPC Docket No. RP71-15 as accepted for filing by the Commission by Letter Orders dated February 25, 1975 and January 9, 1975, respectively.

Chattanooga requests that its Tenth Revised Sheet No. 6 be made effective on January 1, 1975, the effective date of the underlying increases of Southern and East Tennessee.

Based upon the rates of Southern and East Tennessee as finally accepted by the Commission, Chattanooga requests that the Commission treat Chattanooga's Ninth Revised Sheet No. 6 and Eighth Revised Sheet No. 6 previously filed with the Commission as having been withdrawn and thereby, not become effective on any date.

Chattanooga states that copies of the filing have been mailed to all of its jurisdictional customers.

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 20, 1975. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of the filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-15360 Filed 6-11-75;8:45 am]

[Docket Nos. CP73-329; PGA75-7]

CHATTANOOGA GAS CO.

Proposed PGA Rate Adjustment

JUNE 6, 1975.

Take notice that on May 30, 1975, Chattanooga Gas Co. (Chattanooga) tendered for filing proposed changes to Original Volume No. 1 of its FPC Gas Tariff to be effective on March 15, 1975, consisting of the following revised tariff sheets:

TWELFTH REVISED SHEET NO. 6

Chattanooga states that the sole purpose of this Revised Tariff Sheet is to adjust Chattanooga's LNG rates pursuant to the PGA provision in Section 5 of the General Terms and Conditions of its FPC Tariff to reflect increased purchased gas costs resulting from a PGA rate increase by one of its suppliers, East Tennessee Natural Gas Co. (East Tennessee) in FPC Docket No. RP71-15 to give effect to the adjustment of Tennessee Gas Pipeline Co. which reflected the current gas supply curtailment on Tennessee's system. The PGA rate increase as filed by East Tennessee was accepted by the Commission on April 4, 1975.

Chattanooga requests that its Twelfth Revised Sheet No. 6 be made effective on March 15, 1975, the effective date of the underlying increase of East Tennessee.

Chattanooga states that copies of the filing have been mailed to all of its jurisdictional customers.

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 20, 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.75-15361 Filed 6-11-75;8:45 am]

[Docket No. CP75-345]

CITIES SERVICE GAS CO.

Application

JUNE 6, 1975.

Take notice that on May 21, 1975, Cities Service Gas Co. (Applicant), P.O. Box 25128, Oklahoma City, Oklahoma 73125, filed in Docket No. CP75-345 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 looping facilities as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes to construct and operate (1) approximately 14.25 miles of 20-inch gas pipeline and related appurtenant facilities looping Applicant's existing 20-inch and 16-inch pipeline in Jasper County and Newton County, Missouri, and (2) approximately 4.14 miles of 20-inch gas pipeline and related appurtenant facilities paralleling and looping Applicant's existing Southern Trunk 20-inch pipeline in Montgomery County, Kansas.

Applicant states that the facilities it proposes to install and operate would alleviate the capacity problem on its system referred to in the Commission's order issued November 30, 1972 (46 FPC 1270). It is stated that based on expected curtailed 1975-1976 heating season deliveries from Arkansas Louisiana Gas Co. and deliveries of 36,793 Mcf per day, the proposed facilities would enable Applicant to transport sufficient supplemental volumes of gas into its Springfield 16-inch and 20-inch pipelines to serve the peak-day requirements of its Rate Schedule F-2 customers east of Saginaw Compressor Station. Applicant states that no new sales or service are contemplated pursuant to this application.

Applicant estimates the total cost of the proposed 14.25-mile pipeline to be $2,300,000, and the total cost of the 4.14-mile pipeline to be $623,000, which would be paid from treasury cash.

Any person desiring to be heard or to make any protest with reference to said application should on or before June 26, 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. 75-15362 Filed 6-11-75;8:45 am]

[Docket No. RP74-4]

CITIES SERVICE GAS CO.

Filing of Stipulation and Agreement

JUNE 5, 1975.

Take notice that on May 30, 1975, Cities Service Gas Co. (Cities), filed a Stipulation and Agreement (Stipulation) applicable to its jurisdictional rates which were in effect subject to refund during a "locked-in" period from January 23, 1974, through April 22, 1975, in this proceeding. Cities states that the Stipulation would resolve all of the issues outstanding in this proceeding with the exception of three issues specifically reserved for hearing.

Cities states that the Presiding Administrative Law Judge has been asked to certify the record, including the evidence of all parties and the Commission's Staff, to the Commission for its consideration in approving the Stipulation.

Cities states that copies of the Stipulation were served on all parties to the above-entitled proceeding.

Any person desiring to comment upon the Stipulation should file such comments with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, on or before June 20, 1975.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-15363 Filed 6-11-75;8:45 am]

[Docket No. E-9457]

COMMONWEALTH EDISON CO.

Filing of Proposed Interconnection Agreement

JUNE 4, 1975.

Take notice that Commonwealth Edison Co. (ComEd), on May 23, 1975, tendered for filing a new Interconnection Agreement between Commonwealth Edison Co. and Wisconsin Power and Light Co. It provides, in Appendix A, for a point of interconnection between the parties, expected to be in service on or about August 1, 1975, which ComEd states is necessary for the commencement of service under the agreement. The agreement further provides for the interchange of electricity between the parties under six service schedules as follows.

Service schedule:	*Type of service*
A	Limited term power
B	Emergency energy
C	Economy energy
D	Short term power
E	Maintenance energy
F	General purpose energy

ComEd states that the agreement was negotiated between the parties and has been fully executed. It is nearly identical to the new interconnection agreement dated as of April 1, 1973 between Edison and Wisconsin Electric Power Co., which was accepted for filing by the Federal Power Commission in Docket No. E-8128. Such services and rates of charge are also similar to those provided in interconnection agreements between Edison and other utility companies. ComEd states that since it is impossible to determine in advance the transactions which will be scheduled under this new agreement, it is not possible to estimate revenues to either party thereunder.

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 June 20, 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.75-15364 Filed 6-11-75;8:45 am]

[Docket No. E-9467]

CONNECTICUT LIGHT AND POWER CO.

Transmission Agreement

JUNE 6, 1975.

Take notice that on May 30, 1975, The Connecticut Light and Power Co. (CL&P) tendered for filing a proposed rate schedule with respect to Transmission Agreement dated April 1, 1975, between (1) CL&P, The Hartford Electric Light Co. (HELCO) and Western Massachusetts Electric Co. (WMECO) and (2) City of Holyoke Gas and Electric Department (HG&E).

CL&P states that the Transmission Agreement provides for a transmission service to HG&E during the period from May 1, 1975 to October 31, 1975.

CL&P states that questions as to (i) HG&E's Capability Responsibility obligation, under the terms of the New England Power Pool (NEPOOL) Agreement, during the Term of this Transmission Agreement, and (ii) the amount of HG&E's purchase of Vermont Yankee capacity, delayed HG&E's request for transmission service and such questions were not resolved until a date which prevented the filing of this rate schedule more than thirty days prior to the proposed effective date.

CL&P therefore requests that, in order to permit HG&E to receive transmission service to wheel their Vermont Yankee entitlement, the Commission, pursuant to Section 35.11 of its regulations, waive the thirty-day notice period and permit the rate schedule filed to become effective on May 1, 1975.

CL&P states that the monthly transmission charge is equal to one-twelfth of the estimated annual average unit cost of transmission service on the systems of the Northeast Utilities companies multiplied by the number of kilowatts of winter capability which HG&E is entitled to receive, reduced to give due recognition of the payments made by HG&E for transmission services on intervening systems.

CL&P states that HELCO and WMECO have filed certificates of concurrence in this docket.

CL&P states that copies of this rate schedule have been mailed or delivered to CL&P, Hartford, Connecticut, HELCO, Hartford, Connecticut, WMECO, West Springfield, Massachusetts and HG&E, Holyoke, Massachusetts.

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, 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 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.75-15365 Filed 6-11-75;8:45 am]

[Docket No. E-9464]

DELMARVA POWER & LIGHT COMPANY OF MARYLAND

Filing of Tariff Change

JUNE 5, 1975.

Take notice that on May 30, 1975 Delmarva Power & Light Co. (Delmarva) tendered for filing a proposed Supplemental Agreement to its Interconnection Agreement with The Easton Utilities Commission and The Town of Easton, Maryland, designated Delmarva, Md. Rate Schedule FPC No. 11. Delmarva

states that the purpose of the Supplemental Agreement is to provide for strengthening of the planning and operation coordination between the parties by determination of forecast electric generating obligations, and establishment of responsibilities and accounting pursuant thereto, which will be consistent with Delmarva's obligations under the Interconnection Agreement between Delmarva and Philadelphia Electric Co., dated November 29, 1967, which was amended and supplemented June 1, 1974, designated Delmarva Rate Schedule FPC No. 36 and Supplements thereto.

Delmarva has requested a waiver of the 30 day notice requirement pursuant to § 35.11 to allow an effective date of June 1, 1975 in order that the accounting periods Delmarva uses for Easton and Philadelphia Electric Co. might be coordinated. Delmarva states that Easton concurs in the waiver request.

Delmarva states that copies of the filing have been served upon The Easton Utilities Commission.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before June 19, 1975. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-15366 Filed 6-11-75;8:45 am]

[Docket No. E-9465]

DELMARVA POWER & LIGHT CO.

Tariff Change

JUNE 5, 1975.

Take notice that on May 30, 1975 Delmarva Power & Light Co. (Delmarva) tendered for filing a proposed Supplemental Agreement to its Interconnection Agreement with the City of Dover, Delaware, designated Delmarva Rate Schedule FPC No. 38. Delmarva states that the purpose of the Supplemental Agreement is to provide for strengthening of the planning and operation coordination between the parties by determination of forecast electric generating obligations, and establishment of responsibilities and accounting pursuant thereto, which will be consistent with Delmarva's obligations under the Interconnection Agreement between Delmarva and Philadelphia Electric Co., dated November 29, 1967, which was amended and supplemented June 1, 1974, designated Delmarva Rate Schedule FPC No. 36 and Supplements thereto.

Delmarva has requested a waiver of the 30 day notice requirement pursuant to § 35.11 to allow an effective date of June 1, 1975 in order that the accounting periods used by Delmarva for Dover and Philadelphia Electric Co. may be coordinated. Delmarva states that Dover concurs in the waiver request.

Delmarva states that copies of the filing have been served upon the City of Dover, Delaware.

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 19, 1975. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-15367 Filed 6-11-75;8:45 am]

EL PASO NATURAL GAS CO.

Tariff Filing

JUNE 6, 1975.

Take notice that on May 27, 1975, El Paso Natural Gas Co. (El Paso) tendered for filing, pursuant to Part 154 of the Commission's regulations Under the Natural Gas Act, the following revised tariff sheets to its **FPC Gas Tariff,** Original Volume No. 1, Third Revised Volume No. 2 and Original Volume No. 2A:

ORIGINAL VOLUME NO. 1

Sixteenth Revised Sheet No. 92
Seventeenth Revised Sheet No. 93
Nineteenth Revised Sheet No. 94
Twelfth Revised Sheet No. 95
Original Sheet No. 95-A

THIRD REVISED VOLUME NO. 2

Twelfth Revised Sheet No. 1
Twelfth Revised Sheet No. 1-B
Seventh Revised Sheet No. 1-C

ORIGINAL VOLUME NO. 2A

Third Revised Sheet No. 1
Third Revised Sheet No. 1-A
Third Revised Sheet No. 1-B

El Paso states that the tariff sheets identified above, when accepted for filing and permitted to become effective, will provide a current Index of Purchasers for El Paso's Original Volume No. 1 tariff and a current Table of Contents in El Paso's Third Revised Volume No. 2 and Original Volume No. 2A tariff.

Any person desiring to be heard or to make any protest with reference to said filing should, on or before June 20, 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. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-15368 Filed 6-11-75;8:45 am]

[Project No. 362]

FORD MOTOR CO.

Issuance of Annual License

JUNE 5, 1975.

On May 31, 1974, the Ford Motor Co., Licensee for Twin City Lock and Dam Project No. 362, located at United States Lock and Dam No. 1 on the Mississippi River in Hennepin and Ramsey Counties between the Cities of St. Paul and Minneapolis, Minnesota, filed an application for a new license under section 15 of the Federal Power Act and Commission regulations thereunder (§§ 16.1-16.6).

The License for Project No. 362 was issued effective June 7, 1923 for a period ending June 6, 1973. Since the original date of expiration, the Project has been under annual license. In order to authorize the continued operation and maintenance of the Project pursuant to section 15 of the Act, pending Commission action on Licensee's application, it is appropriate and in the public interest to issue an annual license to the Ford Motor Co. for continued operation and maintenance of Project No. 362.

Take notice that an annual license is issued to the Ford Motor Co. (Licensee) under section 15 of the Federal Power Act for the period June 7, 1975 to June 6, 1976, or until Federal takeover, or the issuance of a new license for the project, whichever comes first, for the continued operation and maintenance of Twin City Lock and Dam Project No. 362, subject to the terms and conditions of its present license.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-15369 Filed 6-11-75;8:45 am]

[Docket No. RP75-107]

GRANITE STATE GAS TRANSMISSION, INC.

Proposed Changes in Rates and Charges

JUNE 4, 1975.

Take notice that on May 30, 1975, Granite State Gas Transmission, Inc., (Granite State) tendered for filing pro-

posed changes in its FPC Gas Tariff, Original Volume No. 1.

Granite State declares the proposed rate changes would increase Granite State's revenues from jurisdictional sales by $217,750 annually, based on the twelve months ended January 31, 1975, as adjusted. Granite State proposes to make the increased rates effective July 1, 1975. Granite State also requests waiver of § 154.66 of the Commission's regulations to permit it to adjust the rates in the tendered filing to reflect a purchased gas adjustment filing, (Docket No. RP73-17; PGA75-5) proposed effective July 1, 1975, when the rates in this filing become effective.

According to Granite State, the increased rates are required to reflect the effect on its cost of service and revenue requirements of reduced deliveries of natural gas from its sole supplier, Tennessee Gas Pipeline Co., increases in operating expenses, depreciation expense and taxes, and increases in cost of capital including an overall rate of return of 9.68%.

Granite State states that copies of its rate filing were served on the Company's jurisdictional customer, Northern Utilities, Inc., and the Public Utility Commission of the States of New Hampshire and Maine. Also, Granite State states that Statement P will be filed within fifteen days of its filing.

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 20, 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.75-15370 Filed 6-11-75;8:45 am]

[Docket No. RP72-149, PGA 75-10]

MISSISSIPPI RIVER TRANSMISSION CORP.

Proposed Change in Rates

JUNE 5, 1975.

Take notice that Mississippi River Transmission Corp. (Mississippi) on May 23, 1975 tendered for filing Thirtieth-First Revised Sheet No. 3A to its FPC Gas Tariff, First Revised Volume No. 1 to become effective July 1, 1975.

The purpose of the instant filing, which is being made pursuant to the Purchased Gas Cost Adjustment (PGA) clause to Mississippi's tariff is to track rate decreases of two of Mississippi's Pipeline suppliers, i.e., United Gas Pipe Line Co. and Natural Gas Pipe Line Company of America. Such decreases result from elimination of the Opinion No. 699-H surcharge from United's rates. Mississippi requests waiver in order to permit such decreases to be effective July 1, 1975.

Mississippi also tendered Alternate Thirty-First Revised Sheet No. 3A to be effective July 1, 1975 in order to reflect recovery of costs associated with its purchases in the Mills Ranch Field. Mississippi requests that Alternate Thirty-First Revised Sheet No. 3A be accepted effective July 1, 1975 in the event the Commission upon reconsideration modifies its prior orders so as to permit Mississippi to recover in its current rates the costs which are at issue, subject to refund upon disposition of the proceedings at Docket No. RP75-20.

Mississippi submitted schedules containing computations supporting the rate changes to be effective July 1, 1975. Mississippi states that copies of its filing were served on Mississippi's jurisdictional customers and the State Commissions of Arkansas, Illinois and Missouri.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission 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 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 unless such petition has previously been filed. Copies of the filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-15371 Filed 6-11-75;8:45 am]

[Docket No. RP75-108]

NATURAL GAS PIPELINE COMPANY OF AMERICA

Proposed Changes in Rates and Charges

JUNE 6, 1975.

Take notice that on May 30, 1975, Natural Gas Pipeline Company of America (Natural) tendered for filing proposed changes to the following tariff sheets to its FPC Gas Tariff, Third Revised Volume No. 1 and Second Revised Volume No. 2:

THIRD REVISED VOLUME NO. 1

Twenty-fifth Revised Sheet No. 5
Original Sheet No. 5A
Fifth Revised Sheet No. 119
Fourth Revised Sheet No. 120-A

SECOND REVISED VOLUME NO. 2

Eighth Revised Sheet No. 220
Second Revised Sheet No. 270

The proposed tariff sheet changes would produce increased jurisdictional revenues of $52.9 million based on sales and transportation volumes for the test year, twelve months ended February 28, 1975, as adjusted.

Natural states that the jurisdictional rates as filed were designed to enable Natural to recover its increased jurisdictional cost of service for the test period which is based on the twelve months ended February 28, 1975, adjusted to include the annualized effect of changes which are known and measurable with reasonable accuracy and which will become effective by November 30, 1975. In addition to the increased costs associated with the exploration, development, and acquisition of additional gas reserves, Natural states that the principal increase costs result from a proposed increase in overall rate of return to 10.41 percent, which would permit a rate of return to equity of 15.25 percent, a change in depreciation rate to 5.5 percent, and additional plant facilities.

Natural states that alternate tariff sheets were also submitted in order to reflect rates excluding the costs associated with (1) the effect of including in rate base construction work in progress as proposed under the Commission's pending rulemaking proceedings in Docket No. RM75-13, and (2) the costs associated with certain payments relating to the exploration, development and acquisition of additional gas reserves. The rates reflected in the alternate tariff sheets indicate an annual revenue increase of $36.2 million.

Copies of this filing have been served on the customers of Natural, and interested public bodies.

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 25, 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.75-15372 Filed 6-11-75;8:45 am]

[Docket No. CP75-183]

NATURAL GAS PIPELINE COMPANY OF AMERICA

Amendment to Application

JUNE 4, 1975.

Take notice that on May 14, 1975, Natural Gas Pipeline Company of America (Applicant), 122 South Michigan Avenue, Chicago, Illinois 60603, filed in Docket No. CP75-183 an amendment to its application for a certificate of public convenience and necessity filed on December 19, 1974, pursuant to section 7(c) of the Natural Gas Act, to allow Applicant to purchase 25 percent of

the natural gas delivered by Colorado Interstate Gas Co., a Division of Colorado Interstate Corporation (CIG), all as more fully set forth in the amendment which is on file with the Commission and open to public inspection.

Applicant states that in its application of December 19, 1974, it proposed the option of purchasing up to 25 percent of the natural gas delivered under the proposed exchange agreement by CIG to it in Lea County, New Mexico. In its amendment, Applicant states that it proposes to exercise that option and purchase 25 percent of the gas delivered. The agreement between Applicant and CIG states that Applicant will reimburse CIG for 25 percent of the advance payments incurred or subsequently incurred on dedicated gas under said gas purchase agreement and that Applicant shall pay an initial price of 80 cents per Mcf at 14.65 psia for gas delivered by CIG.

Any person desiring to be heard or to make any protest with reference to said amendment should on or before June 27, 1975, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-15373 Filed 6-11-75;8:45 am]

[Docket No. CP75-251]

NORTHWEST ALASKA CO.

Supplement to Application

JUNE 4, 1975.

Take notice that on May 28, 1975, Northwest Alaska Co. (Applicant), 315 East Second South, Salt Lake City, Utah 84111, filed in Docket No. CP75-251 a supplement to its application filed in the subject docket on March 3, 1975,[1]

[1] Notice of the application was published in the FEDERAL REGISTER on March 18, 1975 (40 FR 12315).

pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale of natural gas in interstate commerce to Northwest Pipeline Corp. (Northwest), an affiliated company of Applicant, by which supplement Applicant submits Exhibit L (financing) and Exhibit P(i) (pro forma tariff) to the application, all as more fully set forth in the supplement which is on file with the Commission and open to public inspection.

By its application Applicant proposes to resell to Northwest natural gas from producers in the Alaskan North Slope and/or Canadian Mackenzie Delta areas. Applicant's proposal is predicated on the issuance of authorizations requested by Alaskan Arctic Gas Pipeline Co. (Alaskan Arctic) and Interstate Transmission Associates for the transportation of Alaskan and Canadian gas. Applicant states that although finalized financing arrangements and tariff terms are not presently possible, Applicant submits Exhibits L and P(i) in an effort to facilitate the Commission's consideration of the delivery system proposed by Alaskan Arctic, et al., and the processing of Applicant's application.

In Exhibit I Applicant states that it presently anticipates that its capital requirements for the proposed sale will be covered by Northwest in the form of prepayments and that it will not issue any securities in order to finance the proposed sale of gas. Applicant further states that it does not propose to construct any facilities in connection with the proposed sale to Northwest.

Applicant proposes to sell gas to Northwest under a tariff which will provide for recovery of Applicant's full cost of service related to Applicant's proposed service. Thus, as shown in Exhibit P(i), Applicant proposes to charge Northwest a rate which includes the costs associated with the purchase of gas in Alaska or Canada, the transportation charges of the transporting pipelines, Applicant's overhead and administrative costs, and a return on common equity of 16.0 percent.

Applicant states that because it can presently make no meaningful estimate of the revenues, expenses and cost of service associated with the proposed sale, Applicant is still unable to prepare Exhibits N (revenue-expenses-income) and P(ii) (tariff supporting data).

Any person desiring to be heard or to make any protest with reference to said supplement should on or before June 30, 1975, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) 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. Any person who has heretofore filed a petition to intervene, notice of intervention or protest to the granting of the application in this proceeding need not file again.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-15374 Filed 6-11-75;8:45 am]

[Docket No. CP75-234]

NORTHWEST PIPELINE CORP.

Order Providing for Formal Hearing and Granting Interventions

JUNE 6, 1975.

On February 14, 1975, Northwest Pipeline Corp. (Northwest), filed in Docket No. CP75-234 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing compensating increases and decreases in the Maximum Daily Demand Obligation (MDDO) which applicant is authorized to sell and deliver to Intermountain Gas Company (Intermountain) at eighteen points of delivery from Northwest's transmission system, all in the State of Idaho. Northwest also requests authority to construct and operate certain measuring and regulating facilities to provide for entitlement increases at specific delivery points.

By Commission order of September 21, 1973, in Docket Nos. CP73-331 et al., Northwest was authorized to sell and deliver a contract quantity of 156,003 Mcf per day to Intermountain at a number of delivery points in Idaho. On October 25, 1974, in Docket No. CP75-36, Northwest was authorized to provide Intermountain with a new delivery point near Nampa, Idaho, for the purpose of supplying natural gas to a liquefied natural gas (LNG) plant constructed by Intermountain.

Northwest states in its application that Intermountain seeks to amend Exhibit A of the current service agreement in order to reallocate the maximum daily quantity of natural gas that Northwest is obligated to sell and deliver to Intermountain at certain of its existing points of delivery. Northwest states further that the contract quantity of 156,003 Mcf per day to Intermountain will remain constant and that the reallocation did not require the construction of mainline facilities.

An analysis of the market requirements filed by Northwest indicates that the preponderance of the increase in delivery entitlements will be allocated to the Twin Falls, Soda Springs and Simplot areas. The decrease in delivery entitlements would come principally from in the Meridian-Boise area, Mountain Home Air Force Base and the Burley, Rupert and Heyburn delivery point, as well as lesser reductions from a number of other existing delivery points. By letter to Northwest dated September 23, 1974, Intermountain stated that the increases in delivery entitlements are necessary to serve existing and anticipated Priority 1 and 2 customers and two existing Priority 2 anhydrous ammonia plant expansions.

Northwest states that it will replace existing meters at Twin Falls and Soda Springs with double 6'' orifice meters to measure the increased volumes of reallocated natural gas. Northwest states that the cost of such facilities will be $18,897. Northwest further alleges that the proposed reallocation will have no effect on rates or billing practices.

Petitions to intervene have been filed by Washington Natural Gas Co., Cascade Natural Gas Corp. and Intermountain. All three petitions support Northwests application.

The gas volumes which will be reallocated from the Meridian-Boise area are proposed to be supplemented by peak day volumes of gas from Intermountain's LNG facility. Northwest, however, does not state how gas reallocated from Mountain Home Air Force Base and from the Burley, Rupert and Heyburn and other delivery point will be supplemented.

By order of February 26, 1975, in Docket No. CP73-332, Northwest was authorized to import short term emergency volumes of natural gas from Canada at a rate of up to 55,000 Mcf per day, of which Intermountain would receive up to 5,000 Mcf per day Northwest does not indicate in its application what delivery points would receive such gas.

We believe that a formal hearing should be convened to determine, inter alia, the following:

1. How would the decreases in delivery entitlements to Mountain Home Air Force Base and the Burley, Rupert and Heyburn delivery point be supplemented?

2. Up dated data to indicate the manner by which Intermountain allocate the gas deliveries anticipated to be received from Northwest during future periods.

3. What were the actual deliveries to Intermountain during the 1974-75 winter?

4. What degree of curtailment is reflected in Exhibit I of application, showing projected deliveries to Intermountain?

5. What degree of curtailment is projected systemwide by Northwest?

6. How does Intermountain allocate curtailment among its customers?

The Commission finds:

(1) It is necessary and appropriate that the proceeding in Docket No. CP75-234 be set for formal public hearing.

(2) The interventions filed by Washington Natural Gas Co., Cascade Natural Gas Corp. and Intermountain may be in the public interest.

The Commission orders:

(A) Northwest Pipeline Corp., and all supporting interveners, shall file testimony and exhibits comprising their cases-in-chief on or before June 30, 1975.

(B) A formal hearing shall be convened in the proceeding in Docket No. CP75-234, in a hearing room of the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426 on July 21, 1975, at 1 p.m. (EDT). The Presiding Administrative Law Judge to be designated by the Chief Administrative Law Judge for the purpose—See Delegation of Authority 18 CFR 3.51(d)—shall preside at the hearing in this proceeding and shall prescribe relevant procedures not herein provided.

(C) The above-mentioned interveners are permitted to intervene in this proceeding subject to the rules and regulations of the Commission; *Provided, however*, That participation of such interveners shall be limited to matters affecting asserted rights and interests as specifically set forth in the petitions to intervene, and *Provided, further*, That the admission of such interveners shall not be construed as recognition by the Commission that they might be aggrieved because of any order of the Commission entered in this proceeding.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Secretary.

[FR Doc.75-15375 Filed 6-11-75;8:45 am]

[Docket No. CP75-153]

SOUTHERN NATURAL GAS CO., ET AL.

Amendment to Application

JUNE 4, 1975.

Take notice that on May 14, 1975, Southern Natural Gas Co. (Applicant), P.O. Box 2563, Birmingham, Alabama 35202, filed in Docket No. CP75-153, an amendment to the joint application filed in said docket pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the transportation of natural gas with United Gas PipeLine Co. and Florida Gas Transmission Co. for Trans-Ocean Oil, Inc., all as more fully set forth in the amendment which is on file with the Commission and open to public inspection.

Applicant states that the portion of the application covered by the instant amendment involves only Applicant and that United Gas PipeLine Company and Florida Gas Transmission Company have no objection to this amendment.

Applicant further states that it proposes in its application in the instant docket an annual charge of $1,178,389 to Trans-Ocean Oil, Inc., for the transportation of up to 38,500 Mcf of gas per day from South Marsh Island Blocks 268, 269 and 281, offshore Louisiana, to a processing plant in St. Mary's Parish, Louisiana, and from the processing plant to Franklinton, Louisiana. Applicant now proposes to charge and collect a transportation charge of $1,408,576 in anticipation of a general rate increase that was filed in Docket No. RP75-84, pursuant to Section 4 of the Natural Gas Act, which Petitioner anticipates will become effective October 16, 1975.

Any person desiring to be heard or to make any protest with reference to said amendment should on or before June 27, 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. Persons who have heretofore filed protests, petitions to intervene, or notices of intervention in the instant docket need not file again.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-15376 Filed 6-11-75;8:45 am]

[Docket No. RI75-6]

SUN OIL CO.

Further Extension of Procedural Dates

JUNE 6, 1975.

On June 4, 1975, Sun Oil Co. filed a motion to extend the procedural dates fixed by order issued February 28, 1975, as most recently modified by notice issued May 15, 1975, in the above-designated matter. The motion states that the parties have been notified and have no objection.

Upon consideration, notice is hereby given that the procedural dates in the above matter are modified as follows:

Service of Company Direct Testimony, July 2, 1975.
Service of Staff Testimony, July 16, 1975.
Service of Company Rebuttal, July 23, 1975.
Hearing, July 21, 1975 (10 a.m. e.d.t.).

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-15377 Filed 6-11-75;8:45 am]

[Dockets Nos. E-9007 and E-9054]

TAMPA ELECTRIC CO.

Extension of Time

JUNE 5, 1975.

On May 30, 1975, Tampa Electric Co. filed a motion to extend the procedural dates fixed by order issued April 30, 1975, in the above-designated matter.

Upon consideration, notice is hereby given that the date for filing direct testimony by the Company is extended to July 3, 1975.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-15378 Filed 6-11-75;8:45 am]

[Docket No. CP75-343]

TEXAS EASTERN TRANSMISSION CORP.

Application

JUNE 6, 1975.

Take notice that on May 21, 1975, Texas Eastern Transmission Corp. (Applicant), P.O. Box 2521, Houston, Texas 77001, filed in Docket No. CP75-343 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the continued sale and delivery of natural gas to National Gas & Oil Corp. (National), under a prior agreement between Applicant and National and to National as successor in interest of Permian Oil & Gas Co. (Permian), all as more fully set forth in the application

on file with the Commission and open to public inspection.

Applicant states that Permian's properties were acquired by National on February 18, 1975, and that on May 2, 1975, National requested that Applicant combine the sales and deliveries of a maximum daily quantity of 22,261 dekatherms (Dth) and an annual quantity of 8,125,265 Dth into a single service agreement under Applicant's Rate Schedule DCQ–C. Applicant further states that it is presently authorized to sell a maximum daily quantity of 20,401 Dth of gas to National under Rate Schedule DCQ–C and a maximum daily quantity of 1,860 Dth of gas to Permian under Rate Schedule SGS–C. Applicant alleges that the proposed authorization will not affect Applicant's existing service to other customers, nor will it affect Applicant's existing curtailment procedures and policies.

Any person desiring to be heard or to make any protest with reference to said application should on or before June 27, 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.75–15379 Filed 6–11–75;8:45 am]

[Docket No. RP74–39–24]

TEXAS EASTERN TRANSMISSION CORP. AND CITY OF HUNTINGBURG, INDIANA

Petition for Extraordinary Relief

JUNE 5, 1975.

On May 21, 1975, the City of Huntingburg, Indiana (Huntingburg) filed a petition for extraordinary relief pursuant to § 1.7(b) of the Commission's rules of practice and procedure. Specifically Huntingburg requests that the Commission issue an order directing Texas Eastern Transmission Corp. (TETCO) to increase Huntingburg's Annual Quantity Entitlement (AQE) by 40,000 dths for the twelve months ending August 31, 1975, and by 85,940 dths for each year thereafter.

Huntingburg states that its AQE, which was established in August, 1972, does not reflect loads which the city had committed itself to serve prior to the AQE base year (12 months ending March 31, 1972). The prior commitments for 85,940 dths were made, Huntingburg alleges, to four customers:

	dths/yr
Southridge High School	27,600
Middle School	8,000
Bartley Brand Foods	6,886
Huntingburg Brick Co.	43,454
Total	85,940

Huntingburg states that without the relief it requests, it will be forced to curtail residential and commercial load by June 1, 1975, or pay up to $120,000 in penalty charges for the 12 months ending August 31, 1975, a sum which "could potentially bankrupt this small system".

Any person desiring to be heard or to make protest with reference to said petition should on or before June 20, 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. 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 petition is on file with the Commission and is available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75–15380 Filed 6–11–75;8:45 am]

[Project No. 1889]

WESTERN MASSACHUSETTS ELECTRIC CO.

Issuance of Annual License

JUNE 6, 1975.

On June 19, 1969, Western Massachusetts Electric Co., Licensee for Turners Falls & Cabot Project No. 1889, located in Windham County, Vermont, Franklin County, Massachusetts, and Cheshire County, New Hampshire, on the Connecticut River, filed an application for a new license under section 15 of the Federal Power Act and Commission Regulations thereunder (§§ 16.1–16.6).

The license for Project No. 1889 was issued effective January 1, 1938, for a period ending June 30, 1970. Since the original date of expiration, the project has been under annual license. In order to authorize the continued operation and maintenance of the project pursuant to section 15 of the Act, pending Commission action on Licensee's application, it is appropriate and in the public interest to issue an annual license to Western Massachusetts Electric Co. for continued operation and maintenance of Project No. 1889.

Take notice that an annual license is issued to Western Massachusetts Electric Co. (Licensee) under section 15 of the Federal Power Act for the period July 1, 1975, to June 30, 1976, or until Federal takeover, or the issuance of a new license for the project, whichever comes first, for the continued operation and maintenance of the Turners Falls & Cabot Project No. 1889, subject to the terms and conditions of its present license.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75–15381 Filed 6–11–75;8:45 am]

[Dockets Nos. E–9143; E–9476]

WEST TEXAS UTILITIES CO.

Order Terminating Rate Proceeding and Providing for Investigation and Hearing

JUNE 6, 1975.

This order terminates the West Texas Utilities Co. (West Texas) rate proceeding in Docket No. E–9143 and institutes an investigation to determine the lawfulness of the alleged restrictive provisions of Articles 7 and 8 of its contract dated November 21, 1974, with Gate City Electric Cooperative, Inc. (Gate City). On November 29, 1974, West Texas tendered for filing a proposed rate increase[1] for electric service to Gate City at Childress, Texas. On December 27, 1974, Gate City filed a protest with respect to the increase and the allegedly restrictive provisions of its contract with West Texas. By order issued December 31, 1974, in Docket No. E–9143 the Commission suspended the proposed increase for one day until January 2, 1975. The Commission also required the filing of a revised fuel adjustment clause conforming to Opinion No. 633, New England Power Company, 48 FPC 899, 907, 908 (1972).

On January 23, 1975, West Texas asked for partial rehearing of the Commission's order contending that the rate increase was reasonable and only amounted to $14,400 annually. On February 13, 1975, the Commission staff filed a motion to terminate the rate proceeding and to institute an investigation into the allegedly restrictive provisions of the Gate City contract. By order of February 21, 1975, the Commission granted rehearing for purposes of further consideration with respect to the filing of a revised fuel clause and any answers that might be filed with respect to the staff's motion. A revised fuel clause has been

[1] Designated as West Texas Utilities Company Rate Schedule FPC No. 22, superseding Rate Schedule FPC No. 11.

received and accepted by the Commission and no answers have been received to the staff's motion.

In its filing West Texas showed that its proposed rate would yield an overall rate of return of 8.46 percent, including an 11.68 percent return on common equity. In our opinion such a rate of return is within a reasonable range taking into account the small rate increase involved. We agree with the staff's statement that based on a comprehensive analysis of West Texas' filed cost of service data, the proposed increased rates are not excessive and are fully justified from a cost of service standpoint. We shall therefore terminate the rate proceeding in Docket No. E-9143.

In its protest filed December 27, 1974, Gate City contends that West Texas purports to circumvent Federal antitrust statutes by a prohibition against interstate deliveries by Gate City under Articles 7 and 8 of the contract of November 21, 1974. This, Gate City says, could impair the reliability of service rendered to consumers. Article 7 provides in part that none of the energy delivered by West Texas to Gate City shall be transmitted or sold for consumption outside of Texas, and that no energy generated outside of Texas shall be delivered to facilities of Gate City which are connected to any point of delivery to West Texas. Article 8 provides in part that if either West Texas or Gate City should sell power and energy to customers who within the preceding 6 months (12 months with respect to seasonal customers) have been supplied by the other party, the party selling the power and energy shall compensate the other party by payment of the difference between what the other party would have received and the cost of the power and energy delivered to the customer computed at the rates provided in the agreement.

In its motion of February 13, 1975, the staff submits that the restrictive language in Article 7 may be "unjust, unreasonable, unduly discriminatory or preferential" within the meaning of section 206(a) of the Federal Power Act and that the Commission should issue an order establishing hearing procedures to determine the lawfulness of Article 7.

On the basis of information of which we take notice (see also West Texas Utilities Company, —— FPC ——, order issued September 9, 1968). West Texas is a subsidiary of the Central & South West Corp., which also includes Southwestern Electric Power Co., Public Service Company of Oklahoma and Central Power and Light Co. It operates two systems which are electrically separated to avoid interstate power flows from one system to another, and has maintained a split system since 1936.

West Texas' intrastate southern system, known as the Texas System, is a member of the North Texas Pool, and operates in parallel with other Pool members namely, Dallas Power & Light Co., Texas Electric Service Co., Texas Power & Light Co. and Brazos Electric Power Cooperative, Inc. The North Texas Pool is, in turn, interconnected with and operates in parallel with the South Texas Pool, which comprises Houston Lighting and Power Co., Central Power and Light Co., San Antonio Public Service Board, Austin Electric Department and Lower Colorado River Authority. Both the North Texas Pool and the South Texas Pool operate isolated from out-of-State sources of electric supply and seek to avoid interstate electric operations generally.

West Texas' interstate northern system is interconnected with Southwestern Public Service Co. and Public Service Company of Oklahoma. The northern and southern systems are interconnected but under normal operating conditions these interconnections are open. There is no opportunity, except by accident, for interstate power flows to reach West Texas' southern system.

Our review of Article 7 of the contract indicates that such provision is to prevent West Texas' southern system from engaging in operations subject to the jurisdiction of the Commission because of its interconnection with Gate City. The question arises whether such restrictions on Gate City are in violation of the policy of the antitrust laws and of the Federal Power Act, principally section 206. Furthermore, Article 8 appears to be designed so that neither West Texas nor Gate City may serve a customer of the other without paying compensation. This likewise may be in violation of the policy of the antitrust laws and of the Federal Power Act. Accordingly we shall institute an investigation to determine the lawfulness of both Articles 7 and 8.

The Commission further finds:

(1) It is no longer necessary and appropriate in the public interest that the Commission enter upon a hearing concerning the lawfulness of the rates and charges contained in West Texas' rate filing in Docket No. E-9143 and such proceeding should be terminated.

(2) It is necessary and appropriate for the purposes of carrying out the provisions of the Federal Power Act particularly under, but not limited to, sections 201, 205, 206, 301, 304, 307, 309 and 311 that an investigation and hearing be institued to determine the lawfulness of Articles 7 and 8 of the contract of November 21, 1974, between West Texas and Gate City.

The Commission orders:

(A) The proceedings in Docket No. E-9143 are hereby terminated.

(B) An investigation is hereby instituted under sections 201, 205, 206, 301, 304, 307, 309 and 311 and any other relevant sections of the Federal Power Act to determine the lawfulness of Articles 7 and 8 of West Texas' contract with Gate City dated November 21, 1974, and to order such changes in the contract, if necessary, as will comport with the Federal Power Act.

(C) A prehearing conference on the investigation prescribed in (B) above shall be held on July 8, 1975, at 10 a.m. (e.d.t.) in a hearing room of the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426 at which the Administrative Law Judge shall proscribe the procedures in accordance with (E) below.

(D) A Presiding Administrative Law Judge to be designated by the Chief Administrative Law Judge for that purpose (See Delegation of Authority, 18 CFR 3.5(d)), shall preside at the hearing in this proceeding pursuant to the Commission's rules of practice and procedure.

(E) The Administrative Law Judge shall fix the dates for filing direct and rebuttal evidence, and the date for hearing sessions for the purpose of cross-examination.

By the Commission.

[SEAL] KENNETH F. PLUMB, *Secretary.*

[FR Doc.75-15382 Filed 6-11-75;8:45 am]

[Docket No. E-9461]

UPPER PENINSULA GENERATING CO.

Application for Authorization To Issue Securities

JUNE 4, 1975.

Take notice that on May 28, 1975 Upper Peninsula Generating Co. (Applicant) filed an application with the Federal Power Commission seeking authority, pursuant to section 204(a) of the Federal Power Act, to issue short-term notes of an aggregate principal amount of up to $45,000,000.

The Applicant is incorporated under the laws of the State of Michigan, with its principal business office at Houghton, Michigan. The Applicant is engaged in generation of electric energy for sale to its owners, the Upper Peninsula Power Co. and the Cliffs Electric Service Co.

The Applicant has proposed to issue unsecured promissory notes of a principal amount of up to $15,000,000 outstanding at any one time, payable to such bank or banks from which the Applicant may borrow, for periods not exceeding twelve months from the date of original issuance, extension or renewal. The notes will be issued on or before July 1, 1976 and will have a final maturity date not later than July 1, 1977. The interest rate on such notes will not exceed 110% of the prime rate in effect at the time of issue. The notes will not be subject to resale to the public.

The Applicant also has proposed to issue unsecured promissory notes of a principal amount of up to $30,000,000 outstanding at any one time, payable to such bank or banks from which the Applicant may borrow, for periods not exceeding twelve months from the date of original issue or renewal thereof. The notes will have a maturity date of not later than July 1, 1979. The interest rate on the notes to be issued will vary according to the date of issue. The interest rate on notes issued, renewed or extended on or before July 1, 1976 will not exceed 110% of the floating prime rate in effect from day to day; the interest rate on notes issued thereafter will not exceed

114% of the floating prime rate in effect from day to day. The notes will not be subject to resale to the public.

The proceeds from the sale of the notes will be used, pending permanent financing, to finance the continuation of the Applicant's construction program, the construction of three new generating units at the Applicant's Presque Isle Generating Station at Marquette, Michigan, and the purchase of coal supplies through July 1, 1977.

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 C.F.R. 1.8, 1.10). All such petitions or protests should be filed on or before June 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 filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-15383 Filed 6-11-75;8:45 am]

NATIONAL TRANSPORTATION SAFETY BOARD

ACCIDENT REPORTS: SAFETY RECOMMENDATIONS AND RESPONSES

Availability and Receipt

The National Transportation Safety Board announces the release last week of two narrative reports, one concerning a pipeline accident and the other a railroad accident. Both reports contain safety recommendations. Also released was Issue No. 4 of "Aircraft Accident Reports—U.S. Civil Aviation—1974." The Board also issued three new aviation safety recommendations in letter format, and forwarded a followup letter concerning recommendations made as a result of investigation of a highway accident. Two responses were received from addressees of earlier Safety Board recommendations.

ACCIDENT REPORTS

Pipeline. Report No. NTSB-PAR-75-1, released June 3, 1975, concerns the failure of a 30-inch natural gas transmission line of the Michigan-Wisconsin Pipe Line Company beneath State Route 124, some 50 miles south of Monroe, Louisiana. The Safety Board determined that the cause of the accident, occurring on March 2, 1974, was the "failure of a substandard girth weld due to repeated soil stresses." Contributing to the imposed stresses were the position of the pipe inside the casing and the heavy clay soil surrounding the pipe at each end of the casing, the Board held. The Board recommended that the Office of Pipeline Safety of the U.S. Department of Transportation (1) make a cooperative, industrywide study of the value of encasing pipelines beneath roads and railroads, and amend the existing Federal regulations if necessary; (2) require the Michigan-Wisconsin Pipe Line Company, to recalibrate pressure-drop settings on its automatic valves "to better insure their actuation on pressure drops caused by line failure"; and (3) require Michigan-Wisconsin to test its system for areas of severe soil swell potential, and to take appropriate corrective action. (Recommendations P-75-1 through 3.) A further recommendation was made to the Gas Piping Standards Committee of the American Society of Mechanical Engineers to develop guidelines for the use, setting, and maintenance of automatic valves on gas transmission pipeline systems. (Recommendation P-75-4.)

Railroad. Report No. NTSB-RAR-75-5, released June 6, 1975, concerns a door accident on a Long Island Rail Road commuter train, occurring as the train departed Huntington Station, New York, December 1, 1974. The Board found that the door design, permiting the train to move "without a positive means for detecting the presence of a person caught between the doors," caused the single-fatality accident. Contributing factors were the "absence of procedures that required the conductor to monitor visually all doors," and the passengers' lack of knowledge of "the means available to respond to the emergency." The Board recommended that the Department of Transportation require the Long Island Rail Road to (1) establish procedures to insure that a train does not move with a person caught in a door; (2) set up a program to inform passengers on how doors work, what to do if caught by a door, and how and when to use the car's emergency brake; and (3) modify the "door open" button so that it does not suggest or indicate that the button has an emergency use." The Board further recommended that the Federal Railroad Administration write regualtions for rail transit operators which will (1) seek to prevent or reduce the incidence of serious injury to persons entering or leaving transit cars; (2) specify the information passengers should be furnished to assure their safety when entering or leaving cars; and (3) require a standard door incident reporting system so that the effectiveness of varying door systems and operating practices may be evaluated. (Recommendations R-75-23 and 24.)

Aviation. Report No. NTSB-BA-75-1, released June 5, 1975, contains a computer-printed synopsis of the findings and probable cause(s) of 900 general aviation accidents and 7 air carrier accidents which occurred in the United States last year.

Although the brief format reports in Issue No. 4 contain essential information, more detailed information may be obtained from the original factual reports which are on file in the Washington Office of the Safety Board. Upon request, these factual reports will be reproduced commercially at an average cost of 20¢ per page for printed matter, $1.05 per page for black and white photographs, and $6.50 per page for color photographs, plus postage. Minimum reproduction charge is $4.00, and an additional $4.00 user-service charge will be made for each order. Requests should be directed to the Accident Information Section, National Transportation Safety Board, Washington, D.C. 20594. The requester must provide the following information concerning the accident: (1) Date and place of occurrence, (2) type of aircraft and registration number, and (3) name of pilot.

SAFETY RECOMMENDATION LETTER

A-75-47 through 49, issued June 1, 1975, to the General Aviation Manufacturers Association recommended that the performance section of the current GAMA "Specification for Pilots Operating Handbook" be supplemented by (1) specifying on takeoff distance charts or tables, where applicable, fuel mixture leaning requirements and procedures; (2) specifying a precautionary note on takeoff distance charts or tables indicating the importance, particularly at higher altitudes and temperatures, of complying with certificated gross weight and center of gravity limitations; and (3) specifying that climb-airspeed data include the indicated airspeed necessary to achieve an airplane's best angle of climb.

RESONSES TO SAFETY RECOMMENDATIONS

The Safety Board on June 6, 1975, forwarded a reply to the Federal Highway Administration's letter of February 18, 1975, concerning Recommendations H-74-36 through 38. These recommendations resulted from the Board's investigation of a bus collision with a concrete overpass support column on I-880 at San Juan Overpass, Sacramento, California, November 3, 1973. The Board stated that its position regarding the recommendations made in the accident report (No. NTSB-HAR-74-5) has not changed and that the recommendations are being carried as "open."

The Federal Aviation Administration responded May 19, 1975, to Safety Board Recommendations A-75-20 and 21 concerning the in-flight opening of nose compartment doors on light twin-engine aircraft. Responsive to A-75-20 recommending issuance of an airworthiness directive to require double-locking systems, FAA states that since its investigation "did not produce evidence of design deficiencies or an inadequate number of existing locks in light twin-aircraft, we consider that installation of additional locks would not provide any safety benefits." Concerning A-75-21, FAA indicates that the recommendation to notify pilots of the need for proper closing of doors and maintenance of locking mechanisms has merit and that consideration is being given to issuance of an advisory circular to give wider exposure to the matter.

The letter of 30 May 1975 from the Chairman of the Department of Defense Advisory Committee on Federal Aviation states that DOD has reviewed Safety Board recommendations A-75-14 and 15, issued February 25, 1975, following investigation of a midair collision of an Aero Commander 6T and an F-111A

near Bryce Canyon, Utah, November 12, 1974. The letter states that since DOD operations are conducted in accordance with FAA regulations, and the recommendations involve revisions to those regulations, the recommendations, together with DOD comments, have been forwarded to the FAA for action.

The accident reports and the recommendation letter are available to the general public; single copies may be obtained without charge. A $4.00 user-service charge will be made for each recommendation response, 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.

(Secs. 304(a)(2) and 307, Independent Safety Board Act of 1974 (Pub. L. 93-633, 88 Stat. 2169, 2172 (40 U.S.C. 1903, 1906)).)

MARGARET L. FISHER,
FEDERAL REGISTER *Liaison Officer.*

June 9, 1975.

[FR Doc.75-15396 Filed 6-11-75;8:45 am]

NUCLEAR REGULATORY COMMISSION

[Docket No. 50-324]

CAROLINA POWER & LIGHT CO. (BRUNSWICK STEAM ELECTRIC PLANT UNIT 2)

Proposed Issuance of Amendment to Facility Operating License

The Nuclear Regulatory Commission (the Commission) is considering issuance of an amendment to Facility Operating License No. DPR-62 issued to the Carolina Power and Light Company (the licensee) for operation of the Brunswick Steam Electric Plant, Unit 2 (the facility) located in Brunswick County, North Carolina. The licensee is presently licensed to operate the facility, a boiling water reactor, at power levels up to 2436 MWt using 7 x 7 fuel assemblies in the core.

The amendment would revise the provisions in the facility Technical Specifications to permit operation of the facility, (1) using operating limits based on the General Electric Thermal Analysis Basis (GETAB), and (2) using modified operating limits based upon an evaluation of ECCS performance calculated in accordance with an acceptable evaluation model that conforms to the requirements of the Commission's regulations in 10 CFR 50.46. The amendment would modify various limits established in accordance with the Commission's Interim Acceptance Criteria, and would, with respect to Brunswick Unit 2, terminate the further restrictions imposed by the Commission's December 27, 1974, Order For Modification of License, and would impose instead, limitations established in accordance with the Commission's Acceptance Criteria for Emergency Core Cooling Systems for Light Water Nuclear Power Reactors, 10 CFR 50.46. This action is in accordance with the licensee's applications dated May 9, 1975.

Prior to issuance of the proposed license amendment, the Commission will have made the finding required by the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations.

By July 14, 1975, the licensee may file a request for a hearing and any person whose interest may be affected by this proceeding may file a request for a hearing in the form of a petition for leave to intervene with respect to the issuance of the amendment to the subject facility operating license. Petitions for leave to intervene must be filed under oath or affirmation in accordance with the provisions of § 2.714 of 10 CFR Part 2 of the Commission's regulations. A petition for leave to intervene must set forth the interest of the petitioner in the proceeding, how that interest may be affected by the results of the proceeding, and the petitioner's contentions with respect to the proposed licensing action. Such petitions must be filed in accordance with the provisions of this FEDERAL REGISTER notice and § 2.714, and must be filed with the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Docketing and Service Section, by the above date. A copy of the petition and/or request for a hearing should be sent to the Executive Legal Director, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, and to Richard E. Jones, Esquire, Associate General Counsel, 336 Fayetteville Street, Raleigh, North Carolina 27602, the attorney for the licensee.

A petition for leave to intervene must be accompanied by a supporting affidavit which identifies the specific aspect or aspects of the proceeding as to which intervention is desired and specifies with particularity the facts on which the petitioner relies as to both his interest and his contentions with regard to each aspect on which intervention is requested. Petitions stating contentions relating only to matters outside the Commission's jurisdiction will be denied.

All petitions will be acted upon by the Commission or licensing board, designated by the Commission or by the Chairman of the Atomic Safety and Licensing Board Panel. Timely petitions will be considered to determine whether a hearing should be noticed or another appropriate order issued regarding the disposition of the petitions.

In the event that a hearing is held and a person is permitted to intervene, he becomes a party to the proceeding and has a right to participate fully in the conduct of the hearing. For example, he may present evidence and examine and cross-examine witnesses.

For further details with respect to this action, see (1) the 10 CFR Part 50 Appendix K Calculations and Revised Technical Specifications dated May 9, 1975, (2) the non-proprietary General Electric Report NEDO 10958 on GETAB, (3) the Commission's evaluation dated September 1974 of the General Electric Report (NEDO-10958), and (4) the Commission's Order for Modification of License dated December 27, 1974 and the documents referred to in the Order (published in the FEDERAL REGISTER on January 9, 1975 (40 FR 1790). 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 Brunswick County Library at 109 W. Moore Street in Southport, North Carolina 28461. The license amendment and the Safety Evaluation, when issued, may be inspected at the above locations and a copy may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Reactor Licensing.

Dated at Bethesda, Maryland this 6th day of June, 1975.

For the Nuclear Regulatory Commission.

JAMES M. CUTCHIN IV,
Acting Chief, Light Water Reactors Branch 1-2, Division of Reactor Licensing.

[FR Doc.75-15288 Filed 6-11-75;8:45 am]

[Docket Nos. 50-329A; 50-330A]

CONSUMERS POWER CO. (MIDLAND PLANT, UNITS 1 & 2)

Reconstitution of Atomic Safety and Licensing Appeal Board

Notice is hereby given that, in accordance with the authority in 10 CFR 2.787 (a), the Chairman of the Atomic Safety and Licensing Appeal Panel has reconstituted the Atomic Safety and Licensing Appeal Board for this antitrust proceeding to consist of the following members:

Alan S. Rosenthal, Chairman
Michael C. Farrar, Member
John B. Farmakides, Member

Dated: June 4, 1975.

MARGARET E. DU FLO,
Secretary to the Appeal Board.

[FR Doc.75-15292 Filed 6-11-75;8:45 am]

DEVELOPMENT OF NUCLEAR STANDARDS

Public Meeting

On July 8-11, 1975, the Nuclear Regulatory Commission staff will hold a series of meetings with representatives of the national standards program and the technical societies which participate in developing standards for the nuclear industry. The meetings will begin each day at 8:30 a.m. in Room 1146, 1717 H Street, NW., Washington, D.C. 20555.

The purpose of this series of meetings is to exchange views between the NRC staff and technical experts in the national standards program to better define the end product of both the regulatory and national standards program. The discussions should help identify what specific subjects would be useful to include in standards, which ones

should be developed by the national standards program or the regulatory program, and which ones should be developed first.

The agenda for this series of meetings is as follows:

Tues., July 8, 1975: Fuel Cycle, Transportation, and Safeguards

8:30–11:00 a.m. Nuclear Fuel Cycle Facilities and Materials, and On-Site Waste Management
1:00–3:00 p.m. Safety in Transportation
3:00–5:00 p.m. Safeguards

Wed., July 9, 1975: Products and Radiation Protection

8:30–10:30 a.m. Radiation Protection
10:30–12:30 a.m. Products and Equipment for Medical and Nonmedical Applications

Thurs., July 10, 1975: Nuclear Power Plants

8:30–12:00 a.m. Structural and Mechanical Components and Materials (including construction and inservice inspection)
1:00–2:00 p.m. General Design Criteria and System Performance Requirements
2:00–4:00 p.m. Quality Assurance Programs
4:00–5:00 p.m. Testing, Operation, and Maintenance

Fri., July 11, 1975: Nuclear Power Plants Including Research Reactors

8:30–9:00 a.m. Reactor Sabotage Protection
9:00–12:00 a.m. Siting and Environmental Protection
1:00–3:00 p.m. Electrical and Electronic Systems and Components
3:00–5:00 p.m. Research Reactors

Interested persons are invited to attend and observe these meetings. The meetings will be conducted informally and as expeditiously as practicable in order to ensure an opportunity for detailed technical discussion by the participants from NRC and the national standards program. The meetings will be cochaired by a representative of the NRC staff and a representative of the American National Standards Institute.

Copies of documents presented at the meeting will be placed in the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C. 20555, where they will be available for inspection by members of the public.

Further information concerning the meeting may be obtained from Mr. C. E. Johnson, Office of Standards Development, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, telephone 301–443–6957.

(5 U.S.C. 552(a))

Dated at Rockville, Maryland, this 5th day of June 1975.

For the Nuclear Regulatory Commission.

ROBERT B. MINOGUE,
Acting Director, Office of Standards Development.

[FR Doc.75–15295 Filed 6–11–75;8:45 am]

[Docket Nos. 50–250; 50–251]

FLORIDA POWER AND LIGHT CO. (TURKEY POINT NUCLEAR GENERATING UNITS 3 AND 4)

Proposed Change to Specifications of Licenses

The U.S. Nuclear Regulatory Commission (the Commission) has reviewed the pendix A Technical Specifications of Facility Operating Licenses DPR–31 and DPR–41. This change would authorize the Florida Power and Light Company to operate the Turkey Point Nuclear Generating Units 3 and 4 with certain revisions to the present limiting conditions for operation specified in Appendix A of the referenced licenses. These revisions result from the implementation of the Acceptance Criteria for the Emergency Core Cooling Systems for Light Water Nuclear Power Reactors (ECCS) as specified in § 50.46 of 10 CFR Part 50. In conjunction with these changes additional revisions are requested which are associated with the Turkey Point Unit 4. No revisions to the Environmental Technical Specifications (Appendix B), have been requested as a result of this proposed change.

The Commission's Division of Reactor Licensing has prepared an environmental impact appraisal for the proposed change to the Appendix A Technical Specifications, for Facility Operating Licenses DPR–31 and DPR–41.

On the basis of the environmental impact appraisal presented in this document, we have concluded that an environmental impact statement for this particular action is not warranted because, pursuant to the Commission's regulations in 10 CFR Part 51 and the Council of Environmental Quality's Guidelines, 40 CFR 1500.6, the Commission has determined that this proposed change to the Appendix A Technical Specifications is not a major federal action significantly affecting the quality of the human environment. The environmental impact appraisal is available for public inspection at the Commission's Public Document Room, 1717 H Street, NW, Washington, D.C. 20555, and at the Environmental and Urban Affairs Library, Florida International University, Miami, Florida 33199.

Dated at Rockville, Maryland, this 5th day of June, 1975.

For the Nuclear Regulatory Commission.

GEORGE W. KNIGHTON,
Chief, Environmental Projects Branch No. 1, Division of Reactor Licensing.

[FR Doc.75–15290 Filed 6–11–75; 8:45 am]

[Docket Nos. 50–250, 50–251]

FLORIDA POWER AND LIGHT CO. (TURKEY POINT NUCLEAR GENERATING UNITS 3 AND 4)

Issuance of Amendments to Facility Operating Licenses

Notice is hereby given that the U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment Nos. 9 and 8, respectively, to Facility Operating Licenses Nos. DPR–31 and DPR–41 issued to Florida Power and Light Company which revised Technical Specifications for operation of Turkey Point Nuclear Generating Units 3 and 4, located in Dade County, Florida. These amendments are effective as of date of issuance.

These amendments: (1) Incorporate operating limits in the Technical Specifications for the facilities based on an acceptable evaluation model that conforms with the requirements of § 50.46 of 10 CFR Part 50, and (2) modify certain Unit 4 operating limits to reflect the results of the cycle 2 core performance analysis.

The applications for the amendments comply 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.

Notices of Proposed Issuance of Amendments to Facility Operating Licenses in connection with these actions were published in the FEDERAL REGISTER on March 20, 1975 (40 FR 12717) and on April 9, 1975 (40 FR 16152). No request for a hearing or petition for leave to intervene was filed following notice of the proposed actions.

For further details with respect to these actions, see (1) the applications for amendments dated September 27, 1974, February 10, and March 11, 1975, and Supplements dated February 7 and 13, March 10, April 10 and 30, and May 13, 15, and 21, 1975, (2) Amendment No. 9 to License No. DPR–31 and Amendment No. 8 to License No. DPR–41 with Change No. 21, (3) the Commission's related Safety Evaluation, and (4) the Commission's Negative Declaration dated June 5, 1975 (which is also being published in the FEDERAL REGISTER and associated Environmental Impact Appraisal. 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 Environmental and Urban Affairs Library, Florida International University, Miami, Florida 33199.

A copy of items (2), (3) and (4) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Reactor Licensing.

Dated at Bethesda, Maryland, this 5th day of June, 1975.

For the Nuclear Regulatory Commission.

GEORGE LEAR,
Chief, Operating Reactors Branch #3, Division of Reactor Licensing.

[FR Doc.75–15291 Filed 6–11–75;8:45 am]

[Docket No. 50–133]

PACIFIC GAS AND ELECTRIC CO.

Issuance of Amendment to Facility Operating License

Notice is hereby given that the U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 9 to Facility Operating License No. DPR–7 issued to the Pacific Gas and

Electric Company which revised Technical Specifications for operation of the Humboldt Bay Power Plant Unit No. 3, located near Eureka, California. The amendment is effective as of its date of issuance.

This amendment incorporates changes in the Technical Specifications necessary to restrict the storage and transfer of fuel assemblies by specifying a minimum decay time before transfer of fuel from the reactor core to the spent fuel pool and requiring a minimum decay time for fuel assemblies stored in an area where they could be damaged by dropping of the fuel transfer cask.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment is not required since the amendment does not involve a significant hazards consideration.

For further details with respect to this action, see (1) the application for amendment dated May 23, 1975, (2) Amendment No. 9 to License No. DPR-7 with Change No. 51, and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, NW, Washington, D.C. 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 3rd day of June 1975.

For the Nuclear Regulatory Commission.

DENNIS L. ZIEMANN,
Chief, Operating Reactors Branch #2, Division of Reactor Licensing.

[FR Doc.75-15294 Filed 6-11-75;8:45 am]

[Docket No. 50-537]

PROJECT MANAGEMENT CORP. AND TENNESSEE VALLEY AUTHORITY

Receipt of Application for Construction Permit and Facility License and Availability of Applicants' Environmental Report

Project Management Corporation and Tennessee Valley Authority (the applicants), pursuant to section 104b of the Atomic Energy Act of 1954, as amended, have filed an application, which was docketed on April 11, 1975, for authorization to construct and operate a demonstration nuclear generating unit utilizing a liquid metal fast breeder reactor. The first portion of the application, which was tendered on October 15, 1974, consists of an environmental report, site suitability information required for an authorization to conduct certain on-site work in accordance with 10 CFR 50.10 (e) and general and financial information. Following a preliminary review for completeness the application was found unacceptable for docketing. The applicants submitted additional information and the application was found to be acceptable. The remaining portion of the application, the preliminary safety analysis report, was tendered on April 17, 1975, and after a preliminary review for completeness was accepted for a detailed review on June 5, 1975. Docket No. 50-537 has been assigned to the application and should be referenced in any correspondence relating to it.

The proposed nuclear facility, designated by the applicants as the Clinch River Breeder Reactor Plant, will be located on the Clinch River in the town of Oak Ridge, Roane County, Tennessee, and is designed for initial operation at 975 megawatts thermal, with a net electrical output of 350 megawatts.

A Notice of Hearing with opportunity for public participation is being published separately.

A copy of the application is available for public inspection at the Commission's Public Document Room, 1717 H Street, NW, Washington, D.C. 20555; at the Oak Ridge Public Library, Civic Center, Oak Ridge, Tennessee 37830; and at the Lawson McGhee Public Library, 500 West Church Street, Knoxville, Tennessee 37902.

The applicants have filed, pursuant to the National Environmental Policy Act of 1969 and the regulations of the Commission in 10 CFR Part 51, an environmental report dated April 1, 1975. The report, which discusses environmental considerations related to the construction and operation of the proposed facility is being made available for public inspection at the aforementioned locations and at the State of Tennessee Office of Urban and Federal Affairs, Parkway Towers Building, Suite 108, Nashville, Tennessee 32719 and the East Tennessee Development District, 1810 Lake Avenue, Knoxville, Tennessee 37916.

After the environmental report has been analyzed by the staff, a draft environmental statement will be prepared. Upon preparation of the draft environmental statement, the Commission will, among other things, cause to be published in the FEDERAL REGISTER a summary notice of availability of the draft statement, with a request for comments from interested persons on the draft statement. The summary notice will also contain a statement to the effect that comments of Federal agencies and State and local officials will be made available when received. Upon consideration of comments submitted with respect to the draft environmental statement, the staff will prepare a final environmental statement, the availability of which will be published in the FEDERAL REGISTER.

Dated at Bethesda, Maryland, this 5th day of June, 1975.

For the Atomic Energy Commission.

THEMIS P. SPEIS,
Acting Chief, Liquid Metal Fast Breeder Reactor Branch Division of Reactor Licensing.

[FR Doc. 75-15289 Filed 6-11-75;8:45 am]

[Docket No. 40-299]

UNION CARBIDE CORPORATION URANIUM MILL, EAST GAS HILLS FACILITY

Negative Declaration

The Nuclear Regulatory Commission (the Commission) has considered the issuance of an amendment to License SUA-648 for Union Carbine Corporation Uranium Mill, East Gas Hills Facility at Natrona County, Wyoming. The amendment would allow the use of an additional upstream embankment and to raise an existing embankment so as to provide additional capacity to store the mill tailing waste.

The Commission's Division of Materials and Fuel Cycle Facility Licensing has prepared an environmental impact appraisal for the proposed use of the tailings system. On the basis of this appraisal, we have concluded than an environmental impact statement for this proposed action is not warranted because there will be no significant environmental impact attributable to the proposed action. The environmental impact appraisal is available for public inspection at the Commission's Public Document Room at 1717 H Street, NW, Washington, D.C. 20555.

Dated at Bethesda, Maryland this 5th date of June, 1975.

For the Nuclear Regulatory Commission.

RICHARD B. CHITWOOD,
Chief, Fuel Cycle Environmental Projects Branch, Division of Materials and Fuel Cycle Facility Licensing.

[FR Doc.75-15293 Filed 6-11-75;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 1.70.34, "Information for Safety Analysis Reports—Fuel System Design," 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 1.70.34 will, however, be particularly useful in developing the forthcoming revision of the Standard Format if received by August 13, 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 5th day of June 1975.

For the Nuclear Regulatory Commission.

ROBERT B. MINOGUE,
Acting Director,
Office of Standards Development.

[FR Doc.75-15296 Filed 6-11-75;8:45 am]

federal register

THURSDAY, JUNE 12, 1975

WASHINGTON, D.C.

Volume 40 ■ Number 114

PART II

ENVIRONMENTAL PROTECTION AGENCY

■

IMPLEMENTATION PLANS; TRANSPORTATION CONTROL PLAN FOR BOSTON, MASSACHUSETTS

Promulgation of Final Amendments

Title 40—Protection of Environment

CHAPTER I—ENVIRONMENTAL PROTECTION AGENCY

[FRL 381-1]

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

Promulgation of Final Amendments to Transportation Control Plan—Boston, Massachusetts

The Environmental Protection Agency is today promulgating a number of amendments to the transportation control plan regulations for the Metropolitan Boston Intrastate Air Quality Control Region (the "Boston Intrastate Region") which were originally promulgated by the Administrator on November 8, 1973, by publication in the FEDERAL REGISTER (38 FR 30960). Although plans of this nature have customarily been referred to as "transportation control plans", this term is to some extent a misnomer, since measures such as controls on stationary sources of hydrocarbons, vehicle inspection and maintenance, etc., are usually included in these plans and in fact account for a far larger share of the control of air pollution than reductions in vehicle miles travelled ("transportation controls"). Proposed amendments to these regulations were published on February 18, 1975 in the FEDERAL REGISTER (40 FR 8668). Hearings on the proposed amendments were held on March 20 and 21, 1975, at the Transportation Systems Center of the U.S. Department of Transportation, Kendall Square, Cambridge, Massachusetts. These amendments stem in part from the conclusions of an exhaustive technical review of air quality in the Boston Intrastate Region which EPA has recently concluded as a result of the order of the Court of Appeals for the First Circuit in South Terminal Corporation v. EPA (6 ERC 2025, 504 F. 2d 646) and eight related cases issued September 27, 1974. Certain additional amendments are being promulgated as a result of conclusions which EPA has drawn in connection with its administrative experiences to date in implementing the original plan. In formulating these amendments, EPA has drawn upon a wide variety of consultations with a number of affected state and municipal officials, business groups, environmental groups and members of the Massachusetts legislature. EPA has also taken into account the numerious comments received at the public hearing and written comments received in response to the February 28, 1975, FEDERAL REGISTER proposals.

The plan includes controls on both stationary and mobile sources. Included in these amendments is a revised regulation which prescribes mandatory measures to reduce single-passenger commuter vehicle use to be implemented by employers and educational institutions. This program is to be implemented in conjunction with the carpool matching program now being developed by the Commonwealth of Massachusetts and the employee pass program offered by the Massachusetts Bay Transportation Authority. In addition, EPA is promulgating new programs for controlling carbon monoxide levels at certain locations outside the Boston core area, including Logan International Airport, a new procedure for periodic air quality monitoring to be used in updating the plan and a requirement for a detailed study leading towards comprehensive measures for encouraging bicycle use. Other features of the original plan are retained with modifications in some areas. These include limitations on on-street commuter parking, an annual inspection and maintenance program, various incentives for carpool and transit use and controls on emissions of organic compounds from stationary sources. Being dropped from the original plan are requirements for vacancy rates which were to be established for off-street commercial parking facilities in the Boston core area, requirements for building bus and carpool incentives at specifically identified locations in the highway system and requirements for retrofitting older vehicles with the air bleed and vacuum spark advance disconnect devices. Additional regulations being considered for the near future include gasoline station vapor recovery, parking management regulations and additional stationary source controls.

BACKGROUND

The Clean Air Act requires EPA to establish national "primary" air quality standards strict enough to protect all members of the population from adverse health effects caused by air pollution, including carbon monoxide and photochemical oxidants. It then requires each state to have in effect an "implementation plan" to achieve these standards throughout its territory by 1975, or 1977 at the latest if an extension is granted, as is the case for certain strategies being required for the Boston Intrastate Region. If a state does not submit an appropriate implementation plan, the Act requires EPA to promulgate an appropriate plan for the state.

Although the Massachusetts plan was substantially approvable for non-automobile-related pollutants, it did not provide for meeting the oxidant and carbon monoxide standards by May 31, 1975. The automobile is the source of nearly all carbon monoxide. It is a major source of the hydrocarbons which form photochemical oxidants. Although the Federal Motor Vehicle Control Program ("FMVCP") established by the Clean Air Act requires all new automobiles to meet strict emission standards for these pollutants, calculations show that this program will not by itself assure that the national primary air quality standards necessary to protect public health will be met throughout the Boston Intrastate Region by the 1977 date mandated by the Act. Therefore, the implementation plan for the Boston Intrastate Region must contain additional controls in order to be federally approved. However, instead of including such measures, Massachusetts asked for an extension of time in which to supply the missing portions of its plan and an extension of the date for final attainment of the standards. On May 31, 1972 (37 FR 10842), pursuant to section 110 of the Clean Air Act and 40 CFR Part 51, the Administrator approved the Massachusetts state implementation plan, with specific exceptions, and approved the requests for additional time.

On January 31, 1973, the United States Court of Appeals for the District of Columbia found that the Administrator had not conformed to the strict requirements of the Clean Air Act in granting Massachusetts and several other states their extensions. Accordingly, the Court ordered the Administrator to rescind the extensions. The Administrator complied on March 20, 1973 (38 FR 7327), and Massachusetts was required to submit a "transportation control plan" by April 15, 1973, as specified by the court. Because the Commonwealth did not submit its plan by that date, on July 2, 1973, the Administrator proposed a "transportation control plan" for the Boston Intrastate Region. Hearings on the plan were held on July 19 and 20, 1973 at Faneuil Hall, Boston. A final plan was promulgated on November 8, 1973 (38 FR 30960). The plan called for the control of hydrocarbon emissions of users of organic solvents, for the control of hydrocarbon emissions from gasoline marketing operations, for the installation of additional emission control devices ("retrofits") on various classes of motor vehicles currently in use, and for the reduction of motor vehicle traffic through a wide variety of devices aimed at reducing the availability of parking and encouraging carpools and mass transit.

In promulgating the plan, the Administrator found that some of the control strategies selected for attaining and maintaining the carbon monoxide and photochemical oxidant standards were not implementable in the Boston Intrastate Region by May 31, 1975, the original date required by the Clean Air Act. Consequently, the Administrator acted under section 110(e) of the Act to grant the maximum extension of the deadline for several strategies until May 31, 1977.

Nine separate petitions for review challenging the Administrator's action in promulgating the plan were filed with the Court of Appeals for the First Circuit pursuant to section 307(b)(1) of the Clean Air Act. On September 27, 1974, the First Circuit ruled on the issues in the South Terminal case. The court upheld the Administrator's authority to impose each of the measures contained in the plan and accepted his method of calculating the reduction in pollutant emissions needed to reduce a given level of pollutants measured in the air to the level of the standards. However, the court declined provisionally to accept EPA's measurements of the actual severity of air pollution in the Boston area. The court stated that it did not have sufficient basis for deciding whether or not these measurements were accurate and that the technical questions raised by the petitioners about the measurements justified further examination prior to the time the regulations would take effect. The court ordered an informal rulemak-

ing hearing to be held by EPA, one purpose of which would be to permit further public comment on the technical data. The court also stated:

It may well be that EPA, after full exposure to petitioners' objections, will effectively demonstrate the adequacy of existing readings and the rationality of its conclusions. Better still, by now EPA may have additional measurements and data on oxidant and carbon monoxide levels. South Terminal Corporation v EPA 6 ERC at 2035, 504 F.2d at 666.)

At the March 20 and 21 public hearings, testimony was received from approximately 60 speakers, representing business groups, public interest groups, public officials and private citizens. In addition, EPA has received and considered written comments from approximately 70 interested parties.

Technical Basis for the Controls

EPA has examined recent data on carbon monoxide and photochemical oxidant levels in the Boston Intrastate Region recorded by the Massachusetts air monitoring network and a monitoring station located at Logan Airport operated by the Massachusetts Port Authority. Data from the following seven air quality monitoring stations was reviewed:

Table 1

Site location [1]	Date monitoring began	
	Carbon monoxide	Photochemical oxidants
1. Kenmore Square, Boston.	July 1969	December 1970 to November 1971 again from April 1972.
2. Wellington Circle, Medford.	September 1971	April 1971.
3. Science Park, Cambridge.	May 1971	May 1973.
4. Moody and Main St., Waltham.	January 1973	January 1973.
5. Fore River Bridge, Quincy.	....do....	Do.
6. Logan Airport Boston.	October 1973	None.
7. East Boston	October 1974	Do.

[1] All sites except Logan Airport and East Boston are operated by the Bureau of Air Quality Control, Commonwealth of Massachusetts. The Logan Airport site is operated by the Massachusetts Port Authority; the East Boston site is operated jointly by EPA and the Commonwealth's Bureau of Air Quality.

EPA has conducted an intensive quality control check on the reliability of instruments in service at each of the monitoring sites and reviewed the site locations and the validity of data.

Maintenance logs for all sites were examined to determine data validity. A detailed statistical analysis was performed. Data reported during any period of instrumentation malfunction was disregarded in formulating EPA's present technical conclusions. EPA conducted quality control audits of all sites to determine whether quality control procedures in use at those sites are proper and that the instruments are measuring correctly. A more detailed description of all quality assurance procedures followed is contained in a Technical Support Document prepared by EPA Region I, dated February 19, 1975 entitled "Technical Evaluation of the Metropolitan Boston Intrastate Air Quality Control Region Transportation Control Plan".

In connection with the public hearing and during the subsequent comment period, EPA received numerous critical comments and questions on the validity of the technical data base being used to support the plan. These comments and questions and EPA's response are set forth in the section below entitled "EPA Response To Technical Comments Received."

After concluding its analysis of these comments and questions, EPA has determined that the technical data published in the February 28, 1975, Federal Register remains valid and supported and accordingly is republishing the air quality readings set forth in the following Tables 2 and 3 as valid and representative of the air quality problem in the Boston Intrastate Region:

Table 2.—*Carbon monoxide concentrations in excess of 8 h standards recorded in the Boston Intrastate region—Jan. 1, 1973 to June 30, 1974*

Location	Year	Highest (parts per million)	Date [1]	Second highest (parts per million)	Date [1]
Kenmore Sq	1973	18.2	Dec. 4	15.4	Oct. 3
	1974	15.1	Apr. 13	13.9	Apr. 23
Wellington Circle	1973	22.8	Oct. 17	17.0	Nov. 21
	1974	12.0	Feb. 4	10.5	Jan. 7
Waltham	1973	20.0	Dec. 4	18.2	Dec. 5
	1974	16.6	Jan. 16	14.4	Jan. 11
Science Park	1973	11.6	Dec. 4	11.1	Nov. 12
	1974	14.4	Jan. 3	9.9	Jan. 3
Quincy	1973	15.5	June 4	11.2	June 1
	1974	14.0	Mar. 30	11.4	Mar. 29
East Boston [2]	1974	16.0	Oct. 31	13.7	Oct. 29
Logan Airport [3]					

[1] Date on which running averages is recorded (i.e., last hour of 8 h period).
[2] Operated from October through December 1974.
[3] No 8 h averages at Logan Airport exceeded the standard during the period of operation from October 1973 to June 30, 1974. This monitoring station is located on the airport itself. Therefore, it would tend to monitor only airport traffic; the East Boston site monitors both airport-bound and general traffic entering and leaving the Callahan and Sumner Tunnels.

Table 3.—*Photochemical oxidant concentrations recorded in the Boston intrastate region 1973 to 1974*

Location	Year	Highest (parts per million)	Date	Second highest	Date
Kenmore Sq	1973	0.13	Jan. 6	0.12	Jan. 6
	1974	.14	June 30	.13	July 2
Wellington	1973	.17	Sept. 1	.17	Sept. 1
	1974	.30	Apr. 29	.29	Apr. 29
Waltham	1973	.18	Sept. 2	.17	July 26
	1974	.16	June 30	.16	June 30
Science Park	1973	.20	Sept. 1	.18	Aug. 30
	1974	.13	June 10	.13	June 5
Quincy	1973	.21	Sept. 1	.20	July 13
	1974	.19	Apr. 29	.16	Apr. 21

Interpretation of Technical Data

Carbon Monoxide

The national primary ambient air quality standard for carbon monoxide states that the level of 9 parts per million ("ppm") can be exceeded only once per year. EPA has re-examined the carbon monoxide reading of 21.9 ppm taken at Kenmore Square on October 28, 1973, which was used in EPA's original plan. The second highest reading in 1970 is now calculated to have been 16.9 parts per million for 1970 as opposed to the 21.9 ppm used in formulating the original plan. The method of calculation resulting in this figure is discussed in detail in section IIIA of the February 19, 1975 Technical Support Document mentioned above. However, as shown in Table 7, EPA is now using concentration data from 1973 and 1974 in preparing the current proposals.

As is more fully described in the aforementioned technical support document, carbon monoxide is a localized pollutant which is usually detected in high concentrations near the source of emissions. Kenmore Square is the intersection of a number of heavily traveled streets were traffic moves slowly throughout the day. The level of concentration recorded in Kenmore Square can be expected to occur or be exceeded in other major intersections in the Boston core where similar patterns of traffic and physical configuration occur, with variations depending upon traffic flow and physical and meteorological characteristics of the particular location.

The following Table 4 sets forth the projected concentrations of carbon monoxide at the Kenmore Square location and at two other locations in the monitoring network as of May 31, 1977:

Table 4.—*Projections of impact of the Federal motor vehicle control program on potential maximum 8-hr carbon monoxide concentrations* [1]

[CO standard equals 9 parts per million]

Date	Kenmore Square	Waltham	East Boston
May 31, 1977	8.7	12.1	10.1

[1] These figures assume: (a) Full implementation of the inspection and maintenance program required by sec. 52.1144, (b) annual traffic growth rates of 0 percent for Kenmore Square and 2.5 percent for Waltham and East Boston, (c) implementation of the interim 1977 Federal motor vehicle control program emission limitations, and (d) adjustments for uncontrolled emissions from light-duty truck traffic. EPA believes that Kenmore Square is now totally saturated with traffic at peak rush hours and thus further growth is not projected.

EPA is taking Kenmore Square carbon monoxide readings as the basis for evaluating the need for restrictions in the Boston core area inasmuch as these are the highest measured readings in the area. Because of the data set forth in Table 4, EPA now believes that a carbon monoxide strategy for the Boston core area would not be needed to meet a 1977 deadline. The measures which are now being proposed as control strategies to control hydrocarbon emissions from vehicles throughout the Boston Intrastate Region will also tend as interim measures to reduce carbon monoxide emissions.

However, carbon monoxide control strategies will be needed outside of the Boston core area. As shown in Table 4, neither East Boston nor Waltham will attain the standards even by the 1977 extended date. EPA has also determined that the regional photochemical oxidant control strategies will not be sufficient to meet carbon monoxide standards on or before the 1977 date. Consequently, separate carbon monoxide strategies for East Boston and Waltham (and similar suburban points of high CO concentration) will be needed. This is more fully explained in the description of the proposed carbon monoxide strategies below.

Summary of Control Strategies: Carbon Monoxide

Because the regional photochemical oxidant control strategy for the Boston Intrastate Region will not be sufficient to attain carbon monoxide standards by 1977 in East Boston and in the Boston suburban problem areas such as Waltham, EPA is now promulgating separate carbon monoxide control strategies for these areas.

For East Boston, EPA is requiring the Commonwealth of Massachusetts, the Massachusetts Port Authority, the Massachusetts Turnpike Authority, the Massachusetts Bay Transportation Authority and the City of Boston to conduct studies as to the means to reduce emissions in the vicinity of the Callahan and Sumner Tunnels and to evaluate specific proposals to provide the needed reductions. Each of the affected entities would be required to report to EPA on its recommendations for achieving carbon monoxide standards in the East Boston area. These reports may be combined into a joint report. On the basis of this consultative process, air quality data and the effects of the other elements of the transportation control plan, EPA would revise its regulations to include the measures necessary to achieve the standards.

Among the alternatives which EPA believes should be considered are: modifying the traffic patterns associated with the tunnel, removing parking areas at Logan and providing remote terminals with shuttle service for passengers.

Also, a number of interim measures are being required to be implemented by the Massachusetts Port Authority at Logan International Airport. These include: an airport-wide carpool matching program and other measures designed to encourage airport employees and air travelers to travel to and from Logan International Airport by means other than single-passenger vehicles.

EPA has already determined that a carbon monoxide control strategy is needed for Waltham. For other suburban areas, EPA is requiring the Commonwealth to analyze data on major intersections in the Boston Intrastate Region in order to identify those intersections where traffic density, intersection dwell time, local meteorology, physical configuration of the surrounding area and other factors are likely to produce a carbon monoxide problem. Those intersections must then be modeled and monitored as necessary to determine whether or not a carbon monoxide problem actually exists. In Waltham and elsewhere where a control strategy is indicated, the Commonwealth, in cooperation with the affected municipality and with public participation, must then prepare a program to reduce carbon monoxide emissions in the area by such measures as are necessary. These measures must be put into effect by the May 31, 1977 deadline.

Interpretation of Technical Data

Photochemical Oxidants

Unlike carbon monoxide which is a primary pollutant emitted directly from the exhaust pipes of vehicles, photochemical oxidants are secondary pollutants that result from complex reactions of hydrocarbons and oxides of nitrogen catalyzed by sunlight. The conversion of hydrocarbons can require several hours to several days—depending on the types of photochemical oxidant precursors and meteorological conditions. While carbon monoxide emissions generally cause a localized problem, the oxidants and hydrocarbons may be subject to transport over considerable distances.

EPA has re-examined and verified the validity of all oxidant data and, as indicated in Table 3, is basing the amended Boston oxidant control plan on a second high reading of .20 parts per million rather than the reading of .26 parts per million in the original plan. As stated above, EPA has fully considered all of the public comments received in connection with the February 28 proposals and has concluded that the air quality measurement data which it submitted to public scrutiny in connection with the public hearing remain valid.

The national primary ambient air quality oxidant standard is .08 parts per million. The data used for the Boston plan indicates that at least a 60 percent reduction in hydrocarbons generated within the Boston Intrastate Region is necessary in order to reach the national standard by the 1977 deadline. However, to have greater assurance that the standards will be attained within the Boston Intrastate Region, it may also be necessary in the future to establish new control measures beyond its boundaries. Such measures, however, could not reduce the necessity for at least a 60 percent reduction throughout the Boston Intrastate Region.

EPA is not proposing at this time to extend hydrocarbon controls beyond the boundaries of the Boston Intrastate Region. EPA is continuing to study oxidant transport. In the meantime, EPA Regions I, II, and III, comprising the Northeastern and Middle Atlantic areas of the country, are working towards developing additional common hydrocarbon control strategies which could be implemented along the Atlantic seaboard.

Summary of Transportation Control Strategies: Photochemical Oxidants

The photochemical oxidant control strategies proposed for the amended plan and the emission reductions which are expected to result from each of such strategies are set forth in the following Tables 5 and 6:

Table 5.—Effects of Hydrocarbon Controls (1977)

	Kilograms per day
Hydrocarbon reductions required to meet national ambient air quality standards for photochemical oxidants, from 1974 base emission year	302,400
Hydrocarbon increase from expanded organic solvent use, etc., 1974–77	14,600
Total hydrocarbon reductions required	317,000
Non-vehicular reductions:	
A. Gasoline storage, transfer and marketing regulations	66,200
B. Organic Solvent Use Regulation:	
Hydrocarbons regulated by 52.1145 and 52.1146	62,500
Hydrocarbons temporarily exempt by 52.1145 and 52.1146 and presently under review and to be controlled	92,700
Total reduction—non-vehicular sources	221,400
Vehicular reductions:	
A. Federal motor vehicle emission controls	51,600
B. Inspection and maintenance	13,700
C. Single-passenger commuter vehicle use reduction program, supported by Commonwealth's carpool program, preferential bus and carpool efforts and the on-street parking ban (assuming attainment of 25% goal)	13,000
Total Reduction — vehicular sources	78,300
Total reduction from vehicular and non-vehicular sources	299,700

TABLE 6.—*Effects of controls on hydrocarbon sources*

Source	Base year (1974) emissions (kilograms per day)	1977 emissions without additional AQCR controls	1977 emissions with AQCR strategies	Reduction due to AQCR strategies
Nonvehicular:				
Organic solvent use (drycleaning, degreasing, paints, and coatings)	154,800	168,900	13,700	155,200
Gasoline handling (storage, transfer, marketing)	79,500	79,500	13,300	66,200
Miscellaneous (aircraft, incineration, fuel combustion, manufacturing)	20,900	21,400	21,400	----
Total	255,200	269,800	48,400	221,400
Vehicular:				
Exhaust	170,900	124,300	97,500	26,700
Evaporative	77,900	73,000	73,000	----
Total	248,800	197,000	170,500	26,700
Total nonvehicular and vehicular	504,000	467,000	218,900	[1] 248,100
Necessary to meet standards	201,600	201,600	201,600	----
Reduction necessary	302,400	265,400	----	----

[1] Excludes effects of FMVCP.

Although the assumptions underlying the Agency's estimates set forth in Table 5 of the February 28 proposal (40 FR 8670) have not changed, several of the control strategies have been modified, thereby necessitating an update in the estimates. The total amount of reduction previously attributed to "organic solvent use regulation" is now shown as two separate figures, one figure showing hydrocarbons regulated by the plan and the other showing hydrocarbons which are not regulated by the plan but will be regulated later. As to this latter category, see "Control of Hydrocarbons from Stationary Sources" below. The inspection and maintenance program estimates have been adjusted to reflect changes to the regulation requested by the Commonwealth. Because of this adjustment, the baseline used to evaluate the single-passenger commuter vehicle use reduction estimates has been changed. The slight upward modification in this reduction estimate is solely due to this changed baseline and is not related to any revised estimate as to the anticipated effectiveness of the regulation. Finally, EPA has decided not to quantify the anticipated emission reductions resulting from implementation of the freeze on off-street commercial parking. Although these regulations remain and the promise of qualitative improvement in air quality is evident, their anticipated impact is not clearly quantifiable. Nevertheless, it is clear from Table 5 that these controls will not obtain a greater reduction than needed for attainment and they are therefore "necessary" within the meaning of section 110 of the Clean Air Act.

Estimates of the 1974 base year and 1977 deadline year emissions of organic solvents and gasoline from stationary sources were taken from "Hydrocarbon Emission Sources in the Metropolitan Boston Intrastate Air Quality Control Region", prepared for EPA by GCA/Technology Division and submitted in May, 1974.

Motor vehicle emissions were derived from the emission base estimates contained in the "Technical Support Document for the Transportation Control Plan for the Metropolitan Boston Intrastate AQCR", prepared for EPA by GCA/Technology Division in June, 1973. Modifications to this estimate base were made to account for: (a) The 1976 and 1977 extension of the emission controls under the Federal Motor Vehicle Control Program, (b) new emission factors calculated by the methodology described in Supplement 5 to AP–42, "Compilation of Air Pollutant Emission Factors", (c) inclusion of the entire Boston Intrastate Region, as opposed to including only that portion of the Region within the confines of Route 128, and (d) the 1973 distribution of vehicle model years within the Region, as opposed to the original 1971 distribution. The latter information was obtained from statistics supplied by R. L. Polk and Co. and includes data, as of July 1, 1973, for the four counties of the Region.

Since the promulgation of the original plan EPA has had extensive consultations with Federal, State, and local officials over the administrative requirements imposed by the original plan. EPA has met with chambers of commerce and other representatives of business groups concerned with the problems associated with the plan, particularly those aspects impacting employee parking spaces. EPA has also met with leaders of local environmental groups and has solicited their observations on the plan. EPA has had consultants assess and report on the costs and benefits of the plan.

As Tables 5 and 6 indicate, EPA projects that a 60 percent reduction in hydrocarbon emissions will not be achieved by May 31, 1977, through the use of the measures contained in the amended plan. Consequently, in order to fulfill its statutory obligations, EPA is developing additional control measures in the following areas: parking management regulations (see "Parking Management Regulations" below), stationary source hydrocarbon controls (see "Control of Hydrocarbons from Stationary Sources"), and other controls. These measures, when implemented, will contribute substantially to a reduction in hydrocarbons. In addition, the amended plan calls for feasibility studies to be performed in the following areas: exclusive bus and carpool lanes and other incentives for mass transit and carpool use on the highways, the establishment of a bicycle path network and incentives for bicycle use and measures to control vehicle travel through the Summer and Callahan tunnels in East Boston.

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EPA has decided that continuing emphasis should be placed on stationary sources of hydrocarbons such as solvent users and fuel transfer and handling facilities. This type of control has a substantial effect in terms of the actual reductions obtained. However, recent findings on oxidant formation indicate that the "Rule 66" approach to define reactivity of hydrocarbons so as to exclude

certain hydrocarbons from control will not be sufficient in the future. In addition, there have recently been substantial advances in control technology. As stated above; EPA intends to promulgate regulations extending controls to new categories of hydrocarbons in the near future.

The Federal Motor Vehicle Control Program is the core of EPA's strategies for reducing vehicle emissions. However, this program must be supplemented by a program for inspecting and maintaining the emission control devices installed under the FMVCP if the full effect of the FMVCP is to be felt. An inspection and maintenance program can provide substantial and continuous reductions in both hydrocarbons and carbon monoxide. Inspection and maintenance can detect unlawful tampering. It can also detect malfunction of the engine or the emission control device. Where engine malfunction is detected and corrected, substantial fuel economies can result, thereby offsetting a substantial portion of the costs to the public associated with the inspection and maintenance program.

The original plan (§ 52.1144) required the Commonwealth to establish a state-operated program for the inspection and maintenance of emission control devices on various categories of vehicles through the use of the so-called "loaded mode" method of inspection. EPA and the Commonwealth have had extensive consultations in the past ten months as to the best procedure for inspection and maintenance and have reached agreement in principal on several matters. Because the Commonwealth now uses a certified private inspection station system for conducting its semi-annual safety inspection program, EPA has decided to require the use of this system for an annual emission control inspection program in lieu of setting up an entirely new state-run inspection apparatus. In addition, the Commonwealth has stated its preference for the use of the "idle mode" inspection device rather than the more expensive "loaded mode" device prescribed by the regulations. By this promulgation, EPA is giving its final concurrence to this alternate mode. It appears that there may be substantial initial capital cost advantages in using idle mode inspection and EPA is willing to allow the Commonwealth to implement the idle mode program. Finally, the Commonwealth has strongly recommended that a demonstration project be conducted in the Commonwealth prior to actual implementation. EPA has no objection to this, provided that the demonstration is carried out in time for actual implementation beginning August 1, 1976. EPA expects to continue to consult with the Commonwealth during the coming months.

A carpool program to be operated by the Commonwealth which will give assistance to employers and educational institutions in meeting the requirements of these regulations is now at an advanced stage of development. The commonwealth, working closely with EPA, has published an instruction manual showing how employers and educational institutions can reduce commuter mileage by forming carpools and vanpools. The manual will be available on June 30, 1975, to all employers and educational institutions affected by the plan. The Commonwealth is in the final stages of negotiating a contract with the firm of consultants which prepared the manual for a carpool program which would employ between twelve and twenty full-time carpool/transit consultants who would work with employers having facilities with 250 or more employees and educational institutions having facilities with 1,000 or more commuters. In addition, the Commonwealth will make available a computer program for matching the names and travel patterns within large groups of employees or students and it is prepared to run such a program on a state-owned computer if a particular employer or educational institution or group of such persons should require the service and supply at least 400 names to be matched. EPA believes that these actions on the part of the Commonwealth are likely to result in substantial carpool and vanpool formations, and strongly supports them.

EPA has received many comments to the effect that the success of any effort to encourage persons to shift from single-person private vehicle use to mass transit or carpool/vanpool alternatives depends upon the willing cooperation of both employers and commuters. A principal objection to EPA's original plan which many critics and observers made was that it called for a flat cut-back in employees' parking spaces, without explicit provisions for exceptions for employees who had no readily available alternatives. When it was pointed out that certain employees would not be able to form carpools or take mass transportation, EPA determined that a hardship exemption would be needed in order to make the regulation more equitable.

It was also pointed out that many employers who do not furnish parking spaces and educational institutions were not subject to the original requirements, even though many commuters traveled daily to their facilities and could be encouraged to shift to mass transit or carpool/vanpool alternatives. Therefore, EPA, in the February 28, proposals, decided (a) to expand the coverage of the plan to employers without parking facilities and educational institutions, (b) to drop the mandatory cutback in parking spaces, and (c) in order to establish uniform requirements for all affected facilities, to propose a 25 percent cutback in single-passenger vehicle commuting.

EPA proposed the flat 25 percent reduction requirement in an effort to seek responses from affected businesses and the public as to whether or not the goal was likely to be achieved by employers and educational institutions who implemented the types of incentive programs listed in the regulation. Judging from the comments received on the proposal, there appears to be very little information available as to whether the goal is achievable by affected facilities. Moreover, because of this uncertainty, a number of businesses and business groups voiced strong opposition to a mandatory goal of any sort, pointing out that employers and educational institutions would be subject to an enforcement action under the Clean Air Act for failure to meet such a goal, even though they may have made their best efforts to do so. Because the success of the program rests upon employees making individual decisions to shift from single-passenger commuting to other alternatives, employers pointed out that the achievement of a goal was in fact beyond their direct control and that it would therefore be inequitable to expose them to enforcement action. Others voiced concern that employers would resort to coercive means to reach the goals, such as ordering employees to form carpools or use mass transit, thereby creating obstacles to the voluntary participation upon which the very success of the program depended.

Although the mandatory goal aspect of the proposed regulation was severely criticized, the concept of requiring employers to establish incentive programs was supported by business groups. Under the final regulation, the 25 percent reduction has been changed from a flat requirement to a target goal. However, there are mandatory commuter incentive measures which every affected employer and educational institution must implement and maintain. These measures are designed to encourage commuters to form carpools and vanpools and take mass transit. They include a carpool and vanpool program for facilities above certain size cut-offs, participation in the pass program offered by the Massachusetts Bay Transportation Authority, incentives for bicycle commuting, publicity and promotional programs to encourage commuters to seek alternative commuting methods, participation in any available dial-a-ride programs, and negotiations with authorities in charge of rail or bus lines for improved service to facilities. The regulations require a base report to be filed with the Commonwealth showing numbers of commuters and commuter vehicles at the commencement of the mandatory measures, with subsequent reports at regular intervals of six months showing changes in commuter travel to the facility. These reports will be checked to ascertain the degree of progress being made to reduce single-passenger commuting. They will also be a guide as to where technical advice by the Commonwealth's carpool specialists would be effective. More detailed reports would be required if needed by the Secretary or by EPA to determine whether the mandatory measures were being carried out. If a facility does not implement the mandatory measures, enforcement actions can be taken directly by EPA.

EPA strongly believes that there should be incentives built into the public highway system for encouraging carpool and vanpool formation and increased mass transit use. The original plan called for actual construction of specific highway incentives, such as reserving

lanes for exclusive carpool and bus use and contra-flow bus lanes on designated routes. EPA and the Commonwealth have reconsidered certain of those specific requirements owing to changes in circumstances, such as the opening up of Interstate Route 93 during the period when the Mystic River Bridge was out of service. At the request of the Commonwealth, EPA has decided to drop these specific requirements. EPA is now requiring the Commonwealth to prepare and submit a study of the highway system in the Intrastate Region to ascertain all advantages which could be offered to carpool and bus riders in order to shorten their trip time and cost. This study, which must involve public participation and coordination with similar programs being required by the U.S. Urban Mass Transit Administration, will present alternatives which the Commonwealth could then put into effect in an effort to support the Commonwealth's carpool program after public participation. The measures to be studied include exclusive bus and carpool lanes and differential tolls.

Bicycle use in the Boston Intrastate Region could be increased substantially if safe bikeways were to be constructed and convenient storage facilities provided. In addition, it should be far easier to use bicycles to commute to transit stops than it is at present. The Environment Committee of the Boston Bar Association developed a set of regulations calling for a comprehensive study of bikeway and bicycle usage improvements as well as establishment of interim bicycle corridors in the near future. These regulations have been examined in detail by the Commonwealth and it has agreed to prepare and submit the comprehensive study. The Commonwealth has recommended that no interim facilities be constructed pending completion of the study and EPA has accepted this recommendation in today's promulgation.

AMENDMENTS TO THE REGULATIONS

1. *In § 52.1128:* The "freeze area" is being defined to exclude a small section of the City of Somerville because EPA has determined that there is no substantial reason to retain any portion of Somerville in the freeze area. Officials of the City of Cambridge have requested that the freeze area include the entire City. For this reason, EPA is now including all of Cambridge. In addition, officials of the City of Boston requested (a) reduction of the boundaries of the on-street commuter ban area in Boston for administrative convenience in enforcing the ban and (b) adjustment of the boundaries of the freeze area in a manner consistent with Boston's ongoing planning and construction review procedures for the affected areas. A new area called "Boston proper" is therefore being defined to meet these requests.

2. *In § 52.1134:* In connection with the regulation limiting on-street parking in the freeze area, EPA is revising the definition of "on-street parking" in order to make it clear that legal parking in loading zones and stops by emergency vehicles are not included in the ban. EPA is also revising the requirement that the Commonwealth and affected municipalities adopt on-street bans in the freeze area to make it clear that the officials thereof having responsibility over streets, highways and roadways are responsible for implementing the requirements. In addition, EPA is postponing the incremental steps toward full implementation of the on-street ban and extending the date for final compliance from March 1, 1975, to March 1, 1977. This is being done in order to allow the cities sufficient time to obtain funds and personnel, such as parking control officers, needed to implement the regulation. In the original plan, exemptions from the on-street ban were allowed for residents of the affected municipalities who park their vehicles within one-half mile of their residences, as well as for handicapped persons and disabled veterans. In accordance with the desires of officials of the affected municipalities, EPA is revising the exemption to apply to vehicles registered to residents in the Cities of Cambridge and Boston which display residential parking stickers issued by the respective cities. EPA is also eliminating the exemption for disabled veterans because the exemption for handicapped persons appears to be adequate to cover all persons who would require such an exemption for physical reasons. In addition, commercial vehicles are now permitted to park during the hours of the ban in order to facilitate commercial stops and deliveries.

In order to avoid severe economic hardships, EPA has decided to grant the request of the City of Cambridge to be allowed to issue parking stickers to employees of Cambridge businesses after a finding by the Director of Traffic and Parking of that City that substantial hardships to such employees would result from the ban. The City of Boston has indicated that it does not feel that a similar hardship provision is needed in Boston. In addition, EPA is permitting parking spaces subject to one-hour meters to be excluded from the ban requirements.

3. *In § 52.1135:* The original plan contained requirements (a) limiting the number of new commercial parking spaces within the freeze area to the level existing on October 15, 1973, plus an additional 10 percent for spaces then being constructed, (b) forbidding any new or modified parking facility within the Region without a permit, to be granted only upon a showing that the new facility would not interfere with the attainment of air quality standards, and (c) requiring every employer of 50 or more persons within the Region to reduce the number of his available employee parking spaces by 25 percent, or down to a parking space/employee ratio of 3 to 4.

The first requirement, that no new off-street facility be built within the freeze area without a showing that an equivalent number of spaces have been eliminated, is amended in a number of ways. EPA is adopting new definitions of the terms "commence construction", "commence modification", "commercial parking facility" and "commercial parking space", in each case in order to clarify the intention of the regulation. In addition, the portion of the section dealing with preconstruction review of new parking facilities is reserved pending promulgation of final regulations for management of parking supply. (See "Parking Management Regulations" below.) The portion of the section requiring certain employers to reduce available employee parking is reserved and replaced by a new § 52.1161 requiring certain employers and educational institutions to implement mandatory measures designed to achieve a target goal of reducing single-passenger commuter vehicle use at their facilities by 25 percent.

The Commonwealth is designated as the agency responsible for issuing permits to construct new facilities, and provisions are made for further delegation of this authority to qualifying municipal agencies. At Logan Airport, EPA is requiring the Massachusetts Port Authority to submit a plan for approval by the Governor showing how spaces in excess of those permitted by the freeze will be removed from use. If the plan is not approved by the Governor by February 1, 1976, then all parking facilities at the Airport must implement a proportionate reduction by May 1, 1976. EPA is also promulgating several new paragraphs in order to allow greater flexibility for local planning, including a provision in new paragraph (n) allowing Cambridge to substitute new off-street spaces for one-half of the on-street spaces formerly used by non-residential commuters, a provision in new paragraph (p) allowing the Governor to exempt new park-and-ride facilities connected with mass transit from the freeze, a provision in new paragraph (q) allowing Cambridge and Boston to substitute new off-street spaces for on-street spaces physically eliminated and no longer available, and a provision in new paragraph (l) permitting areas of Boston outside Boston proper to be excluded from the freeze once the Governor has approved programs for effective regulation of new off-street commercial parking spaces by the City of Boston.

4. *In § 52.1136:* The requirement of a 40 percent vacancy rate in commercial parking facilities in the Boston core area at 10 a.m. is eliminated entirely.

5. In *§ 52.1138:* This section is revised so as to reflect the program which the Commonwealth is currently undertaking for comprehensive carpool matching programs throughout the Region. The section contemplates the preparation and distribution of an employer carpool instruction manual, availability of a computer matching program, consultant assistance to employers, and use of a computer for matching groups of 400 or more commuters by the Commonwealth.

6. *§ 52.1139:* EPA has reconsidered the bus/carpool incentives set forth in paragraphs (c) through (h) of this section and has decided to eliminate the specific requirements pending completion of a comprehensive feasibility study by the Commonwealth. A new paragraph (i)

requires the Commonwealth to study the feasibility of bus and carpool incentives, including exclusive bus and carpool lanes and differential tolls, on all major highway corridors in that portion of the Boston Intrastate Region bounded by Route 128. The study must include participation by a number of affected groups and agencies prior to submission to EPA. The required study is designed to produce recommendations for specific permanent changes in the highway system to be implemented prior to May 31, 1977.

7. *In § 52.1140:* This section is being substantially revised in order to provide for an annual "idle mode" emission inspection system which is to be operated in conjunction with the Commonwealth's periodic safety inspection program instead of the "loaded mode", Commonwealth-managed program required by the original plan. The interim implementation dates are being postponed so as to give the Commonwealth additional time to implement the program, but the regulation requires the system to be fully operable by August, 1976.

8. *In § 52.1141:* The requirement that older vehicles be retrofitted with the vacuum spark advance disconnect is rescinded.

9. *In § 52.1142:* The requirement that older vehicles be retrofitted with the air bleed device is being rescinded.

10. *§ 52.1143:* The requirement that older vehicles be retrofitted with the catalytic converter is being rescinded.

11. *In § 52.1145:* Several changes are being made in this section. Paragraphs (j)(4) and (j)(5) of the present organic solvent use regulations exempt the use of water-borne and high solids content organic materials, provided that the materials do not come into contact with flame. Paragraphs (j)(4) and (j)(5) are being modified to provide that such organic solvents may be used in machinery constructed or modified before November 8, 1973, even though the materials come in contact with flame. Paragraphs (c) and (d) have been reworded to clarify that the 85 percent reduction must be a result of the installation of pollution control equipment. Paragraph (g)(3) has likewise been modified to clarify the meaning of the 85 percent requirement of paragraphs (c) and (d). In several paragraphs the Regional Administrator rather than the Governor has been made responsible for various actions. In paragraphs (j)(4)(ii) and (j)(5)(i) the figure of 20 percent is raised to 30 percent for solvent content in the exemptions for water-borne and high-solid coatings because of the regulation's immediate applicability. A 20 percent figure might be used in the future. Paragraph (j)(5)(iii) is deleted as unnecessary, and paragraph (j)(6) as redundant. In paragraph (j)(7), the Regional Administrator is given the power to approve exemptions for research and testing, and in (l) the power to approve methodologies for determining emission rates.

12. *In § 52.1160:* This section would be changed to emphasize the continuing role EPA intends to play in monitoring performance under the plan and in revising it as necessary. The Commonwealth is now responsible for monitoring air quality and reporting to EPA. The section would require the Commonwealth to devise methods to improve overall data-gathering and reporting procedures in a manner necessary to provide current information to EPA on the effectiveness of the plan. As required by the order of the court in the South Terminal case, EPA must periodically assess the effectiveness of the plan and adjust its control measures as necessary to avoid having either too lax or too rigorous a plan. Upon receipt of information from the Commonwealth, EPA would then have a basis for evaluation. The section would require the Administrator of the EPA to make whatever changes were necessary according to public participation procedures generally followed for rulemaking purposes.

13. *In § 52.1161:* This section proposes a complete modification of the original parking space reduction program for employees. EPA is now requiring employers having an employment facility with 50 or more employees and educational institutions with 250 or more commuting students and employees to carry out prescribed mandatory measures in a manner designed to achieve a target goal of reducing the number of single passenger commuting vehicles used by employees and students commuting to work or classes by 25 percent. The following mandatory measures are being required in order to encourage the use of carpools or mass transit by commuters:

(a) Making available any pass program offered by the Massachusetts Bay Transportation Authority,

(b) Posting schedules and rates of available mass transit,

(c) Publicizing any applicable on-street parking limitations in the vicinity of the facility,

(d) Offering incentives for use of bicycles by commuters,

(e) Negotiations with officials of mass transit facilities, so as to obtain improved service,

(f) Making available any available dial-a-ride programs,

(g) Conducting a carpool matching and promotional program (for employment facilities with 250 or more commuters and educational facilities with 1,000 or more commuters), and

(h) Providing van-type vehicles to groups of 8 or more employees who agree to operate (and pay the costs of operating) van-type vehicles for commuting (for employment facilities having 1,000 or more commuters).

Affected facilities are required to file reports with the Commonwealth's Secretary of Transportation and Construction on the number of commuters, commuting vehicles and single passenger commuting vehicles as of a base date. This base date is October 1, 1975, except that employers who filed action plans with EPA under the original plan and commenced measures to cut back commuting vehicle use are allowed to establish their base date as of the date of commencement of such measures, thereby receiving credit for efforts prior to the effective date of the new regulations. Facilities with 250 or more commuters are required to file this report on or before October 15, 1975; facilities with fewer than 250 commuters are required to file on or before June 30, 1976. The regulation requires employers and educational institutions to file periodic updating reports which indicate whether or not the facility has achieved its goal.

If the 25 percent reduction goal has not been met by the date of the first updating report, the facility is subject to further reporting requirements upon notification by EPA or the Commonwealth's Secretary of Transportation and Construction. If requested to do so, it must then report on the measures used in an attempt to achieve the goal and measures it intends to take to fully carry out the mandatory program.

The Commonwealth is now required to have its carpool consulting program fully operational in time to assist affected facilities to meet the requirements of this proposed regulation. If an employer fails to achieve or maintain the required reduction, he may be contacted by the Commonwealth. In order to avoid duplication of reporting, the proposed section requires the reports under the section to go directly to the Secretary of Transportation and Construction, who has overall responsibility for the carpool program. Based upon the reports, the Secretary can make a determination as to where efforts to encourage and assist affected facilities should be directed. Instances of violation of the regulations would be reported directly to EPA. Prior to commencing any enforcement action, both the Secretary and EPA would be required to take into consideration good faith efforts made by a facility. Finally, the Secretary is required to report periodically to EPA on the actual reductions in single passenger commuter vehicles report by facilities.

14. *In § 52.1162:* A new section providing for a comprehensive study of means to increase the use of bicycles has been added.

15. *In § 52.1163:* A new section provides that the City of Boston, the Commonwealth, the Massachusetts Port Authority, the Massachusetts Bay Transportation Authority and the Massachusetts Turnpike Authority, each study alternate means of reducing carbon monoxide concentrations in the vicinity of the Callahan and Sumner Tunnels and make recommendations to EPA for incorporation into the plan. Such study may be conducted jointly by all parties. In addition, the new section requires the Massachusetts Port Authority to monitor traffic volumes to and from Logan Airport and to implement a number of measures designed to reduce vehicle traffic to and from Logan Airport, including an airport-wide carpool matching program, better provisions to inform travelers of availability of mass transit facilities and implementation of a central clearinghouse to allow all employees at Logan Airport to participate in any pass pro-

gram made available by the Massachusetts Bay Transportation Authority.

16.. *In § 52.1164:* The Commonwealth is required by this new section to review available information on heavily-congested intersections in Waltham and elsewhere inside the Boston Intrastate Region and to develop programs to be implemented in time to reduce carbon monoxide concentrations to meet standards by the May 31, 1977 deadline. The Commonwealth is required to allow participation by interested members of the public and affected agencies.

Control of Hydrocarbons From Stationary Sources

The regulation on organic solvent use contained in the original plan, which is today being amended in certain respects (see "Amendments to Regulations" above), controls only the usage of solvents classified as highly reactive by requiring persons using such organics to switch solvents composed of less reactive hydrocarbons or else to reduce emissions by 85 percent through the use of control technology.

EPA now believes that, under certain conditions, certain of these less reactive hydrocarbons may be contributing to photochemical oxidant formations which cause violations of air quality standards. Therefore, EPA believes that controls on certain hydrocarbons previously not considered to cause air quality violations should be developed.

EPA is aware that a number of areas within the U.S. are developing plans for more stringent controls over users of organic solvents. These areas face similar problems, and issues involved in many cases are the same. EPA has been unable to finalize such regulations for this plan due to time constraints. Therefore, it is not promulgating the proposed paragraph (k) to § 52.1145 today, but is working on the promulgation of additional requirements. In the meantime, the present organic solvent use regulation remains in effect, as amended.

EPA Response to Technical Comments Received

Testimony presented at the March 20 and 21 public hearings raised questions in the following areas: (a) Data validity and assessment, (b) origin of photochemical oxidants, (c) validity of vehicular emission estimates, (d) effectiveness of carbon monoxide control strategies, and (e) East Boston carbon monoxide concentrations. EPA's position in detail on these issues is contained in the aforementioned Technical Support Document ("TSD") dated February 19, 1975 and its response to the major questions is outlined below:

(A) *Data validity and assessment.* (1) Most commentators supported EPA's conclusions regarding the validity of monitored levels of carbon monoxide and photochemical oxidants, as those levels appear in the TSD. After review of the testimony and the data, the Agency has concluded that those data are correct.

(2) EPA has conducted an extensive review of the quality of the data in question. Quality assurance procedures used in gathering that data were examined for each site, as were the instruments and the sites themselves. All suspect data were eliminated from the reported data and the Agency is now convinced that the data supporting the Plan are reliable and valid.

(3) One commentator felt that the data base was inadequate because of insufficient monitoring outside Route 128. This comment is not relevant to the Plan's carbon monoxide strategies, since no area outside Route 128 will be subject to the imposition of localized controls until that specific area has been modeled and/or monitored. Photochemical oxidants, in contrast, are an areawide problem, and the data from the existing monitoring data adequately demonstrate the need for areawide control stategies.

(4) Another commentator suggested that certain specific alternate quality assurance criteria should be used to evaluate data. Several of these criteria are similar to those in existing EPA guidelines. Others, however, are incompatible with the national ambient air quality standards (see for example (D)(2) below), and therefore cannot be validly employed to assess the data.

(5) One commentator believed that EPA has underestimated the effects of the FMVCP. An analysis of the data supporting this claim has led EPA to conclude that it is statistically invalid and without predictive power. This commentator also failed to account for the possibility that changes in ozone levels could be attributed to a number of factors, including meteorological variables and (localized) nitrogen oxide ("NO") auto emissions, resulting therefore in the understatement of ozone levels.

(6) One commentator doubted the effectiveness of peak-hour control strategies, asserting that peak hour daily traffic does not necessarily correlate with the occurrence of oxidant violations. This criticism is based on an erroneous premise; these strategies are designed to control total hydrocarbon emissions, not merely peak hour emissions. These strategies are employed because commuters represent the most available group for diversions to carpools and mass transit. Further, the work trip is the most significant single-purpose trip in terms of total contribution to congestion and vehicle miles traveled. It is only coincidental that the strategies focus on peak hours.

(B) *Origin of photochemical oxidants.* (1) Several commentators questioned the adequacy of the available data to support controls in this AQCR to meet the ambient air quality standards. After review of this testimony, EPA concludes that it presents no basis for lessening controls on oxidants. The review has been discussed elsewhere in the preamble and the TSD.

(2) Some persons expressed the opinion that EPA had not properly accounted for the possible contribution to oxidant levels from natural sources. A review of available evidence suggests that conditions likely to produce peak ozone concentrations from stratospheric downwash generally do not coincide with those which produce peak concentrations by natural organic reactions. Therefore, given the persistence, magnitude, and frequency of violations in the metropolitan Boston area, EPA concludes that natural sources do not significantly affect measured oxidant levels in this AQCR. Furthermore, if natural sources were a part of the oxidant or hydrocarbon base, there would be a need for more, not less control of man-made sources to attain the health standard.

(3) Other commentators raised the issue of the influence on the metropolitan Boston oxidant levels of oxidants or their precursors transported into the Region from exogenous sources. This question is addressed in more detail in the TSD. It is presently hypothesized in the open literature that high ozone levels affecting a wide area of the Eastern United States occur when migratory high pressure cells slow down or stagnate over an area. These incidents, in conjunction with high densities of ozone precursor emissions would apparently allow generation, pervasive mixing, and buildup of ozone to take place over wide areas and to persist for a number of days. Thus, while transport may occur across the entire air mass, because of high local density of hydrocarbon emissions each urban area will in large part generate its own oxidant problem, although it may be exacerbated by exogenous sources. While the Agency agrees that some recent evidence might suggest that control of local emissions may not be fully adequate to meet oxidant standards, transport "background" is no more than natural background a basis for lessening reductions in controllable local emissions, although it does suggest that control of exogenous sources may also be required. Finally, while transport may be a contributing factor, the precise role and implications of transport for local problems are still very uncertain and need more quantification than is presently available. EPA is therefore engaged in an extensive program of laboratory and field studies concerning the influence of transport on the attainment of standards. However, since these findings will not obviate the need for control measures in urban areas, the Agency's continued emphasis on local controls is both prudent and rational.

(4) Specific evidence of transport cited by certain commentators included weekend violations, high levels at unusual hours, and high levels in the presence of clouds. EPA notes that high weekend levels have been recorded at sites throughout the nation. Such readings may result from the persistence of hydrocarbons emitted on previous days, along with fresh emissions from weekend auto use, under conditions of decreased no scavenger activity due to depressed weekend industrial emissions. The same factors may produce high readings at unusual hours. The few instances of high levels coinciding with clouds likewise does not necessarily reflect oxidant transport. Examination of these instances indicated

that in almost every case these were high, thin clouds which would influence only minimally the level of ultraviolet irradiation. These were not the kinds of clouds producing heavily overcast conditions.

(5) Several commentators questioned the Agency's position that almost all hydrocarbons exhibit some reactivity, especially under conditions of prolonged irradiation. These commentators urge that the Agency limit its controls to highly reactive constituents, rather than a much larger group of hydrocarbons. Current research indicates that hydrocarbons previously thought to be of "low reactivity" can yield as much total ozone as those classified "highly reactive," especially when they are exposed to prolonged irritation over several days in the atmosphere. There are many other factors which also influence the degree of reactivity of a given hydrocarbon. It is therefore EPA's position that the control of all hydrocarbons which have a reasonable potential to react in a photochemical oxidant formation process is a more appropriate strategy for the attainment of oxidant standards than is one limited to control of a narrowly defined group of "highly reactive" organic materials. Regulations will have to be developed which adequately control emissions of all oxidant precursors although, due to time constraints, this has not been done in this plan.

(C) *Validity of emission reduction estimates.* (1) A number of commentators have questioned EPA's estimates of vehicle miles traveled ("VMT"), VMT growth rate, and VMT reduction resulting from the implementation of the plan. EPA has consulted extensively with those most knowledgeable in this field and believes that no more accurate estimate of VMT and VMT growth rate is currently feasible. The Agency recognizes that any predictions of changes in travel habits are necessarily imprecise. There is little previous experience on which to base any assessment of the accuracy of EPA's assumptions. In the course of implementation of the plan, however, the assumptions and strategies will be monitored and reassessed.

(2) Several specific comments were made claiming that EPA had erred in its calculations and evaluations. Careful review of these claims shows that they resulted not from assessment errors by EPA, but rather from differences of opinion on technical matters or erroneous conclusions on the part of the commentators.

(D) *Effectiveness of carbon monoxide control strategies.* (1) Some testimony questioned the effectiveness of a "hot spot" approach for localized control of carbon monoxide ("CO") levels, suggesting that there could be large areas in violation of the standards between hot spots and that strategies diverting traffic from hot spots might create other violations in surrounding areas that are only marginally below the standards. The Agency believes the specific requirements of its CO strategies obviate these problems. Section 52.1160 requires effective monitoring throughout the entire Boston Intrastate Region, ensuring that large areas of CO violations will not go undetected. Furthermore, § 52.1164 provides that a CO control strategy for a given hot spot must be designed in a way that ensures that new violations are not created as a result of imposition of the control strategy.

(2) Other commentators felt that CO strategies should be designed to reduce baseline levels of CO, rather than occasional levels in excess of the standards. The Agency is obligated, however, to design strategies for the attainment of the national ambient air quality standards for carbon monoxide. Those standards require that the levels specified not be exceeded more than once per year in any given location. It is that requirement that the "hot spot" strategy is designed to fulfill.

(E) *East Boston CO concentration.* (1) The Agency believes, after review of all testimony, that the East Boston monitor is properly located, and that it does show violations of the CO standards which must be controlled if the statutory mandate is to be fulfilled. The best state-of-the-art emission estimates show that the East Boston problem will not be solved by May 31, 1977, by the specific strategies being promulgated today. EPA is therefore requiring in § 52.1163 further study of additional strategies for implementation by that date. These strategies will probably involve traffic management and restraints in the tunnel areas; any control program for this area must, however, focus also on the two most significant contributors to tunnel traffic, commuters and persons using Logan Airport.

(2) Certain commentators suggested that EPA had ignored its own siting guidelines in the placement of the East Boston monitor. This is not the case. EPA's siting guidelines are only intended to provide guidance in selecting a site at which maximum ambient concentrations could reasonably be expected to be measured. The guidelines are indeed meant to assist in the selection of sites most likely to measure highest expected one hour or eight hour carbon monoxide concentrations, and not to preclude use of data from any particular kind of site in demonstrating a violation of the national ambient air quality standards. The fundamental criterion in judging the adequacy of a site is whether that site measures ambient air to which the public could reasonably be expected to be exposed over an interval consistent with the time period of the standard.

(3) The East Boston monitor site is consistent with these criteria. The site measures CO concentrations likely to be experienced by persons living and working for one hour and eight hour durations in that general vicinity, since it is situated adjacent to and across the street from homes and stores. Because of the proximity of a large volume of slow-moving traffic and the restricted ventilation characteristics in the vicinity of the site, it is unlikely that CO concentrations would vary significantly if the site were moved slightly one way or the other. EPA therefore believes that there is no justification for disregarding or reducing the excessive carbon monoxide concentrations measured at this site. Because people will be exposed to these concentrations, EPA must use these levels as a basis for development of control strategies.

(4) Other commentators felt that the site was an improper one because, they allege, it is unduly influenced by emissions from the tunnel entrance and exit and by local traffic backed up on adjacent streets. The site is therefore not representative of East Boston concentrations, these commentators believe. Again, these commentators misunderstand the requirements of the Clean Air Act. By law, EPA must implement controls to protect the health and welfare of persons in all locations where they may be exposed to pollutants for a duration specified by the standards. This precludes an approach which would choose a site typical of "average" or "baseline" concentrations, as certain commentators advocate. The measures to be implemented in East Boston are not intended to address a regionwide problem, nor is the monitoring intended to be representative of areawide air quality. EPA also does not agree that its plan should be based on other sites in East Boston, since such sites would have different traffic flow and physical characteristics from the current monitoring site area. The problems in the area of the tunnel must be controlled by strategies addressed to the particular conditions of that area. Other areas in East Boston will also be studied, as required in § 52.1164, to insure that other problem areas are identified and controlled. As to the specific issues raised above, after an analysis of the problem EPA has concluded that stalled traffic on streets adjacent to the site contributes only infrequently to high concentrations at the site. By far the greatest single factor contributing to the measured concentration at the site is traffic in the toll plaza areas, and it is this factor to which the East Boston control strategies are currently addressed.

(5) One commentator felt that new control measures were not necessary to correct the CO problem in East Boston by May 31, 1977, and that EPA should have included a greater estimated VMT reduction due to other promulgated strategies. EPA believes that it is inappropriate to consider reductions for other VMT-related strategies in the East Boston estimates. Because of the unique attraction of Logan Airport for tunnel traffic, the lack of available data concerning commuter traffic patterns in this particular corridor, and the more voluntary nature of the VMT strategies being promulgated, a specific emission reduction applicable to the East Boston site for these strategies cannot be determined with any accuracy at this time. EPA does, however, agree that the inclusion of reductions due to the inspection and maintenance program is appropriate and using some of the standard reductions and assumptions suggested by commentators now estimates that the East Boston site CO concentration as of May 31, 1977,

will be 10.1 ppm rather than the originally estimated 10.6 ppm shown in Table 4 of the February 28, 1975, proposal. Since this projection remains in violation of the standard, control strategies continue to be required.

(6) One commentator claimed that EPA's assumptions on airport-generated tunnel traffic were faulty, and suggested other criteria for calculating that proportion. After review of all testimony on this point, the Agency has recalculated its stated traffic proportions and finds that on an average day airport-generated traffic constitutes approximately 44 percent of total tunnel traffic, rather than the 50 percent originally stated or the 38 percent stated by this commentator. In either case, Logan Airport remains the source of very significant tunnel traffic and control strategies must be addressed to this trip-generator.

(7) Finally, with regard to the freeze on parking facilities at Logan Airport, a review of the testimony fails to show any contradiction of EPA's position that the freeze will help decrease tunnel traffic and thereby contribute to the attainment of the CO standards in East Boston. Although excess parking is currently available, the Agency believes the freeze will reduce the convenience of parking at the Airport as passenger volume grows there in the future and thus deter any increase in auto trips to and from Logan Airport.

PARKING MANAGEMENT REGULATIONS

Section 52.1135(d) of the original regulations required any permit issued for the construction or modification of a new parking facility in the Boston Intrastate Region to state that "construction or modification of such facility will not interfere with the attainment or maintenance of applicable Federal air quality standards * * *" On August 22, 1974 (39 FR 30440) the Administrator proposed a set of changes to § 52.1135(d) which would have established procedures for meeting permit requirements. These changes were also proposed for nearly twenty other urban areas having transportation control plans with preconstruction review and permit requirements. Hearings on these proposed regulations were held in all of the affected areas except the Boston Intrastate Region. The public response to these proposed regulations is now being analyzed by EPA and final regulations are now being developed. Because EPA anticipates that the final regulations will be ready for publication in the FEDERAL REGISTER within a short time, the amendments being published today do not include regulations on this subject. Rather, EPA will publish proposed parking management regulations for the Boston Intrastate Region as soon as these regulations are finalized for the rest of the affected areas. Notice of a public hearing on these parking management regulations will appear concurrently with the notice of proposed amendments to § 52.1135(d).

MASS TRANSIT AND THE TRANSPORTATION CONTROL PLAN

Certain measures in the plan will have a stimulating effect on mass transit construction and use. Employers located on the MBTA system are required to offer available MBTA pass plans to their employees. Because the cost of transit commuting with the pass is lower, employees will have an incentive to use it for their daily commuting trips, thereby increasing ridership and demand for improved facilities. The regulations also require employers and educational institutions to post schedules and rates of mass transit carriers serving its facilities, to negotiate with officials of mass transit lines for improved service to their facilities and to participate in any available dial-a-ride systems. Another regulation requires the Commonwealth to study major highway corridors leading into Boston in order to determine where bus service could be improved by opening up express lanes, thus cutting trip time for the bus commuter. In addition, the bicycle regulation requires the Commonwealth to study means of locating bicycle storage facilities and accommodating bicycles on mass transit vehicles. Implementation of these features would tend to reduce auto travel to transit stops and also to encourage commuters who commute by transit as part of their trip to use their bicycles for the entire trip.

In addition to the planning requirements involved in the express bus lane program, the Commonwealth is required to make an annual report to EPA describing all mass transit improvements built or proposed throughout the Boston Intrastate Region.

EFFECTIVE DATES OF REGULATION

In its September 27, 1974, order the Court of Appeals for the First Circuit suspended until further order controls under § 52.1135 (parking freeze and employee parking space reductions), § 52.1136 (vacancy rate for off-street commercial parking) and § 52.1144 (evaporative controls on retail gasoline outlets). The court nonetheless ordered persons to comply with the reporting requirements set forth in § 52.1135(j) and § 52.1136(g) pending its final order.

The Administrator finds good cause for the amendments being promulgated today to be effective immediately, with the exception of § 52.1135 (Regulation for Parking Freeze) and the new § 52.1161 (Incentives for Reduction in Single-Passenger Commuter Vehicle Use). Section 52.1135 will become effective only at such time as the court removes its suspension order. The new § 52.1161 is a replacement for the employee parking space reduction requirements formerly contained in § 52.1135(g) et seq. Except as noted above, the new section should not become effective until further order of the court. EPA believes, however, that it is consistent with the court's order regarding reporting requirements to make § 52.1161 (c) and (d) immediately effective so that employers and educational institutions will begin filing their base date reports even though the court may not have made its final ruling prior to the dates for filing set forth in said paragraphs. EPA will publish notice of the court's final order immediately after it is received by the Agency. These amendments are being promulgated pursuant to sections 110(c) and 301 of the Clean Air Act (42 U.S.C. 1857c(5)(c) and § 1857g).

Dated: May 30, 1975.

RUSSELL E. TRAIN,
Administrator.

Subpart W—Massachusetts

1. Section 52.1128 is revised to read as follows:

§ 52.1128 Transportation and land use controls.

(a) For purposes of this subpart, the definitions herein are applicable.

(b) Definitions:

(1) "Register" as applied to a motor vehicle, means the licensing of such motor vehicle for general operation on public roads or highways by the appropriate agency of the Federal Government or by the Commonwealth.

(2) "Boston Intrastate Region" means the Metropolitan Boston Intrastate Air Quality Control Region, as defined in § 81.19 of this part.

(3) [Reserved]

(4) "Freeze area" means that portion of the Boston Intrastate Region enclosed within the following boundaries: The City of Cambridge; that portion of the City of Boston from the Charles River and the Boston Inner Harbor on north and northeast of pier 4 on Northern Avenue; by the east side of pier 4 to B Street, B Street extension of B Street to B Street, B Street, Dorchester Avenue, and the Preble Street to Old Colony Avenue, then east to the water, then by the water's edge around Columbia Point on various courses generally easterly, southerly, and westerly to the center of the bridge on Morrissey Boulevard, on the east and southeast; then due west to Freeport Street, Freeport Street, Dorchester Avenue, Southeast Expressway, Southampton Street, Reading Street, Island Street, Chadwick Street, Carlow Street, Albany Street, Hunneman Street, Madison Street, Windsor Street, Cabot Street, Ruggles Street, Parker Street, Ward Street, Huntington Avenue, Brookline-Boston municipal boundary, Mountford Street to the Boton University Bridge on the southwest and west; and the Logan International Airport. Where a street or roadway forms a boundary the entire right-of-way of the street is within the freeze area as defined.

(5) "Boston proper" means that portion of the City of Boston, Massachusetts, contained within the following boundaries: The Charles River and Boston Inner Harbor on the northwest, north, and northeast, the Inner Harbor, Fort Point Channel, Fitzgerald Expressway, and the Massachusetts Avenue Expressway access branch on the east and southeast, and Massachusetts Avenue on the west. Where a street or roadway forms a

boundary, the entire right-of-way of the street is within the Boston proper area as here defined.

(6) "Regional Administrator" means the Administrator of Region I of the U.S. Environmental Protection Agency.

(7) "Governor" means the Governor of the Commonwealth or the head of such executive office of the Commonwealth as the Governor shall designate as responsible for carrying out specific provisions of this subpart.

(8) "Commonwealth" means the Commonwealth of Massachusetts.

2. Section 52.1134 is revised to read as follows:

§ 52.1134 Regulation limiting on-street parking by commuters.

(a) "On-street parking" means parking a motor vehicle on any street, highway, or roadway, except for legal stops within designated loading zones or areas defined for loading purposes, at or before intersections, as caution, safety and emergencies require, whether or not a person remains in the vehicle.

(b) Commencing on or before June 30, 1974, the Commonwealth, the City of Boston, the City of Cambridge, and administrative bodies of any of them having jurisdiction over any streets, highways, or roadways within the City of Cambridge or Boston proper, and the principal officials and administrative bodies thereof having responsibility over parking on such streets, highways, or roadways, shall adopt all necessary administrative and enforcement procedures and regulations to effect a prohibition of on-street parking within Boston proper between the hours of 7 a.m. and 9:30 a.m., and within the City of Cambridge between the hours of 7 a.m. and 10 a.m., except Saturdays, Sundays and legal holidays. The regulations shall state that violation of the prohibition shall be punishable by a fine of not less than $15. The City of Boston shall at a minimum eliminate 50 percent of on-street parking during the hours specified by January 1, 1976; 66⅔ percent by September 1, 1976; and 100 percent by March 1, 1977. The City of Cambridge shall at a minimum eliminate 33⅓ percent of on-street parking during the hours specified by September 30, 1974; 66⅔ percent by July 1, 1975; and 100 percent by March 1, 1977. Any other affected entity shall at a minimum eliminate 33⅓ percent of such parking during the hours of 7 a.m. to 10 a.m. by January 1, 1976; 66⅔ percent by September 1, 1976, and 100 percent by March 1, 1977.

(c) The following classes of vehicles shall be exempt from the requirements of this section, provided that on-street parking by such vehicles is in compliance with local and state regulations:

(1) Vehicles owned by residents of that portion of Boston included within Boston proper that are registered in Boston and display a resident parking sticker for that area issued by the City of Boston;

(2) Vehicles owned by residents of Cambridge that are registered in and parked within Cambridge and display an appropriate parking sticker issued by the City of Cambridge;

(3) Vehicles owned and operated by handicapped persons with HP license plates; and

(4) Vehicles registered as "commercial vehicles" by the Commonwealth and displaying appropriate license plates.

(d) On or before June 30, 1974, no owner or operator of a motor vehicle shall park, or permit the on-street parking of, said vehicle within Cambridge or Boston proper except in conformity with the provisions of this section and the measures implementing it.

(e) The Governor and the chief executive of any other governmental entity on which obligations are imposed by paragraph (b) of this section should, on or before April 15, 1974, submit to the Regional Administrator for his approval a detailed statement of the legal and administrative steps selected to effect the prohibition provided for in paragraphs (b) and (d) of this section, and a schedule of implementation consistent with the requirements of this section. Such schedule shall include as a minimum the following:

(1) Designation of one or more agencies responsible for the administration and enforcement of the program;

(2) The procedures by which the designated agency will enforce the prohibition provided for in paragraphs (b) and (d) of this section;

(3) The procedures by which vehicles exempt from the requirements of this section will be marked; and

(4) A map showing which streets will be subject to the ban according to the schedule of implementation.

(f) Upon a finding that substantial hardship would otherwise be experienced by employees of employment facilities located in Cambridge, the Director of Traffic and Parking of the City of Cambridge may issue special parking stickers to such employees which shall entitle vehicles to park during the hours of the ban. Such stickers shall be valid only for those streets and areas of streets clearly identified on the face of such stickers, shall be issued with preference being given to carpools and vanpools and shall be subject to immediate revocation if the vehicle is cited for a parking violation on a street or area other than those designated. A list of all persons receiving such stickers shall be sent to the Regional Administrator on or before July 1 of each year.

(g) The ban shall not apply to any street space which is subject to metered parking with a maximum allowable time limit of one hour.

3. Section 52.1135 is revised to read as follows:

§ 52.1135 Regulation for parking freeze.

(a) Definitions:

(1) The phrase "to commence construction" means to engage in a continuous program of on-site construction including site clearance, grading, dredging, or land filling specifically designed for a parking facility in preparation for the fabrication, erection, or installation of the building components of the facility. For the purpose of this paragraph, interruptions resulting from acts of God, strikes, litigation, or other matters beyond the control of the owner shall be disregarded in determining whether a construction or modification program is continuous.

(2) The phrase "to commence modification" means to engage in a continuous program of on-site modification including site clearance, grading, dredging, or land filling in preparaiton for a specific modification of the parking facility.

(3) The phrase "commercial parking space" means a space used for parking a vehicle in a commercial parking facility.

(4) [Reserved]

(5) "Commercial parking facility" (also called "facility") means any lot, garage, building or structure, or combination or portion thereof, on or in which motor vehicles are temporarily parked for a fee, excluding (i) a parking facility, the use of which is limited exclusively to residents (and guests of residents) of a residential building or group of buildings under common control, and (ii) parking on public streets.

(6) "Freeze" means to maintain at all times after October 15, 1973, the total quantity of commercial parking spaces available for use at the same amounts as were available for use prior to said date; *provided*, That such quantity may be increased by spaces the construction of which commenced prior to October 15, 1973, or as specifically permitted by paragraphs (n), (p) and (q) of this section; provided further that such additional spaces do not result in an increase of more than 10 percent in the total commercial parking spaces available for use on October 15, 1973, in any municipality within the freeze area or at Logan International Airport ("Logan Airport"). For purposes of the last clause of the previous sentence, the 10 percent limit shall apply to each municipality and Logan Airport separately.

(7)–(12) [Reserved]

(b) [Reserved]

(c) There is hereby established a freeze, as defined by paragraph (a)(6) of this section, on the availability of commercial parking facilities in the freeze area effective October 15, 1973. In the event construction in any municipality, commenced prior to October 15, 1973, results in a number of spaces which exceeds the 10 percent limit prescribed by paragraph (a)(6) of this section, then the Governor shall immediately take all necessary steps to assure that the available commercial spaces within such municipality shall be reduced to comply with the freeze. In the event that such limit is exceeded at Logan Airport, then the provisions of paragraph (m) of this section shall apply.

(d) [Reserved]

(e) After August 15, 1973, no person shall commence construction of any commercial parking facility or modification of any such existing facility in the freeze area unless and until he has obtained from the Governor or from an

agency approved by the Governor a permit stating that construction or modification of such facility will be in compliance with the parking freeze established by paragraph (c) of this section. This paragraph shall not apply to any proposed parking facility for which a general construction contract was finally executed by all appropriate parties on or before August 15, 1973.

(f) The Governor shall notify the Regional Administrator in writing within 10 days of approval of any agency pursuant to paragraph (e) of this section. In order for any agency to be approved by the Governor for purposes of issuing permits pursuant to paragraph (e) of this section, such agency shall demonstrate to the satisfaction of the Governor that:

(1) Requirements for permit application and issuance have been established. Such requirements shall include but not be limited to a condition that before a permit may be issued the following findings of fact or factually supported projections must be made:

(i) The location of the facility; and

(ii) The total motor vehicle capacity before and after the proposed construction or modification of the facility.

(iii)–(v) [Reserved]

(2) Criteria for issuance of permits have been established and published. Such criteria shall include, but not be limited to:

(i) Full consideration of all facts contained in the application.

(ii) Provisions that no permit will be issued if construction or modification of the facility will not comply with the requirements of paragraph (c) of this section.

(iii)–(iv) [Reserved]

(3) Agency procedures provide that no permit for the construction or modification of a facility covered by this section shall be issued without notice and opportunity for public hearing. The public hearing may be of a legislative type; the notice shall conform to the requirements of 40 CFR 51.4(b); and the agency rules or procedures may provide that if no notice of intent to participate in the hearing is received from any member of the public (other than the applicant) prior to 7 days before the scheduled hearing date, no hearing need be held. If notice of intent to participate is required, the fact shall be noted prominently in the required hearing notice.

(g)–(l) [Reserved]

(m) On or before November 30, 1975, the Massachusetts Port Authority ("Massport") shall prepare and submit to the Governor for his aproval a plan showing the manner in which the number of commercial parking spaces at Logan Airport which exceeds the number of such spaces permitted under the freeze shall be removed from use. The Governor shall approve such plan if he determines that (1) implementation of such plan would result in reducing the aggregate number of commercial parking spaces to the level of such spaces permitted by this section, (2) Massport has adequate legal authority to implement such plan and (3) adequate commitments have been made by Massport to assure the Governor that such plan will be fully implemented and maintained on and after March 1, 1976. In the event that the Governor does not approve such plan by February 1, 1976, then the owner or operator of each commercial parking facility located at Logan Airport shall, on or before May 1, 1976, reduce the number of commercial parking spaces available for use at each such facility by an amount which bears the same proportion to the number of spaces exceeding the limit imposed by this section as the number of spaces available at such facility bears the total number of such spaces which were available for use at Logan Airport on February 1, 1976.

(n) Where an agency approved by the Governor under paragraph (e) of this section to issue permits for new construction in the City of Cambridge demonstrates to the satisfaction of the Governor that (1) specific on-street parking spaces in use as of October 15, 1973, were being legally and regularly used as of such date for parking by commuters (as that term is defined in § 52.1161(a)(6)) who are not residents of Cambridge and that (2) effective measures have been implemented (including adequate enforcement) to prevent such spaces from being used by such commuters, then such approved agency may issue permits for construction of additional new commercial parking spaces equal to one-half of the number of spaces removed from regular use by such commuters and the total quantity of commercial parking spaces allowable in Cambridge under this section shall be raised accordingly.

(o) On or before July 31, 1976, and on or before each succeeding July 31, the Governor and the chief executive officer of any agency approved by the Governor under paragraph (e) of this section shall submit a report to the Regional Administrator setting forth:

(1) The names and addresses of all persons who received permits during the previous twelve-month period ending June 30 and number of spaces allocated to each such person;

(2) The number of commercial parking spaces available for use as of the June 30 prior to the date of the report;

(3) The number of commercial parking spaces which remain available for allocation by the Governor or such agency as of the June 30 prior to the date of the report, including those spaces made available because of retirement of existing commercial parking spaces as well as those spaces made available because of the effects of paragraphs (n), (p) and (q) of this section; and

(4) The location and capacity of any park-and-ride facility designated under paragraph (p) of this section.

(p) The Governor and any approved agency may issue a permit to construct a commercial parking facility which is designated by the Governor as a park-and-ride facility to be operated in conjunction with mass transit service without regard to the limitations on number of spaces imposed by this section.

(q) Where an agency approved by the Governor can demonstrate to the satisfaction of the Governor that there have been physically eliminated through permanent modification or demolition any legal on-street parking spaces within a municipality then such agency may issue permits for construction within that municipality of additional new commercial parking spaces equal to the number of spaces thus eliminated and the total quantity of commercial parking spaces allowable for such municipality under this section shall be increased accordingly.

(r) The provisions of this regulation shall cease to be effective as to that portion of the freeze area lying within the City of Boston and not included within Boston proper or Logan Airport at such time as the City of Boston implements a program, approved by the Governor, which shall include effective measures to control the construction of additional commercial parking spaces within that area, including procedures for issuance of conditional use permits under applicable zoning regulations and for assuring compliance with all air quality requirements under state and Federal law.

§ 52.1136 [Reserved]

4. Section 52.1136 is hereby revoked and reserved.

5. Section 52.1138 is hereby revised to read as follows:

§ 52.1138 Regulation for computer carpool matching.

(a) "Carpool matching" means assembling lists of commuters with similar daily travel patterns and providing a mechanism by which persons on such lists may be put in contact with each other for the purpose of forming carpools.

(b) This section is applicable in the Boston Intrastate Region.

(c) The Governor shall establish a program for encouraging employers and educational institutions to set up carpool matching programs within facilities under their control. The program shall provide for:

(1) The distribution to each employer or educational facility subject to § 52.1161 by August 31, 1975, of a manual adequately showing how to establish and maintain a carpool program;

(2) A computer program available by July 15, 1975, to any such employer or educational institution or group for the purpose of carpool matching by use of such computer program;

(3) Processing by the Commonwealth beginning July 15, 1975, of any set of properly prepared computer cards for 400 or more commuters submitted by any such employer or educational institution or group and distributing the results of any computer carpool matching only to such persons; and

(4) Necessary guidance and technical consulting to the affected facilities subject to § 52.1161(b)(7) available by July 15, 1975, in order to initiate and maintain the carpooling program.

6. Section 52.1139 is hereby revised to read as follows:

§ 52.1139 Preferential bus/carpool treatment.

(a)–(h) [Reserved]

(i) On or before December 31, 1976, the Commonwealth shall perform and complete feasibility studies on incentive measures involving preferential bus and carpool treatment and other measures designed to reduce emissions by vehicles in the Boston Intrastate Region. Such measures shall include, but are not limited to:

(1) Alternative mechanisms for bus/carpool preferential treatment.

(i) Such mechanisms shall include, but are not limited to:

(A) Exclusive bus/carpool lanes, including wrong-way bus/carpool lanes; and

(B) Restriction of the downtown on and off ramps for use only by buses and carpools during commuting hours (off ramps between 6:30 a.m. and 9:30 a.m., and on ramps between 3:30 p.m. and 6:30 p.m.).

(ii) Such mechanisms should be considered for use in the following generally-defined corridors, on whatever combination of listed and/or other routes as the study may determine to be feasible (listed routes end at Massachusetts Route 128, unless otherwise noted):

(A) Northeast Corridor: U.S. Route 1 and C–1, and Interstate Route 95; Massachusetts Route 1–A and 107 (to Lynn);

(B) North Corridor: U.S. Interstate Route 93; Massachusetts Route 28 (to Stoneham); McGrath/O'Brien Highway; Mystic Valley Parkway (to Winchester);

(C) Northwest Corridor: Massachusetts Route 2; Massachusetts Avenue (Arlington to Harvard Square); Alewife Brook Parkway; Fresh Pond Parkway;

(D) West Corridor: Massachusetts Turnpike; Massachusetts Route 9 (to Massachusetts Route 16); Memorial Drive; Storrow Drive; Soldiers Field Road;

(E) Southwest Corridor: U.S. Route 1; Arborway; Washington Street (to Massachusetts Route 1);

(F) South Corridor: Massachusetts Route 28 and 136; Tremont Street; Columbus Avenue; Sever Street; Blue Hill Avenue;

(G) Southeast Corridor: Southeast Expressway; Massachusetts Route 128 (from U.S. Interstate Route 95 to the Southeast Expressway); Massachusetts Route 3 (to Massachusetts Route 18); Massachusetts Route 3–A (to Hingham); Massachusetts Route 28; Morrissey Boulevard;

(H) Central Corridor: Central Artery;

(I) North Circumferential Corridor: Massachusetts Route 16/Mystic Valley Parkway;

(J) Circumferential Corridor: Massachusetts Route 128 (from Intersection with U.S. Route 1 in the north to Massachusetts Route 3 in the south); and

(K) Downtown Boston Corridor: Washington Street.

(iii) Factors which should be considered in connection with the feasibility of such mechanisms should include, but are not limited to, the physical characteristics of the roads, existing congestion level of roads, predicted bus volumes, before/after person capacity with and without the bus lane, cumulative net time savings, cost, the usefulness of mechanisms in reducing commuter vehicle miles traveled, the effects of the mechanisms upon parallel rail transit (where applicable) and other costs and benefits to users and non-users.

(2) Toll restructuring on the Massachusetts Turnpike Authority and Massachusetts Port Authority bridges, tunnels, and roads so as to provide incentives for bus and carpool use, such as (but not limited to):

(i) Preferential lanes at toll gates and/or lower fares for buses and carpools;

(ii) Raising tolls during commuting hours so as to collect all revenues during those hours and allowing free usage at other times; and

(iii) Use of one-way toll collection at all toll booths to reduce waiting time.

(j) On or before January 1, 1976 the Commonwealth shall submit to the Regional Administrator a scope of work for each study specified in paragraph (i) of this section. The Commonwealth also shall submit a schedule describing the timing and contributions of agency participants. On or before July 31, 1976, the Comomnwealth shall submit to the Regional Administrator preliminary drafts of each such study.

(k) The Commonwealth shall structure the studies so as to ensure the effective participation of all affected state, regional, and local agencies whose areas of jurisdiction would be affected by any matter to be studied, of interested citizen and public interest groups, and of affected cities and towns. Two key agencies that should be involved from the outset are the Joint Regional Transportation Committee and the Central Transportation Planning Staff, which fulfills various Commonwealth and Federal transportation planning requirements, including coordination of the Unified Work Program. Prior to submitting final studies and recommendations to the Regional Administrator, the Commonwealth shall make drafts available to the Regional Administrator and relevant Federal agencies such as the Federal Highway Administration, U.S. Urban Mass Transit Authority ("UMTA"), U.S. Department of Transportation, and Federal Energy Administration. Each affected agency shall have 60 days in which to submit written comments to the Commonwealth. The Commonwealth shall take such comments into account in preparing the final studies for submission to the Regional Administrator. Copies of all comments received shall be submitted to the Regional Administrator.

(l) To the fullest extent possible the bus feasibility studies should be coordinated with the ongoing UMTA planning process, particularly in regard to preparation of the Unified Work Program and to the requirements of section 5(d)(2) of the National Mass Transportation Act of 1974.

7. Section 52.1140 is revised to read as follows:

§ 52.1140 Regulation for Inspection and maintenance.

(a) Definitions:

(1) "Inspection and maintenance program" means a program to reduce emissions from in-use vehicles through identifying vehicles that need emission control-related maintenance and requiring that such maintenance be performed.

(2) "Light-duty vehicle" means a gasoline-powered motor vehicle rated at 6,000 lb GVW or less.

(3) "Medium-duty vehicle" means a gasoline-powered motor vehicle rated at more than 6,000 lb GVW and less than 10,000 lb GVW.

(b) This section is applicable in the Boston Intrastate Region.

(c) The Commonwealth shall establish an inspection and maintenance program applicable to all gasoline powered light-duty and medium-duty vehicles registered in the Boston Intrastate Region that operate on streets and highways over which it has jurisdiction. No later than April 1, 1976, the Commonwealth shall submit legally adopted regulations to the Regional Administrator establishing such a program. Antique motor vehicles designated by the appropriate state registration procedures shall be exempt from the requirements of this section. The regulation shall include:

(1) Provisions for inspection of all such motor vehicles by means of an idle emission test at periodic intervals at least once each year on a rotating schedule which provides for inspection of all such vehicles over a 12-month period with the first segment of such schedule commencing on August 1, 1976.

(2) Provisions for establishing and periodically revising emission limitations approved by the Regional Administrator to be in effect at all times which are designed to achieve an overall annual reduction in vehicular emissions within the Boston Intrastate Region of 11 percent of hydrocarbons and 9 percent of carbon monoxide which would otherwise be emitted.

(3) Provisions to require that failed vehicles receive, within 2 weeks, the maintenance necessary to achieve compliance with the inspection standards. This shall include sanctions against non-complying individual owners and repair facilities, retest of failed vehicles following maintenance, a certification program to insure that repair facilities performing the required maintenance have the necessary equipment, parts and knowledgeable technicians to perform the tasks satisfactorily, and such other measures as may be necessary or appropriate.

(4) A program of enforcement, such as a spot check of idle adjustment, to insure that, following maintenance, vehicles are not subsequently readjusted or modified in such a way as would cause them no longer to comply with the in-

spection standards. This program shall include appropriate penalties for violation.

(5) Designation of an agency or agencies responsible for conducting, overseeing, and enforcing the inspection and maintenance program.

(d) Commencing August 1, 1976, the State shall not register or allow to operate on its highways any light-duty vehicle or medium-duty vehicle that does not comply with the applicable standards and procedures adopted pursuant to paragraph (c) of this section. This shall not apply to the initial registration of a new motor vehicle.

(e) Commencing August 1, 1976, no owner of a light-duty or medium-duty vehicle shall operate or allow the operation of any such vehicle that does not comply with the applicable standards and procedures adopted pursuant to paragraph (c) of this section. This shall not apply to the initial registration period of a new motor vehicle.

(f) The Commonwealth of Massachusetts shall submit, no later than September 1, 1975, a detailed compliance schedule showing the steps it will take to establish and enforce an inspection and maintenance program pursuant to paragraph (c) of this section, including the text of any needed statutory proposals, and needed regulations that it will propose for adoption. The compliance schedule shall also include:

(1) The date by which the Commonwealth will recommend the needed legislation to the legislature;

(2) The date by which the necessary equipment will be ordered;

(3) A statement from the Governor identifying the sources and amounts of funds for the program. If the program cannot legally be funded or implemented under existing statutory authority, the text of needed legislation must be submitted.

(g) The Commonwealth shall submit, no later than September 1, 1975, the text of any needed statutory proposals or regulations to ensure that the inspection and maintenance system contains safeguards to protect consumers, including (but not limited to):

(1) Upgrading of the current procedures and requirements for certification of inspection stations to provide that the operators and employees performing such work on vehicles are responsible and competent to do so; and

(2) Protection of consumers from loss due to negligent performance of inspection and related maintenance work.

§ 52.1141 [Reserved]

8. Section 52.1141 is hereby revoked and reserved.

§ 52.1142 [Reserved]

9. Section 52.1142 is hereby revoked and reserved.

§ 52.1143 [Reserved]

10. Section 52.1143 is hereby revoked and reserved.

11. Section 52.1145 is revised to read as follows:

§ 52.1145 Regulation on organic solvent use.

(a) Definitions:

(1) "Organic solvents" include diluents and thinners and are defined as organic materials which are liquids at standard conditions and which are used as dissolvers, viscosity reducers, or cleaning agents, except that such materials which exhibit a boiling point higher than 220° F. at 0.5 millimeters of mercury absolute pressure or having an equivalent vapor pressure shall not be considered to be solvents unless exposed to temperatures exceeding 220° F.

(2) "Solvent of high photochemical reactivity" means any solvent with an aggregate of more than 20 percent of its total volume composed of the chemical compounds classified below or which exceeds any of the following individual percentage composition limitations in reference to the total volume of solvent:

(i) A combination of hydrocarbons, alcohols, aldehydes, esters, ethers, or ketones having an olefinic or cycloolefinic type of unsaturation: 5 percent;

(ii) A combination of aromatic compounds with eight or more carbon atoms to the molecule except ethylbenzene: 8 percent;

(iii) A combination of ethylbenzene, ketones having branched hydrocarbon structures, trichloroethylene or toluene: 20 percent. Whenever any organic solvent or any constituent of an organic solvent may be classified from its chemical structure into more than one of the above groups of organic compounds, it shall be considered as a member of the most reactive chemical group, that is, that group having the least allowable percentage of total volume of solvents.

(3) "Organic materials" are chemical compounds of carbon excluding carbon monoxide, carbon dioxide, carbonic acid, metallic carbides, metallic carbonates, and ammonium carbonate.

(b) This section is applicable throughout the Boston Intrastate Region. The requirements of this section shall be in effect in accordance with § 52.1147.

(c) No person shall cause, allow, suffer, or permit the discharge into the atmosphere of more than 15 pounds of organic materials in any 1 day, nor more than 3 pounds of organic materials in any 1 hour, from any article, machine, equipment, or other contrivance, in which any organic solvent or any material containing organic solvent comes into contact with flame or is baked, heat-cured, or heat-polymerized, in the presence of oxygen, unless said discharge has been reduced as a result of the installation of abatement controls by at least 85 percent. Those portions of any series of articles, machines, equipment, or other contrivances designed for processing a continuous web, strip, or wire that emit organic materials and use operations described in this section shall be collectively subject to compliance with this section.

(d) No person shall cause, suffer, allow, or permit the discharge into the atmosphere of more than 40 pounds of organic materials in any 1 day, nor more than 8 pounds in any 1 hour, from any article, machine, equipment, or other contrivance used under conditions other than described in paragraph (c) of this section for employing, or applying any solvent of high photochemical reactivity or material containing such photochemically reactive solvent, unless said discharge has been reduced as a result of the installation of abatement controls by at least 85 percent. Emissions of organic materials into the atmosphere resulting from air or heated drying of products for the first 12 hours after their removal from any article, machine, equipment or other contrivance described in this section shall be included in determining compliance with this section. Emissions resulting from baking, heat-curing, or heat-polymerizing as described in paragraph (c) of this section shall be excluded from determination of compliance with this section. Those portions of any series of articles, machines, equipment, or other contrivances designed for processing a continuous web, strip, or wire that emit organic materials and use operations described in this section shall be collectively subject to compliance with this section.

(e) Emissions of organic materials to the atmosphere from the clean-up with a solvent of high photochemical reactivity, or any article, machine, equipment, or other contrivance described in paragraph (c) or (d) or in this paragraph, shall be included with the other emissions of organic materials from that article, machine, equipment or other contrivance for determining compliance with this section.

(f) No person shall cause, suffer, allow, or permit during any one day disposal of a total of more than 1.5 gallons of any solvent of high photochemical reactivity, or of any material containing more than 1.5 gallons of any such photochemically reactive solvent by any means that will permit the evaporation of such solvent into the atmosphere.

(g) Emissions of organic materials into the atmosphere required to be controlled by paragraph (c) or (d) of this section shall be reduced by:

(1) Incineration, provided that 90 percent or more of the carbon in the organic material being incinerated is converted to carbon dioxide, or

(2) Adsorption, or

(3) The use of other abatement control equipment determined by the Regional Administrator to be no less effective than either of the above methods.

(h) A person incinerating, adsorbing, or otherwise processing organic materials pursuant to this section shall provide, properly install and maintain in calibration, in good working order, and in operation, devices as specified in the authority to construct, or as specified by the Regional Administrator, for indicating temperatures, pressures, rates of flow, or other operating conditions necessary to determine the degree and effectiveness of air pollution control.

(i) Any person using organic solvents or any materials containing organic solvents shall supply the Regional Administrator upon request and in the manner and form prescribed by him, written

evidence of the chemical composition, physical properties, and amount consumed for each organic solvent used.

(j) The provisions of this rule shall not apply to:

(1) The manufacture of organic solvents, or the transport or storage of organic solvents or materials containing organic solvents.

(2) The spraying or other use of insecticides, pesticides, or herbicides.

(3) The employment, application, evaporation, or drying of saturated halogenated hydrocarbons or perchloroethylene.

(4) The use of any material, in any article, machine, equipment or other contrivance described in paragraph (c), (d), or (e) of this section if:

(i) The volatile content of such material consists only of water, and organic solvents;

(ii) The organic solvents comprise not more than 30 percent by volume of said volatile content;

(iii) The volatile content is not a solvent of high photochemical reactivity as defined in paragraph (a) of this section; and

(iv) The organic solvent or any material containing organic solvent does not come into contact with flame. This last stipulation applies only for those articles, machines, equipment or other contrivances that are constructed or modified after November 8, 1973.

(5) The use of any material, in any article, machine, equipment or other contrivance described in paragraph (c), (d), or (e) of this section if:

(i) The organic solvent content of such material does not exceed 30 percent by volume of said material;

(ii) The volatile content is not a solvent of high photochemical reactivity; and

(iii) [Reserved]

(iv) The organic solvent or any material containing organic solvent does not come into contact with flame. This last stipulation applies only for those articles, machines, equipment or other contrivances that are constructed or modified after November 8, 1973.

(6) [Reserved]

(7) An article, machine, equipment or other contrivance described in paragraphs (c), (d) or (e) of this section used exclusively for chemical or physical analyses or determination of product quality and commercial acceptance provided that—

(i) The exemption is approved in writing by the Regional Administrator;

(ii) The operator of said article, machine, equipment or contrivance is not an integral part of the production process; and

(iii) The emissions from said article, machine, equipment or other contrivance do not exceed 800 lbs. in any calendar month.

(k) [Reserved]

(l) All determinations of emission rates shall be conducted in a manner approved in writing by the Regional Administrator.

12. Section 52.1160 is revised to read as follows:

§ 52.1160 Monitoring reports.

(a) All definitions are as used in 40 CFR § 51.19.

(b) This regulation is applicable in the Boston Intrastate Region.

(c) The Commonwealth shall develop and implement a program to estimate the emission reductions occurring as a result of the inspection and maintenance program required under § 52.1143, and as a result of the measures for reduction in single-passenger commuter vehicle use required by § 52.1161 and the measures required by §§ 52.1163 and 52.1164. The Commonwealth shall perform such actual monitoring of emissions from vehicles, traffic counts, and air quality monitoring as shall be necessary for accuracy in making such estimates.

(d)–(h) [Reserved]

(i) The Commonwealth shall review its existing air quality monitoring program and modify it as necessary so as to provide an adequate basis for the annual review by the Administrator required under paragraph (n) of this section. At a minimum the Commonwealth shall review the number and placement of monitoring stations, the types of pollutants and meteorological parameters measured, and shall devise a comprehensive quality assurance program for all phases of the monitoring program.

(j) The Commonwealth shall review its existing traffic monitoring program and modify it as necessary so as to provide reliable information about vehicle miles traveled and traffic patterns in all critical areas, and shifts in traffic patterns and vehicle miles traveled so as to better correlate traffic data with air quality measurements. Vehicle miles traveled information shall be based on representative traffic counts taken within the Region.

(k) No later than October 1, 1975 the Governor shall submit a report to the Regional Administrator containing detailed information demonstrating compliance with paragraphs (c), (i), and (j) of this section. The information contained in this report shall include as a minimum:

(1) The administrative process to be used and the agency or agencies responsible for conducting, overseeing and maintaining the monitoring programs in paragraphs (c), (i), and (j) of this section;

(2) A description of the revised ambient air monitoring network, equipment operating and data reporting procedures, and quality assurance programs to be used to insure the routine collection of valid, reliable and representative air quality data;

(3) A description of the revised traffic monitoring program; and

(4) All other information necessary to describe the methods to be used to collect the required data.

(l) The Governor shall submit a report to the Regional Administrator annually, beginning on February 15, 1976, and containing the results of the monitoring program approved in paragraph (k) of this section. This report shall include at a minimum appropriate air quality and meteorological data, average vehicle miles traveled data, an appropriate analysis of the data base, and summary information on reductions in the use of single-passenger commuter vehicles reported to the Secretary of Transportation under § 52.1161 of this subpart. This report shall be submitted in a form acceptable to the Regional Administrator. In addition, all air quality data will be submitted quarterly to the Administrator by the Commonwealth as required by 40 CFR 51.7.

(m) Monitoring, quality assurance programs, reporting and other procedures and methodologies required by this section shall be subject to the approval of the Regional Administrator.

(n) Upon receipt of the annual report required by paragraph (l) of this section the Regional Administrator shall analyze it and determine whether the emission reduction is in substantial conformity with the projections which formed the technical basis for the promulgation of transportation controls for the Boston Intrastate Region. If the Regional Administrator determines that the emission reductions are substantially less than or are substantially in excess of those required to meet air quality standards, the Administrator shall, after adequate public notice and public hearing, amend the regulations in such transportation control plan so as to avoid implementing a plan which is either substantially more or substantially less rigorous than that required to meet ambient air quality standards.

(o) On or before February 15, 1976, and on each succeeding February 15, thereafter the Governor shall submit to the Regional Administrator a report listing each project for expanding or improving mass transit facilities which is then under construction or is being proposed to be constructed within the Boston Intrastate Region.

13. A new section 52.1161 is added as follows:

§ 52.1161 Incentives for Reduction in Single-Passenger Commuter Vehicle Use.

(a) Definitions:

(1) "Employer" means any person or entity which employs 50 or more employees at any time during a calendar year at an employment facility located in the Boston Intrastate Region.

(2) "Educational institution" means any person or entity which has 250 or more employees and students at any time during the academic year at an educational facility offering secondary level or higher training including vocational training located in the Boston Intrastate Region.

(3) "Employee" means any person who performs work for an employer thirty-five or more hours per week and for more than twenty weeks per year for compensation and who travels to and from work by any mode of travel.

(4) "Student" means any full-time day student who does not live at the edu-

cational institution and who travels to and from classes by any mode of travel.

(5) "Affected facility" means any employment facility at which 50 or more persons are employees or any educational facility at which 250 or more persons are students and employees.

(6) "Commuter" means both an "employee" and a "student".

(7) "Single-passenger commuter vehicle" means a motor-driven vehicle with four or more wheels with capacity for a driver plus one or more passengers which is used by a commuter traveling alone to work or classes and is not customarily required to be used in the course of his employment or studies.

(8) "Base date" means the date set forth in paragraph (d) of this section as of which the base number of single-passenger commuter vehicles at a particular employment facility or educational institution must be determined.

(9) "The Secretary" means the Secretary of Transportation and Construction of the Commonwealth of Massachusetts.

(b) Commencing with the effective date of this section, each employer and educational institution (except as provided below) shall diligently and expeditiously implement and thereafter continuously maintain the following mandatory measures which are designed to achieve a goal of reducing the number of single-passenger commuter vehicles customarily commuting daily to each affected facility as of its base date by 25 percent (or as adjusted pursuant to paragraph (g) of this section):

(1) Making available to commuters any pass program offered by the Massachusetts Bay Transportation Authority, if any commuter to the facility uses the mass transit facilities of such Authority as part of his daily commuting trip, including making all administrative arrangements for commuters to purchase the pass and thereby participate in the pass program and encouraging commuters to participate by such means as publicizing the availability of the pass program and the cost advantages thereof.

(2) Posting in a conspicuous place or places of the schedules, rates and routes of every bus, subway or rail facility which serves the facility;

(3) Publicizing any applicable on-street parking restrictions including penalties for violations, which affect any areas adjacent to the facility being used for parking by commuters to the facility;

(4) Incentives for bicycle commuting such as secure locking facilities and removal of restrictive rules against bicycle usage at the facility;

(5) Negotiations with authorities in charge of rail or bus lines serving the facility for improved service to the facility; and

(6) Making available to commuters any dial-a-ride programs which serve the facility and provide mass transit service in response to telephone calls, including making whatever administrative arrangements for commuters to the facility to participate in the program and encouraging commuters to use the program by such means as publicizing the costs, routes and other features of the program, including publicizing the availability of such service.

(7) In the case of an affected employment facility with at least 250 commuters or an affected educational facility with at least 1,000 commuters, conducting a carpooling program (either alone or in cooperation with neighboring facilities) which

(i) Matches on a regularly recurring basis (not less often than once every six months) the names, addresses, and work telephone numbers of all commuters who commute in single-passenger commuter vehicles to a facility or group of neighboring facilities so that such commuters with similar daily travel patterns are informed and aware of each other for the purpose of forming carpools, provided that commuters who state in writing that they do not wish to be matched on grounds of personal privacy may be omitted from the matching process;

(ii) Continuously publicizes the advantages of carpooling, both in terms of savings of fuel and money and any incentives in effect at the facility; and

(iii) Creates incentives for carpool formation by providing persons who carpool with first call on available parking spaces or spaces which are closest to entrances to the facility.

(8) In the case of an affected employment facility with 1,000 or more employees, implementing a vanpool program which shall include the following elements:

(i) The employer shall post in a conspicuous place and regularly notify all employees of a continuously outstanding offer to acquire (by purchase, lease, or otherwise), insure, and make available to any group of at least 8 employees a van for their use as a vanpool. Such offer, a copy of which shall be sent to the Secretary at the time of the employer's first updated report, shall include:

(A) The procedures by which a group may accept the offer, including the designation of a driver,

(B) The conditions upon which the offer is contingent, including acceptance by the prospective driver of the responsibility for providing regular service, training back-up drivers, and arranging vehicle maintenance, and acceptance by each other member of the prospective group of responsibility for payment of a pro rata share of all direct costs (such as rental charge, licensing costs, insurance, tolls, fuel and repair) and indirect costs (such as depreciation and interest on borrowed funds) of the operation and maintenance of the vehicle;

(ii) The employer shall analyze and continuously publicize the advantage of vanpooling, including any resulting cost savings, convenience, and any incentives in effect at the facility. Such incentives shall include providing persons who vanpool with first call on available parking spaces or spaces which are closest to entrances to the facility;

(iii) Matching for the vanpool program should be coordinated with the carpool matching program, to facilitate the formation of vanpools.

Upon reaching such 25 percent goal, such employer or educational institution shall thereafter continue such program in such a manner as to aim at maintaining the ratio of single-passenger commuter vehicles to total commuters customarily arriving at its facility at or below the ratio referred to in paragraph (c)(4) of this section. If an employer or educational institution reaches and thereafter maintains said goal by means of less than all of such measures, it shall not be subject to a requirement to implement the remainder of such measures.

(c) On or within 10 days before the dates set forth in paragraph (d) of this section, each employer and educational institution shall submit to the Secretary a report containing the following information:

(1) The number of commuters who take any means of transportation to such facility as of its base date (and as of a date within 30 days of the date of such report);

(2) The number of single-passenger commuter vehicles customarily used daily by commuters to the facility as of the base date (and as of a date within 30 days of the date of such report);

(3) The total number of vehicles customarily used daily by commuters to the facility as of the base date (and as of a date within 30 days of the date of such report);

(4) The percentage derived by dividing three-quarters of the number of daily commuters to the facility arriving in single-passenger commuter vehicles as of the base date by the total number of commuters customarily arriving daily at the facility as of the base date;

(5) The percentage which the current number of daily commuters in single-passenger commuter vehicles is of all daily commuters to the facility; and

(6) The number of van-type vehicles with 8 or more commuters customarily arriving at the facility.

(d) The base date for all existing facilities shall be October 1, 1975, except that, where an employer or educational institution can establish to the satisfaction of the Secretary that a facility had commenced measures to reduce the number of single-passenger commuter vehicles customarily arriving daily at an earlier date, the Secretary may approve the use of such earlier date (but not earlier than November 8, 1973) as the base date for such facility. The base date for a facility established after the effective date of this section shall be the date six months after that on which it commenced regular operations, and its base date report shall be due on the next date at least six months later than is specified for any report or updated report by an existing facility. In lieu of establishing the actual number of such vehicles on such earlier date, an employer or educational institution may assume for the purposes of this section that prior to such earlier date 20 percent of all commuters to such facility who arrived by motor vehicle other than mass transit custom-

arily arrived by means other than single-passenger commuter vehicles. An employer or educational institution shall determine whether or not it is subject to a reporting requirement and the schedule to be used in filing reports by reference to the number of commuters which it reasonably anticipates it will have coming to its facility at the date the base date report is due. The reports required under paragraph (c) of this section shall be filed according to the following schedule:

(1) For a facility with 250 or more commuters, a base date report shall be due on October 15, 1975;

(2) For a facility with fewer than 250 commuters, a base date report shall be due on June 30, 1976.

(e) Each affected employer and educational institution regardless of size shall periodically update its base date report by means of a report containing (1) updated information called for in paragraphs (c)(1)–(6) of this section, (2) the net change in percentage points between the percentage reported under paragraph (c)(4) of this section as of the base date and that under paragraph (c)(5) of this section as of the date of the current report, and, (3) the net change in percentage points between the percentage reported under paragraph (c)(5) of this section in its previous report and that reported under paragraph (c)(5) of this section in its current report. The first such periodic report shall be due on the next succeeding December 31 or June 30 after the base date report, whichever is later; and each successive six months thereafter on June 30 or December 31 until June 30, 1978, and every year thereafter on June 30.

(f)(1) Each educational institution or employer submitting reports required by this section shall cause such reports to be signed as follows:

(i) In the case of a corporation, by a principal executive officer of at least the level of vice president, or his duly authorized representative, if such representative is responsible for the overall operation of the facility covered by the report;

(ii) In the case of a partnership, by a general partner;

(iii) In the case of a sole proprietorship, by the proprietor;

(iv) In the case of an unincorporated association, by the president or chairman thereof;

(v) In the case of a municipal, State, or other public facility, by either a principal executive officer, ranking elected official, or other duly authorized employee.

(2) Each educational institution or employer submitting reports required by this section shall retain for at least three years all supporting documents and data upon which each such report was based.

(3) Each report submitted pursuant to this section shall be accompanied by an adequate explanation of the methodology used to gather, compile, and analyze the data, the assumptions used in that analysis, and samples of the forms used to elicit the underlying information from commuters at the facility.

(g) Where the total number of commuters to a particular facility is changed due to fluctuation in employment or enrollment between the base date and the date of any report under paragraph (e) of this section, such fact shall be reported at the time of the submission of such report. The goal of the employer or educational institution having such a change is to attain and maintain the ratio of commuters customarily arriving at the facility daily in single-passenger commuter vehicles to total commuters indicated by paragraph (c)(4) of this section.

(h) If an employer or educational institution does not meet and thereafter at all times maintain the reduction specified under paragraph (b) of this section, in connection with each report under paragraph (e) of this section, it shall, upon written notification of the Secretary or the Regional Administrator, submit a complete description of all measures which it has applied to achieve and maintain such reduction. In addition, it shall submit a description of any remedial actions which it intends to take to meet the requirements of paragraph (b) of this section.

(i) The Secretary shall report to the Regional Administrator any person who fails to comply with this section and shall, upon request by the Regional Administrator, forward copies of all reports, correspondence and other documents pertaining to such instance of noncompliance together with a description of any enforcement action taken by the Commonwealth in connection with the matter.

(j) If an employer or educational institution in good faith diligently and expeditiously implements and thereafter continuously maintains those measures set forth in paragraphs (b)(1) through (b)(8) of this section as are applicable to it, it shall not be subject to any enforcement action by the Secretary or Administrator even though it may fail to achieve the 25 percent goal referred to in paragraph (b) of this section.

(k) Within 30 days after the receipt of the periodic reports required under paragraph (e) the Secretary shall submit to the Regional Administrator a summary of the information contained in such reports, including (1) a list of the names and addresses of all employers and educational institutions who have not as of the date of such report submitted the required report, (2) a list of all employers and educational institutions in the order of the percentage reduction achieved between the base date and the date of the required report and (3) the total reduction between the respective base dates and the date of the required reports in the number of single-passenger automobiles customarily used to arrive at all facilities for which reports were filed.

14. A new § 52.1162 is added as follows:

§ 52.1162 Regulation for bicycle use.

(a) Definitions:

(1) "Bicycle" means a two-wheel nonmotor-powered vehicle.

(2) "Bike path" means a route for the exclusive use of bicycles separated by grade or other physical barrier from motor traffic.

(3) "Bike lane" means a street lane restricted to bicycles and so designated by means of painted lanes, pavement coloring or other appropriate markings. A "peak hour" bike lane means a bike lane effective only during times of heaviest auto commuter traffic.

(4) "Bike route" means a route in which bicycles share road space with motorized vehicles.

(5) "Bikeway" means bike paths, bike lanes and bike routes.

(6) "Bicycle parking facility" means any facility for the temporary storage of bicycles which allows the frame and both wheels of the bicycle to be locked so as to minimize the risk of theft and vandalism.

(7) "Parking facility" means a lot, garage, building, or portion thereof in or of which motor vehicles are temporarily parked.

(8) "Parking space" means the area allocated by a parking facility for the temporary storage of one automobile.

(9) "MBTA" means the Massachusetts Bay Transportation Authority.

(b) *Application.* This section shall be applicable in the Boston Intrastate Region.

(c) *Study.* The Commonwealth, according to the schedule set forth in paragraph (d) of this section, shall conduct a comprehensive study of, and in that study recommend, the establishment of permanent bikeways and related facilities within the area described in paragraph (b) of this section. The study shall consider or include at least the following elements:

(1) The physical design for bikeways, intersections involving bikeways, and means of bicycle link-ups with other modes of transportation;

(2) The location of bikeways, including ascertaining high accident or pollution areas and developing means of avoiding or ameliorating those situations as well as means of providing intersection safety generally;

(3) The location of bicycle parking facilities, including bus stops;

(4) The rules of the road for bicyclists, and to the extent that present rules must be modified because of bikeways, new rules of the road for motorists. Also the feasibility of mandatory adult bicycle registration to minimize theft and increase recovery of stolen bicycles;

(5) Bicycle safety education for bicyclists, motorists, children, students, street maintenance personnel and policemen, including requiring bicycle safety principles and safe street riding skills to be taught in high school automobile driver(s) education programs;

(6) Methods for publicizing bicycles or bicycles plus mass transit as alternatives to automobile transportation, including the preparation, perhaps in conjunction with bicentennial efforts, of a master Boston area transit map, indicating the kind, extent and location of bicycle facilities, public baths, showers, toilet facilities, water fountains, as well

as routes and stops for MBTA, common carriers and private bus lines, such map to be distributed by the Registry of Motor Vehicles with each automobile new registration and automobile registration renewal;

(7) Requiring or providing incentives for common carriers and mass transit carriers, especially the Blue Line of the MBTA, to provide bicycle parking facilities at their respective terminals and stations and bicycle carrying facilities on their respective vehicles;

(8) The creation of roadway zones in which all vehicles, except mass transit, emergency and service vehicles, and bicycles, would be excluded;

(9) Requiring or providing incentives for office buildings and employers to install and to provide free shower and locker facilities for cyclists;

(10) A bicycle user and potential user survey, which shall at a minimum determine:

(i) For present bicycle riders, the origin, destination, frequency, travel time, distance and purpose of bicycle trips;

(ii) In high density employment areas, the present modes of transportation of employees and the potential modes of transportation, including the numbers of employees who would use a bicycle for a significant portion of their commuting transportation were suitable facilities available to them. This section of the study shall seek to ascertain the size of the working population that would move from automobiles to mass transit and bicycles or bicycles alone as a significant form of transportation. It shall also seek to ascertain what bicycle facilities or mix thereof would produce the greatest conversion from auto use;

(11) The special problems related to the design and incorporation in the bikeway facilities described in paragraph (f) of this section of feeder bikeways to bridges, on-bridge bikeways, feeder bikeways to MBTA and railroad stations, feeder bikeways to fringe parking areas, and bicycle passage through rotaries and squares;

(12) The conversion of railroad beds, power lines, flood control channels or similar corridors to bikepaths;

(13) Removing barriers to employees bringing their bicycles into their offices;

(14) Removal or alteration of drain grates with bars so placed as to catch bicycle wheels;

(15) Bicycle rentals at appropriate locations; and

(16) The feasibility of constructing bikeways along at least each of the corridors set forth in paragraph (g) of this section.

In conducting the study, opportunity shall be given for public comments and suggestions. Input shall also be solicited from state, regional and local planning staffs, state, regional and local agencies, bicycle organizations and other interested groups and be related to comprehensive transportation planning for the area designated in pargaraph (b) of this section. The study shall, using as a goal a minimum of 180 miles of bikeways, examine as large a network of facilities as is practicable within the area described in paragraph (b) of this section and shall recommend physical designs for said facilities. The study shall also propose a compliance schedule for establishing any recommended permanent bicycle facilities.

(d) The Commonwealth of Massachusetts shall submit to the Regional Administrator no later than October 1, 1975, a detailed compliance schedule showing the steps that will be taken to carry out the study required by paragraph (c) of this section. The compliance schedule shall at a minimum include:

(1) Designation of the agency responsible for conducting the study;

(2) A date for initiation of the study, which date shall be no later than October 1, 1975; and

(3) A date for completion of the study, and submittal thereof to the Administrator, which date shall be no later than June 30, 1976.

(e) On or before September 1, 1976, the Administrator shall publish in the FEDERAL REGISTER his response to the study required by paragraph (c) of this section, and shall, in that response, either approve the facility location and designs and other requirements as well as the proposed compliance schedule for permanent facilities recommended in the study, or shall designate alternative and/or additional facility locations and designs and other requirements as well as modify the proposed compliance schedule for permanent facilities. The Administrator may provide, if he deems it necessary, for a public comment period prior to the effective date of his response.

(f) Permanent Bicycle Facilities. At the conclusion of the study required by paragraph (c) of this section and the Administrator's response thereto, the Commonwealth shall, together with the municipalities and other authorities having jurisdiction over affected roadways and areas establish permanent bicycle facilities as required by the Administrator's response to the study.

(g) The potential bikeway corridors to be studied pursuant to paragraph (c) (16) are as follows:

(1) Central Square, Cambridge to Boston University;

(2) Harvard Square, Cambridge to Union Square, Allston;

(3) Union Square, Somerville to Central Square, Cambridge;

(4) Union Square, Allston to Government Center;

(5) Harvard Square, Cambridge to to Government Center;

(6) Brookline Village to Government Center;

(7) Boston University to Longwood Avenue Hospital Zone;

(8) Egleston Square to Government Center;

(9) Columbus Park to Boston Common;

(10) L Street Beach to Government Center;

(11) Powder House Circle, Somerville to Harvard Square;

(12) Everett to Government Center;

(13) Porter Square, Cambridge to Columbus Park, Boston;

(14) Cleveland Circle to Government Center;

(15) Porter Square, Cambridge to Government Center;

(16) Harvard Square, Cambridge to Boston City Hospital; and

(17) Charlestown, Longfellow, Harvard, Boston University, River Street, Western Avenue, Anderson, Summer Street, and Broadway Bridges.

(h) The MBTA shall provide bicycle parking facilities at each major MBTA station adequate to meet the needs of MBTA riders within the area designated in paragraph (b) of this section. Said parking facilities shall at a minimum be located at:

(1) All stations of the Riverside portion of the Green Line;

(2) Reasonably spaced stops on other portions of the Green Line;

(3) All stations of the Red, Orange, and Blue Lines; and shall have spaces for at least six bicycles per station, except for facilities at terminal stations which shall have spaces for at least 24 bicycles.

(i) The Commonwealth shall provide for advertisement of bikeways and bicycle parking facilities in use within the area designated in paragraph (b) of this section to potential users by means of media advertisement, the distribution and posting of bikeway maps and bike safety information, as well as for a program of bicycle safety education including the motor vehicle operators license examination and public service advertisement.

15. A new § 52.1163 is added as follows:

§ 52.1163 Additional Control Measures for East Boston.

(a) On or before December 31, 1975, the Governor, the Mayor of the City of Boston, the Chairman of the Massachusetts Bay Transportation Authority, the Chairman of the Massachusetts Turnpike Authority and the Chairman of the Massachusetts Port Authority ("Massport") shall each submit to the Regional Administrator a study or studies of various alternative strategies to minimize the number of vehicle trips to and from Logan International Airport ("Logan Airport") and to reduce the amount of carbon monoxide in the vicinity of the Callahan and Sumner Tunnels to a level consistent with the national primary ambient air quality standards. These studies may be combined into one or more joint studies. These studies shall contain recommendations for control measures to be implemented prior to May 31, 1977. Measures to be studied shall include, but need not be limited to, the following:

(1) Incentives and programs for reductions in the use of single-passenger vehicles through the Callahan and Sumner Tunnels;

(2) Alterations in traffic patterns in the tunnel area;

(3) Use of exclusive lanes for buses, carpools, taxis and limousines during peak travel hours;

(4) Reduction of parking spaces at Logan Airport and increased parking charges at remaining spaces;

(5) Construction of satellite terminal facilities for Logan Airport;

(6) Use of alternate modes of transportation for trips to and from Logan Airport, and establishment of facilities at Logan Airport to accommodate such modes;

(7) Improved transit service between the Blue Line subway stop and airline terminals at Logan Airport; and

(8) Any other measures which would be likely to contribute to achieving the required reductions.

(b) Massport shall monitor the number of vehicles entering and leaving Logan Airport so as to provide the Secretary of Transportation for the Commonwealth (the "Secretary") with reports on a semi-annual basis, beginning on January 30, 1976, showing total vehicle trips per day for the six-month period ending on the previous December 31 or June 30, presented and tabulated in a manner prescribed by the Secretary.

(c) Massport shall, on or before June 30, 1976, prepare and submit to the Secretary draft legislation which, if enacted into law, would alleviate local licensing problems of bus and limousine companies in order to facilitate increased and improved bus and limousine service for travelers using Logan Airport.

(d) Massport shall negotiate with the Massachusetts Bay Transportation Authority to increase the convenience of the mass transit services currently available to travelers to Logan Airport.

(e) Massport shall, on or before June 30, 1976, establish and maintain a program (which shall include the enclosure of this information in tickets or folders mailed by airlines using Logan Airport) to publicize the advantages in costs and convenience of the use of mass transit or other available transportation services by travelers using the airport, and making known to such persons the schedules, routes, connections, and other information necessary for them to conveniently use mass transit and such other services.

(f) Massport shall, on or before October 15, 1975, establish a carpool program at Logan Airport, which shall include the elements specified in (A)–(C) of paragraph (b)(7) of §52.1161. For the purpose of applying the requirements of §52.1161 to the present paragraph:

(1) The definitions in § 52.1161 shall apply;

(2) Each employer with any employment facility at Logan Airport shall cooperate with Massport in the development and implementation of the program;

(3) Any such employer (including Massport) may fulfill its obligations under subparagraph (b)(7) of § 52.1161 by fully cooperating with and participating in the Logan Airport carpool program (including bearing its proportional share of the program's cost); and

(g) Massport shall, on or before October 15, 1975, implement a program of systematic dissemination to employers and employees at Logan Airport of information regarding the Massachusetts Bay Transportation Authority pass program, bus and train schedules and rates, park-and-ride facilities, and other transportation programs and services available to employees at Logan Airport.

(h) Massport shall, on or before January 1, 1976, implement and maintain a program to allow all employees at Logan Airport, regardless of the size of the particular employment facility at which they work, to participate in any available pass program made available by the Massachusetts Bay Transportation Authority, including the use of Massport as a central clearinghouse for the purpose of aggregating employees and for fiscal management of such pass program.

16. A new Section 52.1164 is hereby added as follows:

§ 52.1164 Localized High Concentrations—Carbon Monoxide.

(a) Not later than October 1, 1975, the Commonwealth shall have developed and have begun to implement a program to identify urban and suburban core areas and roadway/intersection complexes within the Boston Intrastate Region which violate the national ambient air quality standards for carbon monoxide. Once such localized areas have been identified, the Commonwealth, in cooperation with the affected local municipalities, shall develop and implement appropriate control strategies to insure that such air quality standards will be achieved at such areas. Plans shall be developed to include provisions for the entire municipality in order to insure that the implemented strategies will not create carbon monoxide violations elsewhere in the vicinity after the measures have been applied.

(b) To accomplish the requirements of paragraph (a) of this section, the Commonwealth shall do the following:

(1) Identify areas of potentially high carbon monoxide concentrations by reviewing all available traffic data, physical site data and air quality and meteorological data for all major intersections and roadway complexes within the Region. The Regional Administrator will provide general guidance on area designations to assist in the initial identification process.

(2) Areas identified under paragraph (b)(1) of this section shall be studied in further detail, including meteorological modeling, traffic flow monitoring, air quality monitoring and other measures necessary to accurately quantify the extent and actual levels of carbon monoxide in the area. A report containing the results of these analyses and identifying such areas shall be submitted to the Regional Administrator no later than March 1, 1976.

(3) If, after the completion of actions required by paragraph (b)(2) of this section, an area shows or is predicted to have violations of the carbon monoxide standard, the Commonwealth, in cooperation with the affected municipality, shall submit a plan to the Regional Administrator containing measures to regulate traffic and parking so as to reduce carbon monoxide emissions to achieve air quality standards in the area. Such plan shall include: the name of the agency responsible for implementing the plan, all technical data and analyses supporting the conclusions of the plan, all control strategies adopted as part of the plan, and other such information relating to the proposed program as may be required by the Regional Administrator. The Regional Administrator shall provide general guidance on applicable control strategies and reporting formats to assist in plan development and submittal. Such a plan shall be submitted for each municipality which contains one or more identified areas no later than October 1, 1975 for Waltham and October 1, 1976, for other areas.

(4) All measures called for in the plan submitted under paragraph (b) (3) of this section shall be subject to the approval of the Regional Administrator and shall be implemented by May 31, 1977.

(c) The Commonwealth shall annually review the effectiveness of the control strategies developed pursuant to this section and modify them as necessary to insure that such carbon monoxide standards will be attained and maintained. The results of this review and any changes in the measures which the Commonwealth recommends as a result thereof shall be reported to the Regional Administrator annually as required under § 52.1160.

(d) Prior to submitting any plan to the Regional Administrator under paragraph (b) (3), the Commonwealth shall give prominent public notice of the general recommendations of such plan, shall make such plan available to the public for at least 30 days and permit any affected public agency or member of the public to comment in writing on such plan. The Commonwealth shall give the Regional Administrator timely notice of any public hearing to be held on such plan and shall make all comments received available to the Regional Administrator for inspection and copying.

[FR Doc.75-15275 Filed 6-11-75;8:45 am]

federal register

THURSDAY, JUNE 12, 1975

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Volume 40 ■ Number 114

PART III

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of Education

■

EMERGENCY SCHOOL AID

Title 45—Public Welfare

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

PART 185—EMERGENCY SCHOOL AID

Notice of proposed rule making was published in the FEDERAL REGISTER on March 28, 1975 (40 FR 14166) setting forth proposed amendments to regulations promulgated under the Emergency School Aid Act (Title VII of Pub. L. 92-318, as amended by Pub. L. 93-380; 20 U.S.C. 1601-1619). Several written comments on the proposed amendments were received and considered. Following is a summary of the comments received, together with the response of the Office of Education to the comments.

Comment. One commenter objected to new § 185.11(c)(4), relating to information to be included in applications for funds to prevent minority group isolation in one or more schools operated by school districts in which more than half of the total student enrollment consists of minority group members.

Response. As indicated in the explanatory remarks published with the proposed regulations, this provision is designed to ensure that program funds are not used to reinforce significantly disproportionate racial or ethnic enrollments in the applicant's schools, or to provide superior services to children in schools with minority group enrollments substantially below that of the applicant's schools taken as a whole.

Comment. One commenter objected to the prohibition, in § 185.13(n), against the use of program funds for the transportation of students in order to overcome racial imbalance in a school or school system, and suggested that this provision was inconsistent with the statutory purpose of encouraging the voluntary reduction of minority group isolation.

Response. The provision in question imposes no restrictions on the use of program funds other than those imposed by section 252 of Pub. L. 93-380, enacted August 21, 1974. Since the authorizing statute for the program defines "minority group isolation" as "a condition * * * in which minority group children constitute more than 50 per centum of the enrollment of a school" (section 720(10) of Pub. L. 92-318), the new statutory provision would prohibit the use of program funds for the transportation of students designed to reduce minority group isolation. It should be understood, however, that program funds remain fully available for educational activities involving students who are transported with other funds for the purpose of reducing minority group isolation.

Comment. Several comments were to the effect that some of the new provisions in Subpart H-Educational Television placed excessive restrictions and requirements on contractors and contemplated too much control over the production and distribution of assisted television programming by the Assistant Secretary.

Response. The Assistant Secretary has responsibility for ensuring that assisted television programming serves the purposes of the Act and will, as the statute requires, be made "reasonably available for transmission, free of charge." Subpart H provides as much latitude to contractors as is reasonable in light of this responsibility and program experience to date. The Assistant Secretary does not intend to exercise control over the content of assisted television programming except to ensure that such programming does not differ from that which was contained in a given proposal.

It should be noted that "the cost of tape duplication," which was referred to in § 185.72(c)(1)(i) of the proposed regulations as a cost which may be charged to users of assisted television programs, was intended to include the ancillary cost of tape distribution. Also in the light of the comment, it should be made clear that the "deliverables" referred to in § 185.72(e) shall, upon being provided to the Assistant Secretary, become the property of the United States. The Assistant Secretary is continuing to consider whether to modify the requirement in § 185.72(c)(2) that contracts between a contractor and a talent union must allow at least the usages of assisted television programming specified in that subparagraph. If this requirement is later relaxed, the modification may be made applicable to contracts awarded from funds appropriated for the fiscal year ending June 30, 1975.

One editorial change being made in Subpart H is the amending of § 185.71(b) so as to set the maximum number of awards for educational television during the fiscal year ending June 30, 1975 at ten, the statutory maximum, in order to eliminate an inconsistency between § 185.71(b) and § 185.72(b)(1), which authorizes up to ten awards under certain circumstances.

Comment. One commenter suggested that the provisions for participation of children enrolled in nonpublic schools be made to apply to applications for Special Mathematics Projects (§ 185.92) and Special Student Concerns Projects (§ 185.93).

Response. The provisions in question are limited to applications submitted by local educational agencies (sections 710(a)(12) and 712(c) of the Act). Since such agencies may not apply for Special Mathematics or Special Student Concerns Projects, the requirements regarding nonpublic participation are not applicable to these special programs just as they are not applicable to other programs for which local educational agencies are not eligible to apply.

Other comments. Some comments received expressed support for proposed amendments to the regulations. Others dealt with matters other than regulatory provisions proposed to be amended, or suggested changes beyond the scope of the authorizing statute, and therefore do not warrant revision of the proposed amendments. Still others suggested amended language which is deemed to be unnecessary or inappropriate.

Adoption of amended regulations. After consideration of all comments received, the proposed regulations are adopted, with editorial changes only, and Part 185 is amended as set forth below.

Effective date. The notice of proposed rule making was transmitted to Congress on March 21, 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 action having been taken. Therefore, these regulations shall become effective June 12, 1975.

(Catalog of Federal Domestic Assistance Program Nos. 13.525, through 13.532—Emergency School Aid Act)

Dated: May 20, 1975.

VIRGINIA Y. TROTTER,
Assistant Secretary for Education.

Approved: June 6, 1975.

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

1. The table of contents is amended by adding or revising the following entries:

Subpart D—Metropolitan Area Projects

* * * * *

185.36 [Reserved]

* * * * *

Subpart E—General Requirements

* * * * *

185.46 Determinations of ineligibility prior to award of assistance.

185.47-185.50 [Reserved]

* * * * *

Subpart H—Educational Television

185.71 Eligibility for funds.
185.72 Authorized activities and areas of concern.
185.73 Proposals.
185.74 Criteria for awards.
185.75 Advisory committees.
185.76 Limitations on eligibility.
185.77 Required approval by Assistant Secretary of pilot materials.
185.78-185.80 [Reserved]

Subpart I—Evaluation

* * * * *

185.83 Proposals.

* * * * *

Subpart J—Special Projects

SPECIAL ARTS PROJECTS

185.91 Eligibility for assistance.
185.91-1 Applications.
185.91-2 Criteria for assistance.
185.91-3 Community involvement.

SPECIAL MATHEMATICS PROJECTS

185.92 Eligibility for assistance.
185.92-1 Authorized activities.
185.92-2 Applications.
185.92-3 Criteria for assistance.
185.92-4 Community involvement.

SPECIAL STUDENT CONCERNS PROJECTS

185.93 Eligibility for assistance.
185.93-1 Authorized activities.
185.93-2 Applications.
185.93-3 Criteria for assistance.
185.93-4 Community involvement.

OTHER SPECIAL PROJECTS

185.94 Eligibility for assistance.
185.94-1 Authorized activities.
185.94-2 Applications.
185.94-3 Criteria for assistance.
185.94-4 Community involvement.

* * * * *

AUTHORITY: Except as specifically noted below, the provisions of this Part 185 are issued under Title VII of Public Law 92-318, 88 Stat. 354-371, as amended by sections 222, 641-646, and 845 of Public Law 93-380, 88 Stat. 484-613 (20 U.S.C. 1601-1619).

2. In § 185.02, paragraph (c) is added and paragraphs (k) and (n) are revised to read as follows:

§ 185.02 Definitions.

* * * * *

(c) The term "equipment" means machinery, utilities and built-in equipment and any necessary enclosures or structures to house them, and includes all other items necessary for the provision of educational services, such as instructional equipment and necessary furniture, printed, published, and audio-visual instructional materials, and other related material.

(Public Law 92-318, section 720(4))

* * * * *

(k) The term "desegregation" means the assignment of children or faculty to public schools and within such schools without regard to their membership in a minority group, but "desegregation" does not mean the assignment of such persons to or within public schools in order to overcome racial imbalance.

(Public Law 92-318, sections 706(a), 720(9))

* * * * *

(n) The term "the Act" means the Emergency School Aid Act (title VII of Public Law 92-318, as amended by Public Law 93-380).

* * * * *

3. In § 185.11, (b)(3), (c)(1) and (2), and (d)(1) and (2)(ii) are revised; and new (b)(6) and (c)(4) are added as follows:

§ 185.11 Eligibility for assistance.

* * * * *

(b) * * *

(3)(i) A local educational agency may apply for assistance under this subpart if it has adopted and is implementing, or will, if assistance is made available to it under this subpart, adopt and implement, a plan to prevent minority group isolation reasonably likely to occur (in the absence of assistance under this subpart) in any school operated by such agency in which school at least 20 percent, but not more than 50 percent, of the enrollment consists of minority group children.

(ii) For purposes of this subparagraph, minority group isolation will not be deemed reasonably likely to occur (in the absence of assistance under this subpart) in any school unless the applicant demonstrates by credible evidence that minority group children will comprise more than 50 percent of the enrollment of such school during the fiscal year for which such assistance is sought or during the next succeeding fiscal year. Such evidence may include, but is not limited to, enrollment figures for such school during previous fiscal years, enrollment figures of schools from which the enrollment of such school is drawn, demographic data concerning the attendance area served by such school, and school board resolutions or other evidence of final official action likely to affect the enrollment of such school during the fiscal year for which assistance is sought or the next succeeding fiscal year.

* * * * *

(6) A plan described in subparagraphs (2), (3), or (4) of this paragraph or a project described in paragraph (d) of this section shall not be deemed to meet the requirements of this section where the elimination, reduction, or prevention of minority group isolation accomplished or to be accomplished in schools to which such plan or project relates results in an equal or greater degree of minority group isolation in other schools operated by the local educational agency or agencies to which such plan or project relates.

(Public Law 92-318, sections 702(a)(2), 706(a)(1)(B), (C), and (D), 720(10))

(c) *Implementation of a plan or project.* (1) For purposes of determining eligibility for assistance under this subpart, a local educational agency shall be deemed to be implementing a plan or project if it is operating its school system in accordance with the requirements of such plan or project. The eligibility of a local educational agency for consideration under the Act shall not be affected by the date on which its plan was adopted, or ordered to be adopted, or by the fact that the steps to be taken under the plan have been completed.

(2) Where the eligibility of a local educational agency is based on a plan described in paragraphs (b) and (d) of this section, such agency shall provide assurances and information satisfactory to the Assistant Secretary that such plan has been adopted and implemented, or will be adopted and implemented if assistance is made available to it under this subpart, including:

(i) A copy of a school board resolution or other evidence of final official action adopting and implementing such plan, or agreeing to adopt and implement such plan upon the award of assistance under the Act; and

(ii) In the case of a plan to be implemented upon the award of assistance under the Act, including a plan or project described in paragraphs (b)(3) and (d) of this section, evidence that notice of the contents of such plan or project and of the intent to implement it upon the award of such assistance has been published in a newspaper of general circulation serving the school district of such agency no later than 20 days prior to submission by such agency of an application for such assistance.

* * * * *

(4) An application of a local educational agency pursuant to a plan to prevent minority group isolation described in paragraph (b)(3) of this section shall, where minority group children constitute more than 50 percent of the enrollment of all the schools operated by such agency, be accompanied by (i) a statement of the enrollment, by race, in any school operated by the applicant in which minority group children constitute more than 70 percent of the enrollment; (ii) a statement of the reasons for such disproportionate minority group enrollment in each such school; and (iii) a statement of instructional and other services to be provided to children enrolled in each such school which will ensure that services to such children are comparable to services to be provided to children enrolled in any school to which the plan described in paragraph (b)(3) of this section relates.

(Public Law 92-318, sections 706(a)(1), 706(d)(1)(D), 710(a)(9))

(d) *Integrated schools projects.* (1) A local educational agency in the schools of which more than 50 percent of the number of children enrolled are minority group children may apply for assistance under this subpart for the establishment or maintenance of one or more integrated schools: *Provided, however,* That such agency has agreed to apply for an equal amount of assistance under subpart C of this part.

(2) * * *

(ii) For purposes of this paragraph, an integrated school must have a faculty in which (*a*) the percentage of minority group teachers, supervisors, and administrators, taken together, is within 10 percent of the percentage of minority group members residing in the school district served by the local educational agency (or the appropriate governmental unit for which such information is available), or (*b*) where the percentage of minority group teachers, supervisors, and administrators, taken together in the school district served by the local educational agency, has increased by 10 percent or more over the 3 fiscal years immediately preceding the year or years for which assistance is sought under this paragraph, the percentage of such personnel of such school is within 10 percent of the percentage which exists in the faculty of such agency as a whole.

(Public Law 92-318, sections 706(a), 720(7); Public Law 93-380, section 643)

4. In § 185.13, the introductory text and authority to paragraph (k), and (l)(2) and (n) are revised as follows:

§ 185.13 Applications.

* * * * *

(k) *Reports and information.* An assurance that the applicant will submit such reports containing such information in such form as the Secretary or the Assistant Secretary may require in order to carry out their functions under the Act, and that the applicant will keep such records and afford such access thereto as will be necessary to assure the correctness of such reports and to verify them; and a description of provisions for

the evaluation of the activities for which assistance is sought.

* * * * *

(Public Law 92-318, sections 706(d), 710(a)(15), 710(a)(16); 20 U.S.C. 1232c)

(l) * * *

(2) (i) An assurance that the applicant has not had or maintained in effect prior to the date of its application for assistance under the Act, and will not have or maintain in effect subsequent to such date, any practice, policy, or procedure with respect to minority group personnel in violation of § 185.43(b) (or that if such a violation has occurred, application for a waiver of ineligibility has been made to the Secretary); and (ii) a statement of the number of principals, full-time classroom teachers, and athletics head coaches, by race, for the academic year immediately preceding (*a*) the year in which the applicant first implemented any portion of a plan for desegregation or for elimination or reduction of minority group isolation in its schools pursuant to an order of a Federal or State court or administrative agency, or (*b*) the year in which the applicant first implemented any portion of a plan or project described in § 185.11, whichever is earlier, and of the number of principals, full-time classroom teachers, and athletics head coaches, by race, as of the date of its application;

* * * * *

(n) *Transportation.* An assurance that no funds made available under the Act will be used for the transportation of students or teachers (or for the purchase of equipment for such transportation) in order to overcome racial imbalance in any school or school system or to carry out a plan for racial desegregation of any school or school system.

(Public Law 93-380, section 252)

5. Paragraph (a) of § 185.14 is revised as follows:

§ 185.14 Criteria for assistance.

(a) *Objective criteria.* In approving applications for assistance by local educational agencies under this subpart, the Assistant Secretary shall apply the following objective criteria (80 points):

(1) The need for such assistance, as indicated by the number and percentage of minority group children enrolled in the schools of such agency (or, in the case of an application submitted pursuant to a plan described in § 185.11(b)(4), the number and percentage of such children enrolled in the schools of local educational agencies to which such plan relates) for the fiscal year or years for which assistance is sought, or the most recent fiscal year for which such figures are available, as compared to other school districts in the State (30 points); and

(2) (i) Except for applications submitted pursuant to a plan or project described in § 185.11(b)(3) or §185.11(d), the effective net reduction in minority group isolation (in terms of the number and percentage of children affected), in the schools operated by such agency (or, in the case of an application submitted pursuant to a plan described in § 185.11(b)(4), in the schools operated by local educational agencies to which such plan relates) accomplished or to be accomplished by the implementation of a plan described in § 185.11 and the program, project, or activity to be assisted (50 points). The term "effective net reduction in minority group isolation," for purposes of this division, means the weighted net change effected or to be effected by such plan in the number of minority group children enrolled in minority group isolated schools operated by such agency or agencies, and the weighted net total of minority group children placed or to be placed as a result of such plan in a school in which the proportion of such children has been reduced (but remains greater than 50 percent). Minority group children placed as a result of such plan in schools in which the proportion of such children has been increased (and is greater than 50 percent) shall be counted against the reduction credited to such agency under this division. Such effective net reduction shall be computed between the fiscal year (or relevant portion thereof) immediately preceding implementation of such plan and the first fiscal year (or relevant portion thereof) for which assistance is sought under the Act, or the most recent fiscal year for which such figures are available.

(ii) In the case of an application submitted pursuant to a plan or project described in § 185.11(b)(3) or § 185.11(d), the effective net prevention of minority group isolation (in terms of the number and percentage of children affected) in the schools operated by such agency likely to be accomplished by the implementation of such plan or project and the program, project, or activity to be assisted (50 points). The term "effective net prevention of minority group isolation," for purposes of this division, means the weighted net change likely to be effected by such plan or project in the number of minority group children who would be enrolled in minority group isolated schools operated by such agency during the fiscal year for which assistance is sought (or, in the case of a plan to prevent minority group isolation reasonably likely to occur during the fiscal year immediately succeeding the fiscal year for which assistance is sought, during such succeeding fiscal year) and, in the case of applications submitted pursuant to a project described in § 185.11(d), the weighted net change likely to be effected by such project during the fiscal year for which assistance is sought in the number of minority group children who would be enrolled in schools in which the proportion of such children would be prevented from increasing (but would remain greater than 50 percent). Minority group children to be placed as a result of a plan or project described in § 185.11(b)(3) or § 185.11(d) in schools in which the proportion of such children would be increased (and would be greater than 50 percent) shall be counted against the prevention credited to such agency under this division. Such effective net prevention shall be computed on the basis of a comparison between enrollments likely to occur in the relevant fiscal year or years in the absence of a plan or project described in § 185.11(b)(3) or § 185.11(d), and the enrollments likely to occur during such fiscal year or years as a result of the implementation of such plan or project.

(Public Law 92-318, sections 710(c)(1), (2) and (3); Public Law 93-380, section 643)

6. Section 185.21 is revised as follows:

§ 185.21 Eligibility for assistance.

(a) A local educational agency which is eligible for assistance under § 185.11 may apply for assistance by grant or contract for funds reserved pursuant to § 185.95(c), for unusually promising and innovative pilot programs or projects specially designed to overcome the adverse effects of minority group isolation by improving the academic achievement of children in one or more minority group isolated schools, if the number of minority group children enrolled in the schools of such agency for the fiscal year preceding the fiscal year for which assistance is to be provided (1) is at least 15,000, or (2) constitutes more than 50 percent of the total number of children enrolled in such schools.

(Public Law 92-318, sections 705(a)(2), 706(b); Public Law 93-380, section 643(a) and (b))

(b) (1) A local educational agency shall be considered eligible for assistance under this subpart if it is implementing a plan described in § 185.11(a) or is implementing or will (if assistance is made available to it under the Act) adopt and implement a plan described in § 185.11(b), regardless of whether it applies for or receives assistance under subpart B of this part.

(2) In the case of applications submitted pursuant to a project described in § 185.11(d), a local educational agency shall be considered eligible for assistance under this subpart if it will (if such assistance is made available) establish or maintain one or more integrated schools as defined in § 185.11(d)(2), regardless of whether such agency receives assistance under subpart B of this part.

(Public Law 92-318, section 706(b); Public Law 93-380, section 643)

7. Paragraph (a) of § 185.24 is revised as follows:

§ 185.24 Criteria for assistance.

(a) In approving applications for assistance under this subpart, the Assistant Secretary shall apply the objective criteria set out in § 185.14(a), except that a maximum of 25 points shall be awarded to any applicant under § 185.14(a)(2).

(Public Law 92-318, sections 706(b), 710(c)(1), (2), and (3))

8. In § 185.31, (a)(1) and the authority for paragraph (a), and (b)(1) and the authority for paragraph (b) are revised as set forth below, and paragraph (c) is deleted.

§ 185.31 Eligibility for assistance.

(a) *Interdistrict transfers.* (1) A local educational agency (i) which is located within a Standard Metropolitan Statistical Area, or which serves a school district adjacent to a school district which is located wholly within such an area, and (ii) whose total student enrollment includes a percentage of minority group members which is smaller than the percentage of minority group members enrolled as students in all schools of the local educational agencies within such an area, may apply for assistance, by grant or contract, from funds reserved pursuant to § 185.95(b)(1), for the purpose of a joint arrangement with a cooperating local educational agency located within the same Standard Metropolitan Statistical Area (whose student enrollment includes a percentage of minority group members which is greater than the percentage of minority group members enrolled as students in all schools of the local educational agencies within such area) for the establishment or maintenance of one or more integrated schools.

* * * * *

(20 U.S.C. 1603(b), 1605(a)(2), 1608(a)(1), 1619(6); Senate Rept. No. 92-61, p. 16)

(b) *Area-wide plans.* (1) Two or more local educational agencies located within a Standard Metropolitan Statistical Area may apply for a grant from funds reserved pursuant to § 185.95(b)(1) for the joint development of a plan to reduce and eliminate minority group isolation, to the maximum extent possible, in the public elementary and secondary schools in such area. Such a plan shall, at a minimum, provide that by a certain date (no later than July 1, 1983), the percentage of minority group children enrolled in each public elementary and secondary school in such area shall be at least 50 percent of the percentage of such children enrolled in all such schools in such area, and shall specify in detail the means by which such objective is to be achieved.

* * * * *

(20 U.S.C. 1603(b), 1608(a)(2))

§ 185.32 Authorized activities. [Amended]

9. Paragraph (c) of § 185.32 is deleted.

10. Section 185.33 is revised to read as follows:

§ 185.33 Applications.

An applicant desiring to receive assistance under this subpart for any fiscal year shall submit to the Assistant Secretary an application therefor for that fiscal year, which application shall set forth a program, project, or activity under which, and such policies and procedures as will assure that, the applicant will use the funds received under this subpart only for the activities set forth in § 185.32. Such application, together with all correspondence and other written materials relating thereto, shall be made readily available to the public by the applicant and the Assistant Secretary. Such application shall comply with the requirements of § 185.13 (a) through (n), except that applications submitted pursuant to this subpart need not comply with § 185.13(l)(2), and applications for assistance under § 185.31(b) need not comply with § 185.13(h) (with respect to the statement of procedures described therein).

(20 U.S.C. 1608(a)(2); Public Law 93-380, section 222)

11. Paragraph (c) of § 185.34 is revised to read as follows:

§ 185.34 Criteria for assistance (interdistrict transfers).

* * * * *

(c) *Funding criteria.* In determining amounts to be awarded to applicants for assistance pursuant to § 185.31(a), the Assistant Secretary shall consider the additional cost to such applicant (as such cost is defined in § 185.13(a)) of effectively carrying out its proposed program, project, or activity, in relation to the amount of funds available for assistance under this subpart and the other applications pending before him. The Assistant Secretary shall not be required to approve any application which does not meet the requirements of the Act or this subpart, or which sets forth a program, project, or activity of such insufficient promise for achieving the purposes of the Act that its approval is not warranted. In applying the criterion set out in this paragraph, the Assistant Secretary shall award funds to applicants (whose applications meet such requirements and are of sufficient promise to warrant approval) in the order of their ranking on the basis of the criteria set out in this section, except that where there is pending before the Assistant Secretary an application for assistance under § 185.31(b) which meets the requirements of the Act and this subpart, and which sets forth a program, project, or activity of such sufficient promise for achieving the purposes of the Act that its approval is warranted, the Assistant Secretary shall ensure that at least one grant is made for the purposes of § 185.31(b) prior to the award of any assistance for the purposes of § 185.31(a).

(20 U.S.C. 1608(b), 1609(c)(1)(C), 1609(c)(5).)

§ 185.36 [Reserved]

12. Section 185.36 is deleted and reserved.

13. Paragraph (b)(1) of § 185.37 is revised to read as follows:

§ 185.37 Advisory committees.

* * * * *

(b) *Area-wide plans.* (1) Applications for assistance under § 185.31(b) shall comply with the requirements of §§ 185.41(a) through (g) as to advisory committee participation and public hearings. For purposes of this paragraph, the references in § 185.41 to "the community" or "communities to be served" shall be understood to refer to the entire area to be affected by the plan to be developed under § 185.31(b). Where the affected Standard Metropolitan Statistical Area includes members of minority groups in insubstantial proportions, applicants for assistance under § 185.31(b) may establish a committee pursuant to this paragraph which includes equal numbers of non-minority group members and of members from each minority group substantially represented in the community, and an equal number of members, taken together, from other minority groups represented in the community.

* * * * *

Subpart E—General Requirements

14. The heading of Subpart E is revised to read as set forth above.

15. Paragraphs (c)(3) and (d) of § 183.41 are revised as follows:

§ 185.41 Advisory committees.

* * * * *

(c) * * *

(3) A committee formed under this paragraph must be composed of equal numbers of nonminority group members and members from each minority group substantially represented in the community. (For example, in a school district containing both Negro and Spanish-surnamed communities, the committee shall be composed of equal numbers of Negro, Spanish-surnamed American, and nonminority group members.) At least 50 per centum of the members of the committee shall be parents of children directly affected by the program, project, or activity for which assistance is sought. In addition to members appointed pursuant to subparagraphs (1) and (2) of this paragraph, and taking into account the students to be appointed pursuant to subparagraph (4) of this paragraph, such agency shall select the minimum number of additional persons as may be necessary to meet the requirements of this subparagraph. (For example, if in a biracial community the civic or community organizations designate three minority group members and two nonminority group members, three of whom are parents; and two teachers who are not parents are also selected, and two students are to be selected pursuant to subparagraph (4) of this paragraph, the agency must select two nonminority parents and one minority parent to complete the committee.)

* * * * *

(d) *Comments by committee; hearings.* No application by a local educational agency for assistance under subpart B, C, D, H, or J of this part shall be approved which is not accompanied by the written comments of a committee formed in accordance with paragraph (c) of this section. If a majority of the members of such committee requests an informal hearing with the Assistant Secretary with respect to such application, an opportunity for such a hearing shall be afforded to such committee prior to approval of such application. The Assistant Secretary or his designee shall hold such hearing in or near the school district served by such agency, and in no case at a greater distance from such school district than the appropriate Regional

Office of the Department. The affected local educational agency shall be afforded an opportunity to respond to the comments or criticisms offered by the committee. The Assistant Secretary or his designee shall communicate his findings as to the matters presented by such committee at such hearing, and his action or decision on the basis of such findings, to the committee and the affected local educational agency, in writing, prior to approval of such agency's application for assistance.

(Public Law 92-318, section 710(b))

16. Paragraphs (d)(3) and (g) of § 185.44 are revised as follows:

§ 185.44 Waiver of ineligibility.

* * * * *

(d) * * *

(3) In the case of ineligibility resulting from discriminatory assignment of teachers as prohibited by § 185.43(b)(2), such applications for waiver shall contain evidence that such agency has assigned its full-time classroom teachers to its schools so that no school is identified as intended for students of a particular race, color, or national origin. Such nondiscriminatory assignments shall, in the case of a local educational agency implementing a plan described in § 185.11(a), conform to the requirements of such plan with respect to the assignment of faculty. In the case of local educational agencies not implementing such a plan, or implementing such a plan which contains no provision as to assignment of faculty, such assignments shall be made so that the proportion of minority group full-time classroom teachers at each school is between 75 per centum and 125 per centum of the proportion of such minority group teachers which exists on the faculty as a whole.

* * * * *

(g) Access to information and records: Agencies applying for assistance under the Act or for a waiver under this section shall furnish to the Secretary or the Assistant Secretary such information and such access to their facilities or records as such official may deem necessary for the administration of the Act, or for a determination as to eligibility or as to whether or not a waiver should be granted. Consideration of applications for assistance under this part may be delayed pending submission or collection of such information. Such information may include confidential or other records maintained by such agency on personnel and students, with racial or other identification of such personnel or students, and financial and other records maintained by such agency. Subject to any applicable provisions of section 438 of the General Education Provisions Act (20 U.S.C. 1232 g) as added by section 513 of P.L. 93-380 and amended by P.L. 93-568 and section 440 of such Act (20 U.S.C. 1232i) as added by section 515 of P.L. 93-380, limitations on access to information or records based on considerations of privacy or confidentiality may not operate to bar the Department from evaluating or seeking to enforce compliance with any provision of the Act, this regulation, grant terms or conditions, or other applicable laws. Information of a confidential nature obtained by the Department in connection with compliance evaluation or enforcement shall not be disclosed except where necessary in formal enforcement proceedings or as otherwise required by law. The Assistant Secretary shall not approve an application under this part which requires a waiver by the Secretary unless the Committee on Labor and Public Welfare of the Senate and the Committee on Education and Labor of the House of Representatives have been given notice of the intention to grant such a waiver at least 15 days prior to such approval.

(Public Law 92-318, sections 706(d)(2), (3), (5), and (6); Public Law 93-380, sections 513 and 515; Public Law 93-568)

17. In § 185.45, (a)(6) and the authority to paragraph (a) are revised, and paragraphs (b), (c)(1), and the authority to paragraph (c) are revised as follows:

§ 185.45 Termination of assistance

(a) * * *

(6) The procedures and requirements set out in this section shall apply to any assistance awarded to any recipient under this part. Assistance shall not be deemed to have been awarded unless such award is supported by an award document on file with the Department.

(Public Law 92-318, sections 702-720; Public Law 93-380, section 511)

(b) *Additional sanctions.* In an appropriate case, such as one involving violations of the eligibility limitations set out in § 185.43 arising subsequent to approval of an application for assistance under this part or a failure to comply with the terms of a waiver granted pursuant to § 185.44 or other eligibility requirements, the Assistant Secretary shall declare the award of such assistance to be null and void as of the date of such violation or failure, and shall refuse to recognize any obligation incurred after such date or to reimburse the recipient for any costs incurred or expenditures made after such date, regardless of the date of obligation. Such sanctions shall be imposed in accordance with the provisions of this section.

(Public Law 92-318, sections 702-720; Senate Report No. 92-61, pp. 18, 41-42)

(c) *Proceedings.* (1) If the recipient requests an opportunity to show cause why a suspension of assistance pursuant to paragraph (a)(1) of this section should not be imposed, the Assistant Secretary or his designee shall, within 7 days after receiving such request, hold an informal meeting for such purpose. After such meeting has been held, the Assistant Secretary or his designee shall promptly notify the recipient of his determination regarding suspension of assistance to the recipient.

* * * * *

(Public Law 92-318, sections 702-720; Public Law 93-380, section 511)

18. Section 185.46 is added, and §§ 185.47-185.50 remain reserved as follows:

§ 185.46 Determinations of ineligibility prior to award of assistance.

(a)(1) Upon a determination by the Assistant Secretary that an applicant for assistance under this part is ineligible for the assistance sought by such applicant, the Assistant Secretary shall notify the applicant in writing of such determination and the reasons therefor. (2) Such notification shall offer the applicant an opportunity to show cause why such determination should be revoked and its application considered for funding.

(b) If the applicant requests an opportunity to show cause why the determination of ineligibility referred to in paragraph (a)(1) of this section should be revoked and its application considered for funding, the Assistant Secretary or his designee shall, within 7 days after receiving such request, hold an informal meeting for such purpose. After such meeting has been held the Assistant Secretary or his designee shall promptly notify the applicant of his determination regarding the eligibility of the applicant.

(c) This section shall apply to determinations of ineligibility with respect to any applicant for assistance under this part. Except as provided in this section or as otherwise provided by law, the Assistant Secretary shall not be required to afford any such applicant an opportunity for hearing with respect to a determination of ineligibility referred to in paragraph (a)(1) of this section.

(Public Law 92-318, sections 702-720; Public Law 93-380, section 511)

§§ 185.47-185.50 [Reserved]

19. Section 185.51 is revised to read as follows:

§ 185.51 Eligibility for assistance.

(a) Any local educational agency which is implementing a plan or project described in § 185.11 or § 185.31(a) may apply for assistance, by grant or contract, from funds reserved pursuant to § 185.95(b)(2), (1) to develop educational programs designed (i) to meet the educational needs of minority group children who are from environments in which a dominant language is other than English for the development of reading, writing, and speaking skills in the English language and their primary language, and (ii) to meet the educational needs of such children and their classmates to understand the history and cultural background of the minority groups of which such children are members; or (2) to carry out activities authorized by § 185.12 to implement the educational programs described in this paragraph (whether or not developed with assistance made available under this subpart).

(20 U.S.C. 1607(c)(1) (B) and (C))

(b) Any nonprofit private agency, institution, or organization may apply for assistance, by grant or contract, under this subpart to develop the educational

programs described in paragraph (a) of this section: *Provided however*, That such development is requested by one or more local educational agencies which are implementing a plan or project described in § 185.11 or § 185.31(a).

(20 U.S.C. 1607(c)(1)(A))

(c) For purposes of determining eligibility for assistance under this subpart, the Assistant Secretary may determine that members of any specific ethnic group with limited English-speaking ability constitute a "minority group," as that term is used in this subpart and in § 185.11, upon a finding that such group has been denied equal educational opportunity because of language barriers and cultural differences. Applications for assistance under this subpart relating to local educational agencies which are implementing plans or projects described in § 185.11 or § 185.31(a) with respect to Negroes, American Indians, Spanish-surnamed Americans, Portuguese, Orientals, Alaskan natives, or Hawaiian natives shall be considered only on the basis of such plans or projects. No plan or project affecting a minority group other than those named in the preceding sentence shall be deemed to qualify an applicant for assistance under this subpart if it results in any increase in minority group isolation for any member of any minority group named in the preceding sentence.

(20 U.S.C. 1619(9)(A))

20. Paragraph (c)(2) of § 185.53 is revised to read as follows:

§ 185.53 Applications.

* * * * *

(c) * * *

(2) In the case of nonprofit private applicants, evidence that the proposed activity has been requested by one or more local educational agencies which are implementing a plan or project described in § 185.11 or § 185.31(a). Such evidence may include (i) a copy of a school board resolution or other final official action requesting the assistance of the applicant, or (ii) a letter from the school board chairman or superintendent of a local educational agency requesting such assistance. No application by a nonprofit private applicant shall be approved less than 10 days after a copy of said application has been submitted by the Assistant Secretary to the appropriate State educational agency for comment, unless the Assistant Secretary has received comments from such agency upon such application prior to expiration of the 10-day period.

21. Paragraphs (a) and (c) of § 185.54 are revised as follows:

§ 185.54 Criteria for assistance.

(a) *Objective criteria.* In approving applications for assistance under this subpart, the Assistant Secretary shall apply the following objective criteria (55 points):

(1) The need for such assistance, as indicated by the number and percentage of minority group children enrolled in the schools of the local educational agency or agencies with respect to which assistance is sought for the fiscal year or years for which assistance is sought who are from environments in which a dominant language is other than English (30 points); and

(2) The effective net reduction or effective net prevention of minority group isolation, as defined in § 185.14(a)(2), in terms of the number and percentage of children affected, in all the schools operated by such agency or agencies accomplished or to be accomplished by the implementation of a plan described in § 185.11 or § 185.31(a) (25 points).

(20 U.S.C. 1607(c)(1))

* * * * *

(c) *Funding criteria.* In determining amounts to be awarded to applicants for assistance under this subpart, the Assistant Secretary shall consider the additional cost to such applicant (as such cost is defined in § 185.13(a)) of effectively carrying out its proposed program, project, or activity, in relation to the amount of funds available for assistance under this subpart and the other applications for such assistance pending before him. The Assistant Secretary shall not be required to approve any application which does not meet the requirements of the Act or this part, or which sets forth a program, project, or activity of such insufficient promise for achieving the purposes of the Act that its approval is not warranted. In applying the criterion set out in this paragraph, the Assistant Secretary shall award funds to applicants (whose applications meet such requirements and are of sufficient promise to warrant approval) in the order of their ranking on the basis of the criteria set out in this section until the sums available for the purposes of this subpart have been exhausted.

(20 U.S.C. 1607(c)(1))

22. Paragraphs (a)(2)(iv) and (b)(2)(iii) of § 185.55 are revised to read as follows.

§ 185.55 Program or project committees.

(a) * * *

(2) * * *

(iv) At least 50 per centum of the members of a committee formed under this subparagraph must be members of a minority group as described in subdivision (ii) of this subparagraph. At least 50 per centum of the members of the committee shall be parents of children directly affected by the program, project or activity for which assistance is sought. In addition to members appointed pursuant to paragraph (a)(2)(i), (ii), and (iii) of this section, and taking into account the students to be appointed pursuant to paragraph (a)(2)(v) of this section, such agency shall select the minimum number of additional persons as may be necessary to meet the requirements of this division.

* * * * *

(b) * * *

(2) * * *

(iii) At least 50 per centum of the members of the board formed under this subparagraph must be members of a minority group as described in paragraph (a)(2)(ii) of this section. Such board shall have at least 10 members. At least 50 per centum of the members of such board shall be parents of children directly affected by a plan or project described in § 185.11 or § 185.31(a), or a program, project, or activity assisted under this subpart. In addition to members appointed pursuant to paragraph (b)(2)(i) and (ii) of this section, and taking into account the students to be appointed pursuant to paragraph (b)(2)(iv) of this section, the applicant shall select the minimum number of additional persons as may be necessary to meet the requirements of this division.

23. Section 185.56 is revised to read as follows:

§ 185.56 Limitations on eligibility; nonpublic participation.

The limitations on eligibility set forth in § 185.43 shall apply to local educational agencies applying for, or requesting that a nonprofit private agency, institution, or organization apply for, assistance under this subpart. The provisions of § 185.44 as to waiver of ineligibility shall apply to such local educational agencies. The provisions of § 185.45 as to termination of assistance shall apply to all recipients of assistance under this subpart. The provisions of § 185.42 as to participation of children or staff enrolled in or employed by nonpublic schools shall apply to local educational agencies applying for assistance under this subpart.

(20 U.S.C. 1605(d), 1607(c)(1), 1609 (a) and (b), 1611(c))

24. Paragraphs (a) and (d)(1) of § 185.61 are revised as follows:

§ 185.61 Eligibility for assistance.

(a) *Eligible applicants.* (1) Any public agency, institution, or organization (other than a local educational agency) and any nonprofit private agency, institution, or organization may apply for assistance, by grant or contract, from funds reserved pursuant to § 185.95(d)(1)(i) to carry out programs, projects, or activities designed to support the development or implementation of a plan or project described in § 185.11 or § 185.31(a).

(2) Any such agency, institution, or organization (other than a local educational agency or a nonpublic elementary or secondary school) may apply for such assistance from funds reserved pursuant to § 185.95(d)(1)(ii) to carry out such programs, projects, or activities.

(Public Law 92-318, sections 705(a)(3) and 708(b); Public Law 93-380, section 645)

* * * * *

(d) *Relation to local educational agency.* (1) A program, project, or activity designed to support the implementation of a plan or project described in § 185.11 or § 185.31(a) may be assisted under this subpart if the local educational agency with respect to which the applicant proposes to carry out its program, project, or activity is implement-

ing such a plan or project, regardless of whether such local educational agency applies for or receives assistance under the Act.

25. In § 185.62, the introductory text and paragraphs (a), (d), (e), (g), (h), (i), (j), and (k) are revised as follows:

§ 185.62 Authorized activities.

Financial assistance under this subpart shall be available for programs or projects which would not otherwise be funded and which involve activities designed to support the development or implementation of a plan or project described in § 185.11 or § 185.31(a) and to carry out the purposes described in § 185.01. Such programs or projects shall include one or more of the following activities:

(a) Supplemental remedial services beyond those provided by the local educational agency, including student to student tutoring, to meet the special needs of children (including gifted or talented children) in schools which are affected by a plan or project described in § 185.11 or § 185.31(a) when such services are necessary to the success of such plan or project;

* * * * *

(d) Community activities, including public information and parental involvement efforts, regarding matters related to a plan or project described in § 185.11 or § 185.31(a);

(e) Administrative and auxiliary services to facilitate the success of the applicant's program or project, where such services are part of, and in conjunction with, a comprehensive program or project designed to support the development or implementation of a plan or project described in § 185.11 or § 185.31(a);

* * * * *

(g) Programs designed to deal with the problems of dropouts, academic failures, and increased suspensions or expulsions resulting from or attendant to the implementation of a plan or project described in § 185.11 or § 185.31(a);

(h) Interracial programs or projects relating to the social and recreational needs of children attending schools affected by a plan or project described in § 185.11 or § 185.31(a);

(i) Cultural enrichment activities which promote interracial and intercultural understanding among children attending schools affected by a plan or project described in § 185.11 or § 185.31 (a) and, where appropriate, the parents of such children;

(j) Home-focused projects for the enrichment of the educational atmosphere in the homes of children attending schools affected by a plan or project described in § 185.11 or § 185.31(a), including parent-child home reading projects and school-related family or neighborhood activities;

(k) At the request of a local educational agency, assistance or support in the development of a plan or project described in § 185.11 or § 185.31(a); or

26. Subparagraphs (4), (6), and (7) of § 185.63(b) are revised as follows:

§ 185.63 Applications.

* * * * *

(b) * * *

(4) A statement of (i) the extent to which other public or nonprofit private agencies, institutions, or organizations in the school district or school districts affected by a plan or project described in § 185.11 or § 185.31(a) have been consulted in the preparation of the application, and (ii) the provisions which have been made by the applicant for effective liaison with such agencies, institutions, or organizations which have applied for, or received, assistance under the Act, with regard to coordination of programs, projects, or activities so assisted.

* * * * *

(6) A statement of past activities engaged in by the applicant or its officers or employees in the appropriate school district with respect to such matters as education, human relations, desegregation or elimination, reduction, or prevention of minority group isolation in public elementary or secondary schools or other community activities or concerns; and

(7) A copy of the plan or project described in § 185.11 or § 185.31(a) with respect to which assistance is sought under this subpart or a complete description of such plan or project.

(Public Law 92-318, section 708(b))

27. In § 185.64, paragraphs (a), (b)(1)(i), and (b)(3)(iv) are revised as set forth below, and paragraph (c)(3) is deleted.

§ 185.64 Criteria for assistance.

(a) *Objective criteria.* In approving applications for assistance under this subpart, the Assistant Secretary shall apply the following objective criteria (40 points):

(1) The number and percentage of minority group children enrolled in the schools operated by the local educational agency or agencies with respect to which the applicant proposes to carry out its program project, or activity for the fiscal year or years for which assistance is sought (15 points);

(2) The effective net reduction or effective net prevention of minority group isolation (in terms of the number and percentage of children affected), as defined in § 185.14(a)(2), in all the schools operated by such agency or agencies accomplished or to be accomplished by the implementation of the plan or project described in § 185.11 or § 185.31(a) with respect to which assistance is sought by the applicant (25 points).

(Public Law 92-318, section 708(b))

(b) * * *

(1) *Needs assessment (6 points).* (i) The degree to which the applicant has cooperated with, or complemented the efforts of, the appropriate local educational agency, in assessing the needs of the community with respect to desegregation or the elimination, reduction, or prevention of minority group isolation; and

* * * * *

(3) * * *

(iv) *Parent and community involvement (6 points).* The extent to which the application for assistance (a) reflects efforts to include persons broadly representative of the community to be served as members of the advisory committee established pursuant to § 185.65(a), and to utilize the contributions of such persons who are concerned with the problems of education and desegregation or the elimination, reduction, or prevention of minority group isolation; (b) delineates specific responsibilities for the advisory committee in addition to those required in § 185.65(d); and (c) sets forth procedures for involving parents and residents of the community to the maximum extent possible in all aspects of the proposed program, project, or activity.

28. Paragraph (b)(3) of § 185.65 is revised to read as follows:

§ 185.65 Advisory committees.

* * * * *

(b) * * *

(3) A committee formed under this paragraph must be composed of equal numbers of nonminority group members and of members from each minority group substantially represented in the community or in the student body of the appropriate local educational agency. At least 50 per centum of the nonstudent members of such committee shall be parents of children directly affected by a plan or project described in § 185.11 or § 185.31(a). In addition to members appointed to the committee by civic or community organizations, and those selected pursuant to subparagraph (2) of this paragraph, the applicant shall select the minimum number of additional persons as may be necessary to meet the requirements of this subparagraph.

29. Subpart H is revised to read as follows:

Subpart H—Educational Television

§ 185.71 Eligibility for funds.

(a) Any public or private nonprofit agency, institution, or organization with the capability of providing expertise in the development of television programming and with access to facilities necessary for such development may apply for a contract from funds reserved pursuant to § 185.95(b)(3) to pay the cost of development and production of integrated children's television programs of cognitive and affective educational value. For purposes of this subpart, "programs of cognitive and affective educational value" are those which teach concrete academic skills and encourage interracial and interethnic understanding.

(20 U.S.C. 1610(a), (b)(1); Senate Rept. No. 92-61, p. 34)

(b) No more than ten contracts shall be awarded pursuant to this subpart during the fiscal year ending June 30, 1975.

(20 U.S.C. 1610(b)(1))

§ 185.72 Authorized activities and areas of concern.

(a) Funds made available under this subpart during the fiscal year ending June 30, 1975 shall be used to pay the normal and necessary expenses of researching, planning, writing, editing, staging, directing, performing, producing, reproducing, and distributing integrated children's television programs where such activities would not otherwise be funded and are designed to carry out the purposes described in § 185.01. Such programs shall be a standard-length series addressing one of the following areas of concern:

(1) Improvement of written and oral expression by students at the secondary level with linguistic and grammatical deficiencies;

(2) Improvement of cognitive skills of minority and non-minority group elementary school age children in one or more areas, such as mathematics, science, social studies, or language, including language skills of children from non-English dominant backgrounds;

(3) Fostering of inter-racial and inter-ethnic understanding among elementary school age children; and

(4) Meeting the special needs of subgroups of minority groups as defined in § 185.02(f) which may be unique to a particular geographic region through a program series intended for less than nation-wide utilization.

(20 U.S.C. 1610(b)(1))

(b)(1) No more than one contract for a standard-length series shall be awarded for any one of the areas of concern described in subparagraphs (a) (1), (2), and (3) of this section in any fiscal year, and no more than four contracts shall be awarded for "regional" programming as described in subparagraph (a)(4) of this section in any fiscal year, unless the Assistant Secretary determines that the proposals pending before him for additional contracts for programming directed to the same area of concern are of exceptional merit or promise.

(2) No more than one contract shall be awarded for television programming directed to a particular racial or ethnic group in a particular geographical area in any fiscal year, unless the Assistant Secretary determines that the proposals pending before him for additional contracts for programming directed to the same group in the same area are of exceptional merit or promise.

(3) No contract awarded for "regional" programming as described in subparagraph (a)(4) of this section shall exceed $250,000 in amount.

(20 U.S.C. 1610(b)(1))

(c)(1) Television programs developed in whole or in part with funds made available under this subpart shall be made reasonably available for transmission, free of charge, and shall not be transmitted under commercial sponsorship. Broadcast and nonbroadcast users of such programs may not be charged any cost beyond (i) the cost of tape duplication and, (ii) where there is a contract between a recipient and a talent union as described in subparagraph (c)(2) of this section, the cost of payments to members of such talent union for usages beyond those usages specified in such contract.

(2) Any contract between a recipient of funds under this subpart and a talent union must allow at least the following usages of the television programs assisted, charges for which may not be passed on to users:

(i) Six years of usage by public television stations (a year of usage being defined, for this purpose, as unrestricted use during three separate weeks of any given program within a series);

(ii) Six years of usage (as defined in division (i) of this subparagraph (c)(2)) by a commercial station where there is no a commercial station where there is no public television station serving that station's coverage area or where all public television stations serving that station's coverage area have exercised a right of first refusal;

(iii) Unrestricted perpetual rights for use in in-school audiovisual contexts, including transmission by education-dedicated, local origination CATV channels and Instructional Television Fixed Service systems; and

(iv) One broadcast in each of two three-year periods over commercial stations.

(3) Arrangements for making the television programs developed with funds under this subpart reasonably available for transmission, free of charge, shall be undertaken by the recipient and shall be subject to the approval of the Assistant Secretary; however, the Assistant Secretary may assume the responsibility for making such arrangements if he deems such action appropriate. A recipient may not restrict usages, except as provided in subparagraph (c)(1) of this section or by an agreement with one national television network providing for an exclusive right to broadcast each program in a series (in coverage areas where the network would actually broadcast such programs) until the thirteenth week following the week in which each such program is first broadcast.

(4) For purposes of this paragraph, where the costs of transmission are met by a commercial firm, a brief statement to that effect at the beginning or end of such transmission shall not be considered commercial sponsorship.

(5) No television program developed in whole or in part with funds made available under this subpart shall be used or transmitted in such a manner as to result in a financial benefit to any person or organization.

(20 U.S.C. 1610(b)(2); Senate Rept. No. 92-61, pp. 24-25)

(d) Funds made available under this subpart shall not be used for construction, repair, or remodeling of any building or facility, or for the purchase of any equipment which has a useful life of more than one year and is not consumed in use, except where it can be demonstrated that the purchase of specific items of equipment will cost less than their rental. For purposes of this paragraph, "construction, repair, or remodeling" includes construction of buildings and facilities and structural alterations, renovations, and remaking of existing buildings and facilities or space therein.

(20 U.S.C. 1610(b)(1))

(e) *Deliverables.* Recipients of funds under this subpart must provide the following items to the Assistant Secretary at intervals specified by the Assistant Secretary:

(1) One master two-inch color highband videotape of each production in the series;

(2) Four first generation two-inch color highband videotape dubs of each production in the series (except that only two dubs shall be required for programming described in § 185.72(a)(4));

(3) One three-quarter-inch cassette tape of each production in the series;

(4) One three-quarter-inch cassette tape of a pilot production;

(5) Three one-minute promotional spots, with a 30-second liftout of each, to be delivered as:

(i) A composite tape of all six spots on a two-inch highband color, master videotape;

(ii) Four composite tapes of all six spots as first generation two-inch highband color, videotape dubs (except that only two tapes shall be required for programming described in § 185.72(a)(4)); and

(iii) A three-quarter inch composite videotape of all six spots;

(6) Five copies of teacher guide material consisting of one typewritten page in final form for each production;

(7) Five copies of pilot production test results; and

(8) One set of final scripts.

(20 U.S.C. 1610(b)(1))

(f) *Disclaimer.* Each program in a series assisted under this subpart must carry the following disclaimer: "This program was produced by [*Name of Recipient*] under a contract from the U.S. Department of Health, Education, and Welfare, Office of Education. The content of this program is the responsibility of the contractor and no official endorsement by the Department, or the Office of Education, is to be inferred."

(20 U.S.C. 1610(b)(1))

§ 185.73 Proposals.

(a) *General.* (1) A proposer for a contract under this subpart for any fiscal year shall submit to the Assistant Secretary a proposal therefor for that fiscal year, which proposal shall be in a form specified by the Assistant Secretary and shall contain such information and set forth such policies and procedures as will assure that the proposer will use funds received under this subpart only for the activities described in § 185.72.

(2) The proposal must make provision for production of prototypical pilot materials.

(20 U.S.C. 1610(b)(1))

(b) *Basic assurances.* Proposals for funds under this subpart shall comply with the requirements of § 185.13 (a), (b), (c), (d), (f), (h), (k)(1) (i) and (ii), (k)(2), and (m).

(20 U.S.C. 1609(a), 1610(b)(1))

(c) *Assurances by local educational agencies.* Proposals by local educational agencies for funds under this subpart shall comply with the requirements of § 185.13(g), (i), (j), (k)(1)(iii), (k)(3), (l), and (n), in addition to the requirements specified in paragraphs (b) and (e) of this section. Such proposals, together with all correspondence and other written materials relating thereto, shall be made readily available to the public by the proposer and the Assistant Secretary.

(20 U.S.C. 1609(a), 1610(b)(1))

(d) *Assurances by other proposers.* Proposals by public or private nonprofit agencies, institutions, or organizations (other than local educational agencies) under this subpart shall comply with the requirements of § 185.63(b) (2) and (5) in addition to the requirements specified in paragraphs (b) and (e) of this section.

(20 U.S.C. 1610(b)(1))

(e) *Additional information and assurances.* Proposals for funds under this subpart shall contain the following information, in addition to the assurances and information required by the other applicable paragraphs of this section:

(1) A detailed description of the integrated children's television programs to be developed and produced with funds made available under this subpart, together with an identification of the audience to be reached by such programs and a statement of the educational and other gains to be achieved;

(2) A statement of the name, address, position, duties, prior experience in educational television and school and community affairs, and race of all persons permanently employed (or to be employed) in positions of responsibility by the proposer on the development, production, and administrative staffs of the project;

(3) A detailed description of the evaluation procedures to be employed by the proposer pursuant to § 185.77 in measuring and evaluating the program appeal of, and the educational and other changes to be achieved by, the television programs for which funds are sought;

(4) A statement of (i) past activities engaged in by the proposer or its officers or employees indicating the relative capability of the proposer to provide expertise in the development of integrated children's television programming, and to develop and produce the proposed television programs, and (ii) the access of the proposer to facilities necessary for such development and production; and

(5) A budget detailing all costs of the proposed project.

(20 U.S.C. 1610(b) (1) and (3))

(f) *Proposal procedure.* The Assistant Secretary may require the information described in this section to be submitted either in a single proposal or sequentially, and may require additional information and assurances of selected proposers.

(20 U.S.C. 1610(b)(1))

§ 185.74 Criteria for awards.

In reviewing and approving proposals for contracts under this subpart, the Assistant Secretary shall apply the following criteria:

(a) *Needs assessment (10 points).* The extent to which the proposer has undertaken a comprehensive assessment, on the basis of test data, audience surveys, and other objective evidence, of the educational and other needs of the target population, and the magnitude of the needs so assessed.

(20 U.S.C. 1610(b)(1))

(b) *Statement of objectives (15 points).* The degree to which the proposer sets forth specific objectives which:

(1) articulate with the needs described by the proposer in its proposal;

(2) are capable of attainment through the proposed television series; and

(3) are shown to have been derived by persons possessing relevant professional and experiential background, and who include, to a significant degree, persons representative of the racial and ethnic populations to be served by the series.

(20 U.S.C. 1610(b)(1), 1610(b)(3)(A))

(c) *Activities (63 points)*—(1) *Program content and design (33 points).* The extent to which the proposed television programming promises to reach the expected or potential target audience and to encourage and sustain the participation, interest, and educational and other growth of such audience, and the extent to which the programming can stand by itself as effective instruction without the necessity for teacher assistance;

(2) *Staffing (22 points).* (i) The extent to which the proposal sets out an overall staff plan clearly delineating positions and responsibilities and maximizing staff capabilities;

(ii) The extent to which minority group persons will occupy key creative, administrative and executive decision-making project positions; and

(iii) The extent to which provision is made for on-the-job-training for minority group persons to enable them to become qualified to assume positions of technical and professional responsibility;

(3) *Supplementary materials (2 points).* The extent to which the proposal sets forth a plan for developing a guide which will provide teachers employing the series in classroom work with suggestions for varied, realistic and effective ancillary classroom activity; and

(4) *Advisory committee participation (6 points).* The extent to which the proposal (i) clearly delineates specific opportunities for continuing advisory committee participation in the development and evaluation of the proposed television programming in addition to those required by § 185.75, and (ii) includes evidence that such participation has been encouraged and has in fact occurred.

(20 U.S.C. 1610(b)(1), 1610(b)(3)(A))

(d) *Management (7 points).* The quality of a detailed flow chart or milestone chart, submitted with the proposal, of activities sufficient to accomplish all proposed tasks.

(e) *Formative evaluation (5 points).* The extent to which the proposal sets out a detailed format, including specific study design, for applying formative evaluation techniques prior to and during a pilot phase of production of the proposed television programming, in order to determine the production and presentation techniques which offer the greatest promise of achieving the stated objectives.

(20 U.S.C. 1610(b)(1), 1610(b)(3)(C))

(f) *Funding criteria.* In determining amounts to be awarded to proposers for funds under this subpart, the Assistant Secretary shall consider the additional cost to each proposer (as such cost is defined in § 185.13(a)) of effectively developing and producing its proposed television programming, in relation to the amount of funds available under this subpart and the other proposals for such funding pending before him. The Assistant Secretary shall not be required to approve any proposal which does not meet the requirements of the Act or this part, or which sets forth proposed television programming of such insufficient promise for achieving the purposes of the Act that its approval is not warranted, or which sets forth projected costs that are unreasonable in relation to projected outcomes, or which is not supported by a record of past activities engaged in by the proposer or its officers or employees indicating capability for implementing the proposal. In applying the criterion set out in this paragraph, the Assistant Secretary shall award funds to proposers (whose proposals meet such requirements and are of sufficient promise to warrant approval) in order of their ranking on the basis of the criteria set out in this section until the sums available for the purposes of this subpart have been exhausted.

(20 U.S.C. 1610(b)(1))

(g) In making the determinations required under this section, the Assistant Secretary is authorized to purchase or utilize the services, recommendations, and advice of experts in the areas of education, educational television, and human relations from the Department, other Federal agencies, State or local governmental units, or the private sector.

(20 U.S.C. 1610(b) (1) and (3))

§ 185.75 Advisory committees.

(a) Public or private nonprofit agencies, institutions, or organizations (other than local educational agencies) submit-

ting proposals for contracts under this subpart shall comply with the requirements as to advisory committee participation set forth in § 185.65, except as follows:

(1) References in said section to a "district-wide advisory committee" shall be understood to be references to an advisory committee representing the entire area to be served by the proposed television programming, and references in said section to a "program, project, or activity" shall be understood to refer to the proposed television programming for which funds are sought.

(2) (i) The requirements of § 185.65(b) shall not apply to proposals submitted under this subpart. References in § 185.65 to paragraph (b) of said section shall be understood to refer to the provisions of this subparagraph (2).

(ii) A proposer shall designate at least five civic or community organizations, each of which shall select a member of the proposer's advisory committee. The civic or community organizations which participate in the selection process shall, when taken together rather than considered individually, be broadly representative of the minority and nonminority communities to be served.

(iii) A committee formed under this paragraph must be composed of equal numbers of nonminority group members and of members from each minority group substantially represented in the area to be served by the proposed television programming. At least 50 percent of the nonstudent members of such committee, to be selected by the proposer, shall be parents of children at whom the proposed television programming for which funds are sought will be directed.

(iv) Where the proposed television programming will be directed at secondary school age students, at least 50 percent of the total membership of the committee, to be selected by the proposer, must be secondary school students enrolled in a secondary school or schools located within the area to be served by the proposed television programming. Among such student members there must be equal numbers of nonminority group persons and persons from each minority group substantially represented in the area to be served by the proposed television programming.

(3) The post-award consultation described in § 185.65(d) shall be at least once every three months.

(20 U.S.C. 1610(b)(1))

(b) Local educational agencies submitting proposals for contracts under this subpart shall comply with the requirements as to advisory committee participation and public hearings set forth in § 185.41 (a) through (g), except as follows:

(1) References in said section to a "district-wide advisory committee" shall be understood to be references to an advisory committee representing the entire area to be served by the proposed television programming, and references in said section to a "program, project, or activity" shall be understood to refer to the proposed television programming for which funds are sought.

(2) The designation of teachers pursuant to § 185.41(c)(2) and students (who must be designated only where the proposed television programming will be directed at secondary school age students) pursuant to § 185.41(c)(4) shall be with reference to the entire area to be served by the proposed television programming.

(3) The post-award consultation described in § 185.41(e) shall be at least once every three months.

(20 U.S.C. 1609(a) (2) and (3), 1609(b))

§ 185.76 Limitations on eligibility.

The limitations on eligibility set forth in § 185.43 shall apply to educational agencies submitting proposals for funds under this subpart. The provisions of § 185.44 as to waiver of ineligibility shall apply to local educational agencies submitting proposals for funds under this subpart. The provisions of § 185.45 as to termination of assistance shall apply to all recipients of assistance under this subpart.

(20 U.S.C. 1605(d), 1609 (a) and (b), 1610 (b)(1))

§ 185.77 Required approval by Assistant Secretary of pilot materials.

A recipient of funds under this subpart must produce prototypical pilot materials at times specified by the Assistant Secretary. The recipient must then conduct an evaluation of such materials to serve as the formative evaluation for the series. No commitments by the recipient relating to production activity beyond the conduct of this evaluation will be recognized by the Assistant Secretary unless a favorable decision on project continuation is made by the Assistant Secretary. Any party with whom the recipient enters into a commitment for such production activity prior to such a favorable decision must be informed of this possibility of non-recognition at the time the commitment is entered into. An unfavorable decision on project continuation shall be a basis for termination pursuant to § 185.45.

(20 U.S.C. 1609(a)(15), 1610(b)(1), 1610(b)(3)(C))

§§ 185.78–185.80 [Reserved]

30. The section title and introductory text of paragraph (a) of § 185.83 are revised as follows:

§ 185.83 Proposals.

(a) *Information.* Proposals submitted pursuant to this subpart shall contain such information, and set forth such policies and procedures, as will assure that the offeror will use funds received under this subpart only for the activities described in § 185.82. In addition, such proposals shall contain the following information:

31. Paragraph (b) of § 185.84 is revised as follows:

§ 185.84 Criteria for awards.

* * * * *

(b) *Funding criteria.* In awarding contracts under this subpart, the Assistant Secretary shall apply the provisions of the Federal Procurement Regulations (41 CFR Ch. 1 and 3), except that he shall not be required to approve any proposal which does not meet the requirements of the Act or this subpart, or which sets forth a proposed evaluation of such insufficient promise for achieving the purposes of the Act that its approval is not warranted. From the funds reserved pursuant to § 185.95(b)(4) for any fiscal year, the Assistant Secretary may award one or more contracts under this subpart.

(20 U.S.C. 1612)

32. Subpart J is revised to read as follows:

Subpart J—Special Projects

Special Arts Projects

§ 185.91 Eligibility for assistance.

(a) Any public agency or organization responsible for the administration of statewide public arts programs, such as a State Arts Council or State Arts and Humanities Commission, may apply for assistance by grant from funds reserved pursuant to § 185.95(b)(1) for special projects that would through the arts provide opportunities for interracial and intercultural communication and understanding to help meet the special needs incident to the implementation of a plan or project described in § 185.11 or § 185.31(a). Activities assisted under this section must be conducted primarily with students who attend schools affected by such plan or project, in which the proportion of minority group children enrolled is no less than 20 percent. Such schools must be located in local educational agencies which are in compliance with the requirements described in § 185.43 or § 185.44.

(b) No more than $1,000,000 from funds reserved pursuant to § 185.95(b)(1) shall be awarded for grants pursuant to this section during any fiscal year.

(20 U.S.C. 1605(d) and 1607(a))

§ 185.91–1 Applications.

(a) Applications by public agencies or organizations pursuant to § 185.91 shall comply with the requirements of § 185.13 (a), (b), (c), (d), (f), (g), (h), (j), (k)(1)(i), (k)(1)(ii), (k)(2) and (m). Applications submitted by public agencies or organizations which are local educational agencies shall also comply with the requirements of § 185.13 (e), (i), (k)(3), (l), and (n). The provisions of § 185.42 as to participation of children or staff enrolled in or employed by nonpublic schools shall apply to local educational agencies applying pursuant to § 185.91. All applications for assistance under § 185.91, together with all correspondence and other written materials relating thereto, shall be made readily available to the public by the applicant and by the Assistant Secretary.

(20 U.S.C. 1605(d), 1607(a), 1609(a))

(b) In addition to the information and assurances required by paragraph (a) of this section, applications by public agencies and organizations pursuant to § 185.91 shall contain the following information:

(1) A letter from each local educational agency implementing a plan or project described in § 185.11 or § 185.31 (a) in which the applicant proposes to conduct activities which gives evidence that the local educational agency has reviewed the proposed project and has agreed to participate in the program activities, if funded, and which contains a list of those schools operated by such local educational agency which would be served by the applicant's proposed activities;

(2) A copy of the plan or project described in § 185.11 or § 185.31(a) for each local educational agency which the applicant proposes to serve unless such local educational agency has previously applied for assistance under the Act;

(3) A statement, signed by the appropriate official of each local educational agency in which the applicant proposes to conduct activities, that such local educational agency is in compliance with the requirements described in § 185.43 or § 185.44;

(4) A statement of the name, position, and prior experience in education, the arts, and interracial/intercultural relations of the State level project director employed (or to be employed) by the applicant in connection with the proposed activities;

(5) A copy of the statutory provision, State executive order or other evidence establishing the status of the applicant agency as a public agency or organization responsible for the administration of statewide public arts programs.

(20 U.S.C. 1607(a), 1609(a))

§ 185.91–2 Criteria for assistance.

(a) *Objective criteria.* In approving applications for assistance pursuant to § 185.91, the Assistant Secretary shall apply the following criterion: the need for such assistance, as indicated by the number and percentage of minority group children within the State in which the applicant is located (10 points).

(20 U.S.C. 1607(a), 1609(c)(1))

(b) *Educational and programmatic criteria.* The Assistant Secretary shall determine the educational, artistic, and programmatic merits of applications for assistance by public agencies or organizations pursuant to § 185.91 on the basis of the following criteria (90 points):

(1) *Needs assessment (14 points).* The magnitude of needs, in the schools to be served, assessed jointly by the applicant and the appropriate local educational agency or agencies, for intercultural/interracial arts activities as such activities relate to the special needs incident to the implementation of a plan or project described in § 185.11 or § 185.31(a).

(2) *Statement of objectives (10 points).* (i) The degree to which the applicant sets out specific measurable objectives for its activities in relation to the needs identified (5 points); and (ii) the degree to which the activities to be assisted afford promise of achieving the objectives identified in the application (5 points).

(3) *Activities (55 points).* (i) *Project design (20 points).* The extent to which the proposed activities are clearly related to the needs identified and to the stated objectives, which activities (*a*) complement activities being carried out by the appropriate local educational agency or agencies (5 points); (*b*) provide opportunities for artists to assist students in the development of artistic expression (5 points); (*c*) provide opportunities for artists to create, and arts groups to present, activities that promote interracial and intercultural understanding (5 points); and (*d*) provide opportunities for the artists to serve as a resource to the appropriate school, local educational agency, and community (5 points).

(ii) *Staffing (20 points).* At a minimum, the proposed activities must set out a plan to utilize qualified minority group artists and arts groups. Points will be awarded on the basis of the extent to which the application demonstrates that: (*a*)(*1*) at least 50% of the artists and art group members (when taken together as a group) to be utilized by the applicant are minority group members (5 points); and (*a*)(2) the proportion of members of each minority group among such artists and art groups (when taken together as a whole) represents the proportion of such minority groups in the minority population of the State in which the applicant is located (5 points); (*b*) qualified artists and art groups who have demonstrated the abiilty to work effectively with students and teachers in interracial/intercultural educational settings will be utilized (5 points); (*c*) the presence or availability of a State level project director with experience in education, the arts, and interracial/intercultural relations is indicated (3 points); and (*d*) adequate training and orientation will be provided for students, teachers, and other educational personnel in the uses of artists and arts experiences, and for artists in the need of students, teachers and administrators (2 points).

(iii) *Delivery of services (10 points).* The extent to which the proposed activities (*a*) involve to the fullest extent practicable the total educational and artistic resources already existing in the community or communities to be served, including those of other public or nonprofit private agencies, organizations, or institutions (2 points); (*b*) describe available facilities which are adequate for the performance of the proposed activities and are convenient and accessible to the persons involved in such activities (2 points); (*c*) provide for effective notification of and communication with the intended beneficiaries of proposed activities (2 points); (*d*) give evidence of coordination with, and mutual support of, the State education agency's arts education programs (2 points); and (*e*) give evidence that they will be documented so that successful models can be replicated (2 points). For purposes of this subdivision, "community or communities to be served" shall mean the community or communities in which are located local educational agencies in which activities are to be conducted with assistance made available under § 185.91.

(iv) *Parent and community involvement (5 points).* The extent to which the application (*a*) provides for increased communication between parents and the school system (2 points); and (*b*) provides for specific opportunities for community and parental participation in the implementation of the proposed activitives in addition to those required by § 185.91–3 (3 points).

(4) *Resource management (6 points).* The extent to which the application contains evidence that (i) the amount of funds requested is of sufficient magnitude to give substantial promise of achieving the stated objectives (2 points); (ii) the costs of project components are reasonable in relation to the expected benefits (2 points); and (iii) all possible efforts have been made to minimize the amount of funds requested for purchase of equipment necessary for implementation of the proposed activities (2 points).

(5) *Evaluation (5 points).* The extent to which the application sets out a format for objective measurement of the results of the proposed activities, including (i) a timetable for compilation of data for evaluation and a method of reviewing the activities in the light of such data (2 points); and (ii) a description of the instruments to be used for evaluation of the proposed activities, or a description of the procedure to be employed in selecting such instruments (3 points).

(6) In making the determinations required under this paragraph the Assistant Secretary is authorized to purchase or utilize the services, recommendations, and advice of experts in the areas of the arts, education, and human relations from the Department, other Federal agencies, State or local governmental units, or the private sector.

(c) *Funding criteria.* In determining amounts to be awarded to applicants for assistance pursuant to § 185.91 the Assistant Secretary shall consider the additional cost to each applicant (as such cost is defined in § 185.13(a)) of effectively carrying out its proposed activities, in relation to the amount of funds available for assistance pursuant to § 185.91 and the other applications for such assistance pending before him. The Assistant Secretary shall not be required to approve any application which does not meet the requirements of the Act or this part, or which sets forth activities of such insufficient promise for achieving the purposes of the Act that its approval is not warranted. In applying the criterion set out in this paragraph, the Assistant Secretary shall award funds to applicants (whose applications meet such requirements and are of sufficient promise to warrant approval) in the order of their ranking on the basis of the criteria set out in this

section. Awards of assistance made pursuant to § 185.91 will be limited to an approximate range of $50,000 to $100,000. No more than one award of assistance pursuant to § 185.91 will be made for activities in any State.

(20 U.S.C. 1601(b), 1607(a), 1609(c) (1), (2), (4), and (6))

§ 185.91–3 Community involvement.

(a) *Advisory committee.* A public agency or organization applying for assistance pursuant to § 185.91 shall, prior to submission of such an application, consult with a State level advisory committee formed in accordance with paragraph (b) of this section in identifying problems and assessing the needs to be addressed by such application. Such applicant shall afford such committee a reasonable opportunity (not less than 10 days) in which to review and comment upon such application, and shall establish such committee at least 5 days prior to the commencement of such review period. In connection with the establishment of such committee, the applicant shall furnish to each member of such committee a copy of the Act and this regulation.

(20 U.S.C. 1607(a))

(b) *Composition.* (1) In order to establish a State level advisory committee as required by this section, the applicant shall designate four State level civic or community organizations (which, when taken together rather than considered individually, are broadly representative of the minority and nonminority communities in the State), one State level teacher organization, and one State level parent organization, each of which shall select one member of their organization to serve as a member of the State level advisory committee. In addition the applicant shall designate a State level student organization or organizations to select student members so that the membership of the State level advisory committee will include one nonminority group student and one student from each minority group substantially represented in the State.

(2) The State level advisory committee formed pursuant to paragraph (a) of this section must be composed of equal numbers of nonminority group members and of members from each minority group substantially represented in the State, including at least one member with arts or arts related experience. In addition to members selected pursuant to subparagraph (1), the applicant shall select the minimum number of additional persons as may be necessary to meet the requirements of this subparagraph.

(20 U.S.C. 1607(a))

(c) *Public hearing and publication.* Public agencies or organizations applying for assistance pursuant to § 185.91 shall hold at least one open, public hearing with parents, teachers, and secondary school students, including but not limited to the members of a committee formed in accordance with paragraph (b) of this section, at which hearing such persons are afforded a full opportunity to understand the activities for which assistance is being sought and to offer recommendations thereon. Such hearing shall be held no less than 7 days prior to submission of an application under the Act, and shall be advertised in a newspaper of statewide circulation or otherwise made public not less than 7 days prior to the date of such hearing. Such publication shall include the names of the members of the State level advisory committee established pursuant to paragraph (a) of this section and a statement of the purpose of such committee. Evidence of such publication and a copy of the minutes of the hearing required by this paragraph shall be submitted with such agency's application for assistance. At a minimum, such minutes shall include a statement of the date, time and location of such hearings, the number of persons in attendance, and a brief summary (not a verbatim transcript) of the views expressed at such hearing.

(20 U.S.C. 1607(a))

(d) *Comments and suggestions by advisory committee.* No application for assistance pursuant to § 185.91 shall be approved which is not accompanied by the written comments of a committee formed in accordance with paragraph (b) of this section. No amendment to activities assisted under § 185.91 shall be approved, and no additional funds made available, unless such committee has been consulted and involved in the development of, and has been given an opportunity to comment upon, such amendment of or addition to such activities. Such comments shall be included with any application submitted by such applicant for such amendments or additions.

(e) *Post-award consultation.* Each application for assistance pursuant to § 185.91 shall contain an assurance that the applicant will consult at least monthly with its State level advisory committee established under this section with respect to policy matters arising in the administration and operation of any activities for which funds are made available under § 185.91, and that the applicant will provide such committee with a reasonable opportunity to periodically observe and comment upon all such activities.

(20 U.S.C. 1607(a))

Special Mathematics Projects

§ 185.92 Eligibility for assistance.

Any private, nonprofit agency, institution, or organization, or a combination of such agencies, institutions, or organizations, may submit an application for a grant from sums reserved pursuant to § 185.95(b)(1) for the conduct, in cooperation with one or more local educational agencies implementing a plan or project described in § 185.11 or § 185.31(a), of special programs for the teaching of standard mathematics to both minority and nonminority group children attending schools affected by such a plan or project in which the proportion of minority group children enrolled is no less than 20 percent. Such special programs shall consist of instruction in advanced mathematics by qualified instructors with bachelor degrees in mathematics or the mathematical sciences from colleges or other institutions of higher education, or with equivalent experience. A cooperating local educational agency must be in compliance with the requirements described in § 185.43 or § 185.44.

(20 U.S.C. 1605(d) and 1607(a)(3))

§ 185.92–1 Authorized activities.

Funds made available for special mathematics projects described in § 185.92 may be used for compensation for instructors described in said section, purchase of textbooks, materials, and supplies necessary to conduct the instructional program, rental of space and equipment, compensation for auxiliary personnel, and administrative costs. Such funds shall not be used for construction, repair or remodeling of any building or facility, or for the purchase of any equipment which has a useful life of more than one year and is not consumed in use, except where it can be demonstrated that the purchase of specific items of equipment will cost less than their rental. For purposes of this section, "construction, repair, or remodeling" includes construction of buildings and facilities and structural alterations, renovations, and remaking of existing buildings or space therein.

(20 U.S.C. 1607(a)(3))

§ 185.92–2 Applications.

(a) Applications for funds for special mathematics projects shall comply with the requirements of § 185.63, except as follows:

(1) The term "activities set forth in § 185.62" in § 185.63(b)(1) shall be understood to refer to activities set forth in § 185.92–1;

(2) The statement of past activities required by § 185.63(b)(6) shall be supplemented by a statement of past activities engaged in by the applicant or its officers or employees with respect to mathematics and to the teaching thereof; and

(3) The phrase "under this subpart" in § 185.63(b)(7) shall be understood to mean "under § 185.92".

(b) All applications for assistance under § 185.92 together with all correspondence and other written materials relating thereto, shall be made readily available to the public by the applicant and by the Assistant Secretary.

(c) In addition to the information and assurances required by paragraph (a) of this section, applications shall contain the following:

(1) A letter from each local educational agency with which the applicant proposes to conduct activities, indicating that the local educational agency has reviewed the proposed project and the application and has agreed to participate in the program activities, if funded, and containing a list of those schools within such local educational agency which are

eligible for assistance pursuant to § 185.92 and whose students are to participate in the project.

(2) A statement, signed by an authorized official of each local educational agency with which the applicant proposes to conduct activities, that such local educational agency is in compliance with the requirements described in § 185.43 or § 185.44.

(20 U.S.C. 1605(d), 1607(a)(3), 1609(a))

§ 185.92–3 Criteria for assistance.

(a) *Educational and programmatic criteria.* The Assistant Secretary shall determine the educational and programmatic merits of applications for funds for special mathematics projects on the basis of the following criteria:

(1) *Needs assessment (10 points).* (i) The magnitude of needs in the schools to be served, assessed jointly by the applicant and the appropriate local educational agency or agencies, for special programs for the teaching of advanced mathematics within multi-ethnic classroom situations as such programs relate to the special needs incident to the implementation of a plan or project described in § 185.11 or § 185.31(a) (5 points);

(ii) The degree to which the applicant has demonstrated, by standardized achievement test data or other objective evidence, the existence of such needs (5 points).

(2) *Statement of objectives (10 points).* (i) The degree to which the applicant sets out specific measurable objectives for its project in relation to the needs identified (5 points) and (ii) the degree to which the project to be assisted affords promise of achieving the objectives specified in the application (5 points).

(3) *Activities (50 points).* (i) *Project design (30 points).* (a) The extent to which the proposed project sets out activities clearly related to the needs identified and to the stated objectives, (b) the extent to which the proposal demonstrates that the use of techniques in advanced mathematics will result in the successful teaching of standard mathematics to the intended beneficiaries, (c) the extent to which the project fits into the overall goals of the mathematics program within the individual schools to be served, (d) the extent to which the applicant demonstrates a coordinated effort on the part of the applicant and the local educational agency or agencies to be served in the development and planning of the proposed project, (e) the extent to which the proposed project is sufficiently concentrated and specific as to give promise of measurable growth for each participant, and (f) the extent to which the proposed project will be adaptable to the individual needs of students and will allow for flexibility in approach based on an ongoing assessment of project goals and the progress of individual students.

(ii) *Staffing (10 points).* The extent to which the proposed project (a) provides for a multi-ethnic staffing plan so that the instructional staff implementing the project reflects the racial and ethnic composition of the student body, (b) includes provisions for making maximum use of present staff capabilities, (c) provides for qualified (beyond the extent required pursuant to § 185.92) instructors to implement the program, and (d) provides adequate training and orientation for students, teachers, and other educational personnel with regard to the proposed project.

(iii) *Delivery of services (5 points).* The extent to which the proposed project (a) sets out a plan for meeting the logistical requirements of the proposed activities including a description of adequate and conveniently available facilities and equipment and (b) involves to the fullest extent practicable the total educational resources already existing in the community or communities to be served.

(iv) *Parent and community involvement (5 points).* The extent to which the application provides for specific opportunities for community and parental participation in the implementation of the proposed project in addition to those required by § 185.92–4.

(4) *Resource management (6 points).* The extent to which the application contains evidence that (i) the amount of funds requested is of sufficient magnitude to give substantial promise of achieving the stated objectives; (ii) the costs of project components are reasonable in relation to the expected benefits; and (iii) the project includes activities of modest to average cost.

(5) *Evaluation (10 points).* The extent to which the application sets out a format for objective, quantifiable measurement of the success of the proposed project in achieving the stated objectives, including (i) a timetable for compilation of data for evaluation and a method of reviewing the project in the light of such data; (ii) a description of instruments to be used for evaluation of the proposed project (and of the method for validating such instruments where necessary), or a description of the procedure to be employed in selecting such instruments; and (iii) provisions for comparison of evaluation results with norms, control group performance, results of other programs, or other external standards; and (iv) the extent to which the applicant provides for effective collection and organization of information on the educational results of the proposed project.

(6) In making the determinations required under this paragraph the Assistant Secretary is authorized to purchase or utilize the services, recommendations, and advice of experts in the areas of mathematics, education, and human relations from the Department, other Federal agencies, State or local governmental units, or the private sector.

(b) *Funding criteria.* In determining amounts to be awarded to applicants for assistance pursuant to § 185.92 the Assistant Secretary shall consider the additional cost to each applicant (as such cost is defined in § 185.13(a)) of effectively carrying out its proposed project in relation to the amount of funds available for assistance pursuant to § 185.92 and the other applications for such assistance pending before him. The Assistant Secretary shall not be required to approve any application which does not meet the requirements of the Act or this part, or which sets forth a project of such insufficient promise for achieving the purposes of the Act that its approval is not warranted. In applying the criterion set out in this paragraph, the Assistant Secretary shall award funds to applicants (whose applications meet such requirements and are of sufficient promise to warrant approval) in the order of their ranking on the basis of the criteria set out in this section. However, in determining the amount of assistance to be awarded to applicants described in § 185.92, the Assistant Secretary may consider whether there is, or is expected to be, pending before him an application submitted pursuant to § 185.91, § 185.93, or § 185.94 which meets the requirements of the Act and this part and which sets forth a project of sufficient promise for achieving the purposes of the Act that its approval is warranted.

(20 U.S.C. 1601(b), 1607(a)(3), 1609(c)(1), (2), (4), and (6))

§ 185.92–4 Community involvement.

Applicants shall comply with the requirements for advisory committee participation set forth in § 185.65. Where the primary area to be served by the project is larger than that of one local educational agency, members of the advisory committees required by this section, and civic or community organizations designated to select such members, shall be selected to represent the larger area to be served.

(20 U.S.C. 1607(a)(3))

SPECIAL STUDENT CONCERNS PROJECTS

§ 185.93 Eligibility for assistance.

(a) Any public agency or organization (or a combination of such agencies or organizations) other than a local educational agency may apply for assistance by grant from funds reserved pursuant to § 185.95(b)(1) for the conduct of special student concerns projects designed to eliminate the disproportionately high incidence of suspension, expulsion, and other disciplinary action involving minority group students in the schools of cooperating local educational agencies. Projects must be conducted in cooperation with one or more local educational agencies implementing a plan or project described in § 185.11 or § 185.31(a). Cooperating local educational agencies must be in compliance with the requirements described in § 185.43 or § 185.44.

(b) No more than one-half of one percent of the funds appropriated under the Act for any fiscal year shall be awarded pursuant to this section.

(20 U.S.C. 1605(d), 1607(a))

§ 185.93–1 Authorized activities.

A grant for a special student concerns project described in § 185.93 must be used both for the cost of activities described in paragraph (a) of this section and the

cost of activities described in paragraph (b) of this section, as follows:

(a) Identifying probable causes of, and formulating remedial action for, the disproportionately high incidence of suspension, expulsion, and other disciplinary action involving minority group students enrolled in the schools of the cooperating local educational agency or agencies. Such activities may include, but are not limited to, the following:

(1) Analysis of the cooperating local educational agencies' student enrollment and absentee files, suspension, expulsion, and other disciplinary records, and other pertinent existing data;

(2) Identification and analysis of State, local, and school policies, practices, procedures, rules, or regulations which may bear on the disproportionately high incidence of disciplinary action respecting minority group students in the schools of cooperating local educational agencies; and

(3) Gathering of observational data, interviews with students, parents, and school personnel, and other survey techniques, and analysis of the results thereof.

At the conclusion of the activities described in this paragraph a report of findings must be prepared and made available to the cooperating local educational agencies and to school personnel, parents, and students in the community served by those agencies.

(b) Developing and implementing a program designed to eliminate the disproportionately high incidence of suspension, expulsion, and other disciplinary action involving minority group students in one or more schools in each cooperating local educational agency. Such a program must be innovative, operable at a reasonable cost, and replicable. Such a program may include, but is not limited to, the following:

(1) Development and use of new curricula and instructional methods, practices, and techniques (and the acquisition of instructional materials relating thereto) to support instruction specifically designed to eliminate the disproportionately high incidence of disciplinary action involving minority group students, such as instruction in the language, cultural heritage, and contemporary history of minority groups;

(2) The provision of additional professional or other staff members specially trained in problems related to expulsions, suspensions, and other disciplinary action;

(3) Training for the community (including school staff, parents, students, school board members, and government, civic, and business leaders) in methods of preventing circumstances that result in the disproportionately high incidence of disciplinary action involving minority group students;

(4) Comprehensive guidance, counselling, and other personal services for students;

(5) Innovative interracial educational projects, including extracurricular activities, involving the joint participation of minority groups and other students;

(6) Development of a model "Student Bill of Rights" or adaptation of a previously developed "Student Bill of Rights" to establish general guidelines for students and school personnel;

(7) Development of proposed revisions to State, local and school board policies, practices, procedures, rules, and regulations;

(8) Innovative activities developed and conducted by students and designed to identify causes of, and to develop remedies for, the disproportionately high incidence of disciplinary action involving minority group students.

(c) All activities authorized under this section must be conducted in a manner consistent with sections 438–440 of the General Education Provisions Act (including the "Family Educational Rights and Privacy Act of 1974"), as amended, and any regulations promulgated thereunder.

(20 U.S.C. 1232g–1232l, 1607(a))

§ 185.93–2 Applications.

(a) Applications pursuant to § 185.93 shall comply with the requirements of § 185.13(a), (b), (c), (d), (f), (g), (h), (j), (k)(1)(i), (k)(1)(ii), (k)(2), and (m). All applications for assistance under § 185.93, together with all correspondence and other written materials relating thereto, shall be made readily available to the public by the applicant and by the Assistant Secretary.

(b) In addition to the information and assurances required by paragraph (a) of this section, applications shall contain the following information:

(1) A description of the proposed project and of such policies and procedures as will insure that the applicant will use funds received under § 185.93 only for the activities described in § 185.93–1;

(2) A letter from each local educational agency with which the applicant proposes to conduct activities, indicating that the local educational agency has reviewed the proposed project and the application and has agreed to participate in the program activities, if funded;

(3) A statement, signed by an authorized official of each local educational agency with which the applicant proposes to conduct activities, that such local educational agency is in compliance with the requirements described in § 185.43 or § 185.44.

(20 U.S.C. 1605(d), 1607(a), 1609(a))

§ 185.93–3 Criteria for assistance.

(a) *Educational and programmatic criteria.* The Assistant Secretary shall determine the educational and programmatic merits of applications for funds for special student concerns projects on the basis of the following criteria:

(1) *Needs assessment (25 points).* (i) The extent to which the applicant has undertaken a preliminary assessment of the needs to be addressed by the proposed project and has obtained objective data as to suspension, expulsion, and other forms of disciplinary action respecting minority group students in the cooperating local educational agencies;

(ii) The difference in magnitude between the extent of such disciplinary action prior to implementation of a plan or project described in § 185.11 or § 185.31 (a) and the extent of such disciplinary action during implementation of such plan or project, a greater difference indicating greater need;

(iii) The percentage of such disciplinary action involving students who are members of minority groups as opposed to the percentage of students in attendance in the schools of the cooperating local educational agency or agencies who are minority group members, a greater difference indicating greater need.

(2) *Statement of objectives (6 points).* (i) The degree to which the applicant sets out specific measurable objectives for its project in relation to the needs identified;

(ii) The degree to which the project promises realistically to address the needs identified.

(3) *Activities (43 points).* (i) *Project design (28 points).* (a) The extent to which students are involved in assessing disciplinary pattern problems and involved in devising solutions; (b) the extent to which the cooperating local educational agencies will be actively involved in the project's implementation, (c) the quality of any data collection and analysis methods outlined in the application, and (d) the extent to which principals, teachers, and other personnel of the schools to participate in the program described in § 185.93–1(b) will be involved in the development of such program;

(ii) *Staffing (3 points).* The extent to which the application sets out an adequate staffing plan for the project and provides that staff members will be selected who have had experience in dealing with disciplinary pattern problems;

(iii) *Delivery of services (3 points).* The extent to which the proposed project sets out a plan for meeting the logistical requirements of the proposed activities, including a description of adequate and conveniently available facilities and equipment;

(iv) *Parent and community involvement (9 points).* The extent to which the application (a) delineates specific opportunities for community and advisory committee participation in the development and implementation of the proposed project in addition to those required by § 185.93–4, and (b) includes evidence that such participation has been encouraged and has in fact occurred.

(4) *Resource management (4 points).* The extent to which the application contains evidence that (i) the costs of project components are reasonable in relation to the expected benefits; (ii) all possible efforts have been made to minimize the amount of funds requested for purchase of equipment necessary for implementation of the proposed project; and (iii) the proposed project will be coordinated with existing efforts in the same area.

(5) *Evaluation (12 points).* The extent to which the application sets out a format for objective, quantifiable measure-

ment of the success of the proposed project in achieving the stated objectives, including (i) a timetable for compilation of data for evaluation and a method of reviewing the project in the light of such data; and (ii) a description of instruments to be used for evaluation of the proposed project (and of the method for validating such instruments), or a description of the procedure to be employed in selecting such instruments.

(6) *Replicability (5 points).* The extent to which the project may be easily replicated in other schools, both within the cooperating local educational agency or agencies and in other local educational agencies.

(7) *Dissemination (5 points).* The extent to which adequate provision is made to disseminate information regarding the progress and findings of the project, including results of the program described in § 185.93–1(b), to other educational agencies and other interested agencies and organizations.

(8) In making the determinations required under this paragraph, the Assistant Secretary is authorized to purchase or utilize the services, recommendations, and advice of experts in the areas of student discipline patterns, education, and human relations from the Department, other Federal agencies, State or local governmental units, or the private sector.

(b) *Funding criteria.* In determining amounts to be awarded to applicants for assistance pursuant to § 185.93, the Assistant Secretary shall consider the additional cost to each applicant (as such cost is defined in § 185.13(a)) of effectively carrying out its proposed project in relation to the amount of funds available for assistance pursuant to § 185.93 and the other applications for such assistance pending before him. The Assistant Secretary shall not be required to approve any application which does not meet the requirements of the Act or this part, or which sets forth a project of such insufficient promise for achieving the purposes of the Act that its approval is not warranted. In applying the criterion set out in this paragraph, the Assistant Secretary shall award funds to applicants (whose applications meet such requirements and are of sufficient promise to warrant approval) in the order of their ranking on the basis of the criteria set out in this section. No more than one award shall be made for any fiscal year to applicants proposing to carry out projects with respect to local educational agencies in any one State, unless the Assistant Secretary determines that several applications for such State are of exceptional merit or promise.

(20 U.S.C. 1601(b), 1607(a), 1609(c) (1), (2), (4), and (6))

§ 185.93–4 Community involvement.

Applicants shall comply with the requirements for advisory committee participation set forth in § 185.65. Where the primary area to be served by the project is larger than that of one local educational agency, members of the advisory committees required by this section, and civic or community organizations designated to select such members, shall be selected to represent the larger area to be served.

(20 U.S.C. 1607(a))

OTHER SPECIAL PROJECTS

§ 185.94 Eligibility for assistance.

(a)(1) The Assistant Secretary may assist, by grant or contract, any State or local educational agency or other public agency or organization (or a combination of such agencies and organizations), from funds reserved pursuant to § 185.95 (b)(1) for the purpose of conducting special programs or projects which the Assistant Secretary determines will make substantial progress toward achieving the purposes of the Act.

(2) No more than two and one-half percent of the funds appropriated under the Act for any fiscal year shall be awarded pursuant to this section for projects in Puerto Rico, Guam, American Samoa, the Virgin Islands, and the Trust Territory of the Pacific Islands.

(20 U.S.C. 1607(a))

(b) *Limitations on eligibility; non-public participation.* The limitations on eligibility set forth in § 185.43 shall apply to educational agencies applying for assistance under this section. The provisions of § 185.44 as to waiver of ineligibility shall apply to local educational agencies applying for assistance under this section. The provisions of § 185.45 as to termination of assistance shall apply to all recipients of assistance under this section. The provisions of § 185.42 as to participation of children or staff enrolled in or employed by non-public schools shall apply to local educational agencies applying for assistance under this section.

(20 U.S.C. 1605(d), 1607(a), 1609(a), 1611(c))

§ 185.94–1 Authorized activities.

(a) Assistance made available pursuant to § 185.94 shall be used for activities described in or authorized by §§ 185.12, 185.22, 185.32, 185.52, 185.62, and 185.72 which would not otherwise be funded and which are designed to carry out the purposes described in § 185.01.

(b) The provisions of § 185.12(b), (c), and (d) shall apply to assistance made available under § 185.94.

(20 U.S.C. 1607(a))

§ 185.94–2 Applications.

Applications by local educational agencies for assistance under this subpart shall comply with the requirements of § 185.13(a) through (n). Applications by other public agencies or organizations shall be in such form, and contain such information and assurances, as may be required by the Assistant Secretary. All applications for assistance under § 185.94, together with all correspondence and other written materials relating thereto, shall be made readily available to the public by the applicant and by the Assistant Secretary.

(20 U.S.C. 1607(a), 1609(a))

§ 185.94–3 Criteria for assistance.

The merits of applications for assistance pursuant to § 185.94 shall be determined on the basis of the criteria set forth in § 185.14, to the extent that such criteria are applicable to the proposed program, project, or activity.

(20 U.S.C. 1607(a), 1609(c))

§ 185.94–4 Community involvement.

Applicants for assistance pursuant to § 185.94 which are local educational agencies shall comply with the requirements of § 185.41, to the extent that such requirements are applicable to the proposed program, project, or activity. Other applicants for assistance pursuant to § 185.94 shall comply with the requirements for advisory committee participation set forth in § 185.65. Where the primary area to be served by the project is larger than that of one local educational agency, members of the advisory committees required by this section, and civic or community organizations designated to select such members, shall be selected to represent the larger area to be served.

(20 U.S.C. 1607(a), 1609(a)(2) and (3), 1609(b))

33. In § 185.95, paragraph (a) is deleted and paragraph (b)(1) and the authority to paragraph (b) are revised as follows:

§ 185.95 Reservations of funds.

(a) [Reserved]

(b) The Assistant Secretary hereby reserves:

(1) An amount no less than 4 percent nor more than 5 percent of the sums appropriated under the Act for any fiscal year for the purposes of special projects under subparts D and J of this part;

* * * * *

(20 U.S.C. 1603(b), 1607(a) and (c), 1610, 1612; Public Law 93–380, section 642)

[FR Doc.75–15400 Filed 6–11–75;8:45 am]

federal register

THURSDAY, JUNE 12, 1975
WASHINGTON, D.C.
Volume 40 ■ Number 114

PART IV

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

■

REPORTS AND RECORDKEEPING

Requirements for Higher Education Institutions

Title 29—Labor

CHAPTER XIV—EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

PART 1602—RECORDS AND REPORTS

Higher Education Staff Information Report

By virtue of the authority vested in it by section 713(a) of Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. (Supp. II) section 2000e-12(a), 78 Stat. 265, the Equal Employment Opportunity Commission (hereinafter referred to as the Commission) hereby amends title 29, chapter XIV, part 1602 of the Code of Federal Regulations.

On May 7, 1974, the Commission published in the FEDERAL REGISTER (39 FR 16158 et seq.) a notice of public hearing on proposed regulations regarding reporting and recordkeeping requirements for public and private institutions of higher education embodied in the form entitled "Higher Education Staff Information Report EEO-6." A proposed form and instructions were published as an appendix thereto.

The public hearing was held on May 22, 1974. At the hearing the proposed recordkeeping and reporting requirements were explained and all persons who had requested to be heard testified. Thereafter, the record remained open until May 29, 1974, and about fifty written comments were received. The comments, suggesting changes in a number of sections of the form, were thoroughly reviewed and many adopted.

The following modifications were made. (1) A block (Part I(A)(2)) was drawn for inclusion of the school identification code developed by the Federal Inter-agency Committee on Education (F.I.C.E.). (2) Provisions were made to obtain a report from a separate central administrative office of a multicampus institution or of an institutional system (Part I(B) (5) and (6)). (3) Part I(D), federal contract data, was modified to delete the total dollar amount of federal contracts. The new format requests whether the institution has federal contracts of more than $10,000, more than $50,000, and more than $1 million. This information is needed by the Office for Civil Rights, U.S. Department of Health, Education and Welfare, to carry out its duties under Executive Order 11246. It is also intended to avoid the need for institutions of higher education to institute complex accounting systems where there are multiple federal contracts spread over various units of a multicampus institution or of an institutional system. (4) Part II of the form was expanded to provide matrices for 9–10 month salary contracts and 11–12 month salary contracts. This expanded format parallels the method customarily used by the National Center for Education Statistics and the salary surveys conducted by such organizations as the American Association of University Professors, the College and University Personnel Associations, and the National Education Association. (5) The category "Deans/Assistant Deans" has been deleted as these employees are more properly classified into either the "Executive/Administrative/Managerial" or "Faculty" category depending upon their primarily responsibility. (6) In Part II, Activities 3 and 4 have been changed from "Instructional" and "Professional Non Instructional" to Activities 2 and 3, "Faculty" and "Professional Non Faculty" respectively. (7) Part II(B) was changed to Part II(D). Row 2 now reads "Full-time Staff Paid in Full from 'Soft Money' Sources." This modification removed the need for very burdensome recordkeeping and accounting to keep track of employees paid in part from "soft money" sources. The expression, "soft money", has been substituted for "non-institution budget sources" since it is more clearly understood by institutions of higher education. (8) Part II(D), Row 3 was added to obtain separate information on Foreign nationals. (9) Part II(B) now reads "Other." This was added to obtain the sex and race/ethnic statistics for those full time faculty members with less than 9–10 month contracts. (10) The sex and race/ethnic categories in the matrices of Parts II and III were modified to conform to a directive of the Office of Management and Budget ordering government-wide standardized categories and definitions. (11) In Part III, Full Time Faculty by Rank and Tenure, nontenured has been expanded to obtain data separately for nontenured on track and other nontenured. "Deans/Assistant Deans" has been deleted from this section. (12) Part IV, Other Employment Data, was changed to correspond to changes 6, 10, and 11 above. Section (b) was deleted.

Four changes are reflected only in the instructions. (1) Graduate teaching and research assistants and/or associates have been deleted from coverage. (2) Tenured faculty members who are paid in full from "soft money" sources are excluded from Part II (D.2). (3) Completion of the New Hires section will not be required for the 1975 survey year. (4) The National Center for Education Statistics has been deleted from the definition of the Higher Education Reporting Committee.

Three amendments to the proposed regulations were effected. (1) A new subsection (b) was added to § 1602.49 to exclude recordkeeping for undergraduate and graduate students who are employed on a part-time or semester basis by the institution of higher education or by a student organization sponsored by the institution. (2) Section 1602.53 was amended to require an exemption request to be submitted 45 days prior to the date on which the report must be filed. Finally, (3) the reports are required to be filed biennially not annually, commencing in the fall of 1975.

Part 1602 is amended by adding new subparts O, P and Q and by adding new §§ 1602.47, 1602.48, 1602.49, 1602.50, 1602.51, 1602.52, 1602.53, 1602.54 and 1602.55. These amendments shall become effective July 1, 1975.

Subpart O—Recordkeeping for Institutions of Higher Education

Sec.
1602.47 Definition.
1602.48 Records to be made or kept.
1602.49 Preservation of records made or kept.

Subpart P—Higher Education Staff Information Report EEO-6

1602.50 Requirement for filing and preserving copy of report.
1602.51 Penalty for making of willfully false statements on report.
1602.52 Commission's remedy for failure to file report.
1602.53 Exemption from reporting requirement.
1602.54 Additional reporting requirements.

Subpart Q—Records and Inquiries as to Race, Color, National Origin, or Sex

1602.55 Applicability of State or local law.

AUTHORITY—Secs. 709(c) and 713(a), 86 Stat. 108, 78 Stat. 262, (42 U.S.C. (SuppII) 2000e-8(c) and 2000e-12(a)), 29 CFR 1602.3.

Subpart O—Recordkeeping for Institutions of Higher Education

§ 1602.47 Definition.

Under subparts O and P of this part, the term "institution of higher education" means an institutional system, college, university, community college, junior college, and any other educational institution which offers an associate degree, baccalaureate degree or higher degree or which offers a two year program of college level studies without degree. The term "college level studies" means a post secondary program which is wholly or principally creditable toward a baccalaureate degree or terminates in an associate degree.

§ 1602.48 Records to be made or kept.

Commencing August 1, 1975, every institution of higher education, whether public or private, with 15 or more employees, shall make or keep all records, and information therefrom, which are or would be necessary for the completion of Higher Education Staff Information Report EEO-6 whether or not it is required to file such a report under § 1602.50. The instructions for completion of Report EEO-6 are specifically incorporated herein by reference and have the same force and effect as other sections of this part.[1] Such records, and the information therefrom, shall be retained at all times for a period of three years at the central administrative office of the institution of higher education, at the central administrative office of a separate campus or branch, or at an individual school which is the subject of the records and information, where more convenient. Such records, and the information therefrom, shall be made available if requested by the Commission or its representative under section 710 of Title VII and 29 U.S.C. 161. It is the responsibility of every institution of higher education to obtain from the Commission or its delegate the neces-

[1] NOTE.—Draft instructions were published as an appendix to the proposed regulations on May 7, 1974 (39 FR 16159).

sary instructions in order to comply with the requirements of this section.

§ 1602.49 Preservation of records made or kept.

(a) Any personnel or employment record (including but not necessarily limited to application forms submitted by applicants and other records having to do with hiring, promotion, tenure, demotion, transfer, layoff, or termination, rates of pay or other terms of compensation, and selection for training) made or kept by an institution of higher education shall be preserved by such institution of higher education for a period of two years from the date of the making of the personnel action or record involved, whichever occurs later. In the case of the involuntary termination of an employee, the personnel records of the individual terminated shall be kept for a period of two years from the date of termination. Where a charge of discrimination has been filed, or a civil action brought against an institution of higher education by the Commission or the Attorney General, the respondent shall preserve similarly at the central administrative office of the institution of higher education, at te centhral office of a separate campus or branch, or at the individual school which is the subject of the charge or action, where more convenient, all personnel records relevant to the charge or action until final disposition thereof. The term "personnel records relevant to the charge," for example, would include personnel or employment records relating to the person claiming to be aggrieved and to all other employees holding positions similar to that held or sought by the person claiming to be aggrieved; it would also include application forms or test papers completed by an unsuccessful applicant and by all other candidates for the same position as that for which the person claiming to be aggrieved applied and was rejected. The date of "final disposition of the charge or the action" means the date of expiration of the statutory period within which a person claiming to be aggrieved may bring an action in the United States District Court, or, where an action is brought against an institution of higher education by a person claiming to be aggrieved, the Commission, or the Attorney General, the date on which such litigation is terminated.

(b) The requirements of paragraph (a) of this section shall not apply to undergraduate students of an institution of higher education who are employed part-time or temporarily by the institution of higher education or by a student organization sponsored by the institution of higher education. Nor shall the requirements of subsection (a) of this section apply to graduate students who are working part-time or temporarily in non-faculty positions for the institution of higher education or for a student organization sponsored by the institution of higher education or are working part-time in faculty positions in which work assignments are primarily for fulfilling the requirements of a degree more advanced than a bachelor's degree.

(c) The requirements of subsection (a) of this section shall not apply to application forms and other preemployment records of non-student applicants for positions known to non-student applicants to be of a temporary or seasonal nature.

Subpart P—Higher Education Staff Information Report

§ 1602.50 Requirement for filing and preserving copy of report.

On or before November 30, 1975, and biennially thereafter, every public and private institution of higher education having fifteen (15) or more employees shall file with the Commission or its delegate executed copies of Higher Education Staff Information Report EEO–6 in conformity with the directions set forth in the form and accompanying instructions. Every institution of higher education shall retain at all times, for a period of three years a copy of the most recently filed Report EEO–6 at its central administrative office, at the central office of a separate campus or branch, or at an individual school which is the subject of the report, where more convenient. An institution of higher education shall make the same available if requested by the Commission or its representative under the authority of Section 710 of the Act and 29 U.S.C. 161. It is the responsibility of the institutions above described in this section to obtain from the Commission or its delegate necessary supplies of the form.

§ 1602.51 Penalty for making of willfully false statements on report.

The making of willfully false statements on Report EEO–6 is a violation of the United States Code, Title 18, Section 1001, and is punishable by fine or imprisonment as set forth therein.

§ 1602.52 Commission's remedy for failure to file.

Any institution of higher education failing or refusing to keep records, in accordance with §§ 1602.48 or 1602.49 of subpart O of this part, or failing or refusing to file Report EEO–6 when required to do so, in accordance with § 1602.50 of this part, may be compelled to keep records or to file by order of a United States District Court upon application of the Commission, or the Attorney General in a case involving a public institution.

§ 1602.53 Exemption from reporting requirements.

If it is claimed that the preparation or filing of the report would create undue hardship, the institution of higher education may apply to the Commission for an exemption from the requirements set forth in Subparts O and P of this part by submitting to the Commission or its delegate a specific proposal for an alternative reporting system no later than 45 days prior to the date on which the report must be filed.

§ 1602.54 Additional reporting requirements.

The Commission reserves the right to require reports, other than that designated as the Higher Education Staff Information Report EEO–6, about the employment practices of private or public institutions of higher education whenever, in its judgment, special or supplemental reports are necessary to accomplish the purposes of Title VII. Any system for the requirement of such reports will be established in accordance with the procedures referred to in section 709(c) of Title VII and as otherwise prescribed by law.

Subpart Q—Records and Inquiries as to Race, Color, National Origin or Sex

§ 1602.55 Applicability of State or local law.

The requirements imposed by the Equal Employment Opportunity Commission in these regulations, subparts O, P, and Q of this part, supersede any provisions of State or local law which may conflict with them.

Signed at Washington, D.C. the 23rd day of May 1975.

ETHEL BENT WALSH,
Acting Chairman.

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

HIGHER EDUCATION STAFF INFORMATION (EEO-6)

Public/Private Institutions and Campuses

GAO APPROVAL
B-180541 (R0168)
Expires 7/31/76

This is a joint requirement of the EEOC, Office for Civil Rights, H.E.W. and the Office of Federal Contract Compliance, Department of Labor. Mail original and three copies to the address shown below by November 30, 1975.

(If your address is different from that on the label, complete Section IA below.)

THIS INSTITUTION IS: (Check one)
☐ PUBLIC ☐ PRIVATE (Non-public)

I. IDENTIFICATION

A. INSTITUTION/CAMPUS OR SCHOOL

1. NAME | 2. FICE CODE

3. STREET AND NUMBER/P.O. BOX | 4. CITY/TOWN | 5. COUNTY | 6. STATE | 7. ZIP CODE

B. REPORT COVERS

☐ 1. SINGLE CAMPUS INSTITUTION
☐ 2. MAIN CAMPUS OF A MULTICAMPUS INSTITUTION
☐ 3. BRANCH CAMPUS OF A MULTICAMPUS INSTITUTION
☐ 4. ONE OF THE ADMINISTRATIVELY EQUAL CAMPUSES OF A MULTICAMPUS INSTITUTION
☐ 5. SEPARATE ADMINISTRATIVE OFFICE OF A MULTICAMPUS INSTITUTION
☐ 6. SEPARATE ADMINISTRATIVE OFFICE OF AN INSTITUTIONAL SYSTEM
7. OTHER (Specify)

C. PARENT INSTITUTION

1. NAME INSTITUTION OF WHICH THE BRANCH CAMPUS/SCHOOL/ADMINISTRATIVELY EQUAL CAMPUS OF A MULTICAMPUS INSTITUTION IS A PART *(Complete if B.3 or B.5 are checked)*

2. IF INSTITUTION IS PART OF AN INSTITUTIONAL SYSTEM, GIVE NAME OF SYSTEM

D. FEDERAL CONTRACT INFORMATION

1. INSTITUTION OR ADMINISTRATIVELY EQUAL UNIT HAS A CONTRACT/SUBCONTRACT WITH ANY U.S. GOVERNMENT AGENCY OF MORE THAN $10,000 ☐ YES ☐ NO

2. INSTITUTION OR ADMINISTRATIVELY EQUAL UNIT HAS A CONTRACT/SUBCONTRACT WITH ANY U.S. GOVERNMENT AGENCY FOR $50,000 OR MORE ☐ YES ☐ NO

3. INSTITUTION OR ADMINISTRATIVELY EQUAL UNIT HAS A CONTRACT/SUBCONTRACT WITH ANY U.S. GOVERNMENT AGENCY WHICH TOGETHER WITH MODIFICATION TOTALS $1 MILLION OR MORE ☐ YES ☐ NO

EEOC FORM 221 (MAY 75)

II. FULL TIME STAFF STATISTICS - OCCUPATIONAL ACTIVITY

(Use Institution's definitions of full-time employment)

A. 9 - 10 MONTH CONTRACT SALARIES

NUMBER OF EMPLOYEES

PRIMARY OCCUPATIONAL ACTIVITY BY SALARY CLASS INTERVALS	A. TOTAL (Sum of cols. B & H)	MALE						FEMALE					
		B. TOTAL	NON-HISPANIC ORIGIN: C. WHITE	NON-HISPANIC ORIGIN: D. BLACK	E. HISPANIC	F. ASIAN OR PACIFIC ISLANDERS	G. AMER INDIAN OR ALASKAN NATIVE	H. TOTAL	NON-HISPANIC ORIGIN: I. WHITE	NON-HISPANIC ORIGIN: J. BLACK	K. HISPANIC	L. ASIAN OR PACIFIC ISLANDERS	M. AMER INDIAN OR ALASKAN NATIVE
1. EXECUTIVE/ ADMINISTRATIVE/ MANAGERIAL													
BELOW $ 7,500													
$ 7,500 - 9,999													
10,000 - 12,999													
13,000 - 15,999													
16,000 - 19,999													
20,000 - 24,999													
25,000 - 29,999													
30,000 AND ABOVE													
1A. TOTAL													
2. FACULTY													
BELOW $ 7,500													
$ 7,500 - 9,999													
10,000 - 12,999													
13,000 - 15,999													
16,000 - 19,999													
20,000 - 24,999													
25,000 - 29,999													
30,000 AND ABOVE													
2A. TOTAL													
3. PROFESSIONAL NON-FACULTY													
BELOW $ 7,500													
$ 7,500 - 9,999													
10,000 - 12,999													
13,000 - 15,999													
16,000 - 19,999													
20,000 - 24,999													
25,000 - 29,999													
30,000 AND ABOVE													
3A. TOTAL													
4. SECRETARIAL/ CLERICAL													
BELOW $ 6,000													
$ 6,000 - 7,499													
7,500 - 9,999													
10,000 - 12,999													
13,000 - 15,999													
16,000 AND ABOVE													
4A. TOTAL													

EEOC FORM 221 PAGE 2

II. FULL TIME STAFF STATISTICS - OCCUPATIONAL ACTIVITY

(Use institution's definitions of full-time employment)

A. 9 - 10 MONTH CONTRACT SALARIES (Cont.)

NUMBER OF EMPLOYEES

PRIMARY OCCUPATIONAL ACTIVITY BY SALARY CLASS INTERVALS	TOTAL (Sum of cols B & K) A	MALE						FEMALE					
		TOTAL B	NON-HISPANIC ORIGIN		HISPANIC E	ASIAN OR PACIFIC ISLANDER F	AMER INDIAN OR ALASKAN NATIVE G	TOTAL H	NON-HISPANIC ORIGIN		HISPANIC K	ASIAN OR PACIFIC ISLANDER L	AMER INDIAN OR ALASKAN NATIVE M
			WHITE C	BLACK D					WHITE I	BLACK J			
5. TECHNICAL/ PARAPROFESSIONAL													
BELOW $ 5,000													
$ 5,000 - 7,499													
7,500 - 9,999													
10,000 - 12,999													
13,000 - 15,999													
16,000 AND ABOVE													
5A. TOTAL													
6. SKILLED CRAFTS													
BELOW $ 5,000													
$ 5,000 - 7,499													
7,500 - 9,999													
10,000 - 12,999													
13,000 - 15,999													
16,000 AND ABOVE													
6A. TOTAL													
7. SERVICE/ MAINTENANCE													
BELOW $ 3,000													
$ 3,000 - 4,999													
5,000 - 7,499													
7,500 - 9,999													
10,000 AND ABOVE													
7A. TOTAL													
8. GRAND TOTAL													

B. OTHER

1. FACULTY WITH LESS THAN 9-10 MONTH CONTRACTS													

C. 11 - 12 MONTH CONTRACT SALARIES

1. EXECUTIVE/ ADMINISTRATIVE/ MANAGERIAL													
BELOW $ 7,500													
$ 7,500 - 9,999													
10,000 - 12,999													
13,000 - 15,999													
16,000 - 18,999													
19,000 - 24,999													
25,000 - 29,999													
30,000 AND ABOVE													
1C. TOTAL													

II. FULL TIME STAFF STATISTICS - OCCUPATIONAL ACTIVITY

(Use institution's definitions of full-time employment)

C. 11 - 12 MONTH CONTRACT SALARIES (Cont.)

NUMBER OF EMPLOYEES

PRIMARY OCCUPATIONAL ACTIVITY BY SALARY CLASS INTERVALS	TOTAL (Sum of cols B & K) A	MALE						FEMALE					
		TOTAL B	NON-HISPANIC ORIGIN		HISPANIC E	ASIAN OR PACIFIC ISLANDER F	AMER INDIAN OR ALASKAN NATIVE G	TOTAL H	NON-HISPANIC ORIGIN		HISPANIC K	ASIAN OR PACIFIC ISLANDER L	AMER INDIAN OR ALASKAN NATIVE M
			WHITE C	BLACK D					WHITE I	BLACK J			
2. FACULTY													
BELOW $ 7,500													
$ 7,500 - 9,999													
10,000 - 12,999													
13,000 - 15,999													
16,000 - 18,999													
19,000 - 24,999													
25,000 - 29,999													
30,000 AND ABOVE													
2C. TOTAL													
3. PROFESSIONAL NON-FACULTY													
BELOW $ 7,500													
$ 7,500 - 9,999													
10,000 - 12,999													
13,000 - 15,999													
16,000 - 18,999													
19,000 - 24,999													
25,000 - 29,999													
30,000 AND ABOVE													
3C. TOTAL													
4. SECRETARIAL CLERICAL													
BELOW $ 5,000													
$ 5,000 - 7,499													
7,500 - 9,999													
10,000 - 12,999													
13,000 - 15,999													
16,000 AND ABOVE													
4C. TOTAL													
5. TECHNICAL/ PARAPROFESSIONAL													
BELOW $ 5,000													
$ 5,000 - 7,499													
7,500 - 9,999													
10,000 - 12,999													
13,000 - 15,999													
16,000 AND ABOVE													
5C. TOTAL													
6. SKILLED CRAFTS													
BELOW $ 5,000													
$ 5,000 - 7,499													
7,500 - 9,999													
10,000 - 12,999													
13,000 - 15,999													
16,000 AND ABOVE													
6C. TOTAL													

II. FULL TIME STAFF STATISTICS - OCCUPATIONAL ACTIVITY

(Use institution's definitions of full-time employment)

C. 11 - 12 MONTH CONTRACT SALARIES (Cont.)

PRIMARY OCCUPATIONAL ACTIVITY BY SALARY CLASS INTERVALS	TOTAL (Sum of cols. B & K)	NUMBER OF EMPLOYEES												
		MALE							FEMALE					
		TOTAL	NON-HISPANIC ORIGIN		HISPANIC	ASIAN OR PACIFIC ISLANDERS	AMERICAN INDIAN OR ALASKAN NATIVE	TOTAL	NON-HISPANIC ORIGIN		HISPANIC	ASIAN OR PACIFIC ISLANDERS	AMERICAN INDIAN OR ALASKAN NATIVE
			WHITE	BLACK					WHITE	BLACK			
	A	B	C	D	E	F	G	H	I	J	K	L	M
7. SERVICE/ MAINTENANCE													
BELOW $ 3,000													
$ 3,000 - 4,999													
5,000 - 7,499													
7,500 - 9,999													
10,000 AND ABOVE													
7C. TOTAL													
8. GRAND TOTAL													

D. ADDITIONAL INFORMATION

1. PERSONS REPORTED IN Sec. II. A2 and II. C2. WITH ACADEMIC RANK AND/OR TENURE													
2. FULL-TIME STAFF PAID IN FULL FROM "SOFT MONEY" SOURCES													
3. TOTAL ALL FOREIGN NATIONALS													

III. FULL TIME FACULTY BY RANK AND TENURE

(Count only once)

A. TENURED													
1. PROFESSORS													
2. ASSO. PROFESSORS													
3. ASST. PROFESSORS													
4. INSTRUCTORS													
5. LECTURERS													
6. OTHER FACULTY													
7. TOTAL													
B. NON-TENURED ON TRACK													
8. PROFESSORS													
9. ASSO. PROFESSORS													
10. ASST. PROFESSORS													
11. INSTRUCTORS													
12. LECTURERS													
13. OTHER FACULTY													
14. TOTAL													
C. OTHER NON-TENURED													
15. PROFESSORS													
16. ASSO. PROFESSORS													
17. ASST. PROFESSORS													
18. INSTRUCTORS													
19. LECTURERS													
20. OTHER FACULTY													
21. TOTAL													

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IV. OTHER EMPLOYMENT DATA

PRIMARY OCCUPATIONAL ACTIVITY BY SALARY CLASS INTERVALS	TOTAL (Sum of cols. B & K)	NUMBER OF EMPLOYEES												
		MALE							FEMALE					
		TOTAL	NON-HISPANIC ORIGIN		HISPANIC	ASIAN OR PACIFIC ISLANDERS	AMERICAN INDIAN OR ALASKAN NATIVE	TOTAL	NON-HISPANIC ORIGIN		HISPANIC	ASIAN OR PACIFIC ISLANDERS	AMERICAN INDIAN OR ALASKAN NATIVE
			WHITE	BLACK					WHITE	BLACK			
	A	B	C	D	E	F	G	H	I	J	K	L	M
PART TIME													
1. EXEC/ADMIN/ MANAGERIAL													
2. FACULTY													
A. TENURED													
B. NON-TENURED ON TRACK													
C. OTHER NON-TENURED													
3. PROFESSIONAL NON-FACULTY													
4. SECRETARIAL/ CLERICAL													
5. TECHNICAL PARA-PROFESSIONAL													
6. SKILLED CRAFT													
7. SERVICE/ MAINTENANCE													
8. TOTAL													
NEW HIRES (Full time between 1 July & 30 Sept)													
9. EXEC/ADMIN/ MANAGERIAL													
10. FACULTY													
A. TENURED													
B. NON-TENURED ON TRACK													
C. OTHER NON-TENURED													
11. PROFESSIONAL NON-FACULTY													
12. SECRETARIAL/ CLERICAL													
13. TECHNICAL PARA-PROFESSIONAL													
14. SKILLED CRAFT													
15. SERVICE/ MAINTENANCE													
16. TOTAL													

REMARKS

CERTIFICATION: I certify that the information given in this report is correct and true to the best of my knowledge and was prepared in accordance with accompanying instructions. *Willfully false statements on this report are punishable by law, U.S. Code, Title 18, Section 1001.*

DATE	TELEPHONE NUMBER (Include area code)	TYPED NAME/TITLE OF PERSON PREPARING/ CERTIFYING REPORT	SIGNATURE

EEOC FORM 221

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APPENDIX I

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

HIGHER EDUCATION STAFF INFORMATION (EEO–6) APPROVED BY GAO B–180541 (R0168) INSTRUCTION BOOKLET

Under Public Law 88–352, Title VII of the Civil Rights Act of 1964, as amended by the Equal Employment Opportunity Act of 1972, all institutions of Higher Education both public and private, that have 15 or more employees are required to keep records and to make such reports biennially to the Equal Employment Opportunity Commission as are specified in the regulations of the Commission. The applicable provisions of the law, Section 709(c) of Title VII, and the regulations issued by the Commission are printed in full in the Appendix to these instructions.

In the interests of consistency, uniformity and economy, the EEO–6 has been developed to meet most of the basic compliance reporting needs of various Federal government agencies that have responsibility with respect to equal employment opportunity. A joint reporting committee will represent these Federal agencies: the Office for Civil Rights (OCR) of H.E.W., the Office of Federal Contract Compliance (OFCC) of the Department of Labor, and the Equal Employment Opportunity Commission (EEOC). The legal bases (statutes or regulations) for the data needs of these agencies are referenced in the Appendix. The form should also serve as a valuable tool for use by the institutions in evaluating their own programs for insuring equal employment opportunity.

The filing of the EEO–6 report is required by law; *it is not voluntary*. Under Section 709(c) of Title VII, the EEOC, or the Attorney General of the United States in the case of a public institution, may compel an institution to file the report by obtaining an order from a United States District Court.

1. Who must file

Those who must file this report include all institutions of higher education, both public and private; institutional systems; colleges and universities, including community colleges and junior colleges with 15 or more employees. Campuses within a multicampus institution or within an institutional system which are separately administered (such as a branch of a parent institution or one of the administratively-equal campuses of a multicampus institution) must complete and file the EEO–6 report. Separate administrative offices of a multicampus institution or institutional system must also complete and file the EEO–6 report.

2. Who must keep records

Every institution of higher education as listed in No. 1 above with 15 or more employees must make and keep records and statistics which would be necessary for the completion of the EEO–6 form as set forth in these instructions. See regulations 1602.48 and 1602.49 in the Appendix.

3. How to file

A separate report must be filed covering total employment of each institution as listed in number 1 above.

In all cases, the original and three copies will be returned to the address given on the first page of the form.

4. When to file

This report must be filed with the Equal Employment Opportunity Commission for the first time no later than November 30, 1975. Employment statistics should cover the payroll period closest to October 1, 1975, and biennially thereafter.

5. Where to file

Forward the completed reports in quadruplicate to the P.O. Box shown on the EEO–6 form. Requests for additional reporting forms should also be directed to the P.O. Box address or to the Higher Education Reporting Committee, 2401 "E" Street, N.W., Washington, D.C. 20506.

6. Requests for information and special procedures

An institution (or reporting unit) as described in number 1 above which claims that preparation or the filing of the EEO–6 report would create an undue hardship may apply to the Commission for a special reporting procedure, submitting a written alternative proposal for compiling and reporting the information.

Only those special procedures approved in writing by the Commission are authorized. Such authorization will remain in effect for one reporting year. Direct all requests for special exemption including proposed special reporting procedures and any other pertinent information to the Equal Employment Opportunity Commission, Attention: Office of Research, 2401 "E" Street, NW., Washington, D.C. 20506.

7. Elected and appointed officials

Section 701(f) of the Equal Employment Opportunity Act of 1972 contains an exemption for elected and certain appointed officials that is set forth in the definition of "employee" in the Appendix. Based on the legislative history of Section 701(f), the General Counsel of the Commission has ruled that this exemption was intended by the Congress to be construed narrowly. This ruling concluded that only the following persons would be included in the exemption:

(1) State and local elected officials.

(2) Such official's immediate secretary, administrative, legislative, or other immediate or first-line aide.

(3) Such official's legal advisor.

(4) Appointed cabinet officials in the case of a Governor, or heads of executive departments in the case of a Mayor or County Council.

No other persons appointed by an elected official are exempt under this interpretation. In no case is any person exempt who is appointed by an appointed official, whether or not the latter is himself exempt. Furthermore, as specified in Section 701(f), the exemption does not include employees subject to the civil service laws of a State government, governmental agency or political subdivision.

These rules will be applicable to public institutions administered by state and local governments.

8. Confidentiality

All reports and information from individual reports are subject to the confidentiality provisions of Section 709(e) of Title VII, and may not be made public by EEOC prior to the institution of any proceeding under Title VII. However, aggregate data may be made public in such a way as not to reveal any particular employer's statistics.

The prohibition against disclosure mandated by Section 709(e) does not apply to the Office of Federal Contract Compliance and contracting agencies of the Federal government which require submission of EEO–6 pursuant to Executive Order 11246. Reports from prime contractors and subcontractors doing business with the Federal government may not be confidential under Executive Order 11246. Information from institutions holding federal grants may be disclosed to the public by the Office for Civil Rights as part of its normal program activities, and will be disclosed to the public in response to requests for EEO–6 data as required by the Freedom of Information Act (P.L. 93–502).

INSTRUCTIONS ON HOW TO PREPARE THE REPORT EEO–6

DEFINITIONS OF TERMS AND CATEGORIES ARE LOCATED IN THE APPENDIX

PART I—IDENTIFICATION

Section A. Institution or campus

Enter the name, address, and zip code of the respondent, only if: the preprinted label is in error, the respondent is a new institution, campus or branch, the separately administered central office of a multicampus institution or institutional system or the respondent has been renamed, consolidated or reorganized.

Section B. Report Covers

Indicate by a check mark the institution covered by the report whether a single campus, institution, a main campus, or a separate administrative office of either a multicampus institution or of an institutional system. If it is none of the above check other and specify in the space provided for that purpose.

Section C. Parent institution

Enter the name of the parent institution whether a multicampus institution or institutional system of which the reporting unit (branch campus, etc.) is a part.

Section D. Federal contract information

This information is required to meet the legal requirements of the OFCC as prescribed in 41 CRF 60–1.7 of their rules and regulations. If the institution is a Federal contractor and meets any of the criteria shown it must answer these questions.

These questions are to determine whether a respondent has "Government Contracts" within the meaning of Executive Order 11246, as amended, and the level of funding of those contracts. In responding, the institution should be careful to distinguish between Federal grants and Federal contracts. The Regulation implementing the Executive Order defines a Government contract as "any agreement or modification thereof between any contracting agency and any person for the furnishing of supplies or services or the use of real or personal property, including lease arrangements". Research is listed as one of the services which may be obtained by contract.

The institution should review the project documents to determine whether it is a grant or a contract. In most cases the face sheet of contract documents will have a box with the title "Contract Number" and will be signed for the Government by a Contracting Officer. Similarly, grants will have a "Grants Number" on the face sheet and will be signed by a Grants Administration Officer or similar official.

In addition to reviewing direct Federal Projects, institutions should carefully check their contracts with other higher education institutions, industry, and other organizations to determine whether any of them are Government subcontracts.

Under Section 209(a) of Executive Order 11246, the penalties for failure by a Federal contractor or subcontractor to comply may include termination of the Federal Government contract and debarment from future Federal contracts.

PART II—FULL-TIME STAFF STATISTICS—OCCUPATIONAL ACTIVITY

Full-time staff statistics should include the number of persons, except those elected and appointed officials specified in number 7

above, who are on the payroll of the institution (or reporting unit) and are classified by the institution as full-time employees in a particular job classification regardless of job title. These will include the faculty who are on sabbatical leave, and they should be reported on the basis of their regular salaries even though they may be receiving a reduced annuity while on leave. Persons who are on leave but remain on the payroll should also be reported. It will not include employees whose services are paid by an outside contractor performing a function for the institution such as custodial, maintenance, or food service, security, etc., or persons who volunteer or donate their services to the institutions.

A person engaged in two or more separate activities will be reported as full time in the principal activity. The judgment as to what constitutes principal activity should be made by the institution or reporting unit. The occupational activities are defined in the Appendix.

Salary will not include payments in kind such as housing or other fringe benefits.

Every employee must be accounted for in *one and only one* of the occupational activities in Part II.

Section A. 9–10 month salary contract

Report the number of full-time employees working under 9–10 month contract, by the primary occupational activity and salary class intervals under each activity, by sex for each of the designated race/ethnic categories. Include in this section for the faculty reported in Activity 2 only those faculty members whose base pay is for the standard academic year of two semesters, three quarters or two terms of a "trimester" program.

Section B. Other

Report the number of full-time faculty with less than 9–10 month contracts by sex for each of the designated race/ethnic categories.

Section C. 11–12 month salary contract

Report the number of full-time employees working under 11–12 month contract, or annual salary, by the primary occupational activity and salary class intervals under each activity, by sex for each of the designated race/ethnic categories. Persons whose salaries are not determined by a contractual arrangement but whose pay may be calculated as an annual salary will be reported in this Section. Report in Activity 2 only those faculty members whose actual duties are for 11–12 month contract or annual salary.

Section D. Additional information

1. Persons With Academic Rank and Tenure

Report in line 1 of D the number of full-time staff members included in Activity 1 of Section A and C Part II who, although their principal work is within the activity, hold an academic rank and/or have tenure status within the institution.

2. Full-Time Persons Paid in Full From "Soft Money" Sources From Non-Institution Budget Sources

Report in line 2 of D the number of persons on the institution's payroll, employed full-time, who are paid in full from funds, traditionally referred to as "Soft Money", that are not part of the general operating fund budget of the institution. The funds may be from government agencies or private foundations for programs involving public services; research; capital improvements; administration of student-aid programs for grants, work aid, and loans; and other miscellaneous services.

Do not include in this category tenured faculty members even though they are paid from "Soft Money" sources.

3. Total All Foreign Nationals

Report in line 3 the number of employees who are foreign nationals and are employed full-time. These employees should also be reported in either Section A, B or C of the report.

PART III—FULL-TIME FACULTY BY RANK AND TENURE

Report in this part only persons who are members of the faculty as defined in the Appendix. Count an employee only once. These will be reported by tenure status.

A. Tenured

Report by sex and race/ethnic designation the number of persons who have tenure status within the institution in each of the academic ranks shown in lines 1 through 6. Total employees on line 7.

In reporting the number of persons with academic rank and tenure, use the institution's criteria or requirements for either notwithstanding the fact that the policy used by the institution may be different from that which meets or refers to a national set of principles.

B. Nontenured on track

Report by sex and race/ethnic designation the number of persons who are non tenured but are in positions which lead to consideration for tenure in each of the academic ranks shown in lines 8 through 13. Total employees on line 14.

C. Other nontenured

Report by sex and race/ethnic designation the number of persons who are in non tenure earning positions in each of the academic ranks or their equivalents shown in lines 15 through 20. Total employees on line 21.

PART IV—OTHER EMPLOYMENT DATA PART-TIME

Report in lines 1 through 7 the number of employees in their respective activities who work for a length of time in a day, week, etc., defined by the institution as part-time employment. *Do not* include temporary, part-time employees such as: (1) students who are hired to help at registration time or to work in the bookstore for a day or two at the start of the quarter or whose work schedules are only for a few hours of the day or week, (2) persons who volunteer or donate their services to the institution on a part-time basis, (3) persons who may be paid from other than the institution's payroll, and (4) graduate student instructors.

Report the part-time faculty by Tenured, Non Tenured on Track, and Other Non Tenured. Report Total Part Time on line 8.

New hires—Omit this section in 1975

Report in lines 9 through 15 the number of full-time employees in the respective activities who were included in the payroll for the first time between July 1, 1977 and September 30, 1977 and every survey year thereafter, and who also are included in Section II A or II C. These are persons who were hired for full-time employment for the first time or after a break in service. *Do not* include as new hires persons who have returned from sabbatical leave or full time employees with less than 9–10 month contracts. Report the newly hired faculty for full-time employment separately for tenured, non tenured on track, and other non tenured.

Certification

The report must be certified and signed by an official of the institution or reporting unit responsible for the information.

APPENDIX II

1. DEFINITIONS APPLICABLE TO ALL EMPLOYERS

a. "Commission" refers to the Equal Employment Opportunity Commission established under Title VII of the Civil Rights Act of 1964.

b. "OFCC" refers to the Office of Federal Contract Compliance, U.S. Department of Labor, established to implement Executive Order 11246 (as amended).

c. "OCR" refers to the Office for Civil Rights of the Department of Health, Education, and Welfare established to enforce Title VI of the Civil Rights Act of 1964 (P.L. 88–352), Title IX of the Education Amendments of 1972 (P.L. 92–318), the Comprehensive Health Manpower Training Act of 1971 (P.L. 92–157), as amended by Public Law 93–348, and the Nurse Training Act of 1971 (P.L. 92–158).

d. "Higher Education Reporting Committee" is a committee representing the Commission, OCR of HEW, and OFCC for the purpose of administering this report system.

e. "Single-Campus Institution" A single campus (or single building or structure) with a single administrative body.

f. "Main Campus" In those institutions consisting of a main campus and one or more branch campuses, the main campus (sometimes called the parent institution) is usually the location of the core, primary, or most comprehensive program. Unless the institution-wide or central-administrative office of such institutions is reported to be at a different location, the main campus is also the location of the central-administrative office.

g. "Branch Campus" A campus of an institution of higher education which is organized on a relatively permanent basis (i.e., has a relatively permanent administration), which offers an organized program or programs of academic work of at least 2 years (as opposed to courses), and which is located in a community different from that in which its parent institution is located. Being in a community different from that of the parent institution means that a branch is located beyond a reasonable commuting distance from the main campus of the parent institution.

h. "Administratively Equal Campus of a Multicampus Institution" A reporting unit separately administered which can not be classified as a branch campus and which is located within the boundaries of the community in which the multicampus is located.

i. "Separate Administrative Office of a Multicampus Institution" The central administration or single administrative body of a Multicampus Institution which sets the organization-wide policies, determines budgetary and other administrative requirements, but whose personnel can not be properly included in the report of a specific institution (or other reporting unit).

j. "Separate Administrative Office of an Institutional System" The central administration or single administrative body of an Institutional System which sets the organization-wide policies, determines budgetary and other administrative requirements, but whose personnel cannot be properly included in the report of a specific institution (or other reporting unit).

k. "Institutional System" A complex of two or more institutions of higher education, each separately organized or independently complete, under the control or supervision of a single administrative body.

l. "Multi-Campus Institution" An organization bearing resemblance to an institutional system, but unequivocally designated as a single institution with either of two organizational structures: (1) an institution having two or more campuses responsible to a central administration (which central ad-

ministration may or may not be located on one of the administratively-equal campuses) or (2) an institution having a main campus with one or more branch campuses attached to it.

m. "Other" It is possible that a reporting unit may not fall within any of the above categories. Use "Other" in such cases and specify for future use by EEOC.

n. "Employer", under Section 701(b), Title VII of the Civil Rights Act of 1964 as amended by the Equal Employment Opportunity Act of 1972 means a person engaged in an industry affecting commerce who has fifteen or more employees for each working day in each of twenty or more calendar weeks in the current or preceding calendar year, and any agent of such a person, but such term does not include the United States, a corporation wholly owned by the Government of the United States, an Indian tribe, or any department or agency of the District of Columbia subject by statute to procedures of the competitive service (as defined in Section 2102 of Title 5 of the United States Code), or a bona fide private membership club (other than a labor organization) which is exempt from taxation under Section 501(c) of the Internal Revenue Code of 1954.

o. "Employee" means any individual on the payroll of an employer who is an employee for purposes of the employer's withholding of Social Security taxes except insurance salesmen who are considered to be employees for such purposes solely because of the provisions of Section 3121(d)(3)(b) of the Internal Revenue Code. The term "employee" SHALL NOT include persons who are hired on a casual basis for a specified time, or for the duration of a specified job, and work on remote or scattered sites or locations where it is not practical or feasible for the employer to make a visual survey of the work forces within the report period; for example, persons at a construction site whose employment relationship is expected to terminate with the end of the employee's work at the site; persons temporarily employed in any industry other than construction, such as seamen, longshoremen, waiters, movie extras, agricultural laborers, lumbermen, etc., who are obtained through a hiring hall or other referral arrangement, through an employee contractor or agent, or by some individual hiring arrangement; or persons on the payroll of a temporary service agency who are referred by such agency for work to be performed on the premises of another employer under that employer's direction and control.

It is the opinion of the General Counsel of the Commission that Section 702, Title VII of the Civil Rights Act of 1964, as amended, does not authorize a complete exemption of religious organizations from the coverage of the Act or of the reporting requirements of the Commission. The exemption for religious organizations applies to discrimination the basis of religion. Therefore, since the EEO-6 form does not provide for information as to the religion of employees, religious organizations must report all information required by this form.

p. "FICE CODE" The Federal Interagency Committee of Education (FICE) code is an unstructured number unique for each institution. The assignment of this number to reporting units for data processing purposes by the EEOC will be done following the guidelines provided for its use by the National Center of Education Statistics of HEW. For further explanation of the assignment of the FICE code please refer to the Higher Education Directory 1973–74 of the Department of Health, Education, and Welfare.

2. DEFINITIONS APPLICABLE ONLY TO GOVERNMENT CONTRACTORS SUBJECT TO EXECUTIVE ORDER 11246

a. "Order" means Executive Order 11246, as amended.

b. "Contract" means any agreement or modification thereof between any contracting agency and any person for the furnishing of supplies or services or the use of real or personal property, including lease arrangements.

c. "Prime Contractor" means any employer having a Government contract or any federally assisted construction contract, or any employer serving as a depository of Federal Government funds.

d. "Subcontractor" means any employer having a contract with a prime contractor or another subcontractor calling for supplies or services required for the performance of a Government contract or federally assisted construction contract.

e. "Contracting Agency" means any department, agency and establishment in the Executive Branch of the Government, including any wholly owned Government corporation, which enters into contracts.

f. "Administering Agency" means any department, agency and establishment in the Executive Branch of the Government, including any wholly owned Government corporation, which administers a program involving federally assisted construction contracts.

g. "Compliance Agency" means the agency designated by the Director of the Office of Federal Contract Compliance to conduct compliance reviews and to undertake such other responsibilities in connection with the administration of Executive Order 11246, as amended, as the Director may determine to be appropriate.

3. RESPONSIBILITIES OF PRIME CONTRACTORS

a. At the time of an award of a subcontract subject to these reporting requirements, the prime contractor shall inform the subcontractor of its responsibility to submit annual information reports in accordance with these instructions and, where necessary, provide the subcontractor with report forms which it shall obtain from its Compliance Agency.

b. If prime contractors are required by their Compliance Agencies, or subcontractors by their prime contractors, to submit notification of filing, they shall do so by ordinary correspondence. However, such notification is not required by and should not be sent to the reporting committee.

4. RACE/ETHNIC IDENTIFICATION

An employer may acquire the race/ethnic information necessary for this section either by visual surveys of the work force, or from post-employment records. Since visual surveys are permitted the fact that race/ethnic identifications are not present on post-employment records is not an excuse for failure to provide the data called for.

Moreover, the fact that employees may be located at different addresses does not provide an acceptable reason for failure to comply with the reporting requirement. In such cases, it is recommended that visual surveys be conducted for the employer by persons such as supervisors who are responsible for the work of the employees or to whom the employees report for instructions or otherwise.

Please note that conducting a visual survey and keeping post-employment records of the race or ethnic origin is legal in all jurisdictions and under all Federal and State laws. State laws prohibiting inquiries and recordkeeping as to race, etc., relate only to applicants for jobs, not to employees.

The concept of race as used by the Equal Employment Opportunity Commission does not denote clearcut scientific definitions of anthropological origins. For the purposes of this report, an employee may be included in the group to which he or she appears to belong, identifies with, or is regarded in the community as belonging. However, no person should be counted in more than one race/ethnic category.

The five race/ethnic categories are defined as follows:

1. White (not of Hispanic origin): All persons having origins in any of the original peoples of Europe, North Africa, the Middle East, or the Indian subcontinent.

2. Black (not of Hispanic origin): All persons having origins in any of the black racial groups.

3. Hispanic: All persons of Mexican, Puerto Rican, Cuban, Central or South American, or other Spanish culture or origin, regardless of race.

4. Asian or Pacific Islanders: All persons having origins in any of the original peoples of the Far East, Southeast Asia, or the Pacific Islands. This area includes, for example, China, Japan, Korea, the Philippine Islands, and Samoa.

5. American Indian or Alaskan Native: All persons having origins in any of the original peoples of North America.

5. PRIMARY OCCUPATIONAL ACTIVITY

a. Executive, administrative and managerial

Include all persons whose assignments require *primary* (and major) responsibility for management of the institution, or a customarily recognized department or subdivision thereof. Assignments require the performance of work directly related to management policies or general business operations of the institution department or subdivision, etc. It is assumed that assignments in this category customarily and regularly require the incumbent to exercise discretion and independent judgment, and to direct the work of others. Report in this category all officers holding such titles as President, Vice President, Dean, Director, or the equivalents, as well as officers subordinate to any of these administrators with such titles as Associate Dean, Assistant Dean, Executive Officers of academic departments (chairmen, heads, or the equivalent) if their principal activity is administrative.

NOTE: Supervisory personnel of the technical, clerical, craft, and service/maintenance force will be reported within the specific categories.

b. Faculty

Include all persons whose specific assignments customarily are made for the purpose of conducting instruction, research, or public service as a principal activity (or activities), and who hold academic-rank titles of professor, associate professor, assistant professor, instructor, lecturer, or the equivalent of any one of these academic ranks. Report in this category Deans, Directors, or the equivalents, as well as Associate Deans, Assistant Deans, and executive officers of academic departments (chairmen, heads, or the equivalent) if their principal activity is instructonal. *Do not* include student teaching or research assistants.

c. Professional nonfaculty

Include in this category persons whose assignments would require either college gradution or experience of such kind and amount as to provide a comparable background. Included would be all staff members with assignments requiring specialized professional training who should not be reported under Activity 1 (Executive) or Activity 2 (Faculty), and who should not be classified under any of the four "nonprofessional" categories of activities.

d. Clerical and secretarial

Include all persons whose assignments typically are associated with clerical activities or are specifically of a secretarial nature. Include personnel who are responsible for internal and external communications, recording and retrieval of data (other than computer programmers) and/or information and other paper work required in an office, such as bookkeepers, stenographers, clerk typists, office-machine operators, statistical clerks, payroll clerks, etc. Include also sales clerks such as those employed full-time in the bookstore, and library clerks who are not recognized as librarians.

e. Technical and paraprofessionals

Include all persons whose assignments require specialized knowledge or skills which may be acquired through experience or academic work such as is offered in many 2-year technical institutes, junior colleges or through equivalent on-the-job training. Include computer programmers and operators, draftsmen, engineering aides, junior engineers, mathematical aides, licensed, practical or vocational nurses, dietitians, photographers, radio operators, scientific assistants, technical illustrators, technicians (medical, dental, electronic-physical sciences), and similar occupations not properly classifiable in other occupational-activity categories but which are institutionally defined as technical assignments.

Include persons who perform some of the duties of a professional or technician in a supportive role, which usually require less formal training and/or experience normally required for professional or technical status. Such positions may fall within an identified pattern of staff development and promotion under a "New Careers" concept.

f. Skilled crafts

Include all persons whose assignments typically require special manual skills and a thorough and comprehensive knowledge of the processes involved in the work, acquired through on-the-job training and experience or through apprenticeship or other formal training programs. Include mechanics and repairmen, electricians, stationary engineers, skilled machinists, carpenters, compositors and type-setters.

g. Service/maintenance

Include persons whose assignments require limited degrees of previously acquired skills and knowledge and in which workers perform duties which result in or contribute to the comfort, convenience and hygiene of personnel and the student body or which contribute to the upkeep and care of buildings, facilities or grounds of the institutional property. Include chauffeurs, laundry and dry cleaning operatives, cafeteria and restaurant workers, truck drivers, bus drivers, garage laborers, custodial personnel, gardeners and groundskeepers, refuse collectors, construction laborers, security personnel.

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