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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 7—Agriculture

CHAPTER II—FOOD AND NUTRITION SERVICE, DEPARTMENT OF AGRICULTURE

SUBCHAPTER C—FOOD STAMP PROGRAM

[Amendment No. 56]

PART 271—PARTICIPATION OF STATE AGENCIES AND ELIGIBLE HOUSEHOLDS

Methods of Distribution, Issuing, and Accounting for Coupons and Receipts

On May 9, 1975, there was published in the FEDERAL REGISTER (FR Doc 75-12307), a notice of proposed rulemaking to amend § 271.6(d)(2) of the Food Stamp Program regulations to extend mandatory implementation of Public Assistance Withholding (PAW) by State agencies from July 1, 1975 to January 1, 1976.

Interested persons were given 15 days in which to submit written comments, suggestions or objections regarding the proposed amendment. We received 17 comments on the proposed regulation. Twelve comments were from State agencies and one comment was from a county welfare office. All 13 agencies strongly supported extending the implementation date of PAW. The agencies agreed that an additional 6 months would greatly assist the agencies in implementing PAW and at the same time give the Congress the necessary time to decide whether this program should be made mandatory or optional for use by State agencies. Four opposing comments were received from community action groups and legal aid societies. These groups expressed opposition in having State agencies delay implementation of PAW. After full consideration of the opposing comments, the Department believes that the considerations for the amendment specified in the notice of proposed rulemaking are valid. Therefore, the Department has decided to adopt the amendment as proposed.

Accordingly, § 271.6(d)(2) of Chapter II, Title 7 CFR is revised as follows:

§ 271.6 Methods of distributing, issuing, and accounting for coupons and receipts.

* * * * *

(d) * * *

(2) The State agency shall permit as soon as possible but no later than January 1, 1976, any household participating in the program, if it so elects, to have the cost of its full monthly coupon allotment deducted from any grant or payment such household may be entitled to received under Title IV of the Social Security Act, and have its full monthly coupon allotment distributed to it.

* * * * *

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

Effective Date. This amendment shall become effective July 1, 1975.

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

Dated: July 9, 1975.

RICHARD L. FELTNER,
Assistant Secretary.

[FR Doc.75-18224 Filed 7-14-75;8:45 am]

Title 9—Animals and Animal Products

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

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

PART 76—HOG CHOLERA AND OTHER COMMUNICABLE SWINE DISEASES

Area Quarantined

This amendment quarantines portions of Deaf Smith and Castro Counties in Texas because of the existence of the contagion of hog cholera. This action is deemed necessary to prevent further spread of the disease. The restrictions pertaining to the interstate movement of swine and swine products from or through quarantined areas as contained in 9 CFR Part 76, as amended, will apply to the quarantined area.

Accordingly, Part 76, Title 9, Code of Federal Regulations, as amended, restricting the interstate movement of swine and certain products because of hog cholera and other communicable swine diseases, is hereby amended in the following respect:

In § 76.2, paragraph (e) is amended to read:

§ 76.2 Notice relating to existence of the contagion or vectors of hog cholera and other swine diseases; prohibition of movement of any hog cholera virus, exceptions; spread of disease through raw garbage; regulations; quarantines; Eradication States; Free States.

* * * * *

(e) Notice of quarantine: Notice is hereby given that because of the existence of the contagion of hog cholera and the nature and extent of such contagion or the existence of vectors, the following area is quarantined:

Texas. The adjacent portions of Deaf Smith and Castro Counties bounded by a line beginning at the junction of Farm to Market Road 809 and U.S. Highway 60 in Deaf Smith County; thence, following U.S. Highway 60 in a southwesterly direction to the first unnamed county road; thence, following the unnamed county road in a southerly, then westerly, then southerly direction to the dirt road extension of Farm to Market Road 2397 in Castro County; thence, following the dirt road extension of Farm Market Road 2397 in a westerly direction to Farm to Market Road 2397; thence, following Farm to Market Road 2397 in a westerly direction to Farm to Market Road 1057; thence, following Farm to Market Road 1057 in a northerly, then easterly direction to its junction with U.S. Highway 385 and Farm to Market Road 1062 in Deaf Smith County; thence, following Farm to Market Road 1062 in an easterly direction to Farm to Market Road 809; thence, following Farm to Market Road 809 in a southerly direction to its junction with U.S. Highway 60 in Deaf Smith County.

* * * * *

(Secs. 4-7, 23 Stat. 32, as amended; secs. 1 and 2, 32 Stat. 791-792, as amended; secs. 1-4, 33 Stat. 1264, 1265, as amended; sec. 1, 75 Stat. 481; secs. 3 and 11, 76 Stat. 130, 132 (21 U.S.C. 111-113, 114g, 115, 117, 120, 121, 123-126, 134b, 134f); 37 FR 28464, 28477, 38 FR 19141)

Effective date. The foregoing amendment shall become effective on July 10, 1975.

The amendment imposes certain further restrictions necessary to prevent the interstate spread of hog cholera, and must be made effective immediately to accomplish its purpose in the public interest. It does not appear that public participation in this rulemaking proceeding would make additional relevant information available to the Department.

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

Done at Washington, D.C., this 10th day of July, 1975.

J. K. ATWELL,
Acting Deputy Administrator, Veterinary Services, Animal and Plant Health Inspection Service.

[FR Doc.75-18308 Filed 7-14-75;8:45 am]

Title 12—Banks and Banking

CHAPTER V—FEDERAL HOME LOAN BANK BOARD

SUBCHAPTER B—FEDERAL HOME LOAN BANK SYSTEM

[No. 75-566]

PART 531—STATEMENTS OF POLICY

Statement of Policy Regarding Liquidating Dividends in Mergers

JUNE 25, 1975.

The following summary of the statement of policy adopted by this resolution is provided for the reader's convenience and is subject to the full provisions of this Resolution, including the provisions in the preamble thereof, and in the amended regulations set forth below.

I. PRESENT SITUATION

Where shareholders or depositors of an institution that is merged into another institution receive a special "dividend" in order to equalize or otherwise adjust the net worth percentages of the institutions, the payment has been considered to be in the nature of a "liquidating dividend" and has not been made subject to rate control. The Board has considered the payment of "liquidating dividends" on a case by case basis in acting upon merger applications and has approved such payments if they have been no greater than necessary to equalize net worth percentages and if both the total amount being paid and the percentage return to savings accountholders were not significant.

II. AMENDED STATEMENT OF POLICY

Applies the Board's rate control rules to "liquidating dividends" paid in connection with mergers (including bulk purchases of assets involving the assumption of savings accounts and other liabilities), which has the effect of precluding the payment of such dividends unless part of an actual liquidation.

III. REASON FOR AMENDMENT

To set forth the Board's policy regarding liquidating dividends. Liquidating dividends are of serious concern to the Board on several grounds. The payment of such dividends (1) makes it necessary for the Board to determine the equitability of the amount of the dividend and of the formula used in determining the payees; (2) may result in a so-called "windfall" distribution which could cause shifts of savings funds and resulting harm to other institutions in the vicinity; (3) operates to favor surviving institutions with low net worth ratios; (4) fails to take into account the relative market values of the assets of the merging institutions and the relative earnings of such institutions; (5) fails to recognize that, in the absence of an actual liquidation, the disappearing association is in effect operating on a combined basis and that it is therefore inappropriate to trigger a full recognition in cash of the proprietary interests of the mutual accountholders; and (6) removes needed funds from the housing market.

The Federal Home Loan Bank Board, by Resolution No. 75-210, dated March 5, 1975, proposed to amend Part 531 of the Regulations for the Federal Home Loan Bank System (12 CFR Part 531), entitled "Statement of Policy", by adding thereto a new § 531.10. The purpose of new § 531.10 is to set forth the Board's policy regarding "liquidating dividends" paid in connection with mergers (including bulk purchase as assets involving the assumption of savings accounts and other liabilities) and how the Board's rate control rules (12 CFR Part 526) affect such payments. Notice of such proposed rulemaking was duly published in the FEDERAL REGISTER on March 11, 1975 (40 FR 11363), with an invitation for interested persons to submit written comments by April 14, 1975.

On the basis of its consideration of all relevant material presented by interested persons and otherwise available, and after consultation with the Board of Governors of the Federal Reserve System and the Board of Directors of the Federal Deposit Insurance Corporation, the Board hereby amends Part 531 by adding a new § 531.10, to read as set forth below, effective July 15, 1975.

The effect of this new statement of policy will be to preclude the payment of liquidating or similar dividends to savings accountholders in institutions whose assets are being acquired by statutory merger or bulk purchase involving an assumption of savings accounts and other liabilities, whether or not such payment is intended to adjust the relative net worths of the disappearing and acquiring institutions. When savings accounts are being assumed in such an acquisition, the Board does not consider an actual liquidation to have occurred so as to entitle the savings accountholders in the disappearing institution to a distribution of all or part of its net worth. This policy will not apply to a distribution of net worth made by a non-member disappearing institution in contemplation of a merger but prior to execution of a merger agreement or other merger commitment.

This new statement of policy will not apply to payments made under merger agreements executed by both institutions prior to March 11, 1975 (the date of FEDERAL REGISTER publication of this amendment as originally proposed). This "grandfathering provision" represents an expansion from the Board's original proposal.

Since the statement of policy hereby adopted applies to payments made pursuant to merger agreements executed after March 11, 1975, it is the opinion of the Board that publication of the statement of policy for the 30-day period specified in 12 CFR 508.14 and 5 U.S.C. 553(d) prior to the effective date thereof is unnecessary, and the Board therefore hereby provides that the statement of policy shall become effective as hereinbefore set forth.

Section 531.10 is added to read as follows:

§ 531.10 Liquidating dividends in mergers.

(a) If a payment is made to holders of any savings accounts in a disappearing institution as part of a merger with a "member institution" as defined in § 526.1 of this chapter, the Board will consider such payment as a violation of § 526.2(a) of this chapter by the member institution if the payment, together with any other return to such holders, exceeds the maximum rate of return prescribed in § 526.2(a), whether such payment is characterized as a "liquidating dividend", "bonus dividend", "equalizing dividend" or otherwise. The term "merger" includes consolidations and bulk purchases of assets in exchange for assumption of savings accounts and other liabilities. However, a payment made as part of an actual liquidation of a disappearing institution in a transaction involving a bulk purchase of its assets without an assumption of its savings accounts and other liabilities would not be viewed as being made as part of a merger, and such payment would not violate § 526.2(a). A merger of the bulk-purchase-of-assets type, with an assumption of savings accounts and other liabilities, does not involve an actual liquidation of a disappearing mutual institution so as to entitle the holders of its savings accounts to a distribution of its net worth. For these purposes, a savings account will be considered to have been assumed unless full payment therefor has been made to the holder.

(b) The Board will not consider a payment made to the holders of savings accounts in a non-member disappearing institution in contemplation of a merger with a member institution as a violation of § 526.2(a) if the payment is made by the non-member institution prior to execution of a merger agreement or other merger commitment with the member institution. However, in acting upon any application under §§ 546.2 or 563.22 of this chapter, the Board will consider the effect of any such payment on the financial condition of the surviving insured institution along with other factors relevant to the insurance risk of the Federal Savings and Loan Insurance Corporation.

(c) This statement of policy does not apply to payments made pursuant to merger agreements executed by both institutions prior to March 11, 1975.

(Sec. 5B, 47 Stat. 727, as added by sec. 4, 80 Stat. 824, Sec. 17, 47 Stat. 736, as amended; (12 U.S.C. 1425b, 1437); Reorg. Plan No. 3 of 1947, 12 FR 4981, 3 CFR, 1943-48 Comp., p. 1071)

By the Federal Home Loan Bank Board.

[SEAL] A. CATHERINE POORE,
Assistant Secretary.

[FR Doc.75-18284 Filed 7-14-75;8:45 am]

SUBCHAPTER D—FEDERAL SAVINGS AND LOAN INSURANCE CORPORATION

[No. 75-630]

PART 563—OPERATIONS

Amendments Relating to Collateralized Borrowings

JULY 9, 1975.

The Federal Home Loan Bank Board, by Resolution No. 75-299, dated April 2, 1975, amended Part 563 of the rules and regulations for insurance of accounts (12 CFR Part 563) by adding thereto a new § 563.8-2 authorizing issuance of mortgage-backed bonds by insured institutions subject to restrictions set forth in § 563.8-2(b). As adopted, § 563.8-2(b) does not provide for waiver of any of the restrictions set forth therein.

Upon reconsideration, the Board has determined that it is desirable to amend § 563.8-2(b) to provide for waiver of the restrictions set forth therein upon specific request in a given case. This amendment is consistent with § 563.8-2(a), which permits waiver of the eligibility requirements set forth in that provision.

Accordingly the Board hereby amends § 563.8-2(b) to read as set forth below, effective July 16, 1975.

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

Section 563.8-2(b) is amended to read as follows:

§ 563.8-2 **Issuance of mortgage-backed bonds.**

* * * * *

(b) *Restrictions on the bond.* No mortgage-backed bond may be issued pursuant to this section unless it is in conformity with the following requirements, except that one or more of such requirements may be waived by the Corporation upon specific request in a given case:

* * * * *

(Secs. 402, 403, 407, 48 Stat. 1256, 1257, as amended; (12 U.S.C. 1725, 1726, 1730); Reorg. Plan No. 3 of 1947, 12 FR 4981, 3 CFR, 1943-48 Comp., p. 1071)

By the Federal Home Loan Bank Board.

[SEAL] GRENVILLE L. MILLARD, JR.,
Assistant Secretary.

[FR Doc.75-18286 Filed 7-14-75;8:45 am]

[No. 75-628]

PART 563—OPERATIONS

Amendments Relating to Recordkeeping

JULY 9, 1975.

The Board considers it desirable to amend § 563.17-1(c)(3) of the rules and regulations for insurance of accounts (12 CFR 563.17-1(c)(3)) for the purpose of modifying the documentation requirements therein relating to loans sold by an insured institution.

Former § 563.17-1(c)(3) required an insured institution, in the sale of whole loans or participating interests in loans, to obtain and include in its records an opinion by its attorney stating whether each such sale was without recourse. Such requirement was adopted prior to development and routine use of standardized sales contracts. The present amendment permits an insured institution to have its attorney render an opinion on the terms of a sales agreement and thereafter comply with the regulatory requirement by including a copy of such opinion in the record of any sale of loans where a sales agreement comprising the same terms is used.

Accordingly, the Board hereby amends § 563.17-1(c)(3) as set forth below, effective July 15, 1975.

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

In § 563.17-1, (c)(3) is revised to read as follows:

§ 563.17-1 **Examinations and audits; appraisals; establishment and maintenance of records.**

* * * * *

(c) *Establishment and maintenance of records.* To enable the Corporation to examine insured institutions and affiliates, and audit insured institutions, affiliates, and service corporations, pursuant to the provisions of paragraph (a) of this section, each insured institution, affiliate and service corporation thereof shall establish and maintain such accounting and other records as will provide an accurate and complete record of all business transacted by it, and the documents, files and other material or property comprising said records shall at all times be available for such examination and audit, wherever any of said records, documents, files, material or property may be. Without any limitation on the generality of the foregoing sentence and without modification of any other requirement with respect to the establishment and maintenance of records to which such institution is subject, each insured institution shall establish and maintain the following records:

* * * * *

(3) *Records with respect to loans sold.* The records of an insured institution with respect to each sale of loans by it, whether such loans are sold in whole or in part, shall include a signed opinion by such institution's attorney-at-law stating whether the terms of the sales agreement governing such sale provide for a sale without recourse.

* * * * *

(Secs. 402, 403, 407, 48 Stat. 1256, 1257, 1260, as amended; (12 U.S.C. 1725, 1726, 1730); Reorg. Plan No. 3 of 1947, 12 FR 4981, 3 CFR, 1943-48 Comp., p. 1071)

By the Federal Home Loan Bank Board.

[SEAL] GRENVILLE L. MILLARD, JR.,
Assistant Secretary.

[FR Doc.75-18285 Filed 7-14-75;8:45 am]

SUBCHAPTER F—REGULATIONS FOR SAVINGS AND LOAN HOLDING COMPANIES

[No. 75-627]

PART 584—REGULATED ACTIVITIES

Amendment Relating to Transactions with Affiliates

JULY 9, 1975.

I. *Present regulation.* Does not prohibit an insured institution from authorizing or permitting the opening or increasing of savings accounts therein in an office where stock, bonds, debentures, notes, or similar obligations of a holding company affiliate of the institution are sold or offered for sale.

II. *Amended regulation.* Prohibits insured institutions from authorizing or permitting such transactions.

III. *Reason for amendment.* To avoid confusion of insured savings account transactions with transactions relating to investment in obligations of an insured institution's affiliate.

The Federal Home Loan Bank Board, by Resolution No. 75-303, dated April 2, 1975, proposed an amendment to § 584.3 (a) of the Regulations for Savings and Loan Holding Companies (12 CFR 584.3 (a)) for the purpose of prohibiting an insured institution from authorizing or permitting the opening or increasing of accounts in such institution in any office where securities of an affiliate are sold or offered for sale. Notice of such proposed rulemaking was duly published in the FEDERAL REGISTER on April 9, 1975 (40 FR 16090), with an invitation for interested persons to submit written comments by May 12, 1975.

The amendment adopted by this Resolution differs from the proposal in that the phrase "stock, bond, debenture, note, or similar obligation" has been substituted for the term "security" in the proposal. This change is for the purpose of making clear that the amended regulation does not apply to certain insurance contracts which are issued by affiliates of insured institutions and which might be construed as "securities".

On the basis of its consideration of all relevant material presented by interested persons and otherwise available, the Board hereby amends § 584.3 by redesignating as paragraph (a)(7) the former paragraph (a)(6) thereof and adding thereto a new paragraph (a)(6), such new paragraph (a)(6) to read as set forth below, effective August 15, 1975.

§ 584.3 Transactions with affiliates.

(a) * * *

(6) Authorize or permit the opening or increasing of savings accounts in such institution in any office where any stock, bond, debenture, note, or similar obligation of an affiliate is sold or offered for sale; or

* * * * *

(Secs. 402, 403, 48 Stat. 1256, 1257, as amended; Sec. 408, 48 Stat. 1261, as added by 73 Stat. 691, as amended; 12 U.S.C. 1725, 1726, 1730a. Reorg. Plan No. 3 of 1947, 12 F.R. 4981, 3 CFR, 1943–48 Comp., p 1071)

By the Federal Home Loan Bank Board.

[SEAL] GRENVILLE L. MILLARD, Jr.,
Assistant Secretary.

[FR Doc.75–18287 Filed 7–14–75;8:45 am]

Title 13—Business Credit and Assistance

CHAPTER III—ECONOMIC DEVELOPMENT ADMINISTRATION, DEPARTMENT OF COMMERCE

PART 313—JOB OPPORTUNITIES PROGRAM

Grant and Loan Program

Part 313 of Chapter III of Title 13 of the Code of Federal Regulations is hereby amended.

In that the material contained herein is a matter relating to the grant and loan program of the Economic Development Administration and because a delay in implementing these regulations would be contrary to the public interest, the relevant provisions of the Administrative Procedure Act (5 U.S.C. 553) requiring notice of proposed rulemaking, opportunity for public participation and delay in effective date are inapplicable.

Section 313.24 is revised to read as follows:

§ 313.24 Eligible projects.

(a) Public works activities which are labor intensive and which meet the requirements of § 313.6 are eligible for assistance. Projects may include, but are not limited to, such activities as rehabilitation of buildings, street paving and repairs, painting, park developments, environmental improvements and other community improvement projects.

(1) In general, projects will be considered to be labor intensive if at least 50 percent of the Title X funds provided for that project are to be expended for direct labor costs.

(Sec. 701, Pub. L. 89–136 (August 26, 1965); (42 U.S.C. 3211); 79 Stat. 570 and Department of Commerce Organization Order 10–4 (April 1, 1970) as amended (35 FR 5970 as amended at 40 FR 12532))

Effective date: This amendment becomes effective on July 15, 1975.

Dated: July 8, 1975.

WILMER D. MIZELL,
Assistant Secretary for Economic Development.

[FR Doc.75–18278 Filed 7–14–75;8:45 am]

Title 14—Aeronautics and Space

CHAPTER I—FEDERAL AVIATION ADMINISTRATION

[Docket No. 75–GL–8 Amdt. 39–2261]

PART 39—AIRWORTHINESS DIRECTIVES

Bellanca Models 7 and 8 Series

Amendment 39–2173, 40 FR 17138, AD 75–09–02, as amended by Amendment 39–2243, requires installation of Bellanca Service Kit #248 on the Bellanca Models 7ECA, 7GCAA, 7GCBC, 7KCAB, 8KCAB, and 8GCBC airplanes. After issuing Amendment 39–2173, the agency determined that the carburetor alternate air valve furnished with Bellanca Service Kit #248 and installed in accordance with Amendment 39–2173 was susceptible to fatigue failure. Therefore, the AD is being further amended to remove those serials covered by paragraph A of the AD pending resolution of the problem.

Since this amendment relieves a restriction and imposes no additional burden on any person, notice and public procedure hereon are unnecessary and the amendment may be made effective in less than 30 days.

In consideration of the foregoing and pursuant to the authority delegated to me by the Administrator (31 FR 13697), § 39.13 of Part 39 of the Federal Aviation Regulations, Amendment 39–2173, 40 FR 17138, AD 75–09–02, as amended by Amendment 39–2243, is further amended by deleting paragraph A thereof.

This amendment becomes effective July 21, 1975.

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

Issued in Des Plaines, Illinois, on July 7, 1975.

JOHN M. CYROCKI,
Director, Great Lakes Region.

[FR Doc.75–18299 Filed 7–14–75;8:45 am]

[Docket No. 13581; Amdt. No. 91–129]

PART 91—GENERAL OPERATING AND FLIGHT RULES

Taxi Clearances at Airports With Operating Control Towers

The purpose of this amendment to Part 91 of the Federal Aviation Regulations is to provide that no pilot may taxi an aircraft on a taxiway at an airport with an operating control tower unless an ATC clearance is obtained.

Notice No. 74–13 was published in the FEDERAL REGISTER on March 27, 1974 (39 FR 11301) stating that the Federal Aviation Administration was considering amending Part 91 to clarify the rules regarding the clearances required at airports with operating control towers. That Notice proposed to require that pilots obtain an appropriate clearance before taxiing, taking off, or landing on the movement area of the airport, and proposed to add a definition of "movement area."

Interested persons were afforded an opportunity to participate in the proposed rule making. Due consideration was given to all relevant matter presented.

Forty-five comments were received in response to the notice. Twelve commentators objected to the proposal. The other comments either concurred or suggested minor changes.

One commentator objected to the proposed amendment on the basis that § 91.87(b) already requires two-way radio communication before an aircraft is operated to, from, or "on an airport." He stated that his interpretation of this paragraph, together with § 91.87(h) (which requires a clearance before taxiing on a runway) is that an aircraft on an airport with a control tower should not move under its own power until a clearance is received. This amendment is issued to make § 91.87 consistent with this commentator's interpretation, with respect to the taxiing of aircraft on taxiways. This amendment, therefore, prescribes what pilots have long practiced, that is, obtaining a clearance from the tower prior to taxiing on a taxiway. This amendment was proposed because § 91.87(h) omitted a specific reference to taxiways.

Several commentators objected to the introduction of what they believed was a new, unnecessary, and potentially confusing term: "movement area." While the term "movement area" need not cause confusion, the FAA has determined that it is unnecessary, and with the addition of the term "taxiways" to the regulation those areas in which an ATC clearance should be required are adequately described. Accordingly, this amendment is adopted without use of the proposed term "movement area," and adds only taxiways to the current ATC clearance requirement of § 91.87 (h).

One commentator expressed his belief that the Federal Aviation Act of 1958 does not establish the necessary authority for controlling ground movements of aircraft. The FAA does not agree. That Act adequately supports the issuance of regulations to ensure the safe operation of aircraft on the ground. "Air commerce" as defined in the Act (sec. 101(4)) includes any operation or navigation of aircraft which directly affects, or which may endanger safety in, air commerce. "Operation of aircraft" is defined in the Act (sec. 101(26)) to mean any use of aircraft for the purpose of air navigation. Section 307(c) of the Act specifically authorizes the Administrator to prescribe rules for the navigation of aircraft, for the protection of persons and property on the ground, and for the prevention of collision between aircraft, and between aircraft and land or water vehicles. Finally, section 313(a) authorizes the Administrator to make or amend such general or special rules as he shall deem necessary to carry out the provisions of, and to exercise his duties under the Act. None of these provisions of the

Act are limited to the operation of aircraft in flight.

One comment requested that the proposal be broadened to include aircraft movement other than taxiing (such as the towing of aircraft) and to include persons other than pilots. In order not to exceed the scope of Notice 74–13, this amendment is limited to pilots and to the taxiing of aircraft.

(Secs. 307 and 313(a), Federal Aviation Act of 1958 (49 U.S.C. §§ 1348, and 1354(a)); sec. 6(c), Department of Transportation Act (49 U.S.C. § 1655(c)))

In consideration of the foregoing, Part 91 of the Federal Aviation Regulations is amended, effective August 18, 1975, by amending § 91.87(h) to read as follows:

§ 91.87 Operation at airports with operating control towers.

* * * * *

(h) *Clearances required.* No pilot may, at an airport with an operating control tower, taxi an aircraft on a runway or taxiway, or takeoff or land an aircraft, unless he has received an appropriate clearance from ATC. A clearance to "taxi to" the runway is a clearance to cross all intersecting runways but is not a clearance to "taxi on" the assigned runway.

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

J. W. COCHRAN,
Acting Administrator.

[FR Doc.75-18301 Filed 7-14-75;8:45 am]

Title 15—Commerce and Foreign Trade

CHAPTER III—DOMESTIC AND INTERNATIONAL BUSINESS ADMINISTRATION, DEPARTMENT OF COMMERCE

SUBCHAPTER B—EXPORT REGULATIONS

PART 377—SHORT SUPPLY CONTROLS

Method of Licensing Exports of Petroleum Products in the Third Quarter 1975

The licensing system used in the second quarter 1975 for the export of petroleum products other than crude oil is generally continued on the same basis during the third quarter 1975, except that the base period for determining exporters' shares of quota entitlements for Commodity Group I (Butane, propane, and natural gas liquids) is changed to July 1, 1972 through September 30, 1972. This change in the base period is made to conform to that used in the mandatory allocations program of the Federal Energy Administration, which recognizes seasonal fluctuations in the use of these products. All other product quotas, as in the past, are to be calculated on a base period average spanning 1971, 1972, and the first six months of 1973.

As during the second quarter 1975, carbon-black feedstock oils (Commodity Group H) will not be subject to quota limitations, but will be subject to validated export licensing. Consignees of carbon-black feedstock oils must be established users of this product as a petrochemical feedstock in the manufacture of carbon-black. Also, exporters of carbon-black feedstock oils are required to submit certain additional documentation as described in § 377.6(e)(4) to support an application for export license.

The policy for the export of crude oil will remain the same as that announced in Export Administration Bulletin No. 114 of April 18, 1974.

The country quotas for each Petroleum Commodity Group that will be available during the third quarter 1975 are announced in Supplement No. 2 to Part 377 of the Export Administration Regulations and contained herein. As previously, 5 percent of the overall quota for each Commodity Group will be reserved for contingencies and the announced country quotas represent 95 percent of the overall authorized exports. All licenses issued during the third quarter 1975 will expire 30 days after the end of the calendar quarter. Requests for extension of the validity period of such licenses normally will not be entertained.

Accordingly, Supplement No. 2 to Part 377 of the Export Administration Regulations (15 CFR Part 377) is revised to read as follows:

SUPPLEMENT NO. 2—PETROLEUM AND PETROLEUM PRODUCTS SUBJECT TO SHORT SUPPLY LICENSING CONTROLS

Schedule B number	*Commodity description*
	Petroleum Licensed Only in Accordance With § 377.6(d)(1)
	GROUP A
331.0100	Crude petroleum
331.0200	Petroleum partly refined for further refining
	Petroleum Products Subject to Historical Quotas
	GROUP B
332.1015	Aviation gasoline
	GROUP C
332.1030	Gasoline, n.e.c.
332.1050	Gasoline blending agents, hydrocarbon compounds only, n.e.c.
	GROUP D
332.2010	Kerosene, except kerosene-type jet fuel
	GROUP E
332.2020	Jet fuel
	GROUP F
332.3000	Distillate fuel oils
	GROUP G
332.4000	Residual fuel oils
	GROUP I
341.1025	Butane
341.1030	Propane
341.1040	Natural gas liquids, including LPG, n.e.c.
	Petroleum Products Not Subject to Quotas
	GROUP H
332.9160	Carbon black feedstock oil

Quantities: Report the above commodities in barrels of 42 gallons.

Shipping tolerance: 10 percent.

Submission dates: Not prior to the beginning of the applicable quarter, and not later than:

	3rd quarter 1975
Historical exporters of petroleum commodities other than crude oils.	Sept. 20, 1975.
Hardships, crude oil exporters, and carbon black feed-stock oil exporters.	At any time.

COUNTRY QUOTAS FOR GROUP B

(Schedule B No. 332.1015, Aviation Gasoline)

Country:	*Quota (barrels)*
Bahamas	1,676
Belgium	78
Bolivia	2,761
Cameroon	65
Canada	3,313
Dahomey	58
French Pacific Islands	3,853
Gabon	115
Holland	18,940
Honduras	307
India	12,743
Ivory Coast	98
Mexico	10,509
Singapore	14,783
All other countries	165

COUNTRY QUOTAS FOR GROUP C

(Schedule B No. 332.1030, Gasoline, n.e.c.)

(Schedule B No. 332.1050, Gasoline blending agents, hydrocarbon compounds only, n.e.c.)

Country:	*Quota (barrels)*
Australia	554
Austria	139
Bahamas	872
Belgium	3,929
Brazil	29,061
Canada	76,078
Denmark	76
Finland	162
France	635
French Pacific Islands	18,523
Holland	48,039
India	143
Iran	106
Italy	314
Japan	299
Leeward & Windward Islands	1,109
Mexico	149,791
Mozambique	66
Nigeria	143
Philippines	137
South Africa	556
Sweden	56
United Kingdom	3,111
Venezuela	165
West Germany	3,966
All other countries	513

COUNTRY QUOTAS FOR GROUP D

(Schedule B No. 332.2010, Kerosene, except kerosene-type jet fuel)

Country:	*Quota (barrels)*
Australia	1,118
Brazil	150
Canada	1,667
Chile	122
Congo	56
Egypt	88
France	59
French Pacific Islands	3,046
Gabon	266
Holland	349
Israel	586
Italy	467
Japan	2,354

Country:	Quota (barrels)
Mexico	72
Nigeria	740
Peru	71
Philippines	89
Singapore	442
South Africa	371
United Kingdom	9,391
Venezuela	454
West Germany	7,047
All other countries	252

COUNTRY QUOTAS FOR GROUP E

(Schedule B No. 332.2020, Jet Fuel)

Country:	Quota (barrels)
Bahamas	31
Canada	42,797
Mexico	48,794

COUNTRY QUOTAS FOR GROUP F

(Schedule B No. 332.3000, Distillate fuel oils)

Country:	Quota (barrels)
Bahamas	3,125
Canada	98,156
Colombia	36,385
Denmark	22,413
French Pacific Islands	10,086
Holland	58,895
Japan	11,636
Mexico	190,448
Netherlands Antilles	34,072
Peru	13,577
Surinam	327
All other countries	1,359

COUNTRY QUOTAS FOR GROUP G

(Schedule B No. 332.4000, Residual fuel oils)

Country:	Quota (barrels)
Bahamas	110,780
Barbados	11,275
Belgium	12,865
Brazil	63,662
Canada	833,224
Canary Islands	14,182
Denmark	32,003
France	2,493
French Pacific Islands	16,967
Greece	19,798
Holland	50,108
Ireland	11,626
Italy	181,979
Jamaica	152,086
Japan	266,105
Leeward & Windward Islands	12,745
Mexico	643,500
Netherlands Antilles	99,078
Panama	74,793
Peru	30,821
Poland	2,070
Singapore	15,455
South Africa	21,432
Spain	36,283
Sweden	75,413
United Kingdom	227,631
All other countries	814

COUNTRY QUOTAS FOR GROUP I

(Schedule B No. 341.1025, Butane)

(Schedule B No. 341.1030, Propane)

(Schdeule B No. 341.1040, Natural gas liquids)

Country:	Quota (barrels)
Canada	18,651
Mexico	2,413,904
Netherlands	10,927
Japan	221,346
New Zealand	1,041
Guatemala	466
All other	4,616

Base period: The base period for determining historical quota shares for group I commodities in the third quarter 1975 is the period from July 1, 1972 to September 30, 1972.

Effective date of action: July 3, 1975.

RAUER H. MEYER,
Director,
Office of Export Administration.

[FR Doc.75-18217 Filed 7-14-75;8:45 am]

Title 20—Employee's Benefits

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

[Regs. No. 5]

PART 405—FEDERAL HEALTH INSURANCE FOR THE AGED AND DISABLED

Health Maintenance Organizations; Qualifying Conditions

Correction

In FR Doc.75-16867 appearing at page 28016, in the issue for Wednesday, July 2, 1975, the following corrections should be made:

1. On page 28018 in the second column, the next to the last line in § 405.2001(b)(4) should read: "covered items and services to its title XVIII beneficiaries."

2. In § 405.2001(b)(5)(i) in the second column on page 28018, the third line should read: "marily through physicians who are em-".

3. In the third column on page 28018, the third line of § 405.2001(b)(5)(ii) should read: "marily through independent practition-".

4. On page 28020 in the first column, in § 405.2005(a)(3)(i), the eleventh line should read: "patient. Such services must be or must appear".

Title 21—Food and Drugs

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

[FRL 399-8; FAP5H5061/R9]

PART 561—TOLERANCES FOR PESTICIDES IN ANIMAL FEEDS ADMINISTERED BY ENVIRONMENTAL PROTECTION AGENCY

Thiabendazole

On September 27, 1974, notice was given (39 FR 34706) that Merck, Sharp & Dohme, Rahway NJ 07065 had filed a food additive petition (FAP 5H5061) with the Environmental Protection Agency (EPA). This petition proposed the establishment of a food additive tolerance for residues of the fungicide thiabendazole (2 - (4 - thiazolyl) benzimidazole) in potato processing waste at 30 parts per million resulting from concentration and carry-over following post-harvest application of the fungicide to potatoes. [A related document on thiabendazole and the establishment of a pesticide tolerance appeared in the FEDERAL REGISTER on June 17, 1975 (40 FR 25591).]

The data submitted in the petition and other relevant material have been evaluated. It is concluded that the tolerance should be established to cover residues resulting from both pre- and post-harvest applications. The tolerance established by amending the regulation (21 CFR 561.380) will protect the public health.

Any person adversely affected by this regulation may on or before August 14, 1975 file written objections with the Hearing Clerk, Environmental Protection Agency, 401 M Street SW, East Tower, Room 1019, Washington D.C. 20460. Such objections should be submitted in quintuplicate and specify the provisions of the regulation deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought.

Effective July 15, 1975, Part 561, Subpart A, is amended by revising § 561.380 as set forth below.

Dated: July 8, 1975.

(Sec. 409(c)(1) and (4), the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 348(c)(1) and (4)), transferred to Administrator EPA in Reorganization Plan No. 3 (35 FR 15623))

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

Section 561.380 is amended by adding the new paragraph "30 parts per million * * *" after the paragraph "33 parts per million * * *" to read as follows:

§561.380 Thiabendazole.

* * * * *

30 parts per million in potato processing waste resulting from pre- and post-harvest applications to the raw agricultural commodity potatoes.

* * * * *

[FR Doc.75-18207 Filed 7-14-75;8:45 am]

SUBCHAPTER F—BIOLOGICS

[Docket No. 75N-0022]

TEST FOR HEPATITIS B SURFACE ANTIGEN

The Commissioner of Food and Drugs is amending the biologics regulations, effective September 15, 1975, (1) to require that all references to "hepatitis associated (Australia) antigen" and "hepatitis associated antibody (anti-Australia Antigen)" be changed to "hepatitis B surface antigen (HB_sAg)", and "antibody to hepatitis B surface antigen (Anti-HB_s)," respectively, (2) to require that the testing for the presence of Hb_sAg of all donations of human blood, plasma, and serum to be used in preparing biological products be performed using only those reagents which are most sensitive in their capacity to detect such antigen, and (3) to restrict the use of source blood, plasma, or serum that is reactive to hepatitis B surface antigen to the very few situations in which final products can be prepared only from hepatitis B surface antigen positive source material. This amendment of the regulations is based on two proposals

published in the FEDERAL REGISTER on July 9, 1974 (39 FR 25233) and July 17, 1974 (39 FR 26161), respectively.

In the July 9, 1974 proposal, the Commissioner proposed to amend § 610.40 Test for hepatitis associated (Australia) antigen (21 CFR 610.40) to require that all donations of human blood, plasma, or serum to be used in preparing a biological product shall be tested for hepatitis B antigen by a method of at least third generation sensitivity, which is the most sensitive method currently available. In addition, it was proposed that all references to "hepatitis associated (Australia) antigen" in Parts 610, 640, and 660 be changed to "hepatitis B antigen and that a phrase in § 610.40(a) applicable to material collected prior to the effective date of that section be deleted since it was assumed that all such products had been expended. Interested persons were given until September 9, 1974 to file written comments concerning this proposal.

The July 17, 1974 proposal primarily concerned the amendment of certain sections of the regulations governing Source Plasma (Human). As part of this proposal for Source Plasma (Human), the Commissioner also proposed to amend paragraph (b)(2) of § 610.40 to strengthen the existing limitations on the use of blood, plasma, or serum that is reactive when tested for the hepatitis B antigen and intended for use as source material in the further manufacture of licensed in vitro diagnostic biological products. In addition, the Commissioner concluded that the regulations should be expanded to include unlicensed in vitro diagnostic biological products which are prepared from licensed source material and therefore he proposed to add a new paragraph (b)(3) to § 610.40. Interested persons were given until August 16, 1974 to file written comments concerning this proposal.

In view of the relationship between the July 9, 1974 proposal and portions of the July 17, 1974 proposal, the Commissioner has concluded that the most practical manner in which to proceed to a final order would be to address these issues in one document.

Since the inception of required hepatitis testing on July 1, 1972, the sensitivity of the testing reagents has been increased as a result of continuing research to develop a rapid and more sensitive HB_sAg testing method. The relative sensitivity of currently available test methods is measured by reference to the capacity of the antibody to hepatitis B surface antigen (Anti-HB_s) to detect HB_sAg positive samples in the Bureau of Biologics reference panel of antigen-positive sera, each of which contains varying amounts of HB_sAg. In common terminology, a first generation test is one which is capable of detecting those antigen-positive sera designated "A" in the reference panel; a second generation test detects those antigen-positive sera designated "A," (A) and "B"; and a third generation test detects all antigen-positive sera designated "A", (A), "B", (B), and "C".

There are presently two methods with third generation sensitivity available on the market. The more sensitive of the two is the radioimmunoassay (RIA) method, while one of almost comparable sensitivity is the reversed passive hemagglutination test (RPHA).

The Commissioner has concluded that only testing methods of third generation sensitivity should be employed to test for the presence of HB_sAg in human blood, plasma, or serum as part of the continuing effort to eliminate the contamination of biological products derived from human blood with infectious hepatitis B virus.

Twenty-six letters, containing varying numbers of comments regarding the July 9, 1974 proposal, were received. Three letters supported the entire proposal. The remaining 23 letters, although generally in favor of utilizing the more sensitive method of HB_sAg testing, offered a number of specific comments. Five comments were received pertaining to the proposed amendments to the hepatitis testing requirements set forth in the July 17, 1974 proposal regarding Source Plasma (Human). The comments received and the Commissioner's responses are discussed below.

Numerous editorial changes have been made in § 610.40 in the final regulation, lengthening it considerably. For clarification, § 610.40 has been divided into five paragraphs rather than two paragraphs as proposed. For the convenience of the reader, each of the following paragraphs of the preamble will refer to the section designation as proposed, followed in parenthesis by the section as redesignated in the final regulation.

1. Five comments suggested that the final regulation use the nomenclature as adopted by the Committee on Viral Hepatitis of the National Academy of Sciences/National Research Council for hepatitis B antigen and antibody. The nomenclature adopted by the committee for the antigen is "hepatitis B surface antigen (HB_sAg)" and for the antibody it is "antibody to hepatitis B surface antigen (Anti-HB_s)."

The Commissioner concurs with the suggestion to adopt the new terminology. In view of the increasing growth of knowledge regarding the complexity of the hepatitis B surface antigen, it is prudent to utilize standard nomenclature at an early time to minimize confusion when referring to such antigen and its corresponding antibody. Therefore, the final regulation is amended to employ the terminology of "hepatitis B surface antigen" and "antibody to hepatitis B surface antigen" where applicable.

2. Two of the five comments above also suggested that review and acceptance by the Bureau of Biologics of the revised labeling necessitated by the change in terminology, as required by § 601.6(b) (21 CFR 601.6(b)), be deferred so that labels with the new nomenclature could be put into use more quickly.

The Commissioner concurs with the suggestion that review and acceptance by the Bureau of Biologics of labeling changes before use be waived in those instances in which the labeling change for blood and blood products concerns only the statement on the label that the test for the hepatitis B surface antigen was performed and the result of the test. However, the Commissioner advises that all licensed establishments are required to submit to the Bureau of Biologics a copy of the labeling stating the new nomenclature so that a complete and current license file of each establishment is maintained. If additional information on the label is revised, other than that regarding hepatitis testing, the label must be submitted to the Bureau of Biologics for review and acceptance before use. All label revisions may use the abbreviations of "HB_sAg" and "Anti-HB_s" when referring to the hepatitis B surface antigen and its corresponding antibody, respectively.

3. One comment suggested that each manufacturer be permitted to deplete current supplies of labels before converting to labels with the new terminology.

The Commissioner disagrees with the suggestion that each manufacturer be permitted to exhaust his current supply of labels before changing to the new nomenclature. Such a procedure is contrary to the desired objective of achieving an early conversion to standard hepatitis nomenclature. Inasmuch as different establishments will have varying amounts of labeling stock on hand, a definite period for conversion to standard labeling must be established, otherwise the complete conversion to standard nomenclature may require years to accomplish. The Commissioner has, therefore, concluded that all applicable labeling of blood and blood products shall be appropriately modified within 12 months of the effective date of this regulation or when current supplies are exhausted, whichever date occurs first.

4. The Commissioner's acceptance of new terminology for the antibody to hepatitis B surface antigen constitutes a change in the proper name of a licensed biological in vitro diagnostic reagent. Such a change will necessitate revision of labels, package inserts, and literature by the manufacturers of the licensed product.

The Commissioner is aware of the expense and time such labeling changes entail, but believes that these factors are not sufficiently persuasive to justify delay in implementation of standard labeling terminology. Therefore, the final regulation amends Subpart A of Part 660 Additional Standards for Diagnostic Substances for Laboratory Tests to change the proper name of the licensed in vitro diagnostic product used to detect the presence of HB_sAg from "Hepatitis Associated Antibody (Anti-Australia Antigen)" to "Antibody to Hepatitis B Surface Antigen." A period of 12 months from the effective date of this order is also provided as the time in which the appropriate labeling revisions must be completed.

5. Nine comments regarding § 610.40 (a) General (redesignated § 610.40(c)

Materials in storage) objected to the removal of the provision that material collected and stored before the effective date (July 1, 1972) of the initial regulation that required hepatitis testing, be tested upon removal from storage by the manufacturer. The comments indicated that there are manufacturers who have material in storage that was collected before July 1, 1972, and was not tested for HB_sAg, but that such material could and should be tested upon removal from storage.

Since the proposal to remove the provision was based upon an assumption that all such untested stored material had been expended, and this does not appear to be the case, the Commissioner concurs with the comments. The final regulation, therefore, retains the provision for testing material, by a method of third generation sensitivity, collected prior to July 1, 1972 for the presence of HB_sAg before use as a biological product, or before being used in the manufacture of a biological product.

6. Six of the above nine comments also requested clarification regarding the applicability of the new and more sensitive testing requirement to material which is in storage, and already tested for HB_sAg by a less sensitive method than a third generation test, such as counterelectrophoresis, a second generation test.

It is the Commissioner's intention that all blood, plasma, or serum used as a biological product or used in manufacturing a biological product shall be tested for HB_sAg by the most sensitive test method available. However, the Commissioner is aware that there is valuable material in storage which will have been collected prior to the effective date of mandatory third generation testing, and may have been tested by a method of only second generation sensitivity. Such material is being stored in the frozen state and must therefore be thawed and the container entered to obtain a sample for testing by a third generation method of sensitivity for HB_sAg. This approach is impractical on a large scale. In view of the fact that consideration should be given to the most efficient yet safest use of the nation's blood, plasma, and serum supplies, the Commissioner has concluded that material which was tested by a method of second generation sensitivity and found to be nonreactive may be used as a biological product, or used in manufacturing a biological product, within 6 months after the effective date of these regulations. If such material is not used within the 6-month period, it shall be retested by a method of third generation sensitivity before being used as a biological product or before use in the manufacturing of a biological product. The final regulation is so amended in § 610.40(c).

7. Another comment regarding § 610.40 (a) (redesignated § 610.40(b) Procedures) suggested that the phrase "such test shall be performed on blood, plasma, or serum taken from the donor at the time of donation" should be deleted. Although no reason was given for suggesting the deletion, the Commissioner believes that the respondent misinterpreted the intent of the phrase to mean that HB_sAg testing must be performed on the day the sample is removed from the donor. In this regard, two other comments requested clarification of the same phrase.

It was the Commissioner's intention simply to identify the material on which the HB_sAg test is to be performed, and not to specify the time of the testing. To clarify the matter, § 610.40(b) has been revised to provide that the test for the presence of HB_sAg shall be performed on a sample of blood, plasma, or serum taken from the donor at the time of donation of the unit, and that HB_sAg testing itself need not be performed on the day of donation.

8. One comment noted that the proposal did not provide for off-premises testing for HB_sAg by the radioimmunoassay (RIA) method.

The Commissioner agrees that provisions for such testing should be addressed in the final regulation, because numerous small blood bank facilities throughout the country may find it difficult to budget the purchase of the necessary counting equipment for RIA testing. These same blood banks, however, may possess the required expertise to perform and read the RIA tests. The Commissioner is therefore amending § 610.40(b) to permit (1) blood collection facilities to perform the RIA test up to the point of counting at their own location, and then for their personnel to use the counting equipment of another facility or for the trained personnel of another facility to perform the actual counting operation, or (2) the complete RIA testing procedure to be performed by personnel at an establishment licensed to manufacture blood or blood derivatives under section 351(a) of the Public Health Service Act (42 U.S.C. 262(a)), or by a clinical laboratory which meets the standards of the Clinical Laboratories Improvement Act of 1967 (CLIA) (42 U.S.C. 263a), provided the establishment or the clinical laboratory is qualified to perform RIA testing for HB_sAg. Except for emergencies, the blood, plasma, or serum shall not be used as a biological product, or issued for use in manufacturing a biological product, until the HB_sAg testing is completed and the written results of the test are in the possession of the collecting facility.

Off-premises testing for HB_sAg by the RIA method may be interpreted to mean that such procedure is divided manufacturing by two establishments, thereby requiring that the name, address, and license number of each establishment must appear on the label of the product as specified in § 610.63 Divided manufacturing responsibility to be shown (21 CFR 610.63). The Commissioner does not consider off-premises testing to be divided manufacturing under § 610.63 when the requirements of § 610.40(e) are met. The purpose of permitting off-premises testing is to provide a means for all blood collection facilities, regardless of their size and economic situation, to give equal protection to all blood recipients against the danger of receiving blood which may contain the infectious hepatitis B virus. Accordingly, a new paragraph (e) Manufacturing responsibility is added to § 610.40 to specify the requirements that must be met by the collection facility and the off-premises testing facility in order not to be considered as operating in a manner subject to § 610.63.

9. One manufacturer of in vitro diagnostic reagents suggested that § 610.40 (a) be revised to permit HB_sAg testing of material intended for manufacture of in vitro diagnostic reagents to be performed on pooled material rather than requiring each unit to be tested separately.

The Commissioner rejects this suggestion, inasmuch as part of the intent of these regulations is to prevent unnecessary handling by individuals of HB_sAg positive material and to strictly limit entry of an excessive amount of HB_sAg positive material into interstate commerce. A pool of material may test nonreactive to HB_sAg, when in fact it contains an HB_sAg positive unit, because the positive unit was diluted by mixing with other nonreactive units beyond the sensitivity of the test method used to detect the presence of HB_sAg. The diluting of such a unit does not inhibit its potential for transmitting hepatitis and therefore, should not be handled unnecessarily by unsuspecting individuals or shipped in interstate commerce labeled as not containing hepatitis B virus. An additional reason for prohibiting the testing of pooled material, as opposed to testing single units, is that if a unit of material which contains HB_sAg is pooled with a unit or units of material that contain Anti-HB_s, the HB_sAg may be neutralized by the Anti-HB_s but the hepatitis B virus infectiousness may not be neutralized and its presence will not be detected by testing for HB_sAg.

10. Two comments regarding proposed § 610.40(b)(1) (redesignated § 610.40 (d)(1)) concerning restrictions on use suggested that a provision should be included to permit the utilization of HB_sAg reactive materials for authorized investigational purposes.

The Commissioner finds such provision is unnecessary in view of the provisions of § 607.21 Products under development (21 CFR 601.2) and § 312.1 Conditions for exemption of new drugs for investigational use (21 CFR 312.1), authorizing interstate shipments of investigational new drugs pursuant to a Notice of Claimed Investigational Exemption for a New Drug.

11. Three manufacturers commented that provision should be made in § 610.40 (b)(1) for those situations where inadvertent contamination of a large plasma pool for fractionation is discovered subsequent to pooling, due, for example, to a labeling or shipping error by the supplier of the plasma.

The Commissioner agrees that specific regulations should be developed to deal with this matter. However, he believes that such a situation is one that should be addressed in a separate proposal on which the public will have an opportunity to comment. Such a proposal will be published in the FEDERAL REGISTER in the near future.

12. Two comments on proposed § 610.40(b) (2) and (3) (redesignated § 610.40(d) (2) and (3)) concerning licensed and unlicensed in vitro diagnostic biological products voiced strong opposition to the use of HB_sAg positive material in in vitro diagnostic reagents.

Although the Commissioner stated, in the preamble to the Source Plasma (Human) proposal of July 17, 1974, his intention that the use of source HB_sAg positive blood, plasma, or serum be limited to the very few situations in which the final product can be prepared only from HB_sAg positive material, it appears that this was not made clear in the regulation itself. The Commissioner does does not believe that unrestricted use of HB_sAg positive source materials should be permitted in the manufacturing of such widely available in vitro diagnostic reagents as A, B, and D blood grouping sera. It is necessary, however, to provide for the use of HB_sAg positive source material in such cases as serum or plasma containing rare antibodies where the source is very limited, or for the positive control used in performing the HB_sAg test. Therefore, paragraph (d) (2) and (3) of § 610.40 prescribes in more detail the conditions under which known HB_sAg positive source material can be used in manufacturing an in vitro diagnositic biological product. The final regulation includes restrictions on the use of HB_sAg positive material to rare antisera or positive controls for use in HB_sAg testing, proper labeling of the source material as well as the final product, and notification to the Bureau of Biologics of such shipments.

13. One comment regarding § 610.40(b) (2) and (3) (redesignated § 610.40(d) (2) and (3)) requested that blanket approval be given by the Bureau of Biologics for shipments of HB_sAg positive material used in manufacturing positive controls for use in HB_sAg testing, because such shipments are made repeatedly to the same consignee(s) to maintain an adequate supply of controls for HB_sAg testing. Two comments expressed the view that it takes too long to obtain written clearance from the Bureau, and another comment inquired as to the criteria to be used by the Bureau in approving such shipments.

As discussed in paragraph 12 of this preamble, the Commissioner is amending the regulations to prescribe in more detail the conditions under which HB_sAg positive material may be used in manufacturing licensed and unlicensed in vitro diagnostic biological products. Such amendment removes the necessity of receiving prior written approval from the Bureau, because the criteria which the Bureau would have used in evaluating the request for approval of each shipment are now incorporated into the regulation itself. No prior written approval will therefore be required for each shipment, rather only notification at the time of shipment that a shipment has been made. An additional provision has been made in § 610.40(d) (2) to simplify notification to the Bureau of repetitive shipments of HB_sAg positive material to the same consignee. This provision requires periodic notification, every 6 months, for each consignee(s). The Commissioner is specifying the months of October and April as the reporting months to provide uniformity of reporting.

14. Two comments on § 610.40(b) (2) and (3) (redesignated § 610.40(d) (2) and (3)) suggested that all shipments of HB_sAg positive material should comply with the applicable regulations governing the shipment of etiologic agents.

The Commissioner endorses the principle that potentially infectious material should be required to be shipped in the safest manner possible to provide maximum protection to the public and the environment. However, he believes that adequate regulations already exist in that etiologic agents are required to be shipped in accordance with the provisions of 42 CFR 72.25 and therefore no further regulation is necessary under Title 21. Specific questions regarding the shipping of etiologic agents should be sent to the Biohazards Control Officer, Center for Disease Control, 1600 Clifton Rd., Atlanta, GA 30333; telephone 404–633–3311, extension 3883.

15. One comment regarding § 610.41 suggested that the prohibition of persons from serving as blood donors who have previously had an HB_sAg reactive test should not include those donors whose reactive test was demonstrated to be a "false positive" result.

The Commissioner agrees that a "false positive" test result should not be the basis for considering either a donor or a product HB_sAg reactive. In as much as all third generation test systems are now required to include the necessary reagents and directions for determining the specificity of the reactions obtained, thereby effectively eliminating the incidence of false positives, the Commissioner believes that no change of proposed § 610.41 is indicated.

16. Four comments regarding § 640.2 (f) is applicable to whole blood, suggested that provision be made for emergency situations. The comments suggested that in emergency situations a third generation test should not be required if medical judgment favors sustaining life even at the risk of possibly causing hepatitis.

The Commissioner recognizes that emergency situations may arise where the time necessary to complete a third generation test, 4 to 24 hours for the RIA test and 2 to 3 hours for the reversed passive hemagglutination test, is of greater risk to the patient's welfare than the risk of hepatitis. The Commissioner believes that in emergency situations, a second generation test should be permitted, such as the reversed passive latex agglutination test which can be completed in 5 minutes or the counterelectropheresis test which can be completed in 1 hour. The Commissioner also recognizes that there are rare dire emergencies where the patient's need for blood is so acute as to preclude any testing of the blood. The Commissioner believes that the use of hepatitis-untested blood in such dire emergencies should be permitted. Since products other than whole blood may need to be issued in emergency situations, the Commissioner has concluded that the provisions for emergency situations should appear in § 610.40(a) which is applicable to all blood products, rather than § 640.2(f) which is applicable only to whole blood. Therefor § 610.40(a) has been amended to permit HB_sAg testing of second generation sensitivity for blood and blood products in emergency situations and to permit the issuance of blood and blood products without any HB_sAg testing in dire emergency situations, provided that a test of third generation sensitivity is performed as soon as possible after issuance of the blood and blood product.

17. Six comments regarding § 660.4 *Potency test* expressed concern that the language of the proposal would prohibit the manufacture of HB_sAg testing reagents of second generation sensitivity, which could otherwise be used for emergency testing or for export to countries requesting the product.

It is not the intention of the Commissioner to prevent the manufacture of reagents other than those of third generation sensitivity. Indeed, as discussed in pargaraph 16 of this preamble, the Commissioner is cognizant of the need to allow for an MH_sAg test of second generation sensitivity to be used in emergency situations. The regulation as written does not require that all hepatitis testing reagents manufactured under license must be of third generation sensitivity. Reagents of first and second generation sensitivity which meet the applicable requirements of the Reference Hepatitis B Surface Antigen Panel will continue to be released by the Bureau of Biologics. The amended § 610.40 requires testing of blood by reagents of third generation sensitivity; it does not ban proper use of other HB_sAg reagents.

18. Five comments noted that there should be assurance of an adequate supply of HB_sAg testing reagents before an effective date is established for third generation testing.

In the preamble to the July 9, 1974 proposal, the Commissioner expressed his concern in this regard and stated that a survey of the availability of testing material would be made during the comment period following the proposal. The results of the informal survey indicate that an adequate supply of HB_sAg third generation testing reagents is available to meet all testing needs of this country. Presently, two manufacturers are licensed for the RIA method and one manufacturer is licensed for the RPHA method. It is expected that other manufacturers will be licensed in 1975.

Therefore, pursuant to provisions of the Public Health Service Act (sec. 351,

58 Stat. 702 as amended (42 U.S.C. 262) and under authority delegated to the Commissioner (21 CFR 2.120), Parts 610, 640, and 660 of Subchapter F of Chapter I of Title 21, Code of Federal Regulations, are amended as follows:

PART 610—GENERAL BIOLOGICAL PRODUCTS STANDARDS

1. In Part 610:

a. By revising § 610.13(a)(2) to read as follows:

§ 610.13 Purity.

* * * * *

(a) * * *

(2) *Test results; standard to be met.* The residual moisture and other volatile substances shall not exceed 1 percent except that, (i) they shall not exceed 1.5 percent for BCG Vaccine; (ii) they shall not exceed 2 percent for Measles Virus Vaccine, Live, Attenuated; Measles-Smallpox Vaccine, Live; Rubella Virus Vaccine, Live; and Antihemophilic Factor (Human); (iii) they shall not exceed 3 percent for Modified Plasma (Bovine); Thrombin; Fibrinogen; Streptokinase; Streptokinase-Streptodornase; and Anti-Influenza Virus Serum for the Hemagglutination Inhibition Test; and (iv) they shall not exceed 4.5 percent for Antibody to Hepatitis B Surface Antigen for the Reversed Passive Hemagglutination Test.

* * * * *

b. By revising § 610.40 to read as follows:

§ 610.40 Test for hepatitis B surface antigen.

(a) *Test sensitivity.* Each donation of blood, plasma, or serum to be used in preparing a biological product shall be tested for the presence of hepatitis B surface antigen by a method of sufficient sensitivity to detect all sera labeled A, (A), B, (B), and C in the Reference Hepatitis B Surface Antigen Panel distributed by the Bureau of Biologics; except that, in emergency situations, a test method of sufficient sensitivity to detect all sera labeled A, (A), and B in the Reference Hepatitis B Surface Antigen Panel may be used and, in dire emergency situations, blood and blood products may be issued without any HB_sAg testing, provided that a test otherwise required by this paragraph is performed as soon as possible after issuance of the blood and blood product.

(b) *Procedures.* Only Antibody to Hepatitis B Surface Antigen licensed under this subchapter shall be used in performing the test and the test method(s) used shall be that for which the antibody product is specifically designed to be effective as recommended by the manufacturer in the package insert. The sample of blood, plasma, or serum to be tested shall have been taken from the donor at the time of donation of that unit. The test need not be performed on the day of the withdrawal of the sample. If the radioimmunoassay method is used, it must be performed in one of the following ways:

(1) The complete test is performed at the collection facility.

(2) The test is performed at the collection facility up to the point of counting the radioactivity of the samples, which counting, thereafter, is performed at another facility by personnel from the collection facility or by personnel from the counting facility.

(3) The complete test is performed by the personnel at an establishment licensed to manufacture blood or blood derivatives under section 351(a) of the Public Health Service Act (42 U.S.C. 262(a)), or by a clinical laboratory which meets the standards of the Clinical Laboratories Improvement Act of 1967 (CLIA) (42 U.S.C. 263a), provided the establishment or the clinical laboratory is qualified to perform radioimmunoassay testing for the presence of hepatitis B surface antigen. Except for emergencies, blood, plasma or serum shall not be used as a biological product, or issued for use in manufacturing a biological product, until the hepatitis B surface antigen testing is completed and the written results are in the possession of the collection facility.

(c) *Materials in storage.* All blood, plasma, or serum in storage which has not been tested for the presence of the hepatitis B surface antigen shall be tested as required in paragraphs (a) and (b) of this section before use as a biological product, or before use in the manufacture of a biological product. All blood, plasma, or serum in storage which has been tested for the presence of the hepatitis B surface antigen by a method of second generation sensitivity may be used as a biological product or in manufacture of a biological product, provided it is used on or before March 15, 1976.

(d) *Restrictions on use.* (1) *Injectable biological products.* Blood, plasma, or serum that is reactive when tested for hepatitis B surface antigen shall not be used in manufacturing injectable biological products.

(2) *License in vitro diagnostic biological products.* Blood, plasma or serum that is reactive when tested for hepatitis B surface antigen may be used in manufacturing licensed in vitro diagnostic biological products: *Provided,* That (i) the final product cannot be prepared from blood, plasma, or serum that is nonreactive when tested for hepatitis B surface antigen, due either to the nature or to the scarcity of the final product; (ii) the label of the source blood, plasma, or serum conspicuously states that it is reactive when tested for hepatitis B surface antigen and may transmit viral hepatitis; (iii) the package label of the licensed in vitro diagnostic biological product prepared from such blood, plasma, or serum conspicuously states that the product was prepared from material that was reactive when tested for the hepatitis B surface antigen and may transmit viral hepatitis; (iv) at the time of shipment, the Director, Bureau of Biologics, Food and Drug Administration, is notified in writing of each shipment of source blood, plasma, or serum, signifying the kind and amount of source material shipped, the name and address of the consignee, the date of shipment, and the manner in which the source material was labeled. In the case of repetitive shipments of source material for use in manufacturing positive controls for hepatitis B surface antigen testing, the information prescribed in this paragraph (d)(2)(iv) shall be sent to the Director, Bureau of Biologics, on October 1 and April 1 of each year beginning October 1, 1975.

(3) *Unlicensed in vitro diagnostic biological products.* Blood, plasma, or serum that is reactive when tested for hepatitis B surface antigen may be used in manufacturing unlicensed in vitro diagnostic biological products including clinical chemistry control reagents, *Provided:* That (i) the final product cannot be prepared from blood, plasma, or serum that is nonreactive when tested for hepatitis B surface antigen, due either to the nature or to the scarcity of the final product; (ii) the label of the source blood, plasma, or serum conspicuously states that it is reactive when tested for hepatitis B surface antigen and may transmit viral hepatitis; (iii) the manufacturer of the source blood, plasma, or serum obtains written assurance from the manufacturer(s) of the final unlicensed product that package labels of all unlicensed products will conspicuously state that the product was prepared from blood, plasma or serum that was reactive when tested for the hepatitis B surface antigen and may transmit viral hepatitis, as required by § 328.10(a)(4) of this chapter; (iv) at the time of shipment, the Director, Bureau of Biologics, Food and Drug Administration, is notified in writing of each shipment of source blood, plasma, or serum, signifying the kind and amount of source material shipped, the name and address of the consignee, the date of shipment, and the manner in which such source material was labeled.

(e) *Manufacturing responsibility.* When the radioimmunoassay method for hepatitis B surface antigen testing is performed by personnel other than those of the facility collecting the blood, plasma, or serum, as provided in paragraph (b) of this section, it shall not be considered as divided manufacturing as described in § 610.63, provided the following conditions are met:

(1) The collecting facility has obtained a written agreement that the testing laboratory will permit authorized representatives of the Food and Drug Administration to inspect its testing procedures and facilities during reasonable business hours.

(2) The testing laboratory will participate in any proficiency testing programs undertaken by the Bureau of Biologics, Food and Drug Administration.

c. By revising § 610.41 to read as follows:

§ 610.41 History of hepatitis B surface antigen.

A person testing positive, or known to have previously tested positive, for hepa-

titis B surface antigen may not serve as a donor of human blood, plasma, or serum to be used in preparing any injectable biological product, except that a person known to have previously tested positive for hepatitis B surface antigen may serve as a source of antibody to hepatitis B surface antigen when such antibody is required for the manufacture of a licensed biological product, provided that the blood of such person meets the requirements of § 610.40.

d. By amending § 610.53 by deleting from the listing the item for "Hepatitis Associated Antibody (Anti-Australia Antigen)" and inserting in alphabetical order a new item, as follows:

§ 610.53 Dating periods for specific products.

Antibody to Hepatitis B Surface Antigen.	Six months (5° C, 6 months) except Iodinated (^{125}I) products. Iodinated (^{125}I) products, 45 days. § 610.51 does not apply.

e. By revising § 610.61(s) to read as follows:

§ 610.61 Package label.

(s) For injectable products prepared from human blood, plasma or serum, a statement that the product was prepared from blood that was nonreactive when tested for hepatitis B surface antigen. In lieu of inclusion on the package label, such information may be included in a circular enclosed with the package.

PART 640—ADDITIONAL STANDARDS FOR HUMAN BLOOD AND BLOOD PRODUCTS

2. In Part 640:

a. By revising § 640.2(f) to read as follows:

§ 640.2 General requirements.

(f) *Issue prior to determination of test results.* Notwithstanding the provisions of § 610.1 of this chapter, blood may be issued by the licensee on the request of a physician, hospital, or other medical facility before results of all tests prescribed in § 640.5 and the test for hepatitis B surface antigen prescribed in § 610.40(a) of this chapter have been completed, where such issue is essential to allow time for transportation to assure arrival of the blood by the time it is needed for transfusion of such blood: *Provided*, That (1) the blood is shipped directly to such physician or medical facility, (2) the records of the licensee contain a full explanation of the need for such issue, (3) the label on each container of such blood bears the information required by § 640.7(e), (4) the label does not bear results of tests other than those made on pilot samples of the blood to be shipped, taken at the time of its collection, and (5) the label does not bear the name or any other identification of the intended recipient.

b. By revising § 640.7(b) to read as follows:

§ 640.7 Labeling.

(b) *Serological test and test for hepatitis B surface antigen.* Indication of the method used for serological test for syphilis and the test for hepatitis B surface antigen, and the results.

c. By revising § 640.26(h) to read as follows:

§ 640.26 Labeling.

(h) Type of test for hepatitis B surface antigen used and the results.

d. By revising § 640.51(c)(7) to read as follows:

§ 640.51 General requirements.

(c) * * *

(7) Indication of test method for hepatitis B surface antigen used and the result.

e. By revising § 640.67 to read as follows:

§ 640.67 Test for hepatitis B surface antigen.

Each unit of Source Plasma (Human) shall be nonreactive to a test for the hepatitis B surface antigen as prescribed in §§ 610.40 and 610.41 of this chapter.

f. By revising § 640.69(e)(9) and (f)(1) to read as follows:

§ 640.69 General requirements.

(e) * * *

(9) The test for hepatitis B surface antigen used and the results.

(f) * * *

(1) The test for hepatitis B surface antigen pursuant to § 640.67.

PART 660—ADDITIONAL STANDARDS FOR DIAGNOSTIC SUBSTANCES FOR LABORATORY TESTS

Subpart A—Antibody to Hepatitis B Surface Antigen

3. In Part 660:

a. By revising the heading for Subpart A to read as set out above.

b. By revising § 660.1 to read as follows:

§ 660.1 Antibody to Hepatitis B Surface Antigen.

(a) *Proper name and definition.* The proper name of this product shall be Antibody to Hepatitis B Surface Antigen. The product is defined as a preparation of serum containing antibody to hepatitis B surface antigen.

(b) *Source.* The source of this product shall be plasma or blood, obtained aseptically from animals immunized with hepatitis B surface antigen, which have met the applicable requirements of § 600.11 of this chapter, or from human donor whose blood is positive for hepatitis B surface antigen.

c. By revising paragraphs (e) and (f) of § 660.2 to read as follows:

§ 660.2 General requirements.

(e) *Date of manufacture.* The date of manufacture of Antibody to Hepatitis B surface Antigen that has been iodinated with radioactive Iodine (^{125}I) shall be the day of labeling the antibody with the radionuclide.

(f) *Samples; protocols; official release*—(1) *Antibody to Hepatitis B Surface Antigen.* Except as provided in this paragraph, the following material for each filling of the product shall be submitted to the Director, Bureau of Biologics:

(i) A sample of each filling packaged as for distribution, including all ancillary reagents and materials.

(ii) A protocol which consists of a summary of the history of manufacture of each filling, including all results of each test for which test results are requested by the Director, Bureau of Biologics.

(iii) No filling of the product shall be issued by the manufacturer until notification of official release of the filling is received from the Director, Bureau of Biologics.

(2) *Antibody to Hepatitis B Surface Antigen iodinated with ^{125}I.* Antibody to Hepatitis B Surface Antigen that has been iodinated with radioactive Iodine (^{125}I) may be released by the manufacturer pursuant to the requirements of § 610.1 of this chapter without obtaining an official release from the Director, Bureau of Biologics provided:

(i) The manufacturer submits to the Bureau of Biologics a protocol of each master lot along with one sample of the lot, such material to be postmarked no more than 1 day following the manufacturer's release date.

(ii) At least two complete kits of each released lot are retained as retention samples for no less than 90 days from the date of manufacture.

d. By revising § 660.3 to read as follows:

§ 660.3 Reference panel.

A Reference Hepatitis B Surface Antigen Panel shall be obtained from the Bureau of Biologics and shall be used for determining the potency and specificity of Antibody to Hepatitis B Surface Antigen.

e. By revising § 660.4 to read as follows:

§ 660.4 Potency test.

To be satisfactory for release, each filling of Antibody to Hepatitis B Surface Antigen shall be tested against the Reference Hepatitis B Surface Antigen Panel and shall be sufficiently potent to detect the antigen in the appropriate sera of the reference panel by all test methods recommended by the manufacturer in the package insert.

f. By revising § 660.5 to read as follows:

§ 660.5 Specificity.

Each filling of the product shall be specific for antibody to hepatitis B surface antigen, as determined by specificity tests found acceptable by the Director, Bureau of Biologics.

Effective date. The effective date of this regulation shall be September 15, 1975, except for labeling revisions necessitated by changing all references to "hepatitis associated (Australia) antigen" to read "hepatitis B surface antigen," and the proper name of "Hepatitis Associated Antibody (Anti-Australia Antigen)" to read "Antibody to Hepatitis B Surface Antigen," which revisions shall be effective September 15, 1976.

(Sec. 351, 58 Stat. 702 as amended (42 U.S.C. 262))

Dated: July 8, 1975.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.75-18219 Filed 7-14-75;8:45 am]

Title 23—Highways

CHAPTER I—FEDERAL HIGHWAY ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

SUBCHAPTER B—PAYMENT PROCEDURES

PART 140—REIMBURSEMENT

Reimbursement for Railroad Work

The Federal Highway Administration hereby amends Subpart I of Part 140 to provide for the reimbursement to railroad companies for construction cost and for the cost of materials stockpiled at the construction site, all of which are incurred after an appropriate State-Railroad Agreement has been approved by the FHWA. This amendment also adds, for calendar year 1975, the rates for labor surcharges to Appendix A to Subpart I. In addition, this amendment corrects an error contained in the rate table of payroll taxes for supplemental annuities set forth in Appendix A which was published in the FEDERAL REGISTER on April 9, 1975 (40 FR 16059).

1. In § 140.922 paragraphs (a), (b), and (c) are redesignated (b), (c) and (d) respectively and a new paragraph (a) is 646.218 below.

§ 140.922 Billings.

(a) After the executed State-Railroad Agreement has been approved by FHWA, the company may be reimbursed on progress billings of incurred costs. Costs for materials stockpiled at the project site or specifically purchased and delivered to the company for use on the project may be reimbursed on progress billings following approval of the executed State-Railroad Agreement or the written agreement under 23 CFR 646.218(c).

* * * * *

2. Appendix A to 23 CFR, Part 140, Subpart I, Rates for Labor Surcharges, is amended to delete the figure "-75" from the last line and to add a final entry to the chart setting forth rates and limitations to read as follows:

Calendar year	Monthly limitation		Full legal rate		Combined rate less ¼ percent
	Retirement	Unemployment insurance	Retirement	Unemployment insurance	
		Percent	*Percent*		
1975	1,175	400	15.35	4	19.10

3. Appendix A is corrected to delete the phrase "July 1, 1975 until changed .... 8½" from the rate table of payroll taxes for supplemental annuities and inserting in lieu thereof the phrase "Jan. 1, 1975 until changed .... 8½."

This amendment will take effect on July 10, 1975.

Issued on July 7, 1975.

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

[FR Doc.75-18294 Filed 7-14-75;8:45 am]

SUBCHAPTER G—ENGINEERING AND TRAFFIC OPERATIONS

PART 646—RAILROADS

Railroad-Highway Projects

The Federal Highway Administration hereby revises Subpart B of Part 646 to provide that cost incurred by a railroad company for materials stockpiled at the construction site of a railroad-highway project may be reimbursed on progress billings following approval by the FHWA of an appropriate State-railroad agreement. A typographical error is also corrected on § 646.220(b)(1).

1. Section 646.216(e)(2)(ii) is revised to read as follows:

§ 646.216 General procedures.

* * * * *

(e) * * *

(2) * * *

(ii) A proposed agreement between the State and railroad must be found satisfactory by FHWA. Before Federal funds may be used to reimburse the State for railroad costs the executed agreement must be approved by FHWA. However, cost for materials stockpiled at the project site or specifically purchased and delivered to the company for use on the project may be reimbursed on progress billings prior to the approval of the executed State-Railroad Agreement in accordance with 23 CFR 140.922(a) and section 646.218 below.

§ 646.220 [Amended]

2. The second line of § 646.220(b)(2) is corrected to insert "646.206(a)(3)" in lieu of "646.206(a)(3)."

This revision will take effect on July 10, 1975.

Issued on July 7, 1975.

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

[FR Doc.75-18295 Filed 7-14-75;8:45 am]

Title 40—Protection of Environment

CHAPTER I—ENVIRONMENTAL PROTECTION AGENCY

SUBCHAPTER C—AIR PROGRAMS

[FRL 387-2]

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

Approval of Compliance Schedules: California

On March 27, 1975, there was published in the FEDERAL REGISTER (40 FR 13520) a notice of proposed rulemaking which proposed to approve 27 compliance schedules submitted by the Governor of California through his designee, pursuant to 40 CFR 51.6, as revisions to the compliance schedule portion of the California plan for the implementation of the National Ambient Air Quality Standards. The only comments received by EPA from the public on the proposed rulemaking concerned revisions to schedules which have not been officially submitted to EPA by the State of California. The comments therefore do not affect this rulemaking.

Each revision establishes a new date by which the individual air pollution source must comply with the applicable air pollution control regulations specified in the table below. This date is indicated in the table under the heading "Final Compliance Date". In some cases the schedule includes incremental steps towards compliance with the specified regulations. While the table below does not include these interim dates, the actual compliance schedule does. The increments of progress, as well as the final compliance date, are legally enforceable by the Administrator pursuant to Section 113 of the Clean Air Act, as amended (42 USC § 1857c-8).

The heading "Effective Date" in the table below refers to the date the compliance schedule becomes effective for purposes of federal enforcement. The entry "Immediately" under that heading indicates that the schedule will be federally-enforceable when the final promulgation of the schedule becomes effective.

A copy of the complete California State Implementation Plan, including these schedules, is available for public inspection at the addresses listed below:

California Air Resources Board, 1704 11th Street, Sacramento CA 95814.

Environmental Protection Agency, Region IX, Enforcement Division, 100 California Street, San Francisco CA 94111.

Environmental Protection Agency, Room 3202, Waterside Mall, 401 M Street SW, Washington, D.C. 20460.

An evaluation report setting forth EPA's position on each of the schedules is also available at the office of EPA, Region IX.

The Administrator has determined that the 27 proposed compliance schedules are consistent with the requirements

of section 110 of the Clean Air Act and 40 CFR Part 51. However, since the date of proposal, 14 schedules, and part of a fifteenth schedule, have expired and the affected sources are now required to be in compliance with the applicable air pollution control regulations. Therefore, those schedules will not be promulgated.

Twelve schedules and part of a thirteenth schedule are therefore approved, pursuant to section 110 of the Act and 40 CFR 51.8, as revisions to the state compliance schedule portion of the approved California State Implementation Plan. Accordingly, with the changes as listed above, the amendments proposed in the FEDERAL REGISTER on March 27, 1975 are hereby adopted as set forth below.

EPA finds that good cause exists to make this rulemaking immediately effective because each schedule is already in effect in California under State law, each affected source is necessarily aware of the existence of the applicable schedule and of its increments, and EPA's approval of the schedules imposes no additional regulatory burdens. Therefore, for the reasons stated, this rulemaking is effective on July 15, 1975.

(Sec. 110, Clean Air Act, as amended (42 USC § 1857c-5))

Dated: July 3, 1975.

JOHN QUARLES,
Acting Administrator.

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

1. In § 52.220, paragraph (c) is amended as follows:

§ 52.220 Identification of plan.

* * * * *

(c) * * *

(8) Supplemental information (compliance schedules) was submitted by the California Air Resources Board on December 27, 1973; February 19, April 22, June 7 and 19, September 4 and 19, October 18, and December 4, 1974; and January 13, 1975.

2. In § 52.240, paragraph (f) is amended by adding the following schedules to the table in subparagraph (1):

§ 52.240 Compliance schedules.

* * * * *

(f) * * *

(1) * * *

Source	Location (county)	Rule or regulation involved	Date of adoption	Effective date	Final compliance date
*	*	*	*	*	*
Heppner Iron and Metal Co.	Fresno	407.2	Oct. 16, 1974	Immediately	July 1, 1975
Masonite Corp. (Order No. 74-8 as revised).	Mendocino	V-1	Sept. 30, 1974	do	July 1, 1975
Castle Air Force Base (Order No. 74-2 as revised).	Merced	410	Aug. 19, 1974	do	Aug. 1, 1975
Delta Cotton Co. (Order No. 74-3)	do	404	do	do	July 30, 1975
*	*	*	*	*	*
U.S. Navy: III. Activity Service Stations	San Diego	61, 63	Aug. 22, 1974	do	Sept. 30, 1975
Teichert Construction (Order No. 74-21).	San Joaquin	401	Sept. 19, 1974	do	June. 30, 1975
The Learner Co. (Order No. 74-22 as revised).	do	401, 404	do	do	July 15, 1975
Lorens Lumber Co. (Order No. 71-V-16 as revised).	Shasta	3.1, 3.2	Oct. 30, 1974	do	July 1, 1975
*	*	*	*	*	*
Kimberly Clark Corp. (Order No. 71-V-27 as revised).	do	3.1, 3.2	do	do	July 31, 1975
Bedford Aggregates Gravel Plant (Order No. PV-74-01).	Tuolumne	401 (A), (B).	Oct. 3, 1974	do	July 31, 1975
Architectural Aggregates (Order No. PV-74-02).	do	401 (A), (B)	do	do	Do.
Woods Creek Gravel Plant (Order No. PV-74-03).	do	401 (A), (B)	do	do	Do.
*	*	*	*	*	*
Adams, Schwab and Adams Elevator Co. (Order No. 74-13).	Yolo	2.19	Oct. 8, 1974	do	July 31, 1975

[FR Doc.75-18200 Filed 7-14-75;8:45 am]

[FRL 395-3]

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

Indefinite Suspension of Parking Management Regulations

The Administrator of the Environmental Protection Agency (EPA) is today suspending indefinitely the management of parking supply regulations contained in various transportation control plans.

The areas having management of parking supply regulations covered by this suspension notice are:

ARIZONA

Tucson Area	Phoenix Area

CALIFORNIA

Fresno and San Joaquin Valley Area	Sacramento Valley Area
Los Angeles Area	San Diego Area
	San Francisco Area

DISTRICT OF COLUMBIA INTERSTATE AREA

Washington, D.C.	Virginia Suburbs
Maryland Suburbs	

MARYLAND

Baltimore Area	(Suburbs of D.C. listed under D.C. Interstate)

NEW JERSEY

Suburbs of New York City	New Jersey Suburbs of Philadelphia (Camden, Trenton)

PENNSYLVANIA

Philadelphia Area	Pittsburgh Area

VIRGINIA

(Suburbs of D.C. listed under D.C.	Interstate)

Parking management regulations for Fairbanks, Alaska; Houston, Texas; and Boston, Massachusetts were previously suspended by court order pending air quality re-evaluation in those areas.

Background. Between November 6 and December 12, 1973, the Environmental Protection Agency, acting under court order, promulgated or approved transportation control plans for thirty major urban areas as part of the State Implementation Plans. These transportation plans are designed to help provide the necessary control of photochemical oxidants (smog) and carbon monoxide required under the Clean Air Act for attainment of National Ambient Air Quality Standards established to protect the public health and welfare. Some of these transportation control plans include a management of parking supply regulation which requires explicit consideration of air quality impacts before construction of certain specified new parking facilities can proceed.

The transportation control plans called for the management of parking supply regulations to become effective no later than January, 1974. However, in December of 1973 the Emergency Energy Bill passed by both Houses of the Congress granted the Administrator of the Environmental Protection Agency the authority to suspend the parking review requirements until January 1, 1975. Though the bill did not become law at that time, the Administrator regarded it as firm Congressional guidance on the parking management issue. Consequently, the Administrator deferred the effective date for implementation of these regulations until January 1, 1975. This action was taken on January 15, 1974 (39 FR 1848). The Energy Supply and Environmental Coordination Act of 1974 which was signed into law on June 22, 1974 (Pub. L. 93-319) retained the predecessor bill's language concerning the effective date of the management of parking supply regulations.

On August 22, 1974 the Administrator proposed amendments to the parking management regulations (39 FR 30440). The purpose of the proposed amendments was to clarify certain requirements and procedures in the parking management regulations and to provide developers of parking facilities subject to preconstruction review several alternative methods of demonstrating that the facility would be consistent with the control strategy to reduce area wide vehicle miles traveled (VMT) and would not cause or exacerbate a violation of the carbon monoxide standards. Public

hearings were subsequently held during October, 1974 in all of the affected areas.

It became evident that the January 1, 1975 compliance date would not provide adequate time to consider the public comments, promulgate final regulations, and successfully implement the amended regulations. Therefore, the Administrator announced on October 15, 1974 (39 FR 36870) that the compliance date for the parking management regulations was being delayed until June 30, 1975. A further extension of the public comment period until November 30, 1974 was made in a FEDERAL REGISTER notice on November 13, 1974 (39 FR 36870). The notice also announced the availability for public inspection of background materials on parking management.

In January, 1975 the Administrator suspended the effectiveness of the parking management regulations pending promulgation of the amendments (40 FR 2585). Since the applicability date of the regulations had been deferred until June 30, 1975 and parties affected by the regulations were waiting to submit applications until the more flexible amended regulations were promulgated, the Administrator concluded that it was unnecessary for the unamended regulations to remain in effect while amendments were under consideration.

Current EPA Policy. Desnite the present and future emission reductions from the Federal Motor Vehicle Control Program, that program will not reduce automobile emissions enough to achieve and maintain the air quality standards for carbon monoxide and photochemical oxidant in many areas of the country, even when accompanied by maximum feasible control of non-automobile emissions. In the regions where parking management regulations have been proposed, the continued and expected growth in vehicle miles traveled by automobiles is likely to cancel out emission reductions and air quality improvements achieved by implementation of other pollution control measures. This will make attainment and maintenance of the primary air quality standards for carbon monoxide and oxidants difficult or even impossible in many areas.

Management of parking supply, when conducted in conjunction with other transportation control measures, can contribute to reductions in areawide growth in vehicle miles traveled and emissions. EPA continues to believe that the parking management regulations are a necessary part of an overall transportation control strategy to reduce reliance on single-occupancy auto travel and to achieve the air quality standards.

However, currently the appropriate legislative committees of the Congress are considering various possible amendments to the Clean Air Act. Under active consideration are amendments dealing with review of parking-related facilities. One is an amendment that would require States to adopt and implement parking controls for certain areas as a part of the applicable State Implementation Plan and would provide no authority for EPA to review parking-related facilities. EPA expects Congress to provide guidance this year concerning the parking management program and, in view of this fact, does not believe it is desirable to promulgate final amended regulations at this time.

In the absence of Congressional action, EPA may finalize revised parking management regulations in order to complement other transportation control measures. If such a course of action is taken, in no event would parking related facilities commencing construction within six months after reinstatement be subject to the Federal regulation.

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

Dated: July 8, 1975.

RUSSELL E. TRAIN,
Administrator.

In Part 52 of Chapter I, Title 40 of the Code of Federal Regulations, the provisions of the following sections are suspended indefinitely pending further notice:

§§ 52.139, 52.251, 52.493, 52.1103, 52.111, 52.1588, 52.2040, 52.2443 [Suspended].

1. Subpart D—Arizona, § 52.139;
2. Subpart F—California, § 52.251;
3. Subpart J—District of Columbia, § 52.493;
4. Subpart V—Maryland, §52.1103 and § 52.111;
5. Subpart FF—New Jersey, § 52.1588
6. Subpart NN—Pennsylvania, § 52.-2040; and
7. Subpart VV—Virginia, § 52.2443.

[FR Doc.75-18201 Filed 7-14-75;8:45 am]

SUBCHAPTER E—PESTICIDE PROGRAMS

[FRL 399-5; OPP-260006A]

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

Carbofuran

On May 12, 1975, the Environmental Protection Agency (EPA) published in the FEDERAL REGISTER (40 FR 20650) a notice of proposed rulemaking to establish a tolerance for combined residues of the insecticide carbofuran (2,3-dihydro 2,2-dimethyl 7-benzofuranyl-N-methylcarbamate), its carbamate metabolite, 2,3-dihydro-2, 2-dimethyl-3-hydroxy-7-benzofuranyl-N-methylcarbamate, and its phenolic metabolites, 2,3-dihydro-2,2-dimethyl-7-benzofuranol, 2,3-dihydro-2,2-dimethyl-3-oxo-7-benzofuranol, and 2,3-dihydro-2,2-dimethyl 3,7-benzofurandiol in or on the raw agricultural commodity popcorn at 0.2 parts per million (of which no more than 0.1 part per million is carbamates). No comments or requests for referral to an advisory committee on this proposal were received, and it has therefore been concluded that the proposed amendment to the regulations (40 CFR 180.254) be adopted without alteration.

Any person adversely affected by this regulation may on or before August 14, 1975 file written objections with the Hearing Clerk, Environmental Protection Agency, 401 M St. SW., Washington, D.C. 20460. Such objections should be submitted in quintuplicate and should specify the provisions of the regulation deemed to be objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought.

Effective on July 15, 1975, Part 180, Subpart C, § 180.254 is amended as set forth below.

Dated: July 8, 1975.

(Sec. 408(e), Federal Food, Drug, and Cosmetic Act (21 U.S.C. 346a(e))

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

Section 180.254 of subpart C, Part 180, is amended by revising the paragraph "0.2 part per million . . ." to include popcorn as follows:

§ 180.251 Carbofuran; tolerances for residues.

* * * * *

0.2 part million in or on corn grain (including popcorn) and peanuts (of which no more than 0.1 part per million is carbamates) and rice.

* * * * *

[FR Doc.75-18204 Filed 7-14-75;8:45 am]

[FRL 399-7; PP 5E1569/R34]

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

Chlorothalonil

On May 21, 1975, the Environmental Protection Agency (EPA) published in the FEDERAL REGISTER (40 FR 22146) a notice of proposed rulemaking to establish a tolerance for residues of the fungicide Chlorothalonil (tetrachloroisophthalonitrile) and its metabolite 4-hydroxy-2,5,6-trichloroisophthalonitrile in or on the raw agricultural commodity passion fruit at 3.0 parts per million. This notice of proposed rulemaking was published in response to a petition (PP 5E1569) submitted by Dr. C. C. Compton, Coordinator, Interregional Research Project No. 4, State Agricultural Experiment Station, Rutgers University, New Brunswick NJ 08903, on behalf of the IR-4 Technical Committee and the Agricultural Experiment Station of Hawaii.

No comments or requests for referral to an advisory committee were received by the EPA with respect to this proposal. It is concluded, therefore, that the proposed amendment to the regulation should be adopted without change.

Any person adversely affected by this regulation may on or before August 14,

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

Effective on July 15, 1975, Part 180, Subpart C, § 180.275, is amended as set forth below.

Dated: July 8, 1975.

(Sec. 408(e), Federal Food, Drug, and Cosmetic Act (21 U.S.C. 346a(e)))

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

Section 180.275, Subpart C, Part 180, is amended by inserting the new paragraph "3 parts per million * * *" after the paragraph "5 parts per million * * *" to read as follows.

§ 180.275 Chlorothalonil; tolerances for residues.

* * * * *

3 parts per million in or on passion fruit.

* * * * *

[FR Doc.75-18206 Filed 7-14-75;8:45 am]

[FRL 399-6; PP3E1360/R30]

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

2,4-Dinitro-6-Octylphenyl Crotonate and 2,6-Dinitro-4-Octylphenyl Crotonate

On May 8, 1975, the Environmental Protection Agency (EPA) published in the FEDERAL REGISTER (40 FR 20106) a notice of proposed rulemaking to establish a tolerance for combined negligible residues of a fungicide and insecticide that is a mixture of 2,4 - dinitro - 7 - octylphenyl crotonate and 2,6 - dinitro - 4-octylphenyl crotonate and related nitro-octylphenols (principally dinitro, calculated as the ester) in or on the raw agricultural commodities caneberries (blackberries, boysenberries, dewberries, loganberries, raspberries) and gooseberries at 0.15 part per million. No comments or requests for referral to an advisory committee were received with regard to this notice. Therefore, it has been concluded that the proposed amendment to the regulations (40 CFR 180.341) be adopted without change.

Any person adversely affected by this regulation may on or before August 14, 1975 file written objections with the Hearing Clerk, Environmental Protection Agency, 401 M St., SW., Washington D.C. 20460. Such objections should be submitted in quintuplicate and specify the provisions of the regulation deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought.

Effective July 15, 1975, Part 180, Subpart C, Section 180.341, is amended as set forth below.

Dated: July 8, 1975.

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

(Sec. 408(e), Federal Food, Drug, Drug, and Cosmetic Act (21 U.S.C. 346(e))

Part 180, Subpart C, is amended by revising § 180.341 to read as follows.

§ 180.341 2,4 - Dinitro - 6 - octylphenyl crotonate and 2,6-dinitro-4-octylphenyl crotonate; tolerances for residues.

Tolerances are established for combined negligible residues of a fungicide and insecticide that is a mixture of 2,4-dinitro-6-octylphenyl crotonate and 2,6-dinitro-4-octylphenyl crotonate in or on raw agricultural commodities as follows:

0.15 part per million in or caneberries (blackberries, boysenberries, dewberries, loganberries, raspberries) and gooseberries.

0.1 part per million in or on apples, apricots, cantaloupes, cucumbers, grapes, honeydew melons, muskmelons, nectarines, peaches, pears, pumpkins, summer squash, watermelons and winter squash.

[FR Doc.75-18205 Filed 7-14-75;8:45 am]

Title 41—Public Contracts and Property Management

CHAPTER 3—DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Small Purchases

On August 7, 1974, Federal Procurement Regulation, Temporary Regulation 33 was published in the FEDERAL REGISTER. This implemented Pub. L. 93-356 which amended the Federal Property and Administrative Services Act of 1949 to increase the authority to negotiate small purchases from $2,500 to $10,000. The purpose of these amendments is to further implement the foregoing in the HEW Procurement Regulations.

Although the Administrative Procedure Act exempts rules and regulations relating to public property, loans, grants, benefits or contracts from the public participation procedures of the APA, it is the policy of the Department to utilize these procedures in issuing regulations relating to these categories, 36 FR 2532. However, the Department finds in this instance that the utilization of such procedures is unnecessary because the amendments to the HEWPR are primarily technical and administrative in nature and reflect the changes in the statute and FPR Temporary Regulation 33. Additionally, it is essential that the regulation become effective immediately in order that the Department's small purchase practices and procedures conform to the changes in the statute and FPR.

Nevertheless, the Department invites interested persons to submit written comments, suggestions, or data on these amendments to the HEWPR to the Deputy Assistant Secretary for Grants and Procurement Management, OASAM, Room 3078, HEW Switzer Building, 330 C Street, SW, Washington, D.C. 20201 on or before August 14, 1975.

Material thus submitted will be evaluated and if deemed advisable, the regulation will be amended to take such material into account. Until such time as further changes are made, however, Part 3-3, Subpart 3-3.6, and other amendments as set forth herein shall remain in effect, thus permitting the public business to proceed more expeditiously.

(5 U.S.C. 301; 40 U.S.C. 486(c))

Effective date: These amendments shall be effective on July 15, 1975.

It is hereby certified that the economic and inflationary impacts of this proposed regulation have been carefully evaluated in accordance wth OMB Circular A-107.

Date: July 8, 1975.

JOHN OTTINA,
Assistant Secretary for Administration and Management.

PART 3-1—GENERAL

1. In § 3-1.404-2, paragraphs (b) and (c) are revised to read as follows:

§ 3-1.404-2 Designation.

* * * * *

(b) A DHEW Certificate of Appointment suitable for use in the appointment of Department contracting officers is available on an optional basis on the part of each agency. When utilized, this certificate is to be used to identify employees of the Department who have been delegated the authority to obligate the Government by execution of formal two signature contracting documents and/or small purchase orders. The certificate is not to be issued to employees where delegation of authority is restricted to procurement from Mandatory sources of supply (FSS, GSA, Perry Point, Md., DOD, etc.).

(c) Requests for certificates are to be made to the Director, Division of Procurement Policy and Regulations Development, OGPM, OASAM. Requests shall contain the name, current grade, location and extent of authority to be delegated.

PART 3-3—PROCUREMENT BY NEGOTIATION

2. In Part 3-3, Subpart 3-3.6 is amended as follows:

§ 3-3.600 Scope of subpart.

This subpart prescribes the policies and procedures for purchases of supplies and nonpersonal services when the aggregate dollar amount in any one trans-

action does not exceed $10,000. Purchases not in excess of $10,000 which are accomplished in accordance with the policies and procedures of this subpart 3–3.6 shall be termed "small purchases." Small purchase methods included in this subpart include solicitations made either orally, or in writing using a SF–18, and award via Standard Form 147 (Order for Supplies or Services); Standard Form 44 (Purchase Order-Invoice-Voucher); Blanket Purchase Agreements (BPA), or Imprest Funds. Procurements not in excess of $10,000 which are accomplished by more formal negotiation methods other than those prescribed in this subpart and which are negotiated pursuant to 41 U.S.C. 252(c)(3), are also defined as small purchases for reporting purposes. In arriving at the "aggregate dollar amount" involved, all supplies and services must be included which would be properly grouped together in a single advertisement for bids if the procurement were being effected by formal advertising. The amount of $10,000 includes the total price of the order including all estimated handling and freight charges to be paid to the prospective contractor. Requirements aggregating more than $10,000 shall not be broken down into several purchases which are $10,000 or less merely for the purpose of permitting negotiation or utilizing the small purchase methods authorized under §§ 1–3.6 and 3–3.6.

§ 3–3.601 Purpose and applicability.

(a) *Purpose.* The objective of the simplified small purchase methods prescribed herein is to reduce administrative costs to the extent possible within the limits of applicable laws and regulations.

(b) *Applicability.* (1) The policies and procedures in 1–3.6 and this subpart shall not be used for the following:

(i) Procurements not in excess of $10,000 which are accomplished through delivery orders issued under indefinite delivery contracts, e.g., definite quantity contracts, requirements contracts, and indefinite quantity contracts.

(ii) Procurements made by formal advertising or negotiation other than by § 1–3.203, which were initially estimated to exceed $10,000, but ultimately resulted in a preaward price of $10,000 or less.

(iii) Small purchases which are initially estimated not to exceed $10,000, but ultimately result in a preaward price in excess of $10,000. If the price exceeds $10,000, the authority of 41 U.S.C. 252(c)(3) may not be used.

(iv) Construction requirements estimated to exceed $2,000. However, if the initial estimate is $2,000 or less but the ultimate preaward dollar amount resulting from quotations received exceeds $2,000, but does not exceed $2,500, award may be made pursuant to the policies and procedures of § 1–3.6, this subpart, and the authority in 41 U.S.C. 252(c)(3) which is permitted by § 1–18.302. (See § 1–18.3 for policies and procedures pertaining to the procurement of construction by negotiation.)

(v) Procurement of architect-engineer professional services of any dollar amount. (See §§ 1–4.10 and 1–16.7 for policies, procedures, and forms pertaining to the procurement of A & E services.)

(2) This subpart does not preclude the use of bilateral purchase orders, Standard Forms 19 and 19B for construction contracts under $2,000 (see § 1–16.402–1), or a negotiated two-party formal contract for procurements not in excess of $10,000 where the procurement requires a specific contract provision relating to technical inspection or test, specification changes, government furnished property, insurance, patents, price adjustments, or the like.

§ 3–3.602 Policy.

(a) *Negotiation Authority.* Negotiated contracts or purchases aggregating $10,000 or less shall be made under the authority of 41 U.S.C. 252(c)(3) and § 1–3.302 rather than under any of the other sections in § 1–3.2. Procurements for expert or consultant services shall be made under 41 U.S.C. 252(c)(3) and § 1–3.203 rather than under 41 U.S.C. 252(c)(4) or 41 U.S.C. 252(c)(15). Small purchases which are set-aside for small business unilaterally or jointly shall be made under the authority of 41 U.S.C. 252(c)(3) and § 1–3.203 rather than under 41 U.S.C. 252(c)(1) or 41 U.S.C. 252(c)(15). The negotiation authority shall be cited on the face of the Standard Form 147.

(b) Placement of small purchases with small business concerns, labor surplus area concerns, and minority business enterprises shall be encouraged to the extent consistent with the objectives of this subpart. When source lists are maintained for procurements of $10,000 or less, these source lists should include known concerns in these categories. These concerns and enterprises shall be given opportunities, at least equal to other firms, to submit quotations in response to small purchase solicitations.

(c) *Mandatory Sources.* Purchases shall be made in the open market only when requirements cannot be satisfied by requisition or order from mandatory sources in accordance with Part 1–5 or Federal Supply Schedule contracts in accordance with FPMR 101–26.4.

(d) *Limitations on the use of Small Purchase Methods.* (1) The contracting officer has the responsibility and authority to determine which purchase method is most suitable, efficient, and economical for use in meeting the immediate requirement.

(2) The small purchase methods are designed to procure defined, off-the-shelf, standard supplies, equipments, or services which may be awarded on the basis of a fixed price quotation. Small purchase methods should not be used to procure R & D, complex studies, services, and the like (which require judgmental technical evaluations and involved negotiations) where the award cannot be confidently made on the low price. Where procurements are not suitable for accomplishment using small purchase methods more formal negotiation methods or formal advertising should be used.

(3) Small purchases accomplished in accordance with this subpart may not be awarded on a cost-reimbursement basis.

(4) *Consultants.* Small purchase methods should be used with great prudence for the procurement of consultants to avoid the increased possibility at the higher dollar level of $10,000, of using consultants in an improper personal service capacity. Consideration should be given to § 3–22.2, *Procurement of Expert and Consultant Services,* prior to each purchase for consultant or expert services.

(5) Delegations of contracting officer authority for small purchases may be selectively increased from $2,500 up to $10,000 provided purchasing agents have met the selection requirements in § 3–1.404–1 and have a working knowledge of the requirements of this subpart. Personnel responsible for making and approving small purchases should acquire formal training in this area.

§ 3–3.603–2 Data to support small purchases.

See § 1–3.603–2.

§ 3–3.603–50 Conduct of small purchases.

(a) *Purchases not in excess of $500.* (1) Competition. Purchases not in excess of $500 may be accomplished without securing competitive quotations. Such purchases are exempt from § 3–3.802–50 which requires a written justification for noncompetitive procurement. Purchases shall be distributed equitably among qualified sources. Purchases not in excess of $500 shall not be made repetitively to one source except for reasons which will clearly and convincingly justify a noncompetitive procurement in accordance with § 3–3.802–50. Where there are multiple sources available to provide an item or service, a quotation should be solicited from other than the previous source prior to placing a repeat order.

(2) Solicitation of Quotations. Quotations for purchases not in excess of $500 should usually be made orally but may be made in writing. If written solicitations are used, they must be accomplished in accordance with § 3–3.603–50 (b)(6)(ii).

(3) Evaluation of price. The administrative cost of verifying the reasonableness of the price of purchases not in excess of $500 may more than offset potential savings in detecting instances of overpricing; therefore, action to verify the reasonableness of the price need be taken only when the buyer or contracting officer suspects that, or has information to indicate that, the price may not be reasonable, e.g., comparison to previous price paid, personal knowledge of the item involved. No written determination as to the reasonableness of the price is required except in instances where there is serious doubt as to the reasonableness of the price.

(b) *Purchases in excess of $500 up to $10,000.* The following describes the major considerations and steps involved in making purchases in excess of $500 up to $10,000.

(1) *Specification-statement of work.* The purchase requirement as described in a specification or statement of work must be clear and complete. Clarity is important to achieve effective competition because it enables all potential quoters to reach a common understanding of the requirement. A complete expression of the Government's requirement reduces potential misunderstandings in competitive procurements and increases the probability that the Government will receive what is actually required.

(2) *Notice of intention to make a service contract.* The requirement in § 1–12.905–3 to forward a Standard Form 98, Notice of Intention to Make a Service Contract, to the Department of Labor for any contract exceeding $2,500 also applies to small purchases over $2,500.

(3) *Competition.* Solicitation of competitive quotations from a reasonable number of qualified sources of supply shall be made to assure that the procurement is to the advantage of the Government, price and other factors considered. Generally, three is a reasonable number of sources for purchases in excess of $500 but under $5,000. More than three sources may be solicited at the discretion of the contracting officer. A reasonable number of sources for purchases of $5,000 up to $10,000 is a minimum of three. A maximum number cannot be specified apart from considering the nature of the requirement to be purchased.

(4) *Noncompetitive purchases.* Purchases in excess of $500 up to $10,000 which are made noncompetitively require justification as to why competition was not obtained. The justification, which may be in the form of a statement in the request for contract or requisition, must address the considerations in § 3–3.802–50. The contracting officer may aprove or disapprove the justification. Award of the contract or purchase order up to $10,000 by the contracting officer shall constitute approval of the justification.

(5) *Synopsis (1–1.10).* Small purchases of $5,000 and above shall be synopsized in the Commerce Business Daily in accordance with § 1–1.10 unless one of the exceptions in § 1–1.1003–2 applies. Synopses shall be sent to the Commerce Business Daily and due dates for receipt of quotations shall be timed so that there is a reasonable time for potential quoters to request RFQ's and submit quotations. Generally the synopsis should be mailed to the Commerce Business Daily 10 days prior to but not later than the day the SF–18 is released. Approximately 30 days should be planned between publishing of the synopsis and the due date for receipt of quotations. The synopsis should contain notice that the requirement is a small purchase.

(6) *Solicitation of quotations.* (i) Solicitations for purchases under $5,000 may be solicited either orally or in writing. Data to support oral solicitations shall be in accordance with § 1–3.603–2. Written solicitations should be used when (A) the sources are located outside the local area, (B) special specifications are involved, (C) a large number of items are included in a single proposed procurement, or (D) obtaining oral quotations is not considered efficient. Written solicitations for purchases under $5,000 shall be prepared in accordance with the following paragraph § 3–3.603–50(b)(6)(ii).

(ii) Written solicitations shall be used for all purchases estimated to be $5,000 up to $10,000. Standard Form 18, Request for Quotations, shall be used for written solicitation of quotations in accordance with § 1–16.201. Written competitive solicitations shall contain the following elements as a minimum.

(A) Specification or Statement of Work.

(B) Delivery schedule.

(C) Quantity.

(D) Evaluation criteria if the award will not be made on low price alone to the lowest, responsive, responsible quoter. If quotations must be evaluated as being technically acceptable, as in the case of studies or other requirements which require conceptual products, the criteria for determining technical acceptability, and the importance of price relative to technical factors must be stated in the solicitation. Quoters must be informed of all evaluation factors and the relative weight attached to each factor where awards will not be made on the basis of lowest price.

(E) Add the clauses as required by § 3–3.605–2(b)(3) and (4).

(F) Add the Certifications and Representations as required by § 3–3.605–2(b)(5).

(G) Cite the negotiation authority of 41 U.S.C. 252(c)(3).

(H) State the due date for receipt of quotations and include the provision prescribed by § 1–3.802–1 regarding consideration of late proposals.

(iii) Amendment of Request for Quotation—Prior to Closing Date.

(A) If after issuance of a request for quotations, but before the closing date of their receipt, it becomes necessary to make significant changes in quantity, specifications, delivery schedules or any change in closing dates, or to correct a defect or ambiguity, such change shall be accomplished by issuance of an amendment to the request. Requests for quotations using the SF–18 may be amended by letter. Oral requests for quotations may be amended orally.

(B) When it is considered necessary to issue an amendment to a request for quotations, the period of time remaining before closing and the need for extending this period by postponing the time set for closing must be considered. Where only a short time remains before the time set for closing, extension of time may be made by telegram or telephone. Such notification should be confirmed in the amendment.

(C) Any information given to one potential quoter concerning a request for quotations shall be furnished promptly to all other potential quoters in an amendment to the request, if such information is necessary to potential quoters in submitting quotations, or if the lack of such information would be prejudicial to uninformed potential quoters.

(7) *Late quotations.* The policy of § 1–3.802–1, *Consideration of Late Proposals,* is made applicable by this regulation to written small purchase quotations received after the time set for receipt at the purchasing office. Any oral quotation received at the purchasing office after the time set for receipt shall not be accepted. Because late written quotations shall not be considered except as provided for in § 1–3.802–1 it is important to allow potential quoters enough time to submit their quotations.

(8) *Evaluation and selection of quotations for negotiation and award.* Quotations must be evaluated in accordance with the evaluation criteria in the solicitation. Unless otherwise stated in the solicitation, awards will be made to the lowest, responsible, responsive quoter. Equal low quotations shall be awarded in accordance with § 1–2.407.6. In the negotiation of competitive small purchases, it is not required to establish a competitive range or conduct written or oral discussions as described in § 1–3.805 or § 3–3.51.

(9) *Evaluation of price.* Some form of price or cost analysis should be made on each small purchase over $500 to determine that the proposed price is reasonable in accordance with the guidance in § 1–3.807–2. When competitive quotations are received and award is made to the lowest priced quoter, and the contracting officer concludes that the lowest price is reasonable, no written determination of price reasonableness is required. When other than the lowest quotation is used as the basis for the purchase, the reason(s) for rejecting the lower quotation shall be included in the purchase order file by notation on the worksheet or by a separate memorandum. When only one quotation is received, a written determination of price reasonableness is required.

(10) *Award documents.* (i) Small purchase awards shall generally be made using the Standard Form 147 in § 1–16.301–2. If special conditions require, a two party formal contract may be issued under $10,000.

(ii) Clauses required by § 3–3.605–2(b)(3) and (4) shall be incorporated in the SF–147 by reference or shall be physically attached.

(iii) *Determining Contractor acceptance.* When a potential source submits a bid in response to a Solicitation for Bids or a proposal in response to a Request for Proposal, the bid and proposal constitute written offers which may be unilaterally accepted by the Government. Upon acceptance by the Government, a contract comes into being

which legally obligates funds. A quotation submitted in response to a written Standard Form 18, Request for Quotation, or an oral solicitation is not to be construed as an offer which can be unilaterally accepted by the Government to form a binding contract. Therefore, issuance by the Government of a purchase order pursuant to a potential source's quotation is merely an offer by the Government to the prospective contractor to buy certain goods or services upon specified terms and conditions. The purchase order does not become a fund obligating contract until the prospective contractor accepts the Government's offer. The recommended practice for determining the time of acceptance of the Government's purchase order is to ask the prospective contractor to provide written acceptance upon receipt of the purchase order. Upon acceptance by the contractor, a contract comes into being which then obligates the funds on the purchase order. If written acceptance is not requested and/or received, delivery on purchase orders evidences acceptance thereof and, provided such delivery is accomplished during the period of availability of funds being cited, the cited funds may be properly obligated. If written acceptance is not received, and deliveries are accepted subsequent to the period of availability of the funds cited in the purchase order, a new and current funding citation must be provided for the processing of an amended purchase order. (See DHEW Accounting Manual Ch. 2–30–30 F. 6.)

(iv) *Modifying a purchase order.* (A) Standard Form 30 or other functionally equivalent forms approved for use by the Director, Division of Procurement Policy and Regulations Development, OGPM, shall be used to modify the purchase order for administrative or other changes.

(B) Modifications making administrative changes such as the correction of typographical errors, changes in paying office and changes in accounting and appropriation data do not require contractor acceptance. In addition, the issuance of no cost amended shipping instructions which modify unilateral purchase orders and which have been concurred in by the contractor by telephone or letter do not require contractor acceptance by signature on the Standard Form 30.

(C) To otherwise modify the purchase order, and if not previously included in the purchase order, the changes clause in § 1–7.102–2 shall be incorporated in the Standard Form 30 (Amendment of Solicitation/Modification of Contract), and the contractor acceptance obtained by his signature on the Standard Form 30. Subsequent changes pursuant to the Changes clause shall not require contractor acceptance. However, other modifications outside the scope of the changes clause, such as the addition of the Government Property Clause, shall require contractor acceptance by signature on the Standard Form 30.

(v) *Termination of purchase orders.* A purchase order which has not been accepted in writing or by delivery by the prospective contractor may be withdrawn or canceled by the contracting officer any time prior to acceptance. Notice of withdrawal or cancellation shall be in writing and shall request the prospective contractor's acknowedgement thereof. If the contractor has accepted the purchase order in writing or on a subsequently issued Standard Form 30, and it later becomes necessary to terminate the purchase order, the contractor should be asked to agree to cancellation of the order without cost or liability to either party. If he agrees, the cancellation shall be effected by use of Standard Form 30, as a No-Cost settlement in accordance with § 1–8.209–4, signed by the contracting officer and the contractor. If the contractor does not agree to a no-cost settlement of a purchase order which has been accepted, termination of a purchase order will be processed in accordance with the Termination for Convenience clause and Part 1–8 of Title 41.

(12) *Debriefings and notification of unsuccessful quoters.*

(i) Debriefings shall be provided in accordance with § 3–3.103–50 to unsuccessful quoters upon their request.

(ii) The notification of unsuccessful offerors in § 3–3.103–50(b)(2) is not applicable to procurements of $10,000 or less.

(13) *Protests.* There is nothing which prevents a quoter or an interested party from protesting against the placement or manner of handling a small purchase. Protests against small purchases shall be processed in accordance with § 3–2.407–8.

(c) *Close out.* Purchasing officer shall initiate the close out of small purchase files upon determination by the office accumulating the file that the order is complete. An order is completed when (1) the contractor has completed the required deliveries or supplies and the Government has inspected and accepted such supplies, (2) the contractor has performed all services and the Government has accepted such services, or (3) notice of termination has been given to the contractor by the Government or the parties mutually agree to a no cost cancellation and, (4) final payment has been made. Rental, use, and storage agreements shall be considered to be complete when a notice of termination has been issued or the period has expired and final payment has been made.

(d) *Reports of small purchases.* [Reserved.]

§ 3–3.604 Imprest funds (petty cash) method.

§ 3–3.604–3 Agency responsibilities.

(a) Requests to establish imprest funds shall be made to the responsible fiscal office.

(b) At larger activities where the agency cashier may not be conveniently located near the purchasing office, a Class C Cashier may be installed in the purchasing office.

(c) Documentation of cash purchases shall be in accordance with instructions contained in the HEW Voucher Audit Manual Part 1, Chapter 1–10.

(d) The amount of each imprest fund shall be established on the basis of the estimated monthly payment and the need for replenishment. A review shall be made by the responsible official at least quarterly to insure that the fund is not in excess of needs, and appropriate adjustments made accordingly.

§ 3–3.605 Purchase order forms.

§ 3–3.605–1 Standard Form 44, Purchase Order-Invoice-Voucher.

* * * * *

(d) *Instructions for use.* The responsible procurement office will instruct the user as to limitations and procedures for use of SF–44 as outlined in 1–3.605–1.

(e) *Agency implementation.* Since SF–44 is an accountable form, a record shall be maintained of serial numbers of forms, to whom issued and date issued. SF–44's shall be kept under adequate lock and key to prevent unauthorized use. A reservation of funds shall be established to cover total anticipated expenditures prior to use of SF–44.

§ 3–3.605–2 Standard Forms 147 and 148, Order for Supplies or Services.

(a) *General.* * * *

(2) SF–147 and 148 are mandatory for use in the Department as the standard purchase order forms for small purchases not in excess of $10,000.

(b) *Terms and conditions.* (3) The following terms and conditions shall be added or otherwise incorporated by reference whenever Standard Forms 18 and 147 are used for small purchases in excess of $2,500:

(i) *Examination of records by Comptroller General.* § 1–7.103–3.

(ii) *Listing of employment openings.* § 1–12.1102–2.

(iii) *Employment of the handicapped.* § 1–12.1304.

(iv) *Termination for convenience of the government.* § 1–8.705.

(4) The following terms and conditions shall be added or incorporated by reference whenever required by the Federal Procurement Regulations:

(i) *Utilization of small business concerns.* § 1–1.710–3(a). (All actions which may exceed $5,000.)

(ii) *Utilization of labor surplus area concerns.* § 1–1.805–3(a). (All actions which may exceed $5,000.)

(iii) *Utilization of minority business enterprises.* § 1–1.1310–2(a). (All actions which may exceed $5,000.)

(iv) *U.S. products and services (Balance of Payments Program.* § 1–6.806–4. (All actions subject to the Balance of Payments program in excess of $2,500.)

(v) *Contract work hours and Safety Standards Act.* § 1–12.303. (All actions in excess of $2,500 which are not subject to the Service Contract Act of 1965.)

(vi) *Service Contract Act of 1965.* § 1–12.904–1. (Service contracts in excess

of $2,500.) For services contracts not exceeding $2,500 use the clause in § 1–12.904–2.

(5) The following are the Certification requirements applicable to small purchases when the SF–147 is used.

(i) *The Certification of independent price determination.* § 1–1.317 is not applicable to small purchases.

(ii) *The Buy American Certificate.* (§ 1–6.104–3).

(iii) Labor Surplus Area Representation should be obtained when a labor surplus area set-aside has been made and for use in deciding between equal priced quotations.

§ 3–3.606 Blanket purchase arrangements.

§ 3–3.606–4 Documentation.

(a) Each blanket purchase arrangement (BPA) shall be documented by issuance of a purchase order appropriately numbered. Each BPA shall contain the following provisions:

(1) Authorization to the supplier to furnish the supplies or services described in general terms, when ordered by authorized personnel listed therein.

(2) A statement that individual orders will not exceed $5,000 per order.

(3) A statement that the Government will be obligated only to the extent of the orders placed against the BPA by authorized personnel.

(4) A stipulation that the supplier's established discounts will apply to orders placed against the BPA.

(5) A requirement that all shipments be accompanied by delivery tickets containing the name of the supplier, BPA number, including call number, date of order, name of individual placing the order, an itemized list of supplies or services furnished including unit price and extension of each item, applicable discount, date of delivery and the signature of the Government employee receiving the item or service.

(6) A requirement that the supplier shall submit an itemized invoice at least once each month or upon expiration of the BPA, whichever occurs first, covering all deliveries made during the billing period for which payment has not been received.

(7) Each BPA shall cite 41 U.S.C. 252 (c)(3) as authority for negotiation.

§ 3–3.606–5 Agency implementation.

(a) The procurement office shall review the blanket purchase arrangement files at least annually to assure that authorized procedures are being followed. In addition, the procurement office shall review and update as required each blanket purchase arrangement at least annually.

* * * * *

(e) Delivery tickets signed by the Government employee receiving the item or service will be forwarded to the fiscal office or other paying office as designated by the operating agency. Payment will be made on the basis of the signed delivery tickets and properly itemized invoice. Procurement activities will ensure that established procedures allowing for availability of funds are in effect prior to placement of orders.

(g)(1) Competition under BPA's will be obtained in accordance with 3–3.603–50(a)(1) and (b)(3). When concurrent agreements are in effect for similar items, orders not in excess of $500 shall be equitably distributed. Where there is an insufficient number of BPA's for any given class of supplies or services to assure adequate competition on orders in excess of $500, the individual placing the order shall solicit quotations from other sources in addition to the BPA source(s), or establish additional BPA's.

(2) Individual orders shall be recorded in simple form as determined by the operating agency. Orders will be numbered in sequence in a separate series for each BPA and will consist of the BPA number followed by the serial number of the order.

3. In Part 3, Subpart 3–3.8, § 3–3.802–50, paragraphs (b) (1) and (2) are revised to read as follows:

§ 3–3.802–50 [Amended]

* * * * *

(b) *Exclusions.* The provisions of this § 3–3.802–50 do not apply to: (1) Procurements of $500 or less (see 3–3.603–50 (a)), (2) procurements of architect-engineer, physician, veterinarian, dentist, registered nurse, or legal services (where such individuals are performing services in these capacities) under the authority of 41 U.S.C. 252(c)(4) or 41 U.S.C. 252(c)(3) where the amount of the purchase does not exceed $10,000.

* * * * *

4. In § 3–3.802–50, in paragraph (d)(1) delete $250 and $2,500 and add $500 and $10,000 respectively in lieu thereof.

5. In § 3–3.802–50, in paragraph (d)(2) delete $2,500 and add $10,000 in lieu thereof.

PART 3–16—PROCUREMENT FORMS

§ 3–16.50 [Amended]

4. In Subpart 3–16.50, § 3–16.5000, in paragraph (b)(1), $2,500 is deleted and $10,000 is added in lieu thereof.

[FR Doc.75–18253 Filed 7–14–75;8:45 am]

CHAPTER 3—DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

PART 3–3—PROCUREMENT BY NEGOTIATION

PART 3–16—PROCUREMENT FORMS

Miscellaneous Amendments to Chapter

On December 4, 1974, a notice of proposed rule making was published in the FEDERAL REGISTER (39 FR 41988 and 41989) stating the Department of Health, Education, and Welfare is considering an amendment to 41 CFR, Chapter 3, by adding a new § 3–3.802–1, Consideration of late proposals, to Subpart 3–3.8, Price Negotiation Policies and Techniques, and amending § 3–3.103–50, Notifying and debriefing of unsuccessful offerors, Subpart 3–3.51, Selection of offerors for negotiation and award, and § 3–16.5001, Standardized request for proposal (RFP) format and checklist for solicitation documents.

Interested persons were invited to submit written data, views and comments within 30 days after publication. Comments were received from four organizations.

The comments were primarily concerned with the five-day requirement of mailing before the due date. The five-day period is required by the Federal Procurement Regulations (FPR) and it cannot be altered without revision of the FPR.

Other comments concerned the use of registered or certified mail in the submission of proposals. Verification of mailing of the proposal is required by the FPR and mailing of proposals by registered or certified mail would meet these requirements. Another comment questioned the relevance of § 3–3.802–1 (a), (b)(1), (e). It is considered relevant because the successful offeror could submit a modification which would make his proposal even more favorable to the Government and the Government should be able to accept such a modification. The last comment concerned standardizing the day and hour proposals are due within the Department. Our examination determined this not to be feasible in that the contracting officer should be in a position to establish the time proposals are due.

We have added an implementation of 1–3.802–2 to the regulation. However, it should be noted that the provisions of 3–3.802–1 will apply relative to the handling of late proposals unless the head of the procuring activity determines otherwise. The head of a procuring activity would make this determination relative to a class of contracts, i.e., research and development, supply, etc. It is anticipated that only a few principal operating components would utilize the alternate instructions and the class of contracts involved would be research and development.

Also, this regulation confirms instructions furnished to principal operating components relative to the handling of late proposals. Therefore, after consideration of the views presented, the amendment is hereby adopted, subject to the following changes:

1. The following is added as a new § 3–3.802–2, *Alternate procedures for consideration of late proposals*, to Subpart 3–3.8, Price Negotiation Policies and Techniques. This addition is added as paragraph 2 to the rule and the other paragraphs will be renumbered 3, 4, and 5, respectively.

§ 3–3.802–2 Alternate procedures for considerations of late proposals. (a) When the head of the procuring activity determines that the procedures set forth in § 3–3.802–1 are not applicable to certain classes of negotiated procurement conducted by his activity, he may authorize the adoption of the following procedures for consideration of late proposals and modifications (except where the procurement of general purpose automated data

processing equipment is involved unless the use of the procedures set forth in this § 3-3.802-2 is expressly authorized by the Commissioner, Automated Data and Telecommunications Service, GSA).

(b) Requests for proposals that fall within a class of negotiated procurement for which it has been determined, in accordance with § 3-3.802-2(a), that the requirements of § 3-3.802-1 are not applicable shall contain the following provision:

LATE PROPOSALS, MODIFICATIONS OF PROPOSALS, AND WITHDRAWAL OF PROPOSALS

(a) Any proposal received at the office designated in the solicitation after the exact time specified for receipt will not be considered unless it is received before award is made, and:

(1) It was sent by registered or certified mail not later than the fifth calendar day prior to the date specified for receipt of offers (e.g., an offer submitted in response to a solicitation requiring receipt of offers by the 20th day of the month must have been mailed by the 15th or earlier);

(2) It was sent by mail (or telegram if authorized) and it is determined by the Government that the late receipt was due solely to mishandling by the Government after receipt at the Government installation;

(3) It is the only proposal received; or

(4) It offers significant cost or technical advantages to the Government, and it is received before a determination of the competitive range has been made.

(b) Any modification of a proposal is subject to the same conditions as in (a) of this provision.

(c) The only acceptable evidence to establish:

(1) The date of mailing of a late proposal or modification sent either by registered mail or certified mail is the U.S. Postal Service postmark on the wrapper or on the original receipt from the U.S. Postal Service. If neither postmark shows a legible date, the proposal or modification of proposal shall be deemed to have been mailed later. (The term "postmark" means a printed, stamped, or otherwise placed impression that is readily identifiable without further action as having been supplied and affixed on the date of mailing by employees of the U.S. Postal Service.)

(2) The time of receipt at the Government installation is the time-date stamp of such installation on the proposal wrapper or other documentary evidence of receipt maintained by the installation.

(d) Notwithstanding (a) and (b) of this provision, a late modification of an otherwise successful proposal which makes its terms more favorable to the Government will be considered at any time it is received and may be accepted.

(e) Proposals may be withdrawn by written or telegraphic notice received at any time prior to award. Proposals may be withdrawn in person by an offeror or his authorized representative, provided his identity is made known and he signs a receipt for the proposal prior to award.

(f) Generally, contracting officers, assisted by audit or pricing personnel, will be able to make a determination of the significance of any reduction in cost or price to the Government offered by a late proposal. In order to determine if a late proposal offers a significant technical advantage to the Government, the contracting officer will first obtain a written statement from the individual responsible for the technical evaluation of proposals. The statement must clearly demonstrate that it is advantageous to the Government to consider the late proposal. It must also state what the proposal's significant advantages are and why they are important to the Government. This statement must be approved at a level equal to that of Division Director of the Program Office. The contracting officer will then make the determination whether to consider the late proposal based on the data set forth in the statement from the individual responsible for the technical evaluation of proposals.

(g) Determination of the competitive range shall be made in accordance with Section 3-3.5107. All offerors shall be notified at the same time whether their proposals are within the competitive range, and the date of such notification shall be considered to be the date of the determination. Debriefings of unsuccessful offerors shall be in accordance with § 3-3.103-50 of this Chapter, however debriefings should be conducted only after award has been made.

2. Paragraph (b)(2) of § 3-3.103-50, *Notifying and debriefing of unsuccessful offerors*, is hereby deleted and the following is substituted in lieu thereof:

(2) If the procedures set forth in § 3-3.802-1 are utilized, and an award will be made within 30 days after a determination of the competitive range has been made, a preaward notification to offerors regarding whether their proposals are within the competitive range is not required. A preaward notification is required if the procedures set forth in § 3-3.802-2 are utilized or if it will take longer than 30 days after the determination of the competitive range has been made to make an award. The contract file must be documented to show when such a determination is made.

If the alternate procedures (§ 3-3.802-2) are utilized, a preaward notification must be given to all offerors at the same time, as soon as practicable, after the determination of the competitive range has been made. The following is a sample preaward notification letter to those offerors considered to be not within the competitive range:

Subject: DHEW Request for Proposal (RFP) No.------

GENTLEMEN: Your proposal submitted in response to the subject Request for Proposal (RFP) has been evaluated. Upon examination of your proposal in accordance with the criteria set forth in the RFP, it has been determined that the proposal is not within the competitive range, price and other factors considered. (A brief explanation of the reasons for this determination should also be included in the letter.) No further information is available at this time. You will be notified of any award(s) made as a result of the solicitation.

Notification will include the name of the successful offeror(s) and dollar amount of the resulting contract(s).

Since no further negotiations will be conducted with you concerning the subject RFP, no revision of your proposal will be considered.

Your interest in our requirements is appreciated.

Sincerely yours,

Contracting Officer.

The required preaward notification to offerors whose proposals are outside the competitive range, when the procedures specified in § 3-3.802-1 are utilized, need only state that the offeror's proposal was determined to be outside the competitive range and in general terms state the reasons for this determination. In any preaward notification to offerors whose proposals are not within the competitive range, particular care should be taken to ensure that the offerors are advised that proposal revisions will not be considered. Whenever a preaward notification is required, the preaward notification to those offerors in the competitive range need only state this fact.

A postaward notification will be given to every unsuccesful offeror and it will include the name of the successful offeror(s) and dollar amount of the resulting contract(s). Upon request, in accordance with paragraph (a) of this section, unsuccessful offerors shall be furnished the reasons why their proposals were not accepted. Debriefings of unsuccessful offerors should be conducted only after award has been made. Debriefings may be given before award if the contracting officer determines it is in the best interest of the Government to do so and that such a debriefing would not harm the integrity of the procurement process. Any debriefing which is given before the award of a contract shall be limited to a discussion of the unsuccessful offeror's proposal. Costs and prices proposed by other offerors will not be discussed at preaward debriefings.

* * * * *

3. Paragraph (i)(4) of § 3-16.5001, Standardized request for proposal (RFP) format and checklist for solicitation documents is hereby deleted and the following is substituted in lieu thereof.

(4) LATE PROPOSAL, MODIFICATIONS OF PROPOSALS AND WITHDRAWALS OF PROPOSALS

(a) If the procedures set forth in § 3-3.802-1 are utilized, include the provision set forth in § 3-3.802-1(a).

(b) If the procedures set forth in § 3-3.802-2 are utilized, include the provision set forth in § 3-3.802-2(b).

(5 U.S.C. 301; 40 U.S.C. 486)

Effective date: These regulations shall become effective July 15, 1975.

It is hereby certified that the economic and inflationary impacts of this regulation have been carefully evaluated in accordance with OMB Circular A-107.

Dated: July 8, 1975.

JOHN OTTINA,
Assistant Secretary for Administration and Management.

1. The new § 3-3.802-1 will read as follows:

§ 3-3.802-1 Consideration of late proposals.

(a) The following provision regarding the receipt and consideration of proposals for award that are received after the exact time set for receipt in the request for proposal shall be placed in each solicitation:

LATE PROPOSALS, MODIFICATIONS OF PROPOSALS AND WITHDRAWAL OF PROPOSALS

(a) Any proposal received at the office designated in the solicitation after the exact time specified for receipt will not be considered unless it is received before award is made, and:

(1) It was sent by registered or certified mail not later than the fifth calendar day prior to the date specified for receipt of offers

(e.g., an offer submitted in response to a solicitation requiring receipt of offers by the 20th of the month must have been mailed by the 15th or earlier);

(2) It was sent by mail (or telegram if authorized) and it is determined by the Government that the late receipt was due solely to mishandling by the Government after receipt at the Government installation; or

(3) It is the only proposal received.

(b) Any modification of a proposal, except a modification resulting from the Contracting Officer's request for "best and final" offer is subject to the same conditions as in (a)(1) and (a)(2) of this provision.

(c) A modification resulting from the Contracting Officer's request for "best and final" offer received after the time and date specified in the request will not be considered unless received before award and the late receipt is due solely to mishandling by the Government after receipt at the Government installation.

(d) The only acceptable evidence to establish:

(1) The date of mailing of a late proposal or modification sent either by registered or certified mail is the U.S. Postal Service postmark on the wrapper or on the original receipt from the U.S. Postal Service. If neither postmark shows a legible date, the proposal or modification shall be deemed to have been mailed late. (The term "postmark" means a printed, stamped, or otherwise placed impression that is readily identifiable without further action as having been supplied and affixed on the date of mailing by employees of the U.S. Postal Service.)

(2) The time of receipt at the Government installation is the time-date stamp of such installation on the proposal wrapper or other documentary evidence of receipt maintained by the installation.

(e) Notwithstanding (a), (b), and (c), of this provision, a late modification of an otherwise successful proposal which makes its terms more favorable to the Government will be considered at any time it is received and may be accepted.

(f) Proposals may be withdrawn by written or telegraphic notice received at any time prior to award. Proposals may be withdrawn in person by an offeror or his authorized representative, provided his identity is made known and he signs a receipt for the proposal prior to award.

(b) Proposals and modifications of proposals received in the office designated in the request for proposals after the exact time specified are late proposals and shall be considered for award only if the circumstances set forth in the provision in § 3–3.802–1(a) of this section, are applicable. When a late proposal or modification of proposal is received and it is clear from available information that it cannot be considered for award (e.g., when the postmark clearly shows that the proposal was mailed later than the fifth day prior to the date specified), the contracting officer, or his authorized representative, shall promptly notify the offeror that it was received late and will not be considered for award. However, when a late proposal or modification of proposal is transmitted by registered or certified mail and it is received before award but it is not clear from the available information whether it can be considered, the offeror shall be promptly notified substantially in accordance with the notice in § 1–2.303–6, appropriately modified to relate to proposals.

(c) Where only one proposal is involved and it is received after the time specified, it may be evaluated and considered for award. As used in this section the term "only proposal received" means a proposal which is one submitted by (1) the only offeror responding to the request for proposals, (2) a sole source, or (3) an offeror who is offering proprietary items in response to a request for proposal which specifies that awards will be made on the basis of proprietary items identified by the offeror by brand name, model, type, or other identification. With respect to paragraph (c) (3) of this section the term does not mean an offer which is based on a performance specification or a brandname product which is specifically identified in the request for proposal.

(d) The normal revisions of proposals by offerors selected for discussion during the usual conduct of negotiations with such offerors are not to be considered as late proposals or later modifications to proposals but shall be handled in accordance with § 1–3.805.

2. The following is added as a new § 3–3.802–2, alternate procedures for consideration of late proposals, to Subpart 3–3.8, Price Negotiation Policies and Techniques.

§ 3–3.802–2 Alternate procedures for consideration of late proposal.

(a) When the head of the procuring activity determines that the procedures set forth in § 3–3.802–1 are not applicable to certain classes of negotiated procurement conducted by his activity, he may authorize the adoption of the following procedures for consideration of late proposals and modifications (except where the procurement of general purpose automated data processing equipment is involved unless the use of the procedures set forth in this § 3–3.802–2 is expressly authorized by the Commissioner, Automated Data and Telecommunications Services, GSA).

(b) Requests for proposals that fall within a class of negotiated procurement for which it has been determined, in accordance with § 3–3.802–2(a), that the requirements of § 3–3.802–1 are not applicable shall contain the following provisions:

LATE PROPOSALS, MODIFICATIONS OF PROPOSALS, AND WITHDRAWALS OF PROPOSALS

(a) Any proposal received at the office designated in the solicitation after the exact time specified for receipt will not be considered unless it is received before award is made, and:

(1) It was sent by registered or certified mail not later than the fifth calendar day prior to the date specified for receipt of offers (e.g., an offer submitted in response to a solicitation requiring receipt of offers by the 20th day of the month must have been mailed by the 15th or earlier);

(2) It was sent by mail (or telegram if authorized) and it is determined by the Government that the late receipt was due solely to mishandling by the Government after receipt at the Government installation;

(3) It is the only proposal received; or

(4) It offers significant cost or technical advantages to the Government, and it is received before a determination of the competitive range has been made.

(b) Any modification of a proposal is subject to the same conditions as in (a) of this provision.

(c) The only acceptable evidence to establish:

(1) The date of mailing of a late proposal or modification sent either by registered mail or certified mail is the U.S. Postal Service postmark on the wrapper or on the original receipt from the U.S. Postal Service. If neither postmark shows a legible date, the proposal or modification of proposal shall be deemed to have been mailed later. (The term "postmark" means a printed, stamped, or otherwise placed impression that is readily identifiable without further action as having been supplied and affixed on the date of mailing by employees of the U.S. Postal Service.)

(2) The time of receipt at the Government installation is the time-date stamp of such installation on the proposal wrapper or other documentary evidence of receipt maintained by the installation.

(d) Notwithstanding (a) and (b) of this provision, a late modification of an otherwise successful proposal which makes its terms more favorable to the Government will be considered at any time it is received and may be accepted.

(e) Proposals may be withdrawn by written or telegraphic notice received at any time prior to award. Proposals may be withdrawn in person by an offeror or his authorized representative, provided his identity is made known and he signs a receipt for the proposal prior to award.

(f) Generally, contracting officers, assisted by audit or pricing personnel, will be able to make a determination of the significance of any reduction in cost or price to the Government offered by a late proposal. In order to determine if a late proposal offers a significant technical advantage to the Government, the contracting officer will first obtain a written statement from the individual responsible for the technical evaluation of proposals. The statement must clearly demonstrate that it is advantageous to the Government to consider the late proposal. It must also state what the proposal's significant advantages are and why they are important to the Government. This statement must be approved at a level equal to that of Division Director of the Program Office. The contracting officer will then make the determination whether to consider the late proposal based on the data set forth in the statement from the individual responsible for the technical evaluation of proposals.

(g) Determination of the competitive range shall be made in accordance with Section 3–3.5107. All offerors shall be notified at the same time whether their proposals are within the competitive range, and the date of such notification shall be considered to be the date of the determination. Debriefings of unsuccessful offerors shall be in accordance with § 3–3.103–50 of this Chapter, however debriefings should be conducted only after award has been made.

3. Paragraph (b)(2) of § 3–3.103–50 *Notifying and debriefing of unsuccessful offerors*, is hereby revised as follows:

§ 3–3.103–50 Notifying and debriefing of unsuccessful offerors.

* * * * *

(b) * * *

(2) If the procedures set forth in § 3–3.802–1 are utilized, and an award

will be made within 30 days after a determination of the competitive range has been made, a preaward notification to offerors regarding whether their proposals are within the competitive range is not required. A preaward notification is required if the procedures set forth in § 3-3.802-2 are utilized or if it will take longer than 30 days after the determination of the competitive range has been made to make an award. The contract file must be documented to show when such a determination is made. If the alternate procedures (§ 3-3.802-2) are utilized, a preaward notification must be given to all offerors at the same time, as soon as practicable, after the determination of the competitive range has been made. The following is a sample preaward notification letter to those offerors considered to be not within the competitive range.

Subject: DHEW Request for Proposal (RFP) No. ------

GENTLEMEN: Your proposal submitted in response to the subject Request for Proposal (RFP) has been evaluated. Upon examination of your proposal in accordance with the criteria set forth in the RFP, it has been determined that the proposal is not within the competitive range, price and other factors considered. (A brief explanation of the reasons for this determination should also be included in the letter.) No further information is available at this time. You will be notified of any award(s) made as a result of the solicitation.

Notification will include the name of the successful offeror(s) and dollar amount of the resulting contract(s).

Since no further negotiations will be conducted with you concerning the subject RFP, no revision of your proposal will be considered.

Your interest in our requirements is appreciated.

Sincerely yours,

Contracting Officer.

The preaward notification to offerors whose proposals are outside the competitive range when the procedures specified in § 3-3.802-1 are utilized, need only state that the offeror's proposal was determined to be outside the competitive range and in general terms state the reasons for this determination. In any preaward notification to offerors whose proposals are not within the competitive range particular care should be taken to ensure that the offeror is advised that proposal revisions will not be considered. Whenever a preaward notification is required, the preaward notification to those in the competitive range need only state this fact. A postaward notification will be given to every unsuccessful offeror and it will include the name of the successful offeror(s) and dollar amount of the resulting contract(s). Upon request, in accordance with paragraph (a) of this section, unsuccessful offerors shall be furnished the reasons why their proposals were not accepted. Debriefings of unsuccessful offerors should be conducted only after award has been made. Debriefings may be given before award if the contracting officer determines it is in the best interest of the Government to do so and that such a debriefing would not harm the integrity of the procurement process. Any debriefing which is given before the award of a contract shall be limited to a discussion of the unsuccessful offeror's proposal. Costs and prices proposed by other offerors will not be discussed at preaward debriefings.

§§ 3-3.5107—3-3.511 [Redesignated]

4. Subpart 3-3.51. Selection of offerors for negotiation and award, is amended as follows:

(a) Sections 3-3.5106 through 3-3.5110 are redesignated as §§ 3-3.5017 through 3-3.5111 respectively.

(b) The following new § 3-3.5106 is added:

§ 3-3.5106 Conduct of evaluation.

Personnel participating in any way in evaluating proposals shall not reveal any information concerning the evaluations underway except to an individual participating in the same evaluation proceedings, and then only to the extent that such information is required in connection with such proceedings. Divulging information during the evaluation, selection, and negotiation phases of the procurement to personnel not having a need to know could jeopardize any resultant award. The Contracting Officer will therefore instruct personnel participating in the evaluations to observe these restrictions and assure that personnel understand that unauthorized disclosure of information, no matter how innocent, could subject such personnel to disciplinary action.

* * * * *

§ 3-16.5001 [Amended]

5. Paragraph (1)(4) of § 3-16.5001, *Standardized request for proposal (RFP) format and checklist for solicitation documents* is hereby deleted and the following is substituted in lieu thereof:

(4) LATE PROPOSAL, MODIFICATIONS OF PROPOSALS AND WITHDRAWALS OF PROPOSAL

(a) If the procedures set forth in § 3-3.802-1 are utilized, include the provisions in § 3-3.802-1(a).

(b) If the procedures set forth in § 3-3.802-2 are utilized, include the provision set forth in § 3-3.802-2(b).

(5 U.S.C. 301; 40 U.S.C. 486)

[FR Doc.75-18252 Filed 7-14-75;8:45 am]

CHAPTER 14—DEPARTMENT OF THE INTERIOR

PART 14-7—CONTRACT CLAUSES

Listing of Subcontractors

On April 23, 1975, there was published in the FEDERAL REGISTER (40 FR 17848) a notice of proposed rulemaking to amend Part 14-7 of Title 41 of the Code of Federal Regulations by deleting § 14-7.602-50(1) pertaining to the listing of subcontractors under Department of the Interior building construction contracts. Interested persons were given 30 days in which to submit comments regarding the proposed amendment.

All written comments submitted with respect to the proposed amendment have been given full and careful consideration. Several commentors objected to the amendment but they did not offer any data to substantiate the objections and they did not offer any constructive recommendations or substantive reasons which were not already a matter of record.

As a result of comments received and duly considered and pursuant to the authority of the Secretary of the Interior contained in 5 U.S.C. 301, Part 14-7 of Chapter 14 of Title 41 of the Code of Federal Regulations is hereby amended as stated herein.

§ 14-7.602-50(1) [Reserved]

Section 14-7.602-50(1) of Subpart 14-7.6 of 41 CFR is revoked and the section number is reserved.

Effective date. These amendments are effective with respect to all solicitations issued on or after July 15, 1975.

Dated: July 7, 1975.

JAMES T. CLARKE,
Assistant Secretary of the Interior.

[FR Doc.75-18227 Filed 7-14-75;8:45 am]

CHAPTER 101—FEDERAL PROPERTY MANAGEMENT REGULATIONS

SUBCHAPTER B—ARCHIVES AND RECORDS

[FPMR Amdt. B-27]

PART 101-11—RECORDS MANAGEMENT

Standard and Optional Forms Program; Correction

In FR Doc. 75-17113 appearing at page 27655 in the FEDERAL REGISTER of Tuesday, July 1, 1975, the following changes should be made:

1. On page 27656, insert the following entry in the table of contents for Subpart 101-11.8:

§ 101-11.806-8 Forms promulgated by the Interagency Committee on Medical Records.

2. On page 27658, insert § 101-11.806-8 as follows:

§ 101-11.806-8 Forms promulgated by the Interagency Committee on Medical Records.

The Interagency Committee on Medical Records is responsible for standardizing and promulgating forms used as medical records, such as medical examination forms and clinical and health records. The Committee will review all proposed Standard forms in this subject area.

Dated: July 9, 1975.

NORMAN S. PETERSON,
Director, Program Implementation Division.

[FR Doc.75-18226 Filed 7-14-75;8:45 am]

Title 45—Public Welfare

CHAPTER III—OFFICE OF CHILD SUPPORT ENFORCEMENT (CHILD SUPPORT ENFORCEMENT PROGRAM), DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

CHILD SUPPORT ENFORCEMENT PROGRAM

State Plan Requirements

In FR Doc. 75–16663 appearing at page 27156 in the issue for Thursday, June 26, 1975 the second line of § 301.1(h) was omitted it should read as follows: " "Central Office" refer to the Regional of-".

Title 49—Transportation

CHAPTER III—FEDERAL HIGHWAY ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

SUBCHAPTER B—FEDERAL MOTOR CARRIER SAFETY REGULATIONS

[Notice No. 75–9]

PART 393—PARTS AND ACCESSORIES NECESSARY FOR SAFE OPERATION

Interpretations; Dimensional Requirements for Sleeper Berth Exits

The Director of the Bureau of Motor Carrier Safety is amending Appendix A of the Federal Motor Carrier Safety Regulations by adding a new interpretation No. 75–6. The purpose of the amendment is to give the public notice of an interpretation of § 393.76 of the Regulations (49 CFR 393.76).

There has been a misunderstanding in the trucking industry of the meaning of § 393.76. Because of this misunderstanding, many sleeper berths manufactured and installed in recent years do not comply with the Regulations. Therefore, this interpretation is necessary. The misunderstanding arose following the issuance of an amendment on April 16, 1974, (39 FR 14710, April 26, 1974) to the sleeper berth requirements which, among other things, clarified the dimensional requirements for the exit from a sleeper berth into the driver's compartment.

Since this amendment relates to interpretation of existing rules, notice and public procedure thereon are unnecessary.

Therefore, Appendix A to Subchapter B of Chapter III in title 49, CFR, is amended by adding interpretation No. 75–6 as set forth below. (Sec. 204, Interstate Commerce Act, 49 U.S.C. 304; Sec. 6, Department of Transportation Act, 49 U.S.C. 1655; delegations of authority by the Secretary of Transportation and the Federal Highway Administrator at 49 CFR 1.48 and 389.4, respectively).

Issued on July 3, 1975.

ROBERT A. KAYE,
Director,
Bureau of Motor Carrier Safety.

APPENDIX A—INTERPRETATIONS

* * * * *

DIMENSIONAL REQUIREMENTS FOR SLEEPER BERTH EXITS

[Interpretation 75–6]

Section 393.76 required an exit into the cab from all sleepers installed after December 31, 1952. Before the most recent amendment to § 393.76, this requirement was found in paragraph (h)(1), the last sentence of which specified that the exit into the cab "shall comply with the requirements of paragraph (a) of this section [393.76]."

The regulation required that sleeper berths installed between December 31, 1952, and January 1, 1963, have exits into the cab of sufficient size to contain an ellipse having a major axis of 24 inches and a minor axis of 16 inches. Sleeper berths installed after December 31, 1962, were required to have an exit at least 18 inches high and 36 inches wide between the berth and the driving seat.

The amendment to § 393.76 was issued on April 16, 1974, to increase the minimum interior height and width of sleeper berths installed in vehicles manufactured after September 31, 1975. While the amendment made no other changes to the requirements, the entire section was rewritten in an effort to make all of the requirements more easily understood. This amendment resulted in the discovery by several manufacturers that certain sleeper berths installed since December 31, 1962, are in violation of the regulation with regard to the size of the exit into the driver's compartment.

Several thousand sleeper berths have been made and installed since January 1, 1963, in violation of the requirement. In many cases, compliance with the regulation would require cutting vertical structural members at the rear of the cab and constructing wider reinforcements. The cost of this modification, throughout the industry, would be considerable.

In reviewing the situation, the Director has found no evidence that sleeper berths were manufactured, installed, and subsequently moved in interstate commerce in willful violation of the regulations. Several manufacturers have misinterpreted § 393.76 and produced sleeper berths which were not in compliance with the regulation.

The Director concludes that these berths do not pose a serious safety hazard on their occupants. The exit into the cab does meet the original dimensional requirements for an ellipse having a major axis of 24 inches and a minor axis of 16 inches. In addition, each berth has a ready exit at either end which is at least 18 inches high and 21 inches wide.

Therefore, the Director finds that an exit into the cab from a sleeper berth installed between December 31, 1962, and April 1, 1976, is in compliance with § 393.76, provided that the sleeper berth:

(1) Has an exit into the driver's compartment of sufficient area to contain an ellipse having a major axis of 24 inches and a minor axis of 16 inches; and

(2) Has at least 2 exits, each of which is at least 18 inches high and 21 inches wide, located at opposite ends of the berth and usable by the occupant without assistance by any other person.

[FR Doc.75–18296 Filed 7–14–75;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

Comptroller of the Currency

[12 CFR Part 14]

CHANGES IN CAPITAL STRUCTURE

Evaluation of Debt Issues as Additions to Capital Structure

The Comptroller of the Currency is considering the adoption of Guideline-Criteria for use in evaluating applications by national banks for approval of subordinated debt issues pursuant to 12 CFR 14.5. The Board of Governors of the Federal Reserve System is considering similar Guideline-Criteria for use in evaluating applications from member banks for exemption from Regulations Q and D for subordinated debt issues.

The following Guideline-Criteria are proposed:

GUIDELINE-CRITERIA FOR EVALUATING DEBT ISSUES AS ADDITION TO A NATIONAL BANK'S CAPITAL STRUCTURE

1. *Maximum ratio of debt to equity.* The total amount of subordinated notes and debentures outstanding, including the debt proposed to be issued, should not exceed 50 percent of a bank's equity capital base. However, banks with significant asset or management problems generally would not be presumed to be entitled to issue debt capital up to the 50 percent ceiling. A bank's equity capital base, for purposed of this test, is considered to include capital stock, surplus, undivided profits, capital reserves, and all reserves for losses on loans and securities.

2. *Earnings coverage test.* The total of fixed changes as a result of any issue of subordinated notes or debentures should not exceed 33⅓ per cent of a National bank's average net income before taxes and before fixed charges over the preceding five years. Therefore, in general, average adjusted net income should exceed total fixed charges by a multiple of at least three. For purposes of this test, before-tax net income would include securities gains or losses, exclude extraordinary charges and credits, and would be adjusted where necessary to reflect actual loan loss experience rather than other "provision for loan loss." Total fixed charges include annual interest charges before taxes on all existing debt as well as the new debt proposed to be issued. Fixed charges on existing debt would include interest on all outstanding mortgage debt and subordinated notes and debentures, plus one-third of lease contracts.

In applying this test to a bank that is a subsidiary of a holding company which shows a net deficit on its nonbank operations, the amount of such deficit, calculated on a before-tax basis, would be subtracted from net income as derived from consolidated net income before taxes of the holding company. For multibank holding companies, the nonbank net deficit generally would be allocated among subsidiary banks in proportion to their net income. Ordinarily, the adjustment would be based on data for the most recent year, but, in some cases, an average (covering not more than the most recent five years) would be more representative of prospective earnings experience. This adjustment, in effect, would reduce the allowable amount of new fixed interest expense which could be assumed by any bank whose nonbank affiliates, including the parent holding company, incur an aggregate net deficit. The offset against the bank's earnings recognized the possibility that the parent might have to rely on dividends from the bank in order to cover a nonbank deficit, thereby reducing the bank's ability to maintain or build its equity capital.

3. *Retained earnings test.* Annual pro forma amortization on all subordinated notes and debentures, including the proposed debt issue, should not exceed 50 per cent of a National bank's average retained earnings over the preceding five years. Retained earnings under this criterion are considered to include new income after taxes minus dividends declared on common and preferred stock. For each issue of subordinated debt, including a proposed new issue, annual pro forma amortization would be calculated by dividing the original amount of the issue by the number of years from date of issue to maturity. Total pro forma amortization would be the sum of annual pro forma amortization for all outstanding and proposed issues.

Considerable discretion would be used in the administration of this test.[1] In some circumstances, banks which have issued additional shares of equity capital during the five-year period for which average retained earnings are calculated would receive credit for these new issues as if they had been part of retained earnings. In addition, some banks which have outstanding substantial amounts of relatively short-term subordinated debt prior to the issuance of these guidelines would be granted special consideration in the applicaiton of the retained earnings test to proposed new issues, so long as the new issues were part of a specified program aimed at replacing shorter-term debt with longer-term debt.

4. *Accumulation of equity over the life of the debt.* Each National bank issuing subordinated notes and debenture would be expected to accumulate equity, in equal annual installments from retained earnings, in an amount sufficient to increase equity capital by the full amount of outstanding and newly issued debt over the lifetime of the debt. In effect, this requirement would provide for replacement of each debt issue with equity by maturity.

5. *Provision for debt retirement.* Where the residual amount of a proposed new debt issue to be repaid at maturity, together with scheduled repayments in that year on other debt-type capital and mortgage indebtedness, would exceed 15 per cent of the bank's present capital base, the bank shall either provide for reducing the amount of debt outstanding at maturity by a sinking fund or other debt-retirement arrangement or have the right to call such obligations for redemption at least five years before maturity.

6. *Approval of interbank debt transactions.* In general, the Comptroller does not intend to approve a subordinated note or debenture issued by a National bank directly or indirectly (through a holding company or otherwise) to another bank as an addition to the issuing bank's capital structure unless specifically authorized as such and addition by the Comptroller upon a presentation and finding of compelling circumstances. Such transactions provide no additional capital protection for the banking system as a whole and ordinarily will be discouraged.

7. *Covenants in conflict with the public interest.* No indenture or other contract covering the issuance of a subordinated note or debenture by a National bank shall include any covenants, restrictions, or other terms which are determined by the Comptroller to be inconsistent with the public interest. Examples of such terms are those regarded as impairing the ability of the bank to comply with statutory or regulatory requirements regarding disposition of assets or incurrence of additional debt, limiting the ability of the Comptroller to take any necessary action to resolve a problem bank situation, unduly interfering with the ability of the bank to conduct normal banking operations, or imposing terms and conditions on the bank that are unduy harsh or onerous.

To facilitate the evaluation of the appropriateness and effectiveness of these guideline-criteria, interested persons are requested to submit relevant data, views, or arguments. Any such material should be submitted in writing to Robert Bloom,

[1] Filed as part of the original document (Appendix).

Chief Counsel, Comptroller of the Currency, Washington, D.C. 20219, to be received not later than August 18, 1975. Such material will be made available for inspection and copying upon request, except as provided in § 4.16 of the Comptroller's regulation relating to availability of information.

JAMES E. SMITH,
Comptroller of the Currency.

[FR Doc.75-18177 Filed 7-14-75;8:45 am]

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

[50 CFR Part 20]

MIGRATORY BIRD HUNTING

Proposed Amendments to Species Identification Requirement

Correction

In FR Doc. 75-17290 appearing on page 27943 in the issue for Wednesday, July 2, 1975, make the following corrections:

1. In the 4th line of the paragraph entitled "Submittal of Written Comments", the words "Director (FWS/IE)" should be changed to read "Director (FWS/LE)".

2. In § 20.43, in the next to last line, the words "possessor of" should be changed to read "possessor or".

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 946 and 980]

IRISH POTATOES GROWN IN WASHINGTON

Proposed Handling Regulation

This proposal would require potatoes grown in the State of Washington to meet minimum quality and size requirements. This should promote orderly marketing of such potatoes by keeping less desirable qualities and sizes from being shipped to consumers.

Consideration is being given to the issuance of the handling regulation, hereinafter set forth, which was recommended by the State of Washington Potato Committee, established pursuant to Marketing Agreement No. 113 and Order No. 946, both as amended (7 CFR Part 946). This marketing order program regulates the handling of Irish potatoes grown in the State of Washington and is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.).

The recommendations of the committee reflect its appraisal of the composition of the 1975 crop of Washington potatoes and the marketing prospects for this season. The grade, size, cleanliness and maturity requirements proposed herein, which are the same as those currently in effect (39 F.R. 26885) through July 31, 1975, are necessary to prevent potatoes of lesser maturities, low quality, or undesirable sizes from being distributed in fresh market channels. They will also provide consumers with good quality potatoes consistent with the overall quality of the crop.

One significant proposed change from last season's requirements would be to slightly relax the comparatively tight U.S. No. 1 requirement for potatoes packed in 50-pound cartons by allowing an additional 10 percent tolerance for damage due to hollow heart. This problem usually occurs in the larger size potatoes—the predominant ones packed in cartons. Without this tolerance these larger potatoes would have to be shipped in bags which provide less protection to the potatoes and less ease of handling.

Exceptions are proposed to certain of these requirements to recognize special situations in which such requirements would be inappropriate or unreasonable.

Shipments would be allowed to certain special purpose outlets without regard to minimum grade, size, cleanliness, and maturity requirements provided that safeguards are used to prevent such potatoes from reaching unauthorized outlets. Seed would be exempted because requirements for this outlet differ greatly from those for fresh market. Shipments for use as livestock feed would likewise be exempt. Potatoes grown in the production area could be shipped without regard to the aforesaid requirements to specified locations in Morrow and Umatilla Counties, Oregon, for grading and storing. Since no purpose would be served by regulating potatoes used for charity purposes, such shipments would be exempt. Exemption of potatoes for most processing uses is mandatory under the legislative authority for this part and therefore shipments to processing outlets are unregulated.

Export requirements differ materially, on occasion, from domestic market requirements. In commercial prepeeling, operators remove the surface defects from potatoes which would be undesirable for the tablestock market, and smaller sizes are acceptable. For these reasons potatoes for export and prepeeling are provided with different requirements.

All persons who desire to submit written data, views, or arguments in connection with this proposal may file the same, in duplicate, with the Hearing Clerk, Room 112-A, U.S. Department of Agriculture, Washington, D.C. 20250, not later than July 23, 1975. All written submissions made pursuant to this notice will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

§ 946.330 would be added to read as set forth below:

§ 946.330 Handling regulation.

During the period August 1, 1975 through July 31, 1976, no person shall handle any lot of potatoes unless such potatoes meet the requirements of paragraphs (a), (b), (c), and (g) of this section or unless such potatoes are handled in accordance with paragraphs (d) and (e) or (f) of this section.

(a) *Minimum quality requirements.* (1) *Grade: All varieties.* U.S. No. 2, or better grade.

(2) *Size:* (i) *Round varieties.* 1⅞ inches minimum diameter.

(ii) *Long varieties.* 2 inches minimum diameter or 4 ounces minimum weight.

(3) *Cleanliness:* All varieties—at least "fairly clean."

(b) *Minimum maturity requirements.* (1) *Round and White Rose varieties.* Not more than "moderately skinned."

(2) *Other long varieties (including but not limited to Russet Burbank and Norgold).* Not more than "slightly skinned."

(c) *Pack.* Potatoes packed in 50-pound cartons shall be U.S. No. 1 grade or better, except that potatoes which fail to meet the U.S. No. 1 grade only because of hollow heart may be shipped provided the lot contains not more than 10 percent damage by hollow heart, or not more than 5 percent serious damage by internal defects.

(d) *Special purpose shipments.* The minimum grade, size, cleanliness, maturity, and pack requirements set forth in paragraphs (a), (b), and (c) of this section shall not be applicable to shipments of potatoes for any of the following purposes.

(1) Livestock feed;
(2) Charity;
(3) Export;
(4) Seed;
(5) Prepeeling;
(6) Canning, freezing, and "other processing" as hereinafter defined; or
(7) Grading or storing at any specific location in Morrow and Umatilla Counties in the State of Oregon.

Shipments of potatoes for the purposes specified in paragraphs (d) (1), (2), (4), (5), (6), and (7) of this section shall be exempt from inspection requirements specified in paragraph (g) of this section and shipments specified in (d) (1), (2), (4), and (6) of this section shall be exempt from assessment requirements specified in § 946.41. *Provided,* That shipments pursuant to paragraph (d) (7) shall comply with inspection requirements of (e) (2) of this section.

(e) *Safeguards.* (1) Handlers desiring to make shipments of potatoes for export or prepeeling shall:

(i) Notify the committee of intent to ship potatoes by applying on forms furnished by the committee for a certificate applicable to such special purpose shipments;

(ii) Prepare on forms furnished by the committee a special purpose shipment report on each such shipment. The handler shall forward copies of each such special purpose shipment report to the committee office and to the receiver with instructions to the receiver that he sign and return a copy to the committee office. Failure of the handler or receiver to report such shipments by promptly signing and returning the applicable special purpose shipment report to the committee office shall be cause for cancellation of such handler's certificate applicable to such special purpose shipments and/or the receiver's eligibility to receive further shipments pursuant to such certificate. Upon cancellation of such certificate, the handler may appeal to the

committee for reconsideration. Such appeal shall be in writing.

(iii) Before diverting any such special purpose shipment from the receiver of record as previously furnished to the committee by the handler such handler shall submit to the committee a revised special purpose shipment report.

(2) Handlers desiring to make shipments for grading or storing at any specified location in Morow and Umatilla Counties in the State of Oregon shall:

(i) Notify the committee of intent to so ship potatoes by applying on forms furnished by the committee for a certificate applicable to such special purpose shipment. Upon receiving such application, the committee shall supply to the handler the appropriate certificate after it has determined that adequate facilities exist to accommodate such shipments and that such potatoes will be used only for authorized purposes;

(ii) If reshipment is for any purpose other than as specified in paragraph (d) of this section, each handler desiring to make reshipment of potatoes which have been graded or stored shall, prior to reshipment, cause each such shipment to be inspected by an authorized representative of the Federal-State Inspection Service. Such shipments must comply with the minimum grade, size, cleanliness, maturity, and pack requirements specified in paragraps (a), (b), and (c) of this section.

(iii) If reshipment is for any of the purposes specified in paragraph (d) of this section, each handler making reshipment of potatoes which have been graded or stored shall do so in accordance with the applicable safeguard requirements specified in paragraph (e) of this section.

(3) Each person desiring to transport potatoes for grading or storing to points in District No. 5 or to Spokane County in District No. 1 shall apply to the committee for and obtain a special purpose certificate authorizing such movement.

(4) Each handler making shipments of potatoes for canning, freezing, or "other processing" pursuant to paragraph (d) of this section shall:

(i) First apply to the committee for and obtain a Certificate of Privilege to make shipments for processing;

(ii) Make shipments only to those firms whose names appear on the committee's list of canners, freezers, or other processors of potato products maintained by the committee, or to persons not on the list provided the handler furnishes the committee, prior to such shipment, evidence that the receiver may reasonably be expected to use the potatoes only for canning, freezing, or other processing.

(iii) Upon request by the committee, furnish reports of each shipment pursuant to the applicable Certificate of Privilege;

(iv) Mail to the office of the committee a copy of the bill of lading for each Certificate of Privilege shipment promptly after the date of shipment.

(v) Bill each shipment directly to the applicable processor.

(5) Each receiver of potatoes for processing pursuant to paragraph (d) of this section shall: (i) Complete and return an application form for consideration of approval as a canner, freezer, or other processor of potato products;

(ii) Certify to the committee and to the Secretary that potatoes received from the production area for processing will be used for such purpose and will not be placed in fresh market channels;

(iii) Report on shipments received as the committee may require and the Secretary approve.

(f) *Minimum quantity exception.* Each handler may ship up to, but not to exceed 5 hundredweight of potatoes any day without regard to the inspection and assessment requirements of this part, but this exception shall not apply to any shipment over 5 hundredweight of potatoes.

(g) *Inspection.* Except when relieved by paragraphs (d) or (f) of this section, no handler may handle any potatoes regulated hereunder unless an appropriate inspection certificate has been issued by an authorized representative of the Federal-State Inspection Service with respect thereto and the certificate is valid at the time of shipment.

(h) *Definitions.* The terms "U.S. No. 2," "fairly clean," "slightly skinned" and "moderately skinned" shall have the same meaning as when used in the United States Standards for Grades of Potatoes (§§ 51.1540–51.1566 of this title), including the tolerances set forth therein. The term "prepeeling" means potatoes which are clean, sound, fresh tubers prepared commercially in the prepeeling plant by washing, removal of the outer skin or peel, trimming, and sorting preparatory to sale in one or more of the styles of peeled potatoes described in § 52.2422 (United States Standards for Grades of Peeled Potatoes §§ 52.2421–52.2433 of this title). The term "other processing" has the same meaning as the term appearing in the act and includes, but is not restricted to, potatoes for dehydration, chips, shoestrings, starch and flour. It includes the application of heat or cold to such an extent that the natural form or stability of the commodity undergoes a substantial change. The act of peeling, cooling, slicing, or dicing, or applying material to prevent oxidation does not constitute "other processing." Other terms used in this section have the same meaning as when used in the marketing agreement, as amended and this part.

(i) *Applicability to imports.* Pursuant to section 8e of the act and § 980.1 "Import regulations" (7 CFR 980.1), Irish potatoes of the red skinned round type imported during the months of July and August in the effective period of this section shall meet the minimum grade, size, quality and maturity requirements for round varieties specified in paragraphs (a) and (b) of this section.

Dated: July 10, 1975.

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

[FR Doc.75-18305 Filed 7-14-75;8:45 am]

[7 CFR Part 947]

IRISH POTATOES GROWN IN MODOC AND SISKIYOU COUNTIES IN CALIFORNIA AND IN ALL COUNTIES IN OREGON EXCEPT MALHEUR COUNTY

Proposed Handling Regulation

This proposal, designed to promote orderly marketing of Oregon-California potatoes, would require inspection of fresh market shipments to keep undesirable low quality potatoes from being shipped to consumers.

Consideration is being given to the issuance of the handling regulation, hereinafter set forth, which was recommended by the Oregon-California Potato Committee, established pursuant to Marketing Agreement No. 114 and Order No. 947, both as amended (7 CFR Part 947). This program regulates the handling of Irish potatoes grown in the designated production area and is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.).

This notice is based on the recommendations and information submitted by the Oregon-California Potato Committee and other available information. The recommendations of the committee reflect its appraisal of the composition of the 1975 crop in the production area and of the marketing prospects for this season.

The grade, size, quality, maturity and pack requirements as provided herein would be necessary to prevent potatoes of low quality, or undesirable sizes from being distributed into fresh market channels. They would also provide consumers with good quality potatoes consistent with the overall quality of the crop, and standardize the quality of the potatoes shipped from the production area in order to provide the consumer with a more acceptable product.

Exceptions would be provided to certain of these requirements to recognize special situations in which such requirements would be inappropriate or unreasonable.

A specified quantity of potatoes would be handled without regard to maturity requirements in order to permit growers to make test diggings without loss of the potatoes so harvested.

Shipments would be permitted to certain special purpose outlets without regard to minimum grade, size, cleanliness, maturity, pack and inspection requirements, provided that safeguards are used to prevent such potatoes from reaching unauthorized outlets. Certified seed would be so exempt, subject to the safeguard provisions only when shipped

from the district where grown. Certified seed is no longer inspected when packed.

Shipments for use as livestock feed within the production area or to specified adjacent areas would likewise be exempt; a limit to the destinations of such shipments is provided so that their use for the purpose specified may be reasonably assured. Shipments of potatoes between Districts 2 and 4 for planting, grading, and storing would be exempt from requirements because these two areas have no natural division. Other districts are more clearly separated and do not have this problem. For the same reason, potatoes grown in District 5 may be shipped without regard to the aforesaid requirements to the Counties of Adams, Benton, Franklin and Walla Walla in the State of Washington, and Malheur County, Oregon, for grading and storing. Since no purpose would be served by regulating potatoes used for charity purposes, such potatoes are exempt. Exemption of potatoes for most processing uses is mandatory under the legislative authority for this part and therefore shipments to processing outlets are unregulated.

Requirements for export shipments differ from those for domestic markets. Smaller sizes are more acceptable in foreign markets. Therefore, different requirements for export shipments are proposed.

All persons who desire to submit written data, views, or arguments in connection with this proposal should file the same in duplicate with the Hearing Clerk, Room 112–A, United States Department of Agriculture, Washington, D.C. 20250, not later than July 28, 1975. All written submissions made pursuant to this notice will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

§ 947.333 [Removed]

1. *Termination of regulations;* Handling regulation § 947.333 effective August 31, 1974, through October 15, 1975 (39 FR 30341 and 39 FR 32011) shall be terminated upon the effective date of this section.

2. § 947.334 is added to read as set forth below.

§ 947.334 Handling regulation.

During the period August 5, 1975, through October 15, 1976, no person shall handle any lot of potatoes unless such potatoes meet the requirements of paragraphs (a), (b), (c), (d), (e), and (f) of this section, or unless such potatoes are handled in accordance with paragraphs (g), (h) or (i) of this section.

(a) *Grade requirements.* All varieties—U.S. No. 2, or better grade: Except that potatoes designated U.S. Commercial shall meet all of the requirements and tolerances of U.S. No. 1, except that they may be no more than "slightly dirty."

(b) *Size requirements.* All varieties—1⅞ inches minimum diameter: *Provided,* That potatoes for export may be 1½ inches minimum diameter.

(c) *Cleanliness requirements.* All varieties and grades—As required in the United States Standards for Grades of Potatoes, except that U.S. Commercial may be no more than "slightly dirty."

(d) *Maturity (skinning) requirements.* (1) All varieties—no more than "moderately skinned."

(2) Not to exceed a total of 100 hundredweight of potatoes may be handled during any seven day period without meeting these maturity requirements. Prior to shipment of potatoes exempt from the above maturity requirements, the handler shall obtain from the committee a Certificate of Privilege.

(e) *Pack.* Potatoes packed in 50 pound cartons must be U.S. No. 1 or better grade.

(f) *Inspection.* (1) Except when relieved by paragraphs (g), (h) or (i) of this section, no person shall handle potatoes without first obtaining inspection from an authorized representative of the Federal-State Inspection Service.

(2) For the purpose of operation under this part, unless exempted from inspection by the provisions of this section, each required inspection certificate is hereby determined, pursuant to § 947.60(c) to be valid for a period of not to exceed 14 days following completion of inspection as shown on the certificate. The validity period of an inspection certificate covering inspected and certified potatoes that are stored in mechanically refrigerated storage within 14 days of the inspection shall be 14 days exclusive of the number of days that the potatoes were held in refrigerated storage.

(3) Any lot of potatoes previously inspected pursuant to § 947.60(b) is not required to have additional inspection under § 947.60(b) after regrading, resorting, or repacking such potatoes, if the inspection certificate is valid at the time of regrading, resorting, or repacking of the potatoes.

(g) *Special purpose shipments.* The minimum grade, size, cleanliness, pack, maturity and inspection requirements set forth in paragraphs (a), (b), (c), (d), (e) and (f) of this section shall not be applicable to shipments of potatoes for any of the following purposes:

(1) Certified seed, subject to applicable safeguard requirements of paragraph (h) of this section.

(2) Livestock feed: *Provided,* That potatoes may not be handled for such purposes if destined to points outside of the production area, except that shipments to the Counties of Benton, Franklin and Walla Walla in the State of Washington and to Malheur County, Oregon, may be made, subject to the safeguard provisions of paragraph (h) of this section.

(3) Planting in the district where grown, except that potatoes for this purpose grown in District No. 2 or District No. 4 may be shipped between those two districts.

(4) Grading or storing, under the following provisions:

(i) Between districts within the production area for grading or storing if such shipments meet the safeguard requirements of paragraph (h) of this section.

(ii) Potatoes grown in District No. 2 or District No. 4 may be shipped for grading or storing between those two Districts without regard to the safeguard requirements of paragraph (h) of this section.

(iii) Potatoes grown in District No. 5 may be shipped for grading and storing to points in the Counties of Adams, Benton, Franklin and Walla Walla in the State of Washington, or to Malheur County, Oregon, without regard to the safeguard provisions of paragraph (h) of this section.

(5) *Charity. Provided,* That shipments for charity may not be resold if they do not meet the requirements of the marketing order, and *further provided,* That shipments in excess of 5 hundred-weight per charitable organization shall be subject to the safeguard provisions of paragraph (h) of this section.

(6) Starch manufacture.

(7) Canning, freezing, prepeeling, and "other processing," as hereinafter defined (including storage for such purposes).

(h) *Safeguard.* (1) Each handler making shipments of certified seed outside the district where grown pursuant to paragraph (g) of this section shall obtain from the committee a Certificate of Privilege, and shall furnish a report of shipments to the committee on forms provided by it.

(2) Each handler making shipments of potatoes pursuant to paragraph (g)(2), (4)(i), and (5) of this section shall obtain a Certificate of Privilege from the committee, and shall report shipments at such intervals as the committee may prescribe in its administrative rules.

(3) Each handler making shipments pursuant to paragraph(g)(7) of this section may ship such potatoes only to persons or firms designated as manufacturers of potato products by the committee, in accordance with its administrative rules.

(i) *Minimum quantity exemption.* Any person may handle not more than 19 hundredweight of potatoes on any day without regard to the inspection requirements of § 947.60 and to the assessment requirements of § 947.41 of this part: *Provided,* That no potatoes may be handled pursuant to this exemption which do not meet the requirements of paragraphs (a), (b), (c), (d) and (e) of this section. This exemption shall not apply to any part of a shipment which exceeds 19 hundredweight.

(j) *Definitions.* (1) The terms "U.S. No. 1," "U.S. Commercial," "U.S. No. 2," and "moderately skinned" shall have the same meaning as when used in the U.S. Standards for Potatoes (§§ 51.1540–51.1566 as amended February 5, 1972 (37 FR 2745) including the tolerances set forth therein.

(2) The term "slightly dirty" means potatoes that are not damaged by dirt.

(3) The term "prepeeling" means potatoes which are clean, sound, fresh

tubers prepared commercially in a prepeeling plant by washing, removing the outer skin or peel, trimming, and sorting preparatory to sale in one or more of the styles of peeled potatoes described in § 52.2422 United States Standards for Grades of Peeled Potatoes (§§ 52.2421–52.2433 of this title).

(4) The term "other processing" has the same meaning as the term appearing in the act and includes, but is not restricted to, potatoes for dehydration, chips, shoestrings, or starch, and flour. It includes only that preparation of potatoes for market which involves the application of heat or cold to such an extent that the natural form or stability of the commodity undergoes a substantial change. The act of peeling, cooling, slicing, or dicing, or applying material to prevent oxidation does not constitute "other processing."

(5) Other terms used in this section shall have the same meaning as when used in Marketing Agreement No. 114, as amended, and this part.

Dated: July 9, 1975.

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

[Filed Doc.75-18222 Filed 7-14-75;8:45 am]

Animal and Plant Health Inspection Service

[9 CFR Part 92]

POULTRY AND BIRDS

Reservation of Import Facilities

Notice is hereby given in accordance with the administrative procedure provisions in 5 U.S.C. 553, that, pursuant to section 2 of the Act of February 2, 1903, as amended; and sections 2, 3, 4, and 11 of the Act of July 2, 1962 (21 U.S.C. 111, 134a, 134b, 134c, and 134f), the Animal and Plant Health Inspection Service is considering amending Part 92, Title 9, Code of Federal Regulations to require prepayment of a reservation fee for the use of import quarantine facilities for poultry and birds.

Statement of considerations. To qualify for entry, poultry and birds imported into the United States from any country of the world except Canada, must be accompanied by a permit issued by Veterinary Services and must be quarantined for a minimum period of 30 days at the port of entry to determine their freedom from communicable diseases of poultry prior to their importation. Facilities to accomplish such quarantine are operated by the U.S. Department of Agriculture at Honolulu, Hawaii; Miami, Florida; and Clifton, New Jersey. Most lots of poultry requiring quarantine are offered for entry at Miami, Florida and New York, New York. The space available to accommodate poultry at these facilities is limited and requests to utilize the facilities are numerous resulting in a backlog of individuals waiting to make importations. For maximum efficiency of operation, maximum utilization of space available at such facilities must be maintained. Services required for care, feed, and handling of such shipments while in quarantine are provided at the expense of the importer. When an import permit is issued for such a shipment, space to accommodate the shipment is reserved. When a scheduled shipment is not presented for entry, space reserved for the use of that shipment cannot be utilized and must remain vacant for the next 20 to 30 days or until the next scheduled importation arrives because of the time required by the next importer on the list to arrange for his shipment and to obtain the required permit. Frequently, no prior notice is received by Veterinary Services of the permittee's intent to cancel the reservation.

To overcome this problem and achieve maximum utilization of facilities available, it is proposed to require that a reservation fee of $40 be paid by the importer or his agent at the time each permit is applied for which will be forfeited by the importer if the permit is not used. When the permit is used and the scheduled quarantine is completed, the reservation fee paid will be deducted from expenses incurred for services received in connection with the quarantine of the shipment.

Accordingly, Part 92, Title 9, Code of Federal Regulations would be amended in the following respects:

In § 92.4, the heading of paragraph (a) would be amended and a new paragraph (a)(4) would be added to read:

§ 92.4 Import permits for ruminants, swine, and poultry and for animal semen.[a]

(a) *Application for permit; reservation required.*

* * * * *

(4) For each lot of poultry (including birds) which is to be quarantined in facilities maintained by Veterinary Services, a reservation fee of $40 shall be paid by the importer or his agent at the time the permit is applied for. Such fee shall be in the form of certified check or U.S. Money Order and will be returned to the payee if the permit requested is not issued. When the requested permit is issued and the scheduled quarantine period is completed, the reservation fee paid will be deducted from the expenses incurred by the importer or his agent for services received in connection with the quarantine of the specific lot for which the reservation was made. When an importer or his agent fails to present for entry any lot of poultry or birds for which a reservation fee has been paid and a permit has been issued, the reservation fee paid will be forfeited.

* * * * *

[a] For other permit requirements for birds, the regulations issued by the U.S. Department of the Interior (Part 17, Title 50, Code of Federal Regulations) and the regulations issued by the U.S. Department of Health, Education, and Welfare (Subpart J–1 of Part 71, Title 42, Code of Federal Regulations) should be consulted.

Any person who wishes to submit written data, views, or arguments concerning this proposed amendment may do so by filing them with the Deputy Administrator, Veterinary Services, Animal and Plant Health Inspection Service, U.S. Department of Agriculture, Hyattsville, Maryland 20782, before August 18, 1975.

All written submissions made pursuant to this notice will be made available for public inspection at the Federal Building, 6505 Belcrest Road, Room 821, Hyattsville, Maryland, during regular hours of business (8 a.m. to 4:30 p.m., Monday to Friday, except holidays) in a manner convenient to the public business (7 CFR 1.27(b)).

Comments submitted should bear a reference to the date and page number of this issue in the FEDERAL REGISTER.

Done at Washington, D.C., this 9th day of July 1975.

J. K. ATWELL,
Acting Deputy Administrator, Veterinary Services Animal and Plant Health Inspection Service.

[FR Doc.75-18309 Filed 7-14-75;8:45 am]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR Part 71]

[Airspace Docket No. 75-GL-36]

TRANSITION AREA

Correction

In a notice of proposed rule making published as FR Doc. 75-14253, appearing at page 23766 in the FEDERAL REGISTER of June 2, 1975, the floor of the airspace in the proposed designation of a transition area for Marlette, Michigan, was inadvertently omitted. It is supplied herein.

Since this correction is clarifying in nature only and imposes less of a burden on the public, the period for comment on the proposal is not extended.

Accordingly, the description of the transition area for Marlette, Michigan as proposed in FR Doc. 75-14253 appearing at page 23766 in the FEDERAL REGISTER of June 2, 1975, is corrected to read as follows:

MARLETTE, MICHIGAN

That airspace extending upward from 700 feet above the surface within a 5½-mile radius of the Marlette Airport (Latitude 43°18'37" N., Longitude 83°05'31" W.).

This correction is made under the authority of Section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348), and of Section 6(c) of the Department of Transportation Act (49 U.S.C. 1655 (c)).

Issued in Des Plaines, Illinois, on June 24, 1975.

R. O. ZIEGLER,
Acting Director, Great Lakes Region.

[FR Doc.75-18380 Filed 7-14-75;8:45 am]

Federal Highway Administration

[49 CFR Part 390]

[Docket No. MC-64; Notice No. 75-8]

PLENARY EXERCISE OF STATUTORY AUTHORITY OVER MOTOR CARRIER SAFETY AND HAZARDOUS MATERIALS

Advance Notice of Proposed Rulemaking

The Director of the Bureau of Motor Carrier Safety is considering amending the Federal Motor Carrier Safety Regulations, and recommending a like amendment to the Hazardous Materials Regulations to clarify the extent to which the Bureau exercises statutory authority to prescribe or enforce standards or regulations in the fields of interstate motor carriage and the handling of hazardous materials.

The Director has noted, since the enactment in 1970 of the Occupational Safety and Health Act (29 U.S.C. 651 et seq.), that motor carriers have been faced with a problem of actual or potential dual regulation. This problem could place carriers desiring to comply with all applicable Federal regulation in the untenable position of violating one regulation as a result of complying with another. In order to eliminate the uncertainty and potential conflicts which arise from this problem, the Director is proposing rules which will occupy the entire fields of motor carrier safety and handling of hazardous materials within the statutory jurisdiction of the Bureau of Motor Carrier Safety.

More specifically, the Bureau presently exercises statutory authority to prescribe and enforce regulations affecting occupational safety and health with respect to work activities by employees or motor carriers that are ordinarily and customarily performed in, on, or about motor vehicles including, but not limited to, the following specific activities:

(1) The operation, maintenance, loading and unloading of motor vehicles engaged in the transportation of passengers or property in interstate or foreign commerce.

(2) The operation, maintenance, loading and unloading of motor vehicles engaged in intrastate transportation of hazardous materials performed by motor carriers who operate in interstate or foreign commerce, whether or not the motor carriers transport hazardous materials in interstate or foreign commerce.

(3) The storage, handling, packaging, and labeling of hazardous materials by employees of shippers, receivers, and motor carriers incident to the transportation of such hazardous materials by motor carriers who operate in interstate or foreign commerce.

(4) The transportation of migrant workers by motor vehicles across the boundary line of a State, the District of Columbia, or a Territory of the United States for a distance of more than 75 miles.

The Director intends to remove all doubt concerning the full exercise of the available statutory authority in these fields.

PART 390—FEDERAL MOTOR CARRIER SAFETY REGULATIONS: GENERAL [1]

In consideration of the foregoing, the Director proposes to amend § 390.33 of the Federal Motor Carrier Safety Regulations (Subchapter B of Chapter III in Title 49, CFR) by adding a new paragraph (d) at the end of the section, reading as follows:

§ 390.33 Applicability of regulations.

* * * * *

(d) Any common carrier, contract carrier, or private carrier of property, and its officers, agents, representatives, employees, and drivers may perform any act and engage in any practice not prohibited, and to the extent not restricted, by the rules in Parts 390–397 of this subchapter, or by applicable State or local laws, ordinances or regulations.

The Director further proposes to add a new section 171.17 to the Federal Hazardous Materials Regulations, applicable to both carriers and shippers, containing the substance of the proposed addition above.

Interested persons are invited to participate in the making of the proposed rules by submitting such written data, views, or arguments as they may desire. Comments should identify the regulatory docket and notice numbers, and should be submitted in three copies to the Director, Bureau of Motor Carrier Safety, Washington, D.C. 20590. All communications received before the close of business on October 31, 1975, will be considered before further action is taken on the proposal. All comments received will be available for examination in the Bureau's Docket Room, Room 3401, 400 Seventh Street, SW., Washington, D.C. 20590, both before and after the closing date for comments.

This advance notice of proposed rulemaking is issued under the authority of section 204 of the Interstate Commerce Act, as amended, 49 U.S.C. 304, Chapter 39 of title 18, U.S.C., section 6 of the Department of Transportation Act, 49 U.S.C. 1655, and the delegations of authority by the Secretary of Transportation and the Federal Highway Administrator at 49 CFR 1.48 and 49 CFR 389.4, respectively.

Issued on July 3, 1975.

ROBERT A. KAYE,
Director,
Bureau of Motor Carrier Safety.

[FR Doc.75-18297 Filed 7-14-75;8:45 am]

[1] 39 FR 32561, Sept. 9, 1974.

Urban Mass Transportation Administration

[49 CFR Parts 604, 605]

[Docket No. 75-02, Notice 4]

CHARTER AND SCHOOL BUS OPERATIONS

Extension of Time for Filing Public Comment

The purpose of this notice is to extend the period for filing public comment on Rules Docket 75-02, Notices 2 and 3 published in the FEDERAL REGISTER on June 13, 1975 (40 FR 25304) and (40 FR 25309), in which the Urban Mass Transportation Administration issued its proposed rules for charter and school bus operations for federally-assisted transit operators.

Several comments were received from interested persons in response to the proposed rules. These comments without exception requested that the time period for filing public comment on these proposed rules be extended. Therefore, in consideration of these requests and with the intentions of securing the maximum public participation possible in this rulemaking effort, the Urban Mass Transportation Administration will extend the period for filing public comment on Rules Docket 75-02, Notices 2 and 3 until September 11, 1975.

In consideration of the foregoing, the period for filing public comment on Rules Docket 75-02, Notices 2 and 3 published in the FEDERAL REGISTER June 13, 1975 (40 FR 25304) and (40 FR 25309) is hereby extended until September 11, 1975.

This notice is issued under the authority of the Urban Mass Transportation Act of 1964, as amended, (49 U.S.C. 1601 et seq.); 49 CFR 1.50.

Issued July 11, 1975.

JUDITH T. CONNOR,
Acting Urban Mass Transportation Administrator.

[FR Doc.75-18392 Filed 7-15-75;8:45 am]

FEDERAL HOME LOAN BANK BOARD

[12 CFR Part 505a]

[75-629]

RECORDS MAINTAINED ON INDIVIDUALS

Proposed Amendments

JULY 9, 1975.

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

I. *Existing regulations.* None.

II. *Proposed amendments.* Would add regulations regarding procedures developed pursuant to the Privacy Act of 1974 (Pub. L. 93-579; approved December 31, 1974) concerning access to and amendment of Board records pertaining to individuals.

III. *Reason for amendments.* To comply with the Privacy Act of 1974.

Subsection 3(f) the Privacy Act of 1974 (12 U.S.C. 552a(f)) requires each Federal agency that maintains a system of records to promulgate rules to:

(1) Establish procedures whereby an individual can be notified in response to his request if any system of records named by the individual contains a record pertaining to him;

(2) Define reasonable times, places, and requirements for identifying an individual who requests his record or information pertaining to him before the agency shall make the record or information available to the individual;

(3) Establish procedures for the disclosure to an individual upon his request of his record or information pertaining to him, including special procedure, if deemed necessary, for the disclosure to an individual of medical records, including psychological records, pertaining to him;

(4) Establish procedures for reviewing a request from an individual concerning the amendment of any record or information pertaining to the individual, for making a determination on the request, for an appeal within the agency of an initial adverse agency determination and for whatever additional means may be necessary for each individual to be able to exercise fully his rights under this section; and

(5) Establish fees to be charged, if any, to any individual for making copies of his record, excluding the cost of any search for and review of the record.

The Act also provides that the head of any such agency may promulgate rules and notices identifying general or specific exemptions as provided for by subsections 3(j) and (3)(k) of the Act (12 U.S.C. 552a(j) and (k)).

In compliance with these requirements of the Privacy Act of 1974, the Federal Home Loan Bank Board hereby proposes to amend its general regulations (12 CFR Subchapter A) by adding immediately after Part 505 thereof a new Part 505a 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 August 14, 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).

PART 505a—RECORDS MAINTAINED ON INDIVIDUALS

Sec.

505a.1 Purpose and scope.
505a.2 Definitions.
505a.3 Procedures for requests pertaining to individual records in a record system.
505a.4 Times, places and requirements for identification of individuals making requests.
505a.5 Disclosure of requested information to individuals.
505a.6 Special procedures for medical records.
505a.7 Request for amendment of record.
505a.8 Agency review of request for amendment of record.
505a.9 Appeal of an initial adverse determination of a request to amend a record.
505a.10 Fees for providing copies of records.
505a.11 Criminal penalties.
505a.12 Exemptions.

AUTHORITY: (5 U.S.C. 552a); sec. 17, 47 Stat. 736, as amended, sec. 5, 48 Stat. 132, as amended, sec. 402, 48 Stat. 1256, as amended; (12 U.S.C. 1437, 1464, 1725); Reorg. Plan No. 3 of 1947, 12 FR 4981, 3 CFR, 1947 Supp.)

§ 505a.1 Purpose and scope.

(a) This part is issued by the Federal Home Loan Bank Board pursuant to the requirement of the Privacy Act of 1974 (Pub. L. 93–579, 5 U.S.C. 552a) that every Federal agency promulgate rules to establish procedures for notification and disclosure to an individual of agency records pertaining to him, and to provide procedures for review of such records.

(b) The records covered by this Part shall include (1) personnel and employment records maintained by the Board which are not governed by §§ 293.101–293.111 of the rules and regulations of the Civil Service Commission (5 CFR 293.101–293.111) and (2) other records contained in record systems maintained by the Board.

§ 505a.2 Definitions as used in this Part 505a.

(a) The term "Board" means the Federal Home Loan Bank Board or, where appropriate, the Federal Savings and Loan Insurance Corporation;

(b) The term "individual" means a citizen of the United States or an alien lawfully admitted for permanent residence;

(c) The term "maintain" includes maintain, collect, use, or disseminate;

(d) The term "record" means any item, collection, or grouping of information about an individual that is maintained by an agency, including, but not limited to, his education, financial transactions, medical history, and criminal or employment history and that contains his name, or the identifying number, symbol, or other identifying particular assigned to the individual, such as a finger or voice print or a photograph;

(e) The term "system of records" means a group of any records under the control of any agency from which information is retrieved by the name of the individual or by some identifying number, symbol, or other identifying particular assigned to the individual;

(f) The term "statistical record" means a record in a system of records maintained for statistical research or reporting purposes only and not used in whole or in part in making any determination about an identifiable individual, except as provided by section 8 of Title 13 of the United States Code;

(g) The term "routine use" means, with respect to the disclosure of a record, the use of such record for a purpose which is compatible with the purpose for which it was collected; and

(h) The term "agency" includes the Board.

§ 505a.3 Procedures for requests pertaining to individual records in a record system.

(a) Any present or former employee, officer, or agent of the Board seeking access to his official Civil Service records maintained by the Board shall submit his request in such manner as is prescribed by the Civil Service Commission.

(b) Any individual seeking informaton concernng records maintained by the Board which may contain personal information, including any present or former employee, officer, or agent, seeking information concerning records other than those described in paragraph (a) of this section shall submit a written request to the Secretary of the Board. The request shall state the full name and address of the individual and identification of the record system or systems believed to contain the record or information sought.

(c) Identification of records systems maintained by the Board may be obtained from the Board's notice of existing record systems published annually in the FEDERAL REGISTER, copies of which are available upon request from the Office of the Secretary, Federal Home Loan Bank Board, 320 First Street, NW., Washington, D.C. 20552.

§ 505a.4 Times, places and requirements for identification of individuals making requests.

(a) Upon receipt of a request for records or information pursuant to § 505a.3, the Secretary or other agency official designated by the Board shall require the individual to provide information sufficient to establish his identity. If the request is being made on behalf of an individual or an individual's estate, the legal representative of such individual shall provide the Board's designee with evidence of such representative's authority (which may be a certified copy of his letter(s) of appointment if he has been judicially appointed).

(b) The information establishing identity shall be presented by mail or in person during regular business hours at the Office of the Secretary.

(c) Requirements for identification may include personal identification cards, employee identification, driver's license, Social Security number, knowledge of birthdate and relatives' names, and signature comparisons.

(d) The Secretary or other designee shall promptly notify the requester as to the sufficiency of the identification provided.

§ 505a.5 Disclosure of requested information to individuals.

(a) Within 10 days (excluding Saturdays, Sundays, and legal public holidays) after notifying the individual of a finding of satisfactory identification pursuant to § 505a.4(d), the Secretary or other designee shall determine whether the stated record system contains a record or information pertaining to such individual and shall so inform him. If such record or information is contained in the record system, disclosure shall be made promptly to such individual (or his representative upon notarized written consent of the individual) or his legal representative, except as provided in paragraph (c) of this section and §§ 505a.6 and 505a.12. The individual may choose to be accompanied by a person selected

by him when the record or information is disclosed, in which case he may be required to furnish a written statement authorizing discussion of the records in the presence of the accompanying person.

(b) Disclosure may be made by permitting physical examination of records or by copies presented or mailed to the individual in accordance with the fee schedule set forth in § 505a.10.

(c) This section does not entitle an individual to access to any information compiled in reasonable anticipation of a civil action or proceeding.

§ 505a.6 Special procedures for medical records.

Medical records in the custody of the Board which are not subject to Civil Service Commission regulations shall be disclosed either to the individual to whom they pertain or his authorized or legal representative or to a licensed physician named by the individual.

§ 505a.7 Request for amendment to record.

(a) If, after disclosure of the requested information, an individual believes that such record is not accurate, relevant, timely, or complete, he may request in writing that the record be amended. Such a request shall be submitted to the Secretary to the Board and shall contain identification of the record system and the record or information therein, a brief description of the material requested to be changed, the requested change or changes, and the reason for such change or changes.

(b) The Secretary or other designee shall acknowledge receipt of the request within 10 days (excluding Saturdays, Sundays and legal public holidays). Such acknowledgment may contain a request for additional information needed to make a determination.

§ 505a.8 Agency review of request for amendment of record.

Upon receipt of a request for an amendment to a record pursuant to § 505a.7, the Secretary or other designee shall promptly take the following action:

(a) In the case of a personnel or employment record, forward the request to the official custodian of the record system in the Division of Personnel Management, who shall either make the requested amendment and so advise the individual or inform the individual of his refusal to amend the record, the reason for such refusal, the procedure provided for review of the determination, and the name, title, and business address of the senior official to whom an appeal may be directed; or

(b) In the case of other records or information contained in a record system maintained by the Board, forward the request to an official designated by the General Counsel, which officials shall consult with such other officials of the Board as he deems necessary and either make the requested amendment and so advise the individual, or inform the individual, of his refusal to amend the record, the reason for such refusal, the procedure provided for review of the determination and the name, title, and business address of the senior official to whom an appeal may be directed.

§ 505a.9 Appeal of an initial adverse determination of a request to amend a record.

(a) An individual whose request to amend a record has been refused or who otherwise disagrees with the ipitial determination of his request may seek a review of that determination to be conducted by the Chairman of the Board or an official designated by the Chairman, which official shall be senior to the official who made the initial determination regarding the requested amendment.

(b) The review shall be completed and a final determination made not later than 30 days (excluding Saturdays, Sundays, and legal public holidays) from receipt of the request for such review, unless the Chairman of the Board extends such 30-day period for good cause.

(c) If after his review the Chairman of the Board or his designee refuses to amend the record in accordance with the request, the individual shall be informed of his right to file a concise statement setting forth his disagreement with the final determination and his right under 5 U.S.C. 552a(g)(1)(A) to a judicial review of the determination.

(d) After refusal to amend the record as requested upon review, the disputed portion of the record will contain a copy of the concise statement filed pursuant to paragraph (c) of this section together with, if the Board deems it appropriate, a concise statement of the reasons for not amending the record as requested. Such statements will be included when disclosure of the disputed record is made to persons and agencies as authorized under 5 U.S.C. 552a.

§ 505a.10 Fees for providing copies of records.

(a) No fee will be charged to an individual for processing the request for, searching for, or providing the first copy, of a record or any portion thereof contained in a record system if the record pertains to such individual.

(b) If an individual should desire multiple copies of a record pertaining to himself, he shall pay fees as set forth in § 505.4(e) of this chapter.

§ 505a.11 Criminal penalties.

The criminal penalties applicable to employees, officers, and agents of the Board for actions which violate the Privacy Act of 1974 are set forth in 5 U.S.C. 552a(i).

§ 505a.12 Exemptions.

Pursuant to subsection (k) of 12 U.S.C. 552a:

(a) The Chairman of the Board may exempt the systems of records described in paragraph (b) of this section from the following statutory requirements:

(1) Availability to an individual of the accounting kept of disclosures made to other people and agencies of his record (5 U.S.C. 552a(c)(3));

(2) Access to an individual's own records (5 U.S.C. 552a(d), set out in §§ 505a.3, 505a.5, 505a.6, 505a.7, 505a.8, and 505a.9);

(3) Restriction of record maintenance to information about an individual which is relevant and necessary to accomplish a purpose of the Board required to be accomplished by statute or executive order of the President of the United States (5 U.S.C. 552a(e)(1));

(4) Record-system notice requirements concerning the publication of (i) procedures for requests pertaining to an individual's own records (5 U.S.C. 552a(e)(4)(G)), (ii) procedures for access to records (5 U.S.C. 552a(e)(4)(H)), and (iii) categories of sources of records (5 U.S.C. 552a(e)(4)(I)); and

(5) Promulgation of proposed rules as prescribed by 5 U.S.C. 552a(f).

(b) The Chairman of the Board may exempt any of the following types of record systems from the statutory requirements described in paragraphs (a)(1)–(5) of this section:

(1) Board records to be disclosed to officials of the Board who have a need for such records in the performance of their duties;

(2) Board records required to be available for public access under 5 U.S.C. 552;

(3) Investigatory material compiled for law enforcement purposes: *Provided, however*, That if any individual is denied any right, privilege, or benefit that he would otherwise be entitled to under Federal law, or for which he would otherwise be eligible, as a result of the maintenance of such material, such material shall be provided to such individual, except to the extent that the disclosure of such material would reveal the identity of a source who furnished information to the Government under an express promise that the identity of the source would be held in confidence, or, prior to the effective date of this section, under an implied promise that the identity of the source would be held in confidence;

(4) Material required by statute to be maintained and used solely as statistical records;

(5) Investigatory material compiled solely for the purpose of determining suitability, eligibility, or qualifications for Federal civilian employment, military service, Federal contracts, or access to classified information, but only to the extent that the disclosure of such material would reveal the identity of a source who furnished information to the Government under an express promise that the identity of the source would be held in confidence, or, prior to the effective date of this section, under an implied promise that the identity of the source would be held in confidence; and

(6) Testing or examination material used solely to determine individual qualifications for appointment or promotion in the Federal service the disclosure of which would compromise the objectivity or fairness of the testing or examination process.

By the Federal Home Loan Bank Board.

[SEAL] GREENVILLE L. MILLARD, Jr.,
Assistant Secretary.

[FR Doc.75-18288 Filed 7-14-75;8:45 am]

FEDERAL RESERVE SYSTEM

[12 CFR Part 204 and 217]

[Reg. D and Reg. Q]

RESERVES OF MEMBER BANKS AND INTEREST ON DEPOSITS

Definition of Deposits—Subordinated Notes

The Board of Governors proposes to amend Regulations D (12 CFR 204) and Q (12 CFR 217) to provide greater flexibility to the requirements for exemption from deposit treatment under both regulations where a member bank issues certain subordinated notes and debentures for the purpose of adding to the bank's capital structure. These amendments would (1) modify the present requirement that an obligation have an original maturity of seven years or more to permit an obligation (or an issue of obligations) to have an average maturity of seven years or more under certain conditions; (2) modify the present requirement that an obligation must be in an amount of at least $500 to permit exceptions to be made by the appropriate Federal banking agency to the $500 minimum denomination (a) to facilitate sale of convertible debt where, in order to satisfy preemptive rights of shareholders, the bank would be required to issue a convertible obligation of less than $500 face amount; (b) to maintain a ratable unit offering to holders of preemptive rights where a subordinated debt obligation is issued exclusively as a part of a unit including shares of stock which are subject to such preemptive rights; (c) to satisfy shareholders' ratable claims where an obligation is issued wholly or partially in exchange for shares of voting stock or assets pursuant to a plan of merger, consolidation, reorganization, or other transaction where the issuer will acquire either a majority of such shares of voting stock or all or substantially all of the assets of the entity whose assets are being acquired; and (3) require the issuing bank to receive the approval of the appropriate Federal banking agency of any redemption prior to maturity or any payment pursuant to acceleration of maturity in event of default. Under the proposal, the Board would retain the option to deny a request that it waive the amount limitation in those instances in which it determines that reasonable alternatives are available to the party seeking the waiver. If adopted, the amendments would apply to applications for new debt issues acted upon after the effective date of the amendments and would not affect the status of any outstanding issues. In all cases, the appropriate Federal banking agency is the Comptroller of the Currency for national banks and the Board of Governors for State member banks.

Since 1966, the Board has exempted from reserve requirements of Regulation D and interest rate limits of Regulation Q certain subordinated debt issues of member banks by providing an exception to the definition of deposits under Regulations D and Q. Upon review of the existing regulation, the Board believes that, in certain circumstances, greater flexibility should be available to permit member banks to receive approval from the appropriate Federal banking agency for subordinated note and debenture issues that may not conform to the existing regulatory requirements.

Under the proposal, regular debt amortization or retirement could begin at any time so long as the weighted average maturity of the obligation or issue of obligations would be at least seven years and so long as once the reduction of principal begins, all scheduled repayments of principal shall be made annually in an amount no less than the previous scheduled payment. As an alternative, the Board is considering whether the seven-year minimum maturity should be retained for unamortized issues and a ten-year minimum maturity be set for amortized issues, with repayment beginning at any time after the date of issue provided that once repayment of principal begins, all scheduled repayments shall be made annually in an amount no less than the prior scheduled repayment.

The proposed exception to the $500 minimum denomination would facilitate sale of convertible debt where, in order to satisfy preemptive rights of stockholders, an issuing bank would be required to issue obligations in face amounts less than $500. An exception to the $500 minimum denomination is also proposed where, in order to maintain a ratable unit offering to holders of preemptive rights in the case of a subordinated debt obligation issued exclusively as part of a unit which includes shares of stock which are subject to such preemptive rights, an issuing bank would be required to issue obligations in face amounts less than $500. The third proposed exception to the $500 minimum denomination requirement would apply where an issuing bank would be required to issue obligations in face amounts less than $500 in order to satisfy shareholders' ratable claims in the case of an obligation which is issued wholly or partially in exchange for shares of voting stock or assets pursuant to a plan of merger, consolidation, reorganization, or other transaction in which the issuer will acquire either a majority of such share of voting stock or all or substantially all the assets of another entity.

The provisions requiring prior approval of redemption and payment pursuant to acceleration of maturity are meant to permit the appropriate Federal banking agency to assess the impact of such payment on the capital structure of the bank.

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, its authority to examine member banks under section 9 of the Federal Reserve Act (12 U.S.C. 325), its authority to take action to stop unsafe and unsound banking practices (12 U.S.C. 1818b), and related provisions of the law, the Board proposes to amend Regulation D (12 CFR 204) and Regulation Q (12 CFR 217) as follows:

1. Section 204.1 would be amended by revising paragraph (f)(3) as follows:

§ 204.1 Definitions.

* * * * *

(f) *Deposits as including certain promissory notes and other obligations.* For the purposes of this Part, the term "deposits" also includes a member bank's liability on any promissory note, acknowledgement of advance, due bill, banker's acceptance, or similar obligation (written or oral) that is issued or undertaken by a member bank as a means of obtaining funds to be used in its banking business, except any such obligation that:

* * * * *

(3)(i) Bears on its face, in bold-face type, the following: "This obligation is not a deposit and is not insured by the Federal Deposit Insurance Corporation"; is subordinated to the claims of depositors, is unsecured, and is ineligible as collateral for a loan by the issuing bank and also expressly states said provisions on its face; has a maturity of at least seven years, or, in the case of an obligation or issue that provides for scheduled repayments of principal, has an average maturity[6] of at least seven years[8] and provides that once repayment of principal begins, all scheduled repayments shall be made annually in an amount no less than the prior scheduled repayment; is issued subject to a requirement that no repayment (other than an approved regularly scheduled repayment), including but not limited to a payment pursuant to acceleration of maturity, may be made without the prior written approval of the appropriate Federal banking agency;[7] is in an amount of at least $500 except that the appropriate Federal banking agency may approve the issuance of an obligation that is less than $500 if the obligation is convertible into common stock and, in order to satisfy the preemptive rights of shareholders, the issuing bank would be required to issue obligations in an amount of less than $500, or if the obligation is issued exclusively as part of a unit including shares

[6] The "average maturity" of an obligation or issue repayable in scheduled periodic payments shall be the time-weighted average of all such scheduled payments.

[8] The Board is also considering whether the 7-year minimum maturity should be retained for unamortized issues and a 10-year minimum maturity be set for amortized issues with repayment beginning at any time after the date of issue provided that, once repayment of principal begins, all scheduled repayments shall be made annually in an amount no less than the prior scheduled repayment.

[7] For the purposes of this part, the "appropriate Federal banking agency" is the Comptroller of the Currency in the case of a national bank and the Board of Governors in the case of a State member bank.

of stock which are subject to such preemptive rights and, in order to maintain a ratable unit offering to holders of preemptive rights, the issuing bank would be required to issue obligations in an amount of less than $500, or where, in the case of an obligation issued wholly or partially in exchange for shares of voting stock or assets pursuant to a plan of merger, consolidation, reorganization, or other transaction where the issuer will acquire either a majority of such shares of voting stock or all or substantially all of the assets of the entity whose assets are being acquired, and in order to satisfy shareholders' ratable claims, the issuing bank would be required to issue obligations in an amount of less than $500; and has been approved by the appropriate Federal banking agency as an addition to the capital structure of the issuing bank; or (ii) meets all of the requirements in the preceding clause except maturity and with respect to which the appropriate Federal banking agency has determined that exigent circumstances require the issuance of such obligation without regard to the provisions of this part; or (iii) was issued or publicly offered before June 30, 1970, with an original maturity of more than two years; or

* * * * *

2. Section 217.1 of Regulation Q would be amended by revising the introductory paragraph in paragraph (f) & (f) (3) as follows:

§ 217.1 Definitions

* * * * *

(f) *Deposits as including certain promissory notes and other obligations.* For the purposes of this Part, the term "deposits" also includes a member bank's liability on any promissory note, acknowledgment of advance, due bill, or similar obligation (written or oral) that is issued or undertaken by a member bank principally as a means of obtaining funds to be used in its banking business, except any such obligation that:

* * * * *

(3) (i) Bears on its face, in bold-face type, the following: "This obligation is not a deposit and is not insured by the Federal Deposit Insurance Corporation"; is subordinated to the claims of depositors, is unsecured, and is ineligible as collateral for a loan by the issuing bank and also expressly states said provisions on its face; has a maturity of at least seven years, or, in the case of an obligation or issue that provides for scheduled repayments of principal, has an average maturity* of at least seven years* and provides that once repayment of principal begins, all scheduled repayments shall be made annually in an amount no less than the prior scheduled repayment; is issued subject to a requirement that no repayment (other than an approved regularly scheduled repayment), including but not limited to a payment pursuant to acceleration of maturity, may be made without the prior written approval of the appropriate Federal banking agency;† is in an amount of at least $500 except that the appropriate Federal banking agency may approve the issuance of an obligation that is less than $500 if the obligation is convertible into common stock and, in order to satisfy the preemptive rights of shareholders, the issuing bank would be required to issue obligations in an amount of less than $500, or if the obligation is issued exclusively as part of a unit including shares of stock which are subject to such preemptive rights and, in order to maintain a ratable unit offering to holders of preemptive rights, the issuing bank would be required to issue obligations in an amount of less than $500, or where, in the case of an obligation issued wholly or partially in exchange for shares of voting stock or assets pursuant to a plan of merger, consolidation, reorganization, or other transaction where the issuer will acquire either a majority of such shares of voting stock or all or substantially all of the assets of the entity whose assets are being acquired, and in order to satisfy shareholders' ratable claims, the issuing bank would be required to issue obligations in an amount of less than $500; and has been approved by the appropriate Federal banking agency as an addition to the capital structure of the issuing bank; or (ii) meets all of the requirements in the preceding clause except maturity and with respect to which the appropriate Federal banking agency has determined that exigent circumstances require the issuance of such obligation without regard to the provisions of this part; or (iii) was issued or publicly offered before June 30, 1970, with an original maturity of more than two years.

* * * * *

In connection with its consideration of the regulatory amendments proposed herein, the Board also has determined that State member banks should be provided with guidance as to the criteria to be applied by the Board in evaluating requests for approval of new issues of subordinated notes and debentures "as an addition to the bank's capital structure."

In acting upon requests from State member banks for approval of proposed issues of subordinated notes and debentures, the Board takes into account various aspects of the applicant's financial condition and its prospective capacity to service the proposed debt in view of the bank's earnings history and capital structure. Application of these criteria is intended also to promote the accumulation by debt-issuing banks of an adequate cushion of equity capital, protect against undue concentrations of maturing debt in any one year, and prevent the inclusion of terms in such issues that could be regarded as in conflict with the public interest. In addition, it is stressed that the guidelines set forth below, as applied by the Board are not intended to provide or be administered in a manner resulting in a rigid set of requirements in addition to those set forth in Regulations D and Q. Rather, they are to be administered flexibly, taking into account the special circumstances of particular applicants. (These might include the urgency of the bank's need for additional capital and the accessibility of additional equity, the prospective growth of the bank, the impact of unusual income and expense developments on recent earnings, and the relative strength of earnings of nonbank affiliates or subsidiaries.)

By publication of these guidelines which the Board intends to use in its evaluation of applications for such exemption, the Board also invites comments from the public on these criteria at the same time as comments are received on the regulatory amendments proposed herein.

The Comptroller of the Currency has advised the Board that he is considering use of the same guidelines in evaluating applications from national banks for approval of subordinated debt issues pursuant to 12 CFR 14.5.

GUIDELINE-CRITERIA FOR EVALUATING DEBT ISSUES AS ADDITION TO A STATE MEMBER BANK'S CAPITAL STRUCTURE

1. *Maximum ratio of debt to equity.* The total amount of subordinated notes and debentures outstanding, including the debt proposed to be issued, should not exceed 50 per cent of a bank's equity capital base. However, banks with significant asset or management problems generally would not be presumed to be entitled to issue debt capital up to the 50 per cent ceiling. A bank's equity capital base, for purposes of this test, is considered to include capital stock, surplus, undivided profits, capital reserves, and all reserves for losses on loans and securities.

2. *Earnings coverage test.* The total of fixed charges as a result of any issue of subordinated notes or debentures should not exceed 33⅓ per cent of a State member bank's average net income before taxes and before fixed charges over the preceding five years. Therefore, in general, average adjusted net income should exceed total fixed charges by a multiple of at least three. For purposes of this test, before-tax net income would include securities gains or losses, exclude extraordinary charges and credits, and would be adjusted where necessary to reflect actual loan loss experience rather than other "provision for loan loss." Total fixed charges include annual interest

* The "average maturity" of an obligation or issue repayable in scheduled periodic payments shall be the time-weighted average or all such scheduled payments.

* The Board is also considering whether the 7-year minimum maturity should be retained for unamortized issues and a 10-year minimum maturity be set for amortized issues, with repayment beginning at any time after the date of issue provided that once repayment of principal begins, all scheduled repayments shall be made annually in an amount no less than the prior scheduled repayment.

† For the purposes of this part, the "appropriate Federal banking agency" is the Comptroller of the Currency in the case of a national bank and the Board of Governors in the case of a State member bank.

charges before taxes on all existing debt as well as the new debt proposed to be issued. Fixed charges on existing debt would include interest on all outstanding mortgage debt and subordinated notes and debentures, plus one-third of lease contracts.

In applying this test to a bank that is a subsidiary of a holding company which shows a net deficit on its nonbank operations, the amount of such deficit, calculated on a before-tax basis, would be substracted from net income as derived from the paragraph above. To determine the amount, if any, of net deficit on nonbank operations, net income before taxes of the bank would be substracted from consolidated net income before taxes of the holding company. For multibank holding companies, the nonbank net deficit generally would be allocated among subsidiary banks in proportion to their net income. Ordinarily, the adjustment would be based on data for the most recent year, but, in some cases, an average (covering not more than the most recent five years) would be more representative of prospective earnings experience. This adjustment, in effect, would reduce the allowable amount of new fixed interest expense which could be asumed by any bank whose nonbank affiliates, including the parent holding company, incur an aggregate net deficit. The offset against the bank's earnings recognizes the possibility that the parent might have to rely on dividends from the bank in order to cover a nonbank deficit, thereby reducing the bank's ability to maintain or build its equity capital.

3. *Retained earnings test.* Annual *pro forma* amortization on all subordinated notes and debentures, including the proposed debt issue, should not exceed 50 per cent of a State member bank's average retained earnings over the preceding five years. Retained earnings under this criterion are considered to include net income after taxes minus dividends declared on common and preferred stock. For each issue of subordinated debt, including a proposed new issue, annual pro forma amortization would be calculated by dividing the original amount of the issue by the number of years from date of issue to maturity. Total pro forma amortization would be the sum of annual pro forma amortization for all outstanding and proposed issues.

Considerable discretion would be used in the administration of this test. In some circumstances, banks which have issued additional shares of equity capital during the five-year period for which average retained earnings are calculated would receive credit for these new issues as if they had been part of retained earnings. In addition, some banks which have outstanding substantial amounts of relatively short-term subordinated debt prior to the issuance of these guidelines would be granted special consideration in the application of the retained earnings test to proposed new issues, so long as the new issues were part of a specified program aimed at replacing shorter-term debt with longer-term debt.

4. *Accumulation of equity over the life of the debt.* Each State member bank issuing subordinated notes and debentures would be expected to accumulate equity, in equal annual installments from retained earnings, in an amount sufficient to increase equity capital by the full amount of outstanding and newly issued debt over the lifetime of the debt. In effect, this requirement would provide for replacement of each debt issue with equity by maturity.

5. *Provision for debt retirement.* Where the residual amount of a proposed new debt issue to be repaid at maturity, together with scheduled repayments in that year on other debt-type capital and mortgage indebtedness, would exceed 15 per cent of the bank's present capital base, the bank shall either provide for reducing the amount of debt outstanding at maturity by a sinking fund or other debt-retirement arrangement or have the right to call such obligations for redemption at least five years before maturity.

6. *Approval of interbank debt transactions.* In general, the Board does not intend to approve a subordinated note or debenture issued by a State member bank directly or indirectly (through a holding company or otherwise) to another bank as an addition to the issuing bank's capital structure unless specifically authorized as such an addition by the Board of Governors upon a presentation and finding of compelling circumstances. Such transactions provide no additional capital protection for the banking system as a whole and ordinarily will be discouraged.

7. *Covenants in conflict with the public interest.* No indenture or other contract covering the issuance of a subordinated note or debenture by a State member bank shall include any covenants, restrictions, or other terms which are determined by the Board to be inconsistent with the public interest. Examples of such terms are those regarded as impairing the ability of the bank to comply with statutory or regulatory requirements regarding disposition of assets or incurrence of additional debt, limiting the ability of the Board or the chartering authority to take any necessary action to resolve a problem bank situation, unduly interfering with the ability of the bank to conduct normal banking operations, or imposing terms and conditions on the bank that are unduly harsh or onerous.

Examples of Proposed Guideline Criteria 1, 2 and 3

The following calculations demonstrate the application of Tests 1, 2, and 3 of the guideline-criteria for evaluating debt issues. The data used in the calculations are for a hypothetical bank, wholly-owned by a one-bank holding company. Where applicable, items that are reported in the Consolidated Report of Income and Consolidated Report of Condition are designated by their line numbers on the required reports. For example, [RI–A10] refers to net income as reported in Section A, line 10 of the Report of Income. Total assets, as reported on line 14 of the Report of Condition would be identified as [RC–14]. All dollar amounts are in thousands of dollars. (Banks that are required to file a Consolidated Report of Condition including foreign and domestic subsidiaries would use amounts shown in that report, rather than those shown in the Consolidated Report of Condition including only domestic subsidiaries.)

The hypothetical bank presently has outstanding two issues of subordinated debt:

(1) $8,000—8 percent Subordinated debentures, due Sept. 15, 1987.

(2) $7,000—10 percent Capital notes, due June 30, 1980.

It proposes, on January 1, 1975, to issue $9 million of additional subordinated debt on terms described in the illustrations that follow.

Test 1: Maximum ratio of debt to equity

Guideline. The total amount of subordinated notes and debentures outstanding, including subordinated debt proposed to be issued, should not exceed 50 percent of a bank's equity capital base.

Calculations

1.	Subordinated notes and debentures outstanding, Dec. 31, 1974 (RC–34)	$15,000
2.	Equity capital, total, Dec. 31, 1974 (RC–35)	50,000
3.	Total reserves on loans and securities, Dec. 31, 1974 (RC–33)	10,000
4.	Equity capital base (line 2 plus line 3)	60,000
5.	Current ratio of subordinated debt to equity capital base (line 1 divided by line 4)	.25
6.	Amount of proposed new issue	9,000
7.	Subordinated debt, including proposed new issue (line 1 plus line 6)	24,000
8.	Ratio of subordinated debt, including proposed new issue, to equity capital base (line 7 divided by line 4)	.40

Conclusion. Since the ratio of subordinated debt, including the proposed new issue (line 8), does not exceed 50 percent, test 1 is met.

Test 2: Earnings coverage test

Guideline. In general, average annual adjusted net income over the past 5 years should exceed total fixed charges, including the annual interest charge on the proposed new issue, by a multiple of at least 3.

Calculations

9.	Income before income taxes and securities gains or losses, 1970–74 average (RI–A3)	$9,740
10.	Net securities gains or losses, before tax effect, 1970–74 average (RI–A6 (col. 1))	290
11.	Provision for loan losses, 1970–74 average (RI–A21)[1]	230
12.	Net chargeoffs on loans, 1970–74 average (RI–D6 (col. 1 plus 2) minus RI–D3 (col. 1 plus 2))[1]	260

[1] Banks using actual net chargeoffs as the amount of their provision for loan losses need make no entries in lines 11 and 12.

13. Nonbank deficit of holding company, if any, 1974 [2] (enter only if negative number)	(800)
14. Average adjusted net income before income taxes, 1970–74 (line 9 plus line 10 plus line 11 minus line 12 plus line 13)	9,200
15. Interest on subordinated notes and debentures, 1974 (RI–A2f)	1,340
16. Interest on mortgage debt, 1974	660
17. ⅓ of lease payments on bank premises and equipment, 1974	1,000
18. Fixed charges on present obligations (line 15 plus line 16 plus (line 17)	3,000
19. Average adjusted net income before fixed charges on present obligations (line 14 plus line 18)	12,200
20. Current earnings coverage ratio (line 19 divided by line 18)	4.07
21. Annual interest charge on proposed new issue (assumes a 9 percent annual rate)	810

[2] This adjustment to net income is made only if the bank is a subsidiary of a holding company that incurs a net deficit in its nonbank operations. The nonbank deficit, calculated on a before-tax basis, is the negative difference obtained by subtracting the consolidated net income of the bank from the consolidated net income of the holding company, both adjusted in the manner illustrated in lines 9 through 12 of this example. Ordinarily, the adjustment for a nonbank deficit would be based on data for the most recent year, but in some cases, an average covering no more than the most recent 5 years would be more representative of prospective earnings experience.

22. Average adjusted net income, before fixed charges on present obligations and interest charge on proposed new issue (line 19 plus line 21)	13,010
23. Fixed charges on present obligations and interest charge on proposed new issue (line 18 plus line 21)	3,810
24. Earnings coverage ratio, including interest charge on proposed new issue (line 22 divided by line 23)	3.41

Conclusion. The earnings coverage ratio, including the interest charge on the proposed new issue (line 24) equals 3.41 and therefore meets the requirements of test 2.

TEST 3: RETAINED EARNINGS TEST

Guideline. Average annual retained earnings over the past 5 years should exceed the annual pro forma amortization on all subordinated notes and debentures, including the proposed new issue, by a multiple of at least 2. Two illustrations are provided below. The first example (lines 30a through 32a) assumes a final maturity of 10 years. The second example (lines 30b through 32b) assumes a final maturity of 20 years.

Calculations

25. Net income, 1970–74 average (RI–A10)	$8,000
26. Cash dividends declared on common and preferred stock, 1970–74 average (RI–B3a plus RI–B3b)	4,000
27. Average annual retained earnings, 1970–74 (line 25 minus line 26)	4,000
28. Pro forma amortization of existing debt (total of col. 4 below)	1,533

(1) Description of issue	(2) Amount of original issue	(3) Years from date of issue to date of maturity	(4) Pro forma amortization (col. 2 divide by col. 3)
8 percent subordinated debentures	$8,000	15	$533
10 percent capital notes	7,000	7	1,000
Total	15,000		1,533

29. Current retained earnings ratio (line 27 divided by line 28)	2.61

Assuming a 10-year final maturity on proposed new issue:

30a. Pro forma amortization of proposed new issue (line 6 divided by a final maturity of 10 years)	$900
31a. Total pro forma amortization, including proposed new issue line 28 plus line 30a)	2,433
32a. Retained earnings ratio, including proposed new issue (line 27 divided by line 31a)	1.64

Conclusion. Under an assumed final maturity of 10 years for the proposed new issue, the bank's retained earnings ratio of 1.64 (line 32a) would not meet the minimum requirement of test 3.

Calculations

Assuming a 20-year final maturity on proposed new issue:

30b. Pro forma amortization of proposed new issue (line 6 divided by a final maturity of 20 years)	$450
31b. Total pro forma amortization, including proposed new issue (line 28 plus line 30b)	1,983
32b. Retained earnings ratio, including proposed new issue (line 27 divided by line 31b)	2.02

Conclusion. The longer final maturity of 20 years results in a retained earnings ratio of 2.02 (line 32b) which passes the minimum acceptable ratio for test 3.

To aid in the consideration of the proposed amendments to Regulations D and Q by the Board and to facilitate the evaluation of the appropriateness and effectiveness of the guideline-criteria set forth herein, interested persons are requested 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 August 29, 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.

By order of the Board of Governors, July 1, 1975.

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

[FR Doc.75-18178 Filed 7-14-75;8:45 am]

notices

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

DEPARTMENT OF THE TREASURY

Office of Revenue Sharing

ENTITLEMENT DATA

Use of Estimates for General Revenue Sharing Purposes

EDITORIAL NOTE: Document No. 75-17249 appearing on page 28106 of the issue of July 3, 1975, was received at the Office of the Federal Register at 3:35 p.m. on June 27, 1975, processed and published in the FEDERAL REGISTER of July 3, 1975, in accordance with the provisions of 1 CFR Part 17.

Office of Revenue Sharing

[Administrative Ruling 75-1]

ILLINOIS TOWNSHIPS

Expenditure of Revenue Sharing Funds

Section 123(a)(4) of the State and Local Fiscal Assistance Act of 1972 (31 U.S.C.A. 1243(a)(4)), and the regulation issued pursuant thereto, 31 CFR 51.40(c), require a recipient government to provide for the expenditure of revenue sharing funds in accordance with the laws and procedures applicable to the expenditure of its own revenues. During the past year, the Office of Revenue Sharing has received numerous communications raising the question of whether expenditures by certain Illinois townships were valid under controlling Illinois statutes and, accordingly, whether those expenditures were in violation of the above-cited statute and regulation. In consequence, the townships have requested advice concerning the effect of their reliance on both prior and present Illinois statutes.

On February 4, 1974, the Chief Counsel of the Office of Revenue Sharing issued a letter opinion to the Attorney General of Illinois stating that P.A. 78-207, which added section 20 to Article XIII of "An act to revise the law in relation to township organization" (Ill. Rev. Stat. 1973, ch. 139, par. 126.10) could not validly authorize Illinois township governments to spend revenue sharing funds in any of the revenue sharing priority expenditure categories since P.A. 78-207 (supra) did not increase the authority of townships to spend their own revenues in the priority expenditure categories. Accordingly, any expenditure by a township of revenue sharing funds in any priority expenditure category where a township was not authorized to spend its own revenues was declared to violate section 123(a)(4) of the State and Local Fiscal Assistance Act of 1972. The Attorney General of Illinois issued an opinion dated February 7, 1974 to the Director of the Illinois Department of Local Government Affairs which concurred with the opinion of the Chief Counsel.

The General Assembly of Illinois thereafter on September 5, 1974 enacted P.A. 78-1189 which amended section 20 of Article XIII of "An act to revise the law in relation to township organization" (ILL. Rev. Stat. 1974 Supp., ch. 139, par. 126.10) authorizing the townships to contract, as therein limited, for the expenditure of either township or revenue sharing funds in all of the priority expenditure categories as enumerated in § 103 of the State and Local Fiscal Assistance Act of 1972, except that of financial administration. The Attorney General of Illinois on November 26, 1974 issued an opinion to the Director of Local Government Affairs, stating that the amended section 20 validly and effectively authorized townships to expend township funds or revenue sharing funds for the enumerated purposes in absence of other specific statutory limitation.

Therefore, it is the determination of the Department of the Treasury that:

(1) Any valid agreement or contract by a township for expenditure of revenue sharing funds made subsequent to the enactment of P.A. 78-1189 (supra) on September 5, 1974 amending the cited Illinois statute is in conformity with the expenditure provisions of sections 103 and 123(a)(4) of the State and Local Fiscal Assistance Act of 1972 and the regulations promulgated thereunder.

(2) Any valid agreement or contract by a township for expenditure of revenue sharing funds made prior to the enactment of P.A. 78-1189 (supra) on September 5, 1974 is technically a violation of section 123(a)(4) of the State and Local Fiscal Assistance Act of 1972. Notwithstanding this, however, the Office of Revenue Sharing will not institute administrative proceedings against any township which hereinbefore acted in reliance on the Illinois statute prior to its amendment of September 5, 1974, until and including September 5, 1975 (one year after the enactment of P.A. 78-1189) and will not hereafter require reporting of violations of the earlier Illinois statute.

(3) Any agreement or contract by a township for expenditure of revenue sharing funds made after September 5, 1975 must conform with P.A. 78-1189 (supra) to assure the presumption of conformity with § 123(a)(4) of the State and Local Fiscal Assistance Act of 1972.

Dated: July 9, 1975.

[SEAL] GRAHAM W. WATT,
Director,
Office of Revenue Sharing.

[FR Doc.75-18213 Filed 7-11-75;8:45 am]

[Department Circular Public Debt Series—No. 20-75]

Office of the Secretary

TREASURY NOTES OF SERIES K-1977

Auction

JULY 11, 1975.

I. INVITATION FOR TENDERS

1. The Secretary of the Treasury, pursuant to the authority of the Second Liberty Bond Act, as amended, invites tenders on a yield basis for $1,500,000,000, or thereabouts, of notes of the United States, designated Treasury Notes of Series K-1977. The interest rate for the notes will be determined as set forth in Section III, paragraph 3, hereof. Additional amounts of these notes may be issued at the average price of accepted tenders to Government accounts and to Federal Reserve Banks for themselves and as agents of foreign and international monetary authorities. Tenders will be received up to 1:30 p.m., Eastern Daylight Saving time, Thursday, July 17, 1975, under competitive and noncompetitive bidding, as set forth in Section III hereof.

II. DESCRIPTION OF NOTES

1. The notes will be dated July 31, 1975, and will bear interest from that date, payable semiannually on January 31, 1976, July 31, 1976, January 31, 1977, and July 31, 1977. They will mature July 31, 1977, and will not be subject to call for redemption prior to maturity.

2. The income derived from the notes is subject to all taxes imposed under the Internal Revenue Code of 1954. The notes are subject to estate, inheritance, gift or other excise taxes, whether Federal or State, but are exempt from all taxation now or hereafter imposed on the principal or interest thereof by any State, or any of the possessions of the United States, or by any local taxing authority.

3. The notes will be acceptable to secure deposits of public moneys. They will not be acceptable in payment of taxes.

4. Bearer notes with interest coupons attached, and notes registered as to principal and interest, will be issued in denominations of $5,000, $10,000, $100,000 and $1,000,000. Book-entry notes will be available to eligible bidders in multiples of those amounts. Interchanges of notes of different denominations and of coupon and registered notes, and the transfer of registered notes will be permitted.

5. The notes will be subject to the general regulations of the Department of the Treasury, now or hereafter prescribed, governing United States notes.

III. TENDERS AND ALLOTMENTS

1. Tenders will be received at Federal Reserve Banks and Branches and at the Bureau of the Public Debt, Washington, D.C. 20226, up to the closing hour, 1:30 p.m., Eastern Daylight Saving time, Thursday, July 17, 1975. Each tender must state the face amount of notes bid for, which must be $5,000 or a multiple thereof, and the yield desired, except that in the case of noncompetitive tenders the term "noncompetitive" should be used in lieu of a yield. In the case of competitive tenders, the yield must be expressed in terms of an annual yield, with two decimals, e.g., 7.11. Fractions may not be used. Noncompetitive tenders from any one bidder may not exceed $500,000.

2. Commercial banks, which for this purpose are defined as banks accepting demand deposits, and dealers who make primary markets in Government securities and report daily to the Federal Reserve Bank of New York their positions with respect to Government securities and borrowings thereon, may submit tenders for account of customers provided the names of the customers are set forth in such tenders. Others will not be permitted to submit tenders except for their own account. Tenders will be received without deposit from banking institutions for their own account, Federally-insured savings and loan associations, States, political subdivisions or instrumentalities thereof, public pension and retirement and other public funds, international organizations in which the United States holds membership, foreign central banks and foreign States, dealers who make primary markets in Government securities and report daily to the Federal Reserve Bank of New York their positions with respect to Government securities and borrowings thereon, and Government accounts. Tenders from others must be accompanied by payment of 5 percent of the face amount of notes applied for.

3. Immediately after the closing hour tenders will be opened following which public announcement will be made by the Department of the Treasury of the amount and yield range of accepted bids. Those submitting competitive tenders will be advised of the acceptance or rejection thereof. In considering the acceptance of tenders, those with the lowest yields will be accepted to the extent required to attain the amount offered. Tenders at the highest accepted yield will be prorated if necessary. After the determination is made as to which tenders are accepted, an interest rate will be established at the nearest ⅛ of one percent necessary to make the average accepted price 100.000 or less. That will be the rate of interest that will be paid on all of the notes. Based on such interest rate, the price on each competitive tender allotted will be determined and each successful competitive bidder will be required to pay the price corresponding to the yield bid. Price calculations will be carried to three decimal places on the basis of price per hundred, e.g., 99.923, and the determinations of the Secretary of the Treasury shall be final. The Secretary of the Treasury expressly reserves the right to accept or reject any or all tenders, in whole or in part, including the right to accept tenders for more or less than the $1,500,000,000 of notes offered to the public, and his action in any such respect shall be final. Subject to these reservations, noncompetitive tenders for $500,000 or less without stated yield from any one bidder will be accepted in full at the average price (in three decimals) of accepted competitive tenders.

IV. PAYMENT

1. Settlement for accepted tenders in accordance with the bids must be made or completed on or before July 31, 1975, at the Federal Reserve Bank or Branch or at the Bureau of the Public Debt, Washington, D.C. 20226. Payment must be in cash, in other funds immediately available to the Treasury by July 31, 1975, or by check drawn to the order of the Federal Reserve Bank to which the tender is submitted, or the United States Treasury if the tender is submitted to it, which must be received at such Bank or at the Treasury no later than: (1) Monday, July 28, 1975, if the check is drawn on a bank in the Federal Reserve District of the Bank to which the check is submitted, or the Fifth Federal Reserve District in the case of the Treasury, or (2) Thursday, July 24, 1975, if the check is drawn on a bank in another district. Checks received after the dates set forth in the preceding sentence will not be accepted unless they are payable at a Federal Reserve Bank. Payment will not be deemed to have been completed where registered notes are requested if the appropriate identifying number as required on tax returns and other documents submitted to the Internal Revenue Service (an individual's social security number or an employer identification number) is not furnished. In every case where full payment is not completed, the payment with the tender up to 5 percent of the amount of notes allotted shall, upon declaration made by the Secretary of the Treasury in his discretion, be forfeited to the United States.

V. GENERAL PROVISIONS

1. As fiscal agents of the United States, Federal Reserve Banks are authorized and requested to receive tenders, to make such allotments as may be prescribed by the Secretary of the Treasury, to issue such notices as may be necessary, to receive payment for and make delivery of notes on full-paid tenders allotted, and they may issue interim receipts pending delivery of the definitive notes.

2. The Secretary of the Treasury may at any time, or from time to time, prescribe supplemental or amendatory rules and regulations governing the offering, which will be communicated promptly to the Federal Reserve Banks.

WILLIAM E. SIMON,
Secretary of the Treasury.

[FR Doc.75-18431 Filed 7-11-75;8:45 am]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[CA 978]

CALIFORNIA

Proposed Withdrawal and Reservation of Lands

JULY 8, 1975.

The Department of Defense has filed an application serial number CA 978, for the withdrawal of the lands described below, from all forms of appropriation under the public land laws, including the mining and mineral leasing laws, and disposal of material under the Act of July 31, 1947, as amended (61 Stat. 681; 30 U.S.C. 601-604), subject to valid existing rights.

The Department of the Navy desires the continued use of the land to provide the space necessary for aerial gunnery range facilities for the training of fleet aircraft units.

On or before August 14, 1975, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the undersigned office of the Bureau of Land Management, Department of the Interior, Room E-2841 Federal Building, 2800 Cottage Way, Sacramento, California 95825.

The proposed withdrawal and reservation are subject to the terms and conditions of the Act of February 28, 1958 (72 Stat. 27). This law prohibits withdrawals and reservations of this type except by Act of Congress. Any comments, suggestions, or objections submitted as a result of this notice will be made part of the record and will be forwarded to the Department of Defense for information and to Congress for its use during consideration of any legislation which may be introduced to effect the proposed withdrawal or reservation.

CHOCOLATE MOUNTAIN AERIAL GUNNERY RANGE

T. 9 S., R. 16 E.,
Sec. 14, SW¼NE¼, NW¼, S½;
Secs. 22, 24, and 26;
Sec. 28, E½, E½W½;
Sec. 34.
T. 9 S., R. 17 E.,
Sec. 20, S½NW¼SW¼, SW¼SW¼, W½SE¼SW¼, SE¼SE¼SW¼;
Sec. 26;
Sec. 28, NE¼NE¼, S½NE¼, S½;
Secs. 30, 32, and 34.
T. 10 S., R. 15 E.,
Sec. 22, SE¼;
Secs. 24 and 26;
Sec. 28, E½, SW¼;
Sec. 34.
T. 10 S., R. 16 E.,
Secs. 2 and 4;
Sec. 8, NE¼, E½NW¼, SW¼NW¼, S½;
Secs. 10, 12, 14, 18, 20, 22, 24, 26, 28, 30, 32, and 34.
T. 10 S., R. 17 E.,
Secs. 2, 4, 6, 8, 10, 12, 14, 18, 20, 22, 24, 26, 28, 30, 32, and 34.
T. 10 S., R. 18 E.,
Secs. 6, 8, 18, 20, 22, 26, 28, 30, 32, and 34.
T. 10 S., R. 19 E.,
Sec. 32.
T. 11 S., R. 15 E.,
Secs. 2 and 12.

T. 11 S., R. 16 E.,
Secs. 2, 4, 6, 8, 10, 12, 14, 18, 20, 22, 24, 26, 28, and 34.
T. 11 S., R. 17 E.,
Secs. 2, 4, 6, 8, 10, 12, 14, 18, 20, 22, 24, 26, 28, 30, 32, and 34.
T. 11 S., R. 18 E.,
Secs. 2, 4, 6, 8, 10, 12, 14, 18, 20, 22, 24, 26, 28, 30, 32, and 34.
T. 11 S., R. 19 E.,
Secs. 4, 6, 8, 10, 14, 18, 20, 22, 26, 28, 30, 32, and 34.
T. 12 S., R. 16 E.,
Secs. 2 and 12.
T. 12 S., R. 17 E.,
Secs. 2, 4, 6, 8, 10, 12, 13, and 14;
Sec. 15, S½;
Sec. 17, S½;
Secs. 18, 20, 21, 22, 23, 24, 25, 26, 27, 28, and 35.
T. 12 S., R. 18 E.,
Secs. 2, 4, 6, 8, 10, 12, 13, 14, 15, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, and 35.
T. 12 S., R. 19 E.,
Secs. 2, 4, 6, 8, and 10;
Sec. 15, N½SW¼, SE¼SW¼, SE¼;
Sec. 17, S½;
Secs. 18, 19, 20, 21, 22, 27, 28, 29, 30, 31, 32, 33, and 34.
T. 13 S., R. 18 E.,
Secs. 1, 2, 3, 4, 5, and 6;
Sec. 8, E½;
Secs. 9, 10, and 11.
T. 13 S., R. 19 E.,
Sec. 5, N½;
Sec. 6, N½.

The above described area contains approximately 133,148 acres of national resource land. The lands are located in the Chocolate Mountains, Imperial County, California.

Within this withdrawal there is 117,763.00 private acreage, making a total of approximately 250,911.00 lands.

WALTER F. HOLMES,
Chief, Branch of Lands and Minerals Operations.

[FR Doc.75-18248 Filed 7-14-75;8:45 am]

[Office and Serial No. C-18254-Withdrawal]

COLORADO

Proposed Withdrawal and Reservation of Lands

JULY 8, 1975.

The Department of Agriculture, U.S. Forest Service, has filed the above application for the withdrawal of the lands described below, from location and entry under the Mining Laws only, subject to existing valid rights, in accordance with the authority vested in Executive Order 10355 of May 26, 1952 (17 FR 4831).

The applicant desires the land to protect high value watershed for domestic and municipal water supplies and high scenic values.

On or before August 14, 1975, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the undersigned officer of the Bureau of Land Management, Department of the Interior, Colorado State Office, Room 700, Colorado State Bank Building, 1600 Broadway, Denver, Colorado 80202 (CO-943).

The Department's regulations (43 CFR 231) provide that the authorized officer of the Bureau of Land Management will undertake such investigations as are necessary to determine the existing and potential demand for the lands and their resources. He will also undertake negotiations with the applicant agency with the view of adjusting the application to reduce the area to the minimum essential to meet the applicant's needs, to provide for the maximum concurrent utilization of the lands for purposes other than the applicant's, to eliminate lands needed for purposes more essential than the applicant's, and to reach agreement on the concurrent management of the lands and their resources.

The lands involved in the application are:

T. 6 S., R. 76 W., 6th P.M.,
Sec. 1, lots 5, 6, 7, 10, 11 and 12, E½SW¼, SE¼;
Sec. 11, lot 16;
Sec. 12, NE¼, E½NW¼, SW¼ N½SE¼, SW¼SE¼;
Sec. 13, lot 2;
Sec. 14, lot 1,

excluding those portions of mineral patents lying within the withdrawn area.

The authorized officer will also prepare a report for consideration by the Secretary of the Interior who will determine whether or not the lands will be withdrawn as requested by the applicant agency.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

If circumstances warrant, a public hearing will be held at a convenient time and place, which will be announced.

EVERETT K. WEEDIN,
Chief, Branch of Land Operations.

[FR Doc.75-18291 Filed 7-14-75;8:45 am]

[Serial No. I-9536]

IDAHO

Proposed Withdrawal and Reservation of Lands

JULY 7, 1975.

The Bureau of Reclamation has filed an application, Serial Number I-9536, for withdrawal of the lands described below from all forms of appropriation under the public land laws, including the mining laws but not the mineral leasing laws, subject to valid existing rights.

The lands would be withdrawn to provide for the mitigation of fish and wildlife losses caused by the Teton Reclamation Project in southeastern Idaho. The proposed withdrawal is part of an extensive mitigation plan approved by the Secretary of the Interior on July 6, 1973.

All persons who wish to submit comments, suggestions or objections in connection with the proposed withdrawal may present their views in writing, on or before August 14, 1975, to the undersigned officer of the Bureau of Land Management, Department of the Interior, Room 398 Federal Building, 550 West Fort Street, P.O. Box 042, Boise, Idaho 83724.

The authorized officer of the Bureau of Land Management will undertake such investigations as are necessary to determine the existing and potential demand for the lands and their resources. He will also undertake negotiations with the applicant agency with the view of adjusting the application to reduce the area to the minimum essential to meet the applicants needs, to provide for the minimum concurrent utilization of the lands for purposes other than the applicants, to eliminate lands needed for purposes more essential than the applicants and to reach agreement on the concurrent management of the lands and their resources.

He will prepare a report for consideration by the Secretary of the Interior who will determine whether or not the lands will be withdrawn as requested by the Bureau of Reclamation. The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record. If circumstances warrant it, a public hearing will be held at a convenient time and place which will be announced.

The lands involved in the application are:

BOISE MERIDIAN, IDAHO

T. 1 N., R. 40 E.,
Sec. 1, W½SE¼;
Sec. 2, lots 1, 2, 3, S½SW¼NW¼, NW¼SW¼;
Sec. 3, S½SE¼NE¼, SW¼SW¼, E½SE¼;
Sec. 4, S½SE¼;
Sec. 10, NW¼NE¼, SE¼NE¼, NW¼;
Sec. 11, NE¼NW¼;
Sec. 12, E½NE¼.
T. 2 N., R. 40 E.,
Sec. 23, SE¼NE¼, N½SW¼, SW¼SW¼, NW¼SE¼;
Sec. 24, S½NW¼, NE¼SW¼, SE¼SE¼;
Sec. 25, E½SW¼, W½SE¼;
Sec. 26, SW¼NE¼, SE¼NW¼;
Sec. 35, E½NE¼, NW¼NW¼, E½SW¼SW¼, E½SW¼, SE¼.
T. 1 N., R. 41 E.,
Sec. 7, lots 2, 3, SE¼SW¼, SW¼SE¼;
Sec. 14, NE¼NW¼, S½NW¼, SW¼, SW¼SE¼;
Sec. 15, NW¼NE¼, SE¼NE¼, N½SW¼, SE¼;
Sec. 17, NW¼NW¼;
Sec. 21, NE¼;
Sec. 23, NW¼NE¼, S½NE¼, W½;
Sec. 26, SW¼NW¼, N½SW¼;
Sec. 27, S½NE¼, SE¼NW¼, N½SW¼;
Sec. 34, SW¼SW¼.

The area described aggregates 3,629.86 acres in Bonneville County.

VINCENT S. STROBEL,
Chief, Branch of L&M Operations.

[FR Doc.75-18292 Filed 7-14-75;8:45 am]

Geological Survey

CASTLE CREEK, IDAHO

Known Geothermal Resources Area

Pursuant to the authority vested in the Secretary of the Interior by section 21(a) of the Geothermal Steam Act of 1970 (84 Stat. 1566, 1572; 30 U.S.C. 1020), and delegations of authority in 220 Departmental Manual 4.1 H, Geological

Survey Manual 220.2.3, and Conservation Division Supplement (Geological Survey Manual) 220.2.1 G, the following described lands are hereby defined as the Castle Creek Known Geothermal Resources Area, effective November 1, 1974:

(12) IDAHO

CASTLE CREEK KNOWN GEOTHERMAL RESOURCES AREA BOISE MERIDIAN, IDAHO

T. 3 S., R. 1 E.,
Secs. 23 through 26;
Secs. 35 and 36.
T. 4 S., R. 1 E.,
Secs. 1 through 3;
Secs. 10 through 15;
Secs. 19 through 36.
T. 5 S., R. 1 E.,
Secs. 1 through 4;
Secs. 9 through 16;
Secs. 21 through 26.
T. 3 S., R. 2 E.,
Sec. 31.
T. 4 S., R. 2 E.,
Secs. 6 through 8;
Secs. 17 through 21;
Secs. 28 through 36.
T. 5 S., R. 2 E.,
Secs. 1 through 30.
T. 5 S., R. 3 E.,
Secs. 7 and 8;
Secs. 13 through 36.

The area described aggregates 79,722 acres, more or less.

Dated: June 13, 1975.

WILLARD C. GERE,
Conservation Manager,
Western Region.

[FR Doc.75-18293 Filed 7-14-75;8:45 am]

National Park Service

SHADOW MOUNTAIN NATIONAL RECREATION AREA

Public Meeting

Notice is hereby given that public meetings will be held beginning at 7 p.m., on August 15 in the Ramada Inn Foothills, 11595 W. 6th Avenue, Denver, Colorado, and beginning at 1 p.m., on August 16 in the Grand County Courthouse, Hot Sulphur Springs, Colorado, for the purpose of receiving comments and suggestions on a draft master plan and environmental assessment for planning and implementation of management and development policies for Shadow Mountain National Recreation Area and its authorization by the Congress of the United States.

The draft master plan and environmental assessment discuss management and development alternatives. They consider the social, economic, historic, cultural and other resources values at Shadow Mountain National Recreation Area as well as development requirements, objectives and commitments for the area.

A copy of the plan and assessment may be obtained from the Superintendent, Rocky Mountain National Park, Estes Park, Colorado 80617; Unit Manager, Shadow Mountain National Recreation Area, Post Office Box 100, Grand Lake, Colorado 80447; or from the Regional Director, Rocky Mountain Region, National Park Service, Post Office Box 25287, 655 Parfet Street, Denver, Colorado 80225.

Interested individuals, representatives of organizations and public officials are invited to express their views in person at the aforementioned public meetings. For the public meetings, they should notify the Superintendent, Rocky Mountain National Park, by August 14 of their desire to appear. Those not wishing to appear in person may submit a written statement on the assessment to the Superintendent for inclusion in the official record, which will be held open until September 16. Oral or written comments received will be considered in an environmental review prior to preparation by the National Park Service of the area master plan.

Time limitations may make it necessary to limit the length of oral presentations and to restrict to one person the presentation made in behalf of an organization. An oral statement may, however, be supplemented by a more complete written statement which may be submitted to the Superintendent at the time of presentation of the oral statement. Written statements presented in person at the meeting will be considered for inclusion in the meeting record. However, all materials presented at the meeting shall be subject to determinations that they are appropriate for inclusion in the record. To the extent that time is available after presentation of oral statements by those who have given the required advance notice, the Superintendent will give others present an opportunity to be heard.

After an explanation of the proposal by a representative of the National Park Service, the Superintendent, insofar as posible, will adhere to the following order in calling for the presentation of oral statements:

(1) Governor of the State or his representative.
(2) Members of Congress.
(3) Members of the State Legislature.
(4) Official representative of the counties in which the area is located.
(5) Officials of other Federal Agencies or public bodies.
(6) Organizations in alphabetical order.
(7) Individuals in alphabetical order.
(8) Others not giving advance notice, to the extent there is remaining time.

GLEN BEAN,
Deputy Regional Director,
Rocky Mountain Region.

[FR Doc.75-18498 Filed 7-14-75;10:30 am]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

GRAIN STANDARDS

Oklahoma Grain Inspection Point

Notice is hereby given pursuant to § 26.99 of the regulations (7 CFR 26.99) under the U.S. Grain Standards Act (7 U.S.C. 71 et seq.) that on April 29, 1975, there was published in the FEDERAL REGISTER (40 FR 18572) a notice announcing a request by the Enid Grain Inspection Company, Enid, Oklahoma, that its assignment of inspection points be amended to add Catoosa, Oklahoma, as a designated inspection point. Interested persons were given until May 29, 1975, to submit written views and comments with respect to the proposed amendment of assignment.

Two comments were received with respect to the May 29, 1975, notice in the FEDERAL REGISTER. Both of the comments supported the proposed amendment of assignment. After due consideration of all submissions made pursuant to the notice of May 29, 1975, and all other relevant matters, the assignment of the Enid Grain Inspection Company, Enid, Oklahoma, is amended to add Catoosa, Oklahoma, as a designated inspection point.

(Sec. 7, 39 Stat. 482, as amended 82 Stat. 764; 7 U.S.C. 79(f); 37 FR 28464 and 28476)

Effective date. This notice shall become effective July 15, 1975.

Done in Washington, D.C. on: July 9, 1975.

JOHN C. BLUM,
Acting Administrator.

[FR Doc.75-18223 Filed 7-14-75;8:45 am]

[Marketing Agreement 146]

PEANUTS—1975 CROP

Incoming and Outgoing Quality Regulations and Indemnification

Pursuant to the provisions of sections 5, 31, 32, 34 and 36 of the marketing agreement regulating the quality of domestically produced peanuts heretofore entered into between the Secretary of Agriculture and various handlers of peanuts (30 FR 9402) and upon recommendation of the Peanut Administrative Committee established pursuant to such agreement and other information it is hereby found that the appended "Incoming Quality Regulation—1975 Crop Peanuts", "Outgoing Quality Regulation—1975 Crop Peanuts" and the "Terms and Conditions of Indemnification—1975 Crop Peanuts", which modify or are in addition to the provisions of section 5, 31, 32 and 36 of said agreement will tend to effectuate the objectives of the Agricultural Marketing Agreement Act of 1937, as amended, and of such agreement and should be issued.

The Peanut Administrative Committee has recommended that the appended "Incoming Quality Regulation—1975 Crop Peanuts", "Outgoing Quality Regulation—1975 Crop Peanuts" and the "Terms and Conditions of Indemnification—1975 Crop Peanuts", be issued so as to implement and effectuate the provisions of the aforementioned sections of the marketing agreement. The 1975 peanut crop year begins July 1 and procedures and regulations for operations under the agreement should be established thereby affording handlers maximum time to plan their operations accordingly. The handlers of peanuts who will be affected hereby have signed the marketing agreement authorizing the is-

suance hereof, they are represented on the Committee which has prepared and recommended these quality regulations and terms and conditions of indemnification for approval.

Upon consideration of the Committee recommendation and other available information the appended "Incoming Quality Regulation—1975 Crop Peanuts", "Outgoing Quality Regulation—1975 Crop Peanuts", and the "Terms and Conditions of Indemnification—1975 Crop Peanuts" are hereby approved.

Dated: July 10, 1975.

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

INCOMING QUALITY REGULATION—1975 CROP PEANUTS

The following modify section 5 of the peanut marketing agreement and modify or are in addition to the restrictions of section 31 on handler receipts or acquisitions of 1975 crop peanuts:

(a) *Modification of section 5, paragraphs (b), (c), and (d).* Paragraphs (b), (c), and (d) of section 5 of the peanut marketing agreement are modified as to 1975 crop farmers stock peanuts to read respectively as follows:

(b) *Segregation 1.* "Segregation 1 peanuts" means farmers stock peanuts with not more than 2 percent damaged kernels nor more than 1.00 percent concealed damage caused by rancidity, mold or decay and which are free from visible *Aspergillus flavus.*

(c) *Segregation 2.* "Segregation 2 peanuts" means farmers stock peanuts with more than 2 percent damaged kernels or more than 1.00 percent concealed damage caused by rancidity, mold or decay and which are free from visible *Aspergillus flavus.*

(d) *Segregation 3.* "Segregation 3 peanuts" means farmers stock peanuts with visible *Aspergillus flavus.*

(b) *Moisture.* Except as provided under paragraph (e) *Seed peanuts,* no handler shall receive or acquire peanuts containing more than 10 percent moisture: *Provided,* That peanuts of a higher moisture content may be received and dried to not more than 10 percent moisture prior to storing or milling. On farmers stock, such moisture determinations shall be rounded to the nearest whole number; on shelled peanuts, the determinations shall be carried to the hundredths place and shall not be rounded to the nearest whole number.

(c) *Damage.* For the purpose of determining damage, other than concealed damage, on farmers stock peanuts, all percentage determinations shall be rounded to the nearest whole number.

(d) *Loose shelled kernels.* Handlers may separate from the loose shelled kernels received with farmers stock peanuts, those sizes of whole kernels which ride screens with the following slot openings: Runner—16/64 x ¾ inch; Spanish and Valencia—15/64 x ¾ inch; Virginia—15/64 x 1 inch. If so separated, those loose shelled kernels which do not ride such screens, shall be removed from the farmers stock peanuts and shall be held separate and apart from other peanuts and disposed of for inedible use as provided in paragraph (g) of the Outgoing Quality Regulation. If the whole kernels are not separated, the entire amount of loose shelled kernels shall be removed from farmers stock peanuts and shall be so held and so delivered or disposed of. The whole kernels which ride the screens may be included with shelled peanuts prepared by the handler for inspection and sale for human consumption. For the purpose of this regulation, the term "loose shelled kernels" means peanut kernels or portions of kernels completely free of their hulls and found in deliveries of farmers stock peanuts.

(e) *Seed peanuts.* A handler may acquire and deliver for seed purposes farmers stock peanuts which meet the requirements of Segregation 1 peanuts. If the seed peanuts are produced under the auspices of a State agency which regulates or controls the production of seed peanuts, they may contain up to 3 percent damaged kernels and have visible *Aspergillus flavus,* and, in addition, the following moisture content, as applicable:

(1) For seed peanuts produced in the Southeastern and Virginia-Carolina areas, they may contain up to 11 percent moisture except Virginia type peanuts which are not stacked at harvest time may contain up to 12 percent moisture; and (2) for seed peanuts produced in the Southwestern area, they may contain up to 10 percent moisture.

However, any such seed peanuts with visible *Aspergillus flavus* shall be stored and shelled separate from other peanuts, and any residual not used for seed shall not be used or disposed of for human consumption unless it is determined to be wholesome by chemical assay for aflatoxin. A handler whose operations may include custom seed shelling, may receive, custom shell, and deliver for seed purposes farmers stock peanuts and such peanuts shall be exempt from the Incoming Quality Regulation requirements and therefore shall not be required to be inspected and certified as meeting the Incoming Quality Regulation requirements and the handler shall report to the Committee as requested the weight of each lot of farmers stock peanuts received on such basis on a form furnished by the Committee. However, handlers who acquire seed peanut residuals from their custom shelling of uninspected (farmers stock) seed peanuts, or from another sheller or producer who has or has not signed the marketing agreement shall hold and/or mill such residuals separate and apart from other receipts or acquisitions of the handler and such residuals which meet Outgoing Quality Regulation requirements may be disposed of by sale to human consumption outlets and any portion not meeting such requirements shall be disposed of by sale as peanuts failing to meet human consumption requirements pursuant to paragraph (i) of the Outgoing Quality Regulation.

(f) *Oilstock.* Handlers may acquire for disposition to domestic crushing or export, to countries other than Canada and Mexico, farmers stock peanuts of a lower quality than Segregation 1 or grades or sizes of shelled peanuts or cleaned inshell peanuts which fail to meet the requirements for human consumption. The provision of section 31 of the marketing agreement restricting acquisitions of such peanuts to handlers who are crushers is hereby modified to authorize all handlers to act as accumulators and acquire, from other handlers or non-handlers, Segregation 2 or 3 farmers stock peanuts. Handlers may also acquire from other handlers shelled or fragmented peanuts, originating from Segregation 2 or 3 farmers stock, or the entire mill production of shelled or fragmented peanuts from Segregation 1 farmers stock, or lots of shelled peanuts, originating from Segregation 1 peanuts and which have been positive lot identified as specified in paragraph (d) of the Outgoing Quality Regulation, which failed to meet the requirements for human consumption pursuant to paragraph (a) of the Outgoing Quality Regulation: *Provided,* That all such acquisitions are held separate from Segregation 1 peanuts acquired for milling or from edible grades of shelled or milled peanuts. Handlers may commingle the Segregation 2 and 3 peanuts or keep them separate and apart as provided in paragraph (j) of the Outgoing Quality Regulation. Further disposition or commingling of such peanuts shall be only as provided in paragraph (1) of the Outgoing Quality Regulation. Handlers who acquire farmers stock peanuts of a lower quality than Segregation 1 or grades or sizes of shelled peanuts or cleaned inshell peanuts which fail to meet the requirements for human consumption shall report such acquisitions as prescribed by the Committee. To be eligible to receive or acquire Segregation 2 and 3 farmers stock peanuts and shelled or "fragmented" peanuts originating therefrom, a handler shall pay to the Area Association a fee for the purpose of covering cost of supervision of the disposition of such peanuts.

(g) *Segregation 3 control.* To assure the removal from edible outlets of any lot of peanuts determined by the Federal or Federal-State Inspection Service to be Segregation 3, each handler shall inform each employee, country buyer, commission buyer or like person through whom he receives peanuts, of the need to receive and withhold all lots of Segregation 3 peanuts from milling for edible use. If any lot of Segregation 3 farmers stock peanuts is not withheld but returned to the producer, the handler shall cause the Inspection Service to forward immediately a copy of the inspection certificate on the lot to the designated office of the handler and a copy to the Committee which shall be used only for information purposes.

(h) *Warehouse Storage Facilities.* Handlers shall report to the Committee, on a form furnished by the Committee, all storage facilities or contract storage facilities which they will use to store acquisitions of 1975 crop Segregation 1 farmers stock peanuts and all such storage facilities must be reported prior to

storing of any such handler acquisitions. All such storage facilities must be of sound construction, in good repair, built and equipped so as to provide suitable storage and sufficient ventilation to prevent moisture condensation and provide adequate protection for farmers stock peanuts. All breaks or openings in the walls, floors or roofs of the facilities shall have been repaired so as to keep out moisture. Elevator pits and wells must be kept dry and free of moisture at all times. Insect control procedures must be carried out in such a manner as to prevent undesirable moisture in the storage facilities. The Committee may make periodic inspections of storage facilities and farmers stock peanuts stored in such facilities to determine if handlers are adhering to these requirements.

(i) *Shelled peanuts.* Handlers may acquire from other handlers, for remilling and subsequent disposition to human consumption outlets, shelled peanuts (which originated from "Segregation 1 peanuts") that fail to meet the requirements specified for human consumption in paragraph (a) of the Outgoing Quality Regulation. Any lot of such peanuts must be accompanied by a valid inspection certificate for grade factors, an aflatoxin assay certificate and must be positive lot identified. Transactions made in this manner shall be reported to the Committee by both the buyer and seller on a form provided by the Committee. Peanuts acquired pursuant to this paragraph shall be held and milled separate and apart from other receipts or acquisitions of the receiving handler and further disposition shall be regulated by paragraph (h) (1) of the Outgoing Quality Regulation.

OUTGOING QUALITY REGULATION—1975 CROP PEANUTS

The following modify or are in addition to the peanut marketing agreement restrictions of section 32 on handler disposition of 1975 crop peanuts:

(a) *Shelled peanuts.* No handler shall ship or otherwise dispose of shelled peanuts for human consumption unless appropriate samples for pretesting have been drawn in accordance with paragraph (c) of this regulation, or which if of a category not eligible for indemnification are not certified "negative" as to aflatoxin, or which contain more than (1) a total of 1.50 percent unshelled peanuts and damaged kernels; (2) a total of 3.00 percent unshelled peanuts and damaged kernels and minor defects; (3) 9.00 percent moisture in the Southeastern and Southwestern areas, or 10.00 percent moisture in the Virginia-Carolina area; or (4) 0.10 percent foreign material in peanuts "with splits" and peanuts of U.S. grade, other than U.S. splits, or 0.20 percent foreign material in U.S. splits and other edible quality peanuts not of U.S. grade. The lot size of such peanuts in bulk or bags shall not exceed 200,000 pounds. Fall through in such peanuts shall not exceed 4 percent except that in peanuts other than "No. Two Virginia" fall through consisting of either split and broken kernels or whole kernels shall not exceed 3 percent and fall through of whole kernels in Runners or Virginias "with splits" shall not exceed 3 percent or 2 percent on Spanish "with splits". The term "fall through" as used herein, shall mean sound split and broken kernels and whole kernels which pass through specified screens. Screens used for determining fall through in peanuts covered by this paragraph (a) shall be as follows:

Type	Screen openings	
	Split and broken kernels	Whole kernels
Runners	13/64-in round	13/64 x 3/4-in slot.
Spanish and Valencia.	15/64-in round	15/64 x 3/4-in slot.
Virginia, except "No. 2 Virginia."	17/64-in round	17/64 x 1-in slot.
"No. 2 Virginia."	17/64-in round only for split, broken, and whole kernels.	

("No. Two Virginia" means Virginia type peanuts that meet requirements of U.S. No. 2 Virginia grade peanuts except for tolerances for: (1) damage or unshelled peanuts and minor defects; and (2) sound peanuts and portions of peanuts which pass through the prescribed screen. Such tolerances shall be the same as those listed heretofore in this paragraph. Runners, Spanish or Virginia "with splits" means shelled peanuts which do not contain more than (a) 15 percent splits, (b) for Spanish 2.00 percent whole kernels which will pass through 15/64 x 3/4 slot screen; for Runners 3.00 percent whole kernels which will pass through a 16/64 x 3/4 inch slot screen; and for Virginias 3.00 percent whole kernels which will pass through a 15/64 x 1 inch slot screen, and (c) otherwise meet the specifications of U.S. No. 1 grade).

(b) *Cleaned inshell peanuts.* No handler shall ship or otherwise dispose of cleaned inshell peanuts for human consumption: (1) with more than 1.00 percent kernels with mold present unless a sample of such peanuts, drawn by an inspector of the Federal or Federal-State Inspection Service, was analyzed chemically by laboratories approved by the Committee or by an Agricultural Marketing Service laboratory (hereinafter referred to as "AMS laboratory") and found to be wholesome relative to aflatoxin; (2) with more than 2.00 percent peanuts with damaged kernels; (3) with more than 10.00 percent moisture; or (4) with more than 0.50 percent foreign material. The lot size of such peanuts in bags or bulk shall not exceed 200,000 pounds.

(c) *Pretesting shelled peanuts.* Each handler shall cause appropriate samples of each lot of edible quality shelled peanuts to be drawn by an inspector of the Federal or Federal-State Inspection Service. The gross amount of peanuts drawn shall be large enough to provide for a grade analysis, for a grading check-sample, and for three 48-pound samples for aflatoxin assay. The three 48-pound samples shall be designated by the Federal or Federal-State Inspection Service as "Sample #1", "Sample #2", and "Sample #3" and each sample shall be placed in a suitable container and "positive lot identified" by means acceptable to the Inspection Service and the Committee. Sample #1 may be prepared for immediate testing or Sample #1, Sample #2, and Sample #3 may be returned to the handler for testing at a later date. However, before shipment of the lot to the buyer (receiver), the handler shall cause Sample #1 to be ground by the Federal or Federal-State Inspection Service or an AMS or designated laboratory in a "subsampling mill" approved by the Committee. The resultant ground subsample from Sample #1 shall be of a size specified by the Committee and be designated as "Subsample 1-AB" and at the handler's or buyer's option, a second subsample may also be extracted from Sample #1. It shall be designated as "Subsample 1-CD". Subsample 1-CD may be sent as requested by the handler or buyer, for aflatoxin assay, to a laboratory listed on the most recent Committee list of approved laboratories that can provide analyses results on such samples in 36 hours. Subsample 1-AB shall be analyzed only in AMS or designated laboratories. Both Subsamples 1-AB and 1-CD shall be accompanied by a notice of sampling signed by the inspector containing, at least, identifying information as to the handler (shipper), the buyer (receiver) if known, and the positive lot identification of the shelled peanuts. A copy of such notice covering each lot shall be sent to the Committee office.

The samples designated as Sample #2 and Sample #3 shall be held as aflatoxin check-samples by the Inspection Service or the handler and shall not be included in the shipment to the buyer until the analyses results from Sample #1 are known. Upon call from the AMS or designated laboratory or the Committee, the handler shall cause Sample #2 to be ground by the Inspection Service in a "subsampling mill." The resultant ground subsample from Sample #2 shall be of the size specified by the Committee and it shall be designated as "Subsample 2-AB." Upon call from the AMS or designated laboratory or the Committee, the handler shall cause Sample #3 to be ground by the Inspection Service in a "subsampling mill." The resultant ground subsample from Sample #3 shall be of the size specified by the Committee and it shall be designated as "Subsample 3-AB." Subsample 2-AB and Subsample 3-AB shall be analyzed only in AMS or designated laboratories and each shall be accompanied by a notice of sampling. A copy of each such notice shall be sent to the Committee office and the cost of delivery of Subsamples 2-AB and 3-AB to the laboratory and the cost of assay on them shall be at the Committee's expense.

All costs involved in sampling and testing Subsample 1-CD shall be for the account of the buyer of the lot and at his expense. The cost of assay on Subsample 1-AB and a portion of the cost (specified by the Committee) of drawing the three 48-pound samples, grinding of

Sample #1 and preparation and delivery of Subsample 1-AB to the laboratory shall be for the account of the buyer. However, if the handler elects to pay for these costs, he shall charge the buyer the amount specified by the Committee when he invoices the peanuts and, if more than one buyer, on a pro rata basis. Any remaining costs of drawing the three 48-pound samples, grinding of Sample #1 and preparation and delivery of Subsample 1-AB shall be for the account of the handler and shall be shown on the grade analysis certificate covering the lot. When any of the samples have been lost, misplaced, or spoiled and replacement samples are needed, the entire cost of drawing the replacement samples shall be for the account of the handler.

The results of each assay shall be reported to the buyer listed on the notice of sampling and, if the handler desires, to the handler. If a buyer is not listed on the notice of sampling the results of the assay shall be reported to the handler who shall promptly cause notice to be given to the buyer, of the contents thereof, and such handler shall not be required to furnish additional samples for assay.

(d) *Identification.* Each lot of shelled or cleaned inshell peanuts shipped or otherwise disposed of for human consumption shall be identified by positive lot identification procedures. For the purpose of this regulation, "positive lot identification" of a lot of shelled or inshell peanuts is a means of relating the inspection certificate to the lot covered so that there can be no doubt that the peanuts delivered are the same ones described on the inspection certificate. Such procedure on bagged peanuts shall consist of attaching a lot numbered tag bearing the official stamp of the Federal or Federal-State Inspection Service to each filled bag in the lot. The tag shall be sewed (machine sewed if shelled peanuts) into the closure of the bag except that in plastic bags the tag shall be inserted prior to sealing so that the official stamp is visible. Any peanuts moved in bulk or bulk bins shall have their lot identity maintained by sealing the conveyance and if in other containers by other means acceptable to the Federal or Federal-State Inspection Service and to the Committee. All lots of shelled or cleaned inshell peanuts shall be handled, stored, and shipped under positive lot identification procedures.

(e) *Reinspection.* Whenever the Committee has reason to believe that peanuts may have been damaged or deteriorated while in storage, the Committee may reject the then effective inspection certificate and may require the owner of the peanuts to have a reinspection to establish whether or not such peanuts may be disposed of for human consumption.

(f) *Inter-plant transfer.* Any handler may transfer peanuts from one plant owned by him to another of his plants or to commercial storage, without having such peanuts positive lot identified and certified as meeting quality requirements, but such transfer shall be only to points within the same production area and ownership shall have been retained by the handler. Upon any transferred peanuts being disposed of for human consumption, they shall meet all the requirements applicable to such peanuts.

(g) *Loose shelled kernels, fall through and pickouts.* (1) Loose shelled kernels which do not ride screens with the following slot openings: Runner—16/64 x ¾ inch; Spanish and Valencia—15/64 x ¾ inch; Virginia—15/64 x 1 inch, and fall through and pickouts; shall be disposed of only by sale as domestic oil stock, by crushing or as specified in paragraph (g)(3) hereinafter. For the purpose of this regulation: the term "non-edible quality peanuts" described in this paragraph means loose shelled kernels, fall through, and pickouts; the term "loose shelled kernels" means peanut kernels or portions of kernels completely free of their hulls, either as found in deliveries of farmers stock peanuts or those which fail to ride the screens (U.S. No. 1 screens) in removing whole kernels; the term "fall through" has the same meaning as in paragraph (a) of this regulation; and the term "pickouts" means those peanuts removed at the picking table, by electronic equipment, or otherwise during the milling process.

(2) All loose shelled kernels, fall through and pickouts shall be kept separate and apart from other milled peanuts that are to be shipped into edible channels. Each such category of non-edible quality peanuts shall be bagged separately in suitable new or clean, sound, used bags or placed in bulk containers acceptable to the Committee, except that loose shelled kernels and fall through may be commingled in the same lot. Such peanuts shall be identified by positive lot identification procedures set forth in paragraph (d) but using a red tag, and such peanuts shall be inspected by the Federal or Federal-State Inspection Service and a certification made on each lot as to moisture and foreign material content. Such lot size, whether in bags or bulk, shall not exceed 200,000 pounds.

(3) In addition to disposition outlets specified in paragraph (g)(1), fall through that has been sampled and determined negative as to aflatoxin content may be disposed of for use as wild-life feed or bait for rodents in labeled containers approved by the Committee. Each category of non-edible quality peanuts described in paragraph (g)(1) and identified as prescribed in paragraph (g)(2) may be exported in bulk or bags to countries other than Mexico or Canada pursuant to the provisions prescribed for such disposition in paragraph (l)(1) or (l)(2) of this regulation or they may be moved to another handler for such disposition. Such peanuts may be disposed of to domestic crushing as "unrestricted" if they are certified negative as to aflatoxin content and may be commingled at the crusher with any other category of peanuts determined by paragraph (l)(1) of this regulation to be eligible for such "unrestricted" crushing. Non-edible quality peanuts described in paragraph (g)(1) which have not been certified negative as to aflatoxin are not eligible for "unrestricted" crushing but may be disposed of to domestic crushing as "restricted" and may be commingled at the crusher with any other category of peanuts described in paragraph (l)(2). Such non-edible quality peanuts may be disposed of to domestic crushing or export without supervision by the Area Association if they are held separate and apart from peanuts on which supervision is required. However, if non-edible quality peanuts described in paragraph (g)(1) are exported or crushed in commingle with peanuts on which supervision is required, the handler shall cause the Area Association to supervise the commingling and fragmenting for disposition to export and the commingling and domestic crushing on all categories of peanuts included in such commingling. All movement and disposition of such inedible quality peanuts shall be reported by the handler as prescribed by the Committee.

Meal produced from peanuts which were disposed of to crushing as "restricted" shall be used or disposed of as fertilizer or other non-feed use. To prevent use of restricted meal for feed, handlers shall either denature it or restrict its sale to licensed or registered U.S. fertilizer manufacturers or firms engaged in exporting who will export such meal for non-feed use or sell it to the aforesaid fertilizer manufacturers. However, loose shelled kernels, fall through and pickouts and meal from such peanuts, in specifically identified lots not exceeding 200,000 pounds may be sampled by Federal or Federal-State Inspection Service or by the Area Association if authorized by the Committee, and tested for aflatoxin by laboratories approved by the Committee or by an AMS laboratory, at handler's or crusher's expense, and if such meet Committee standards, the meal may be disposed of for feed use.

(4) Notwithstanding any other provisions of this regulation or of the Incoming Quality Regulation applicable to 1975 crop peanuts, a handler may transfer non-edible quality peanuts described in paragraph (g)(1) to another plant within his own organization or transfer or sell such peanuts to a crusher for crushing. Sales or transfer of restricted peanuts to domestic crushers who are not handlers under the agreement shall be made only on the condition that they agree to comply with the terms of this paragraph (g) and all other applicable requirements of this regulation, including the reporting requirements.

(h) *Peanuts failing quality requirements.* (1) Handlers may sell to other handlers, for further handling, shelled peanuts (which originated from Segregation 1 peanuts) that fail to meet the requirements for disposition to human consumption outlets heretofore specified in paragraph (a). Lots of peanuts disposed of in this manner must be accompanied by a valid grade inspection cer-

tificate, an aflatoxin assay certificate and must be positive lot identified. Transactions made in this manner shall be reported to the Committee by both the seller and buyer on a form provided by the Committee. Any such peanuts acquired by handlers pursuant to paragraph (f) of the Incoming Quality Regulations shall be held and milled separate and apart from other receipts or acquisitions of the receiving handler and further disposition shall be regulated by the requirements specified heretofore or pursuant to paragraph (h) (3) hereinafter.

(2) Handlers may blanch or cause to have blanched positive identified shelled peanuts (which originated from Segregation 1 peanuts) that fail to meet the requirements of paragraph (a) of this regulation because of excessive damage or minor defects or are positive as to aflatoxin. To be eligible for disposal into human consumption outlets, such peanuts, after blanching, must meet specifications for unshelled peanuts, damaged kernels, and minor defects as listed in paragraph (a) of this regulation and be accompanied by an aflatoxin certificate determined to be negative by the Committee.

(3) Handlers may dispose of positive identified shelled peanuts (which originated from "Segregation 1 peanuts") which fail to meet the requirements of paragraph (a) of the Outgoing Quality Regulation: (a) to domestic crushing (b) to export to countries other than Canada and Mexico (c) to crushers who are not handlers but are approved by the Committee, or (d) to other handlers for crushing or fragmenting and exportation. Each lot of such peanuts shall have been positive lot identified as prescribed in paragraph (d). Handlers may dispose of such peanuts as "unrestricted"; *Provided*, That each lot has been sampled and assayed for aflatoxin as specified in paragraph (c) and determined to be negative as to aflatoxin by the Committee. Handlers who have acquired any such unrestricted peanuts from another handler or from their own operations may commingle such peanuts with those from their own operation at the crusher, or during the fragmenting operation or after fragmenting for further disposition as "unrestricted" pursuant to the provisions of paragraph (l) (1) of this regulation. Lots of peanuts covered by the provisions of this paragraph (h) (3), which have not been assayed for aflatoxin content or which have been assayed and determined to be unwholesome as to aflatoxin by the Committee, are not eligible for disposition as "unrestricted". Therefore, the disposition of such peanuts to export or domestic crushing shall be as "restricted". However, handlers who have acquired such restricted peanuts from another handler may commingle such peanuts with those from his own operations at the crusher, or during the fragmenting operation, or after fragmenting for further disposition as restricted pursuant to the provisions of paragraph (l) (2). Peanuts regulated by this paragraph (h) (3) may be disposed of to domestic crushing or export without supervision by the Area Association if they are held separate and apart from peanuts on which supervision is required. However, if any such peanuts are commingled with peanuts on which supervision is required, the handler shall cause the Area Association to supervise the commingling and fragmenting for disposition to export and the commingling and domestic crushing on all categories of peanuts included in such commingling. All movement and disposition of peanuts covered by the provisions of this paragraph shall be reported by the handler as prescribed by the Committee.

(i) *Residuals from seed peanuts.* Handlers who receive and custom shell for seed purposes farmers stock peanuts (which have not been inspected and certified as meeting the Incoming Quality Regulation) shall hold and mill peanuts acquired as residuals from such operations separate and apart from peanuts acquired as Segregation 1 farmers stock. Likewise, any such residuals received or acquired from a handler or non-handler, shall be held and milled separate and apart in the same manner. Residuals that meet requirements of the Outgoing Quality Regulation may be disposed of by sale to human consumption outlets or to another handler and any portion in positive identified lots not meeting such requirements: (1) may be handled and disposed of pursuant to the provisions of paragraph (h) of this regulation, or; (2) shall be disposed of to domestic crushing or export pursuant to the provisions of paragraph (g).

(j) *Segregation 2 and 3 farmers stock disposition.* (1) Handlers who have acquired Segregation 2 and 3 farmers stock peanuts pursuant to paragraph (f) of the Incoming Quality; Regulation may commingle such peanuts or keep them separate and apart. The Segregation 3 farmers stock peanuts or commingled Segregation 2 and 3 farmers stock peanuts may be moved or disposed of in bags or bulk: (a) to other handlers for shelling, fragmenting, or crushing or (b) to crushers who are not handlers but are approved by the Committee. Handlers may shell such peanuts and move or dispose of the shelled peanuts in bulk or bags: (a) to other handlers for fragmenting or crushing or (b) to crushers who are not handlers but are approved by the Committee and further disposition shall be as provided hereinafter in paragraph (l) (2) for "restricted" export to countries other than Canada and Mexico, or for "restricted" domestic crushing. Prior to exportation, the shelled peanuts shall be certified by a Federal or Federal-State Inspection Service as meeting the requirements specified for "fragmented" peanuts in paragraph (l) (1) and shall be assayed for aflatoxin by an AMS laboratory or a laboratory approved by the Committee. The aflatoxin results shall be shown on the handler's "in-land" bill of lading and the invoice covering the shipment. Shelling, fragmenting, and crushing of Segregation 3 peanuts or commingled Segregation 2 and 3 peanuts shall be done only under the supervision of the Area Associations and any such peanuts may be commingled with other categories of shelled peanuts for disposition to export or domestic crushing. However, if such further commingling occurs, the handler shall cause the Area Association to supervise the further commingling and fragmenting for disposition to export or the further commingling and domestic crushing. All movement and disposition of Segregation 3 peanuts or commingled Segregation 2 and 3 peanuts and shelled or fragmented peanuts originating therefrom shall be reported by the handler as prescribed by the Committee.

(2) Handlers who have acquired Segregation 2 farmers stock peanuts pursuant to paragraph (f) of the Incoming Quality Regulation and held them separate and apart from Segregation 3 peanuts may commingle the Segregation 2 farmers stock with Segregation 1 farmers stock for disposition to domestic crushing or export as inedibles. The Segregation 2 farmers stock peanuts or commingled Segregation 1 and 2 farmers stock peanuts may be moved or disposed of in bulk or bags: (a) to other handlers for shelling, fragmenting, or crushing or (b) to crushers who are not handlers but are approved by the Committee. Handlers may shell the Segregation 2 or commingled Segregation 1 and 2 peanuts and move or dispose of the shelled peanuts: (a) to another handler for fragmenting or crushing; or (b) to crushers who are not handlers but are approved by the Committee and further disposition shall be as provided in paragraph (l) (1) of this regulation. Prior to exportation the shelled peanuts shall be certified by a Federal or Federal-State Inspection Service as meeting the requirements specified for fragmented peanuts also in paragraph (l) (1). If the shelled peanuts from Segregation 2 peanuts or commingled Segregation 1 and 2 peanuts are held separate and apart from Segregation 3 peanuts and any restricted categories of shelled peanuts, no aflatoxin assay shall be required. Shelling, fragmenting, and crushing of Segregation 2 peanuts or commingled Segregation 1 and 2 peanuts shall be done only under the supervision of the Area Association. The shelled peanuts from Segregation 2 peanuts or commingled Segregation 1 and 2 peanuts may be further commingled with other categories of shelled peanuts for disposition to export or domestic crushing. However, if such further commingling occurs, the handler shall cause the Area Association to supervise the further commingling and fragmenting. All movement and disposition of Segregation 2 peanuts or commingled Segregation 1 and 2 peanuts and shelled or fragmented peanuts originating therefrom shall be reported by the handler as prescribed by the Committee.

(k) *Segregation 1 farmers stock disposition to inedible outlets.* Handlers may dispose of Segregation 1 farmers stock peanuts in bags or bulk: (1) to other handlers for shelling, fragmenting,

or crushing or (2) to crushers who are not handlers but are approved by the Committee. Handlers may commingle Segregation 1 farmers stock peanuts with Segregation 2 farmers stock peanuts or keep them separate and apart, and may shell such peanuts and move or dispose of the shelled peanuts in bulk or bags: (1) to other handlers for fragmenting or crushing; or (2) to crushers who are not handlers but are approved by the Committee. However, the shelling, fragmenting and disposition of such Segregation 1 farmers stock peanuts shall be done only under the supervision of the Committee and the Area Association and all peanuts handled under the provisions of this paragraph (k), for disposition to export or domestic crushing, shall be milled and disposed of pursuant to paragraph (j)(2) in lieu of the provisions specified in paragraphs (a), (b), (c), (d), (g), (h), and (i) of this regulation. The movement and disposition of all peanuts handled under the provisions of this paragraph (k) shall be reported by the handler as prescribed by the Committee.

(l) *Handling, commingling, and disposition of shelled peanuts not meeting quality requirements for human consumption.* (1) The following categories of shelled peanuts may be disposed of to domestic crushing or to export as "unrestricted":

(a) The entire mill production of shelled peanuts from Segregation 1 farmers stock; pursuant to paragraph (k).

(b) The entire mill production of shelled peanuts from Segregation 2, or commingled Segregation 1 and 2 farmers stock pursuant to paragraph (j)(2).

(c) Postive Lot Identified lots of shelled "peanuts failing quality requirements" determined negative as to aflatoxin pursuant to paragraph (h)(3).

(d) Positive Lot Identified lots of loose shelled kernels, fall through, or pickouts determined negative as to aflatoxin pursuant to paragraphs (g) (1), (2), and (3).

(e) Positive Lot Identified lots of shelled kernels and fall through, commingled and determined negative as to aflatoxin pursuant to paragraphs (g) (2) and (3).

(f) Positive Lot Identified lots of seed peanut residuals determined negative as to aflatoxin pursuant to paragraph (i).

Handlers who acquire from other handlers or from their own operations any of the categories of shelled peanuts described heretofore in this paragraph may commingle such peanuts while fragmenting them or after they have been fragmented: (1) With any other category of peanuts described in this paragraph, and (2) with any category of "unrestricted" shelled peanuts acquired from CCC and determined by CCC to be eligible for such commingling for disposition to export to countries other than Canada and Mexico. However, such peanuts, prior to exportation, shall be certified as meeting fragmented requirements. For the purpose of this regulation, the term "fragmented" means that not more than 20 percent of the peanuts shall be whole kernels that ride the following screens, by type: Spanish 14/64 x ¾ inch slot; Runner 15/64 x ¾ inch slot; and Virginia 14/64 x 1 inch slot. Handlers who acquire from other handlers or from their own operations any of the categories of shelled peanuts described heretofore in this paragraph may commingle such peanuts at the crusher: (1) With any other category of peanuts described in this paragraph, and (2) with any category of unrestricted shelled peanuts acquired from CCC and determined by CCC to be eligible for such commingling and the resultant meal may be disposed of without restrictions. To be eligible for such unrestricted dispositions (crushing or export), such peanuts, before commingling and after commingling, shall be kept separate and apart from all "restricted" peanuts. Shelling, fragmenting, and crushing of Segregation 2 peanuts or commingled Segregation 1 and 2 peanuts shall be done only under the supervision of the Area Association and if any shelled peanuts originating therefrom are commingled with any of the other categories of shelled peanuts described heretofore in this paragraph, the handler shall cause the Area Association to supervise the commingling and fragmenting and the commingling and crushing on all categories of peanuts included in such commingling. All movement and disposition of the categories of peanuts described heretofore in this paragraph shall be reported by the handler as prescribed by the Committee.

(2) The following categories of shelled peanuts may be disposed of to domestic crushing or to export as "restricted":

(a) The entire mill production of shelled peanuts from Segregation 1 farmers stock pursuant to paragraph (k) of the Outgoing Quality Regulation.

(b) The entire mill production of shelled peanuts from Segregation 2 or commingled Segregation 1 and 2 farmers stock pursuant to paragraph (j)(2).

(c) The entire mill production of shelled peanuts from Segregation 3 or commingled Segregation 2 and 3 farmers stock pursuant to paragraph (j)(1).

(d) Positive Lot Identified lots of shelled "peanuts failing quality requirements" pursuant to paragraph (h)(3).

(e) Positive Lot Identified lots of loose shelled kernels, fall through, or pickouts pursuant to paragraphs (g) (1), (2), and (3).

(f) Positive Lot Identified lots of loose shelled kernels and fall through commingled pursuant to paragraphs (g) (2) and (3).

(g) Positive Lot Identified lots of seed peanut residuals pursuant to paragraph (i).

(h) PAC indemnified peanuts.

Handlers who acquire, from other handlers or from their own operations, any of the categories of shelled peanuts described heretofore in this paragraph (l)(2) may commingle such peanuts while fragmenting them or after they have been fragmented with any other category of peanuts described in this paragraph and with any category of shelled peanuts acquired from CCC and determined by CCC to be eligible for such commingling with disposition to export to countries other than Canada and Mexico as "restricted". Prior to such exportation, the peanuts shall be certified as meeting the fragmented requirements and shall be assayed for aflatoxin by an AMS laboratory or a laboratory approved by the Committee. The aflatoxin results shall be shown on the handler's "inland" bill of lading and on his invoice covering the shipment. Handlers who acquire, from other handlers or from their own operations, any of the categories of shelled peanuts described heretofore in this paragraph may commingle such peanuts at the crusher with any other category of peanuts described in this paragraph (l)(2) and with any category of shelled peanuts acquired from CCC and determined by CCC to be eligible for such commingling for "restricted" domestic crushing. Meal produced from peanuts disposed of to crushing as "restricted" shall be used or disposed of as fertilizer or other non-feed use, pursuant to the provisions of paragraph (g)(3). Shelling, fragmenting, and crushing of Segregation 2 peanuts, Segregation 3 peanuts and the entire mill production of Segregation 1 peanuts handled pursuant to paragraph (k), and PAC indemnified peanuts shall be done only under supervision of the Area Association and if any of such categories of peanuts are commingled with any of the other categories of shelled peanuts described heretofore in this paragraph, the handler shall cause the Area Association to supervise the commingling and fragmenting on all categories of peanuts included in such commingling. All movement and disposition of the categories of peanuts described heretofore in this paragraph shall be reported by the handler as prescribed by the Committee. Meal produced from peanuts disposed of to crushing as "restricted" shall be used or disposed of as fertilizer or other non-feed use, pursuant to the provisions of paragraph (g)(3) of this regulation.

TERMS AND CONDITIONS OF INDEMNIFICATION—1975 CROP PEANUTS

For the purpose of paying indemnities on a uniform basis pursuant to section 36 of the peanut marketing agreement effective July 12, 1965, each handler shall promptly notify or arrange for the buyer to notify the Manager, Peanut Administrative Committee, of any lot of cleaned inshell or shelled peanuts, milled to the outgoing quality requirements and into one of the categories listed in the final paragraph of these terms and conditions, on which the handler has withheld shipment or storage or the buyer, including the user division of a handler, has withheld usage due to a finding as to aflatoxin content as shown by the results of chemical assay. To be eligible for indemnification, such a lot of peanuts shall have been inspected and certified as meeting the quality requirements of the agreement, shall have met all other applicable regulations issued pursuant thereto, including the pretesting re-

quirements in (a) and (c) of the "Outgoing Quality Regulation—1975 Crop Peanuts", and the lot identification shall have been maintained. If the Committee concludes, based on assays to date or further assays, that the lot is so high in aflatoxin that it should be handled pursuant to these Terms and Conditions and such is concurred in by the Agricultural Marketing Service, the lot shall be accepted for indemnification. If the lot is covered by a sales contract, the lot may be rejected to the handler.

In an effort to make such eligible peanuts suitable for human consumption, and to minimize indemnification costs, the Committee and the Agricultural Marketing Service shall, prior to disposition for crushing cause all suitable lots to be remilled or custom blanched or both.

"Custom blanching" means the process which involves blanching peanuts, and the subsequent removal of damaged peanuts for the purpose of eliminating aflatoxin from the lot. The process may be applied to either an original lot or the new lot which results from remilling. Custom blanching shall be performed only by those firms determined by the Committee to have the capability to remove the aflatoxin and who agree to such terms, conditions and rates of payment as the Committee may find to be acceptable.

If the Committee and the Agricultural Marketing Service conclude that such lot is not suitable for remilling or custom blanching, the lot shall be declared to crushing and shall be disposed of by delivery to the Committee at such point as it may designate. The indemnification payment for peanuts in such a lot shall be the indemnification value of the peanuts, as hereinafter provided, plus actual costs of any necessary storage. Transportation expenses (excluding demurrage) from the handler's plant or storage to the point within the Continental United States where the rejection occurred and from such point to a delivery point specified by the Committee shall be included in the indemnification payment if the lot is found by the Committee to be unwholesome as to aflatoxin after such lot had been certified negative as to aflatoxin prior to being shipped or otherwise disposed of for human consumption by the handler pursuant to requirements of the "Outgoing Quality Regulation—1975 Crop Peanuts". Payment shall be made to the handler as soon as practicable after delivery of the peanuts to the Committee. The salvage value for peanuts declared for crushing shall be paid to, and retained by, the Committee to offset indemnification expenses.

If it is concluded that the lot should be remilled or custom blanched, expenses shall be paid by the Committee on those lots which, on the basis of the inspection occurring prior to shipment, contained not more than 1.00 percent damaged kernels other than minor defects. Lots with damage in excess of 1.00 percent on such inspection shall be remilled without reimbursement from the Committee for milling, freight, or temporary storage and handling but otherwise shall be indemnifiable the same as lots with not more than 1.00 percent damage.

The indemnification value of peanuts delivered to the Committee for indemnification shall be as listed in the final paragraph of these terms and conditions.

The indemnification payment on peanuts declared for remilling, and which contain not more than 1.00 percent damaged kernels other than minor defects, shall be the indemnification value referable to the weights of peanuts lost in the remilling process and not cleared for human consumpton, plus temporary storage, except as hereinafter restricted, plus an allowance for remilling of one cent per pound on the original weight, less 1½ percent of the indemnification value multiplied by the original weight. However, the 1½ percent deduction shall not apply to peanuts whose appropriate samples for pretesting, drawn and assayed in accordance with paragraph (c) of the "Outgoing Quality Regulation—1975 Crop Peanuts", were determined to be not indemnifiable as to aflatoxin. Transportation expenses (excluding demurrage) from the handler's plant or storage to the point within the Continental United States where the rejection occurred and from such point to a delivery point specified by the Committee shall be included in the indemnification payment if the lot is found by the Committee to be unwholesome as to aflatoxin after such lot had been certified negative as to aflatoxin prior to being shipped or otherwise disposed of for human consumption by the handler pursuant to requirement of the "Outgoing Quality Regulation—1975 Crop Peanuts". On lots on which the remilling is not successful in making the lot wholesome as to aflatoxin and such lots of peanuts are declared for custom blanching after remilling, the indemnification payment shall be the blanching cost, plus any temporary storage, the transportation costs from origin (whether handler or buyer premises) to point of blanching and on unsold lots from point of blanching to handler's premises and the indemnification value of the weight of reject peanuts removed from the lot. On lots which are custom blanched without remilling, the indemnification payment shall be determined in the same manner but it shall be reduced by 1½ percent of the indemnification value multiplied by the original weight. However, the 1½ percent deduction shall not apply to peanuts whose appropriate samples for pretesting, drawn and assayed in accordance with paragraph (c) of the "Outgoing Quality Regulation—1975 Crop Peanuts", were determined to be not indemnifiable as to aflatoxin. Moreover, no indemnification payments shall be paid on any lot of peanuts where the Committee determines that the custom blanched peanuts from such a lot which has been sold at a price lower than the indemnification value on the original red skin lot at the time the indemnification claim was filed with the Committee.

Claims for indemnification on 1975 crop peanuts may be filed by any handler sustaining a loss as result of a buyer withholding from human consumption a portion or all the product made from a lot of peanuts which has been determined to be unwholesome due to aflatoxin. The Committee shall pay, to the extent of the raw peanut equivalent value of the peanuts used in the product so withheld, such claims as it determines to be valid.

Payment shall be made to the handler claiming indemnification or receiving the rejected lot as soon as practicable after receipt by the Committee of such evidence of remilling or custom blanching and clearance of the lot for human consumption as the Committee may require and the delivery of the peanuts not cleared for human consumption to the delivery point designated by the Committee. If a suitable reduction in the aflatoxin content is not achieved on any lot which is remilled or custom blanched or both, the Committee shall declare the entire lot for indemnification. However, the Committee shall refuse to pay indemnification on any lot(s) where it has reason to believe that the rejection of the peanuts arises from failure of the handler to use reasonable measures to receive and withhold from milling for edible use those Segregation 3 peanuts tendered to him either directly by a producer or by a country buyer, commission buyer or other like person. Furthermore, any misrepresentation by a handler in reporting acquisition, composition or disposition of any lot or lots of peanuts by such handler shall cause indemnification payments with respect to any such claim filed with the Committee by the handler on 1975 crop peanuts to be withheld unless the Committee finds that such action was inadvertent.

Remilling may occur on the premises of any handler signatory to the marketing agreement or at such other plant as the Committee may determine. However, if the Committee orders remilling of a lot which has been found to contain aflatoxin prior to shipment from the locality of original milling, the Committee shall not pay freight costs should the handler move said lot to another locality for remilling.

Notice of claims for indemnification on peanuts of the 1975 crop shall be filed with the Committee no later than November 1, 1976.

Each handler shall include, directly or by reference, in his sales contract the following provisions:

Should buyer find peanuts subject to indemnification under this contract to be so high in aflatoxin as to provide possible cause for rejection, he shall promptly notify the seller and the Manager, Peanut Administrative Committee, Atlanta, Georgia. Upon a determination of the Peanut Administrative Committee, confirmed by the Agricultural Marketing Service, authorizing rejection, such peanuts, and title thereto, if passed to the buyer, shall be returned to the seller. Seller shall not be precluded from replacing such peanuts if he so elects.

Seller shall, prior to shipment of a lot of shelled peanuts covered by this sales contract, cause appropriate samples to be drawn by the Federal or Federal-State Inspection Serv-

ice from such lot, shall cause the sample(s) to be sent to an AMS laboratory or if designated by the buyer, a laboratory listed on the most recent Committee list of approved laboratories to conduct such assay, for an aflatoxin assay and cause the laboratory, if other than the buyer's to send one copy of the results of the assay to the buyer. The laboratory costs shall be for the account of the buyer and buyer agrees to pay them when invoiced by the laboratory or, in the event the seller has paid them, by the seller.

Any handler who fails to include such provisions in his sales contract shall be ineligible for indemnification payments with respect to any claim filed with the Committee on 1975 crop peanuts covered by the sales contract.

In addition, should any handler enter into any oral or written sales contract which fixes the level of aflatoxin at which rejection may be made and hence conflicts with these terms and conditions, the handler doing so will not be eligible for indemnification payments with respect to any claim filed with the Committee on 1975 crop peanuts on or after the filing date of a claim under such contract, except upon the Committee's finding that acceptance of such contract was inadvertent; and for purposes of this provision a claim shall be deemed to be filed when notice of possible rejection is first given to the Committee.

Any handler who fails to conform to the requirements of paragraph (h) of the "Incoming Quality Regulation—1975 Crop Peanuts" shall be ineligible for any indemnification payments until such condition or conditions are corrected to the satisfaction of the Committee.

Categories eligible for indemnification are as follows:

Cleaned inshell peanuts—
(1) U.S. Jumbos.
(2) U.S. Fancy Handpicks.
(3) Valencia—Roasting Stock.
U.S. Grade shelled peanuts—
(1) U.S. No. 1.
(2) U.S. Solits.
(3) U.S. Virginia Extra-Large.
(4) U.S. Virginia Medium.
Shelled peanuts "with splits"—
(1) Runners with splits which do not contain more than 15 percent splits or 3 percent whole kernels which will pass through a $^{15}/_{64}$ x $^{3}/_{4}$ slot screen.
(2) Spanish with splits which do not contain more than 15 percent splits or 2 percent whole kernels which will pass through a $^{15}/_{64}$ x $^{3}/_{4}$ slot screen.
(3) Virginias with splits which do not contain more than 15 percent splits or 3 percent whole kernels which will pass through a $^{15}/_{64}$ x 1 slot screen.

However, peanuts in any of the above categories shall not be eligible for indemnification if such peanuts: (1) were milled from seed peanut residuals as referred to in the last sentence of paragraph (e) of the Incoming Quality Regulation and paragraph (i) of the Outgoing Quality Regulation for 1975 Crop Peanuts; (2) failed the Outgoing Quality Regulation for 1975 Crop Peanuts due to excessive damage and minor defects and such peanuts were subsequently blanched to remove such excess damage and minor defects pursuant to paragraph (h) of such regulation; (3) when shipped for human consumption outlets contained more than a total of 1.25 percent unshelled peanuts and damaged kernels or a total of 2.00 percent unshelled peanuts, damaged kernels and minor defects; (4) were received or acquired from another handler pursuant to paragraph (i) of the Incoming Quality Regulation and were milled to meet requirements of the Outgoing Quality Regulation pursuant to paragraph (h) of such regulation.

The indemnification value for all categories of peanuts eligible for indemnification, except U.S. Virginia Extra-Large and all types of peanuts grading U.S. splits as noted hereinafter, shall be a base price of 26.5 cents per pound plus an increase of 7½ points for each $1.00 increase in the national average price of the 1975 price support on farmers stock peanuts over the 1974 national average support price. The value for U.S. Virginia Extra-Large shall be a base price of 28.5 cents per pound plus the same increase as allowed on other categories. The value of U.S. splits of all types shall be a base price of 24.5 cents per pound plus the same increase as allowed on other categories.

[FR Doc.75-18306 Filed 7-14-76;8:45 am]

Forest Service

CHALLIS NATIONAL FOREST LIVESTOCK ADVISORY BOARD

Meeting

The Challis National Forest Livestock Advisory Board will meet at 1 p.m., July 30, 1975, at the Challis National Forest Supervisor's Office, Challis, Idaho.

This will be the annual meeting of the Advisory Board. The duties of the board are solely advisory and pertain generally to the regulations and/or instructions relating to the use of National Forest lands affecting the administration of grazing in the area represented by the Board. There are no specific topics identified as yet. We will generally be discussing the past year's range management activities and the planned activities for Fiscal Year 1976.

The meeting will be open to the public. Persons who wish to attend should notify William Paddock, secretary, at the Challis National Forest Supervisor's Office, Challis, Idaho 83226 (area code 208-879-2285).

Any member of the public who wishes to do so shall be permitted to file a written statement with the committee, before or after the meeting.

To the extent that time permits, interested persons may be permitted by the committee chairman to present oral statements at the meeting.

Dated: July 1, 1975.

J. E. Bills,
Forest Supervisor.

[FR Doc.75-18245 Filed 7-14-75;8:45 am]

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[1] Inshell peanuts with not more than 25 percent having shells damaged by discoloration, which are cracked or broken, or both.

NORWOOD DISTRICT ADVISORY BOARD

Meeting

The Norwood District Grazing Advisory Board will meet at 10 a.m., August 1, 1975 at Lizard Head shipping corrals on top of Lizard Head Pass.

The purpose of this meeting is to review sheep grazing management in the Lizard Head area.

The meeting will be open to the public. Persons who wish to attend should notify the District Ranger, Norwood Ranger District, P.O. Box 388, Norwood, Colorado 81423, telephone 327-4343. Written statements may be filed with the committee before or after the meeting.

The committee has established the following rules for public participation: Public comment is welcome.

Dated: July 7, 1975.

Jimmy R. Wilkins,
Forest Supervisor.

[FR Doc.75-18246 Filed 7-14-75;8:45 am]

REVISED TIMBER MANAGEMENT PLAN FOR THE SHOSHONE NATIONAL FOREST

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 Timber Management Plan for the Shoshone National Forest. The Forest Service report number is USDA-FS-R2-DES(Adm) FY-76-01.

The proposal is to revise the 1963 (Rev.) Timber Management Plan for the Shoshone National Forest. These plans are required to regulate the acres of silvicultural treatment on National Forest lands.

This draft environmental statement was transmitted to CEQ on July 8, 1975.

Copies are available for inspection during regular working hours at the following locations:

USDA, Forest Service, So. Agricultural Bldg., Room 3230, 12th St. & Independence Ave., SW., Washington, D.C. 20250.
USDA, Forest Service, 11177 West 8th Avenue, P.O. Box 25127, Denver, Colorado 80225.
USDA, Forest Service, Shoshone National Forest, P.O. Box 961, Cody, Wyoming 82414.

A limited number of single copies are available upon request to W. J. Lucas, Regional Forester, USDA Forest Service, 11177 West 8th Avenue, P.O. Box 25127, Denver, Colorado 80225.

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 W. J. Lucas, Regional Forester, USDA Forest Service, 11177 West 8th Avenue, P.O. Box 25127, Denver, Colorado 80225. Comments must be received by September 8, 1975, in order to be considered in the preparation of the final environmental statement.

Dated: July 8, 1975.

CLAYTON B. PIERCE,
Director, Multiple Use and Environmental Quality Coordination.

[FR Doc.75-18289 Filed 7-14-75;8:45 am]

TIMBER MANAGEMENT PLAN, TALLADEGA NATIONAL FOREST

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 a Timber Management Plan, Talladega National Forest, Alabama, USDA-FS-R8 DES ADM 75-21.

The environmental statement concerns a proposed 10-year Timber Management Plan for the Talladega National Forest. The plan proposes even-aged forest management for that part of the Forest which is suitable for sustained yield timber production and not reserved for some other use. It provides for modification of this system on those areas that have special importance for other uses.

This draft environmental statement was transmitted to CEQ on July 7, 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.

USDA, Forest Service, 1720 Peachtree Rd. NW., Room 804, Atlanta, Georgia 30309.

USDA, Forest Service, Forest Supervisor, NFs in Alabama, P.O. Box 40, Montgomery, Alabama 36101.

A limited number of single copies are available upon request to Forest Supervisor, A. Dick Woody, U.S. Forest Service, P.O. Box 40, Montgomery, Alabama 36101.

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, A. Dick Woody, U.S. Forest Service, P.O. Box 40, Montgomery, Alabama 36101. Comments must be received by September 4, 1975, in order to be considered in the preparation of the final environmental statement.

DAVID F. JOLLY,
Regional Environmental Coordinator.

JULY 7, 1975.

[FR Doc.75-18238 Filed 7-14-75;8:45 am]

UPPER HIWASSEE 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 Upper Hiwassee Unit Plan, Cherokee National Forest, Cleveland, TN, USDA-FS-R8-FES (ADM.) 75-3.

The proposed action is the development of a management plan for 47,740 acres within the Hiwassee District of the Cherokee National Forest. This planning unit lies in Polk and Monroe Counties in southeastern Tennessee.

This final environmental statement was transmitted to CEQ July 7, 1975. Copies are available for inspection during regular working hours at the following locations:

USDA, Forest Service, South Agriculture Bldg., Rm. 3230, 12th St. & Independence Ave. SW., Washington, D.C. 20250.

USDA, Forest Service, 1720 Peachtree Rd. NW., Rm. 804, Atlanta, GA 30309.

Hiwassee Ranger District, Box 349, Etowah, TN 37311.

A limited number of single copies are available upon request to Forest Supervisor Robert R. Lusk, Cherokee National Forest, P.O. Box 400, Cleveland, TN 37311.

DAVID F. JOLLY,
Regional Environmental Coordinator.

JULY 7, 1975.

[FR Doc.75-18247 Filed 7-14-75;8:45 am]

WILLAMETTE NATIONAL FOREST LAND USE PLAN AND TIMBER MANAGEMENT PLAN

Availability of Draft Environmental Statement

Pursuant to section 102(2)(c) of the National Environmental Policy Act of 1969, the Forest Service, Department of Agriculture, has prepared a draft environmental statement for the Willamette National Forest Land Use Plan and Timber Management Plan, Oregon, USDA-FS-R6XDES-(Adm)-75]19.

The environmental statement concerns the proposed action to complete a land use plan for the North Santiam, South Santiam, McKenzie, North Fork Willamette, and Middle Fork Willamette Planning Units. Also, it simultaneously revises the 10-year Timber Management Plan for the Willamette National Forest.

This environmental statement presents a range of possible land use alternatives (A, B, C, D, & E) for each of the five Planning Units on the Willamette National Forest. Four timber management intensity alternatives are considered for each land use alternative.

This draft environmental statement was transmitted to CEQ on July 8, 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 Forester, Pacific Northwest Region, USDA, Forest Service, 319 SW. Pine St., Portland, OR 97204.

Forest Supervisor, Willamette National Forest, USDA, Forest Service, Eugene Federal Building, Eugene, OR 97401.

A limited number of single copies are available upon request to John E. Alcock, Forest Supervisor, P.O. Box 10607, Eugene, OR 97401.

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 T. A. Schlapfer, Regional Forester, Pacific Northwest Region, USDA, Forest Service, P.O. Box 3623, Portland, Oregon 97208. Comments must be received by November 10, 1975 in order to be considered in the preparation of the final environmental statement.

Dated: July 8, 1975.

CURTIS L. SWANSON,
Regional Environmental Coordinator Planning, Programing and Budgeting.

[FR Doc. 75-18290 Filed 7-14-75;8:45 am]

Packers and Stockyards Administration

[Docket No. 5151]

MILLS AUCTION MARKET

Complaint, Order of Suspension and Hearing Regarding Respondents' Schedule of Rates and Charges

In re: C. E. Mills and E. E. Mills, d/b/a Mills Auction Market, Ocala, Florida—respondents.

Notice is hereby given that on June 26, 1975, the respondents filed a proposed schedule of rates and charges, under Title III of the Packers and Stockyards Act, 1921, as amended, 42 Stat. 159, as amended (7 U.S.C. 181 et seq.), to become effective July 8, 1975. The charge classification of the proposed tariff reads as follows:

ITEM NO. II—CHARGE CLASSIFICATION

SECTION 1. SELLING COMMISSION

a. Cattle: (1) Cattle, ordinary (including baby calves), up to and including $29.99, $0.75 per head.
(2) Cattle, ordinary, $30.00 through $149.99, 3% of the gross proceeds of sale.
(3) Cattle, ordinary, $150.00 and over, $5.00 per head.
(4) Cow and calf pairs, 3% of the gross proceeds of sale.
(5) Bulls, 3% of the gross proceeds of sale.
(6) Cattle, carload lots: (a) Sorted and sold in groups of 10 or more, 2% of the gross proceeds of sale.
b. Hogs: (1) Feeder pigs or odd lots, 3½% of the gross proceeds of sale.
(2) Grade Hogs, 2½% of the gross proceeds of sale.
c. Sheep and Goats, $0.50 per head.

SECTION 2. YARDAGE

a. Cattle, $0.50 per head.
b. Hogs, Sheep and Goats, $0.25 per head.

SECTION 3. VETERINARY INSPECTION

a. The schedule of charges on all necessary veterinary services performed by an accredited veterinarian for inspection will be at uniform per head rates.

SECTION 4. VETERINARY SERVICES

a. The schedule of charges on all necessary veterinary services performed by an accredited veterinarian will be at posted uniform per head rates, pursuant to company agreement with the veterinarian performing such services and does not contain any charges retained by the market.

SECTION 5. FEED

a. All feed, as fed, shall be charged for at cost f.o.b. the market.

SECTION 6. SPECIAL OR UNUSUAL SERVICES

a. Special selling and marketing services, such as involved in featured registered cattle and calf sales, not usually required in handling livestock for sale and other than specified, will be charged for under special arrangement.

ITEM NO. III—RESALES AND NO SALES

SECTION 1. DEFINITIONS

a. Resale charges shall apply on all livestock resold without leaving the company livestock market premises.
b. No sale charges shall apply when the consignor declares his consignment no sale on price bid, bids in his consignment, or withdraws the same prior to actual sale.

SECTION 2. CHARGE CLASSIFICATION

a. A charge of 1½% of the gross proceeds of sale shall apply in respect of all resales.
b. The following charges shall apply: (1) Cattle—
(a) Bulls, 800 lbs. and over, $3.00 per head.
(b) All other, $1.50 per head.
(2) Sheep and Goats, $0.60 per head.
(3) Feeder pigs or odd lots, $0.75 per head.

ITEM NO. IV—BUYING ON COMMISSION

SECTION 1. DEFINITION

a. Consists of those services best applied to accomplish the purchase of livestock on a commission basis.

SECTION 2. CHARGE CLASSIFICATION

a. There shall be no charge for this service.

ITEM NO. V—SPECIAL MARKETING SERVICES

SECTION 1. ASSEMBLED OR HELD CATTLE

a. The following schedule of charges shall apply on livestock left at the market after 6:00 p.m. on day following sale:
(1) Cattle, $0.25 per head per day.
(2) Hogs, Sheep and Goats, $0.10 per head per day.

Notice is given hereby also that on July 8, 1975, the Packers and Stockyards Administration, United States Department of Agriculture, filed a "Complaint, Order of Suspension, and Notice of Hearing" with respect to the respondents' rates and charges. The contents of such document are as follows:

This proceeding is instituted pursuant to the provisions of Title III of the Packers and Stockyards Act, 1921, as amended (7 U.S.C. 181 et seq.), hereinafter referred to as the Act.

I. The respondents are now, and at all times mentioned herein were, registered with the Secretary of Agriculture as a market agency to sell livestock on commission at the Mills Auction Market, Ocala, Florida, which is now, and at all times mentioned herein was, a posted stockyard subject to the provisions of the Act.

II. In accordance with the requirements of the Act, the respondents have heretofore filed and presently have in effect a schedule of rates and charges for their services at the aforementioned stockyard.

III. On June 26, 1975, the respondents filed a tariff effective July 8, 1975, containing certain increases in the current rates and charges.

IV. Upon an analysis of the information available to the Packers and Stockyards Administration, United States Department of Agriculture there is reason to believe that the changes are unjust, unreasonable, or discriminatory.

V. It is concluded, therefore, that a proceeding under Title III of the Act should be instituted for the purpose of determining the reasonableness and lawfulness of the rates and charges set forth in the respondents' schedule of rates and charges as modified by the tariff filed on June 26, 1975, and that pending a hearing and decision in this proceeding, the operation of the modifications of the current schedule of rates and charges should be suspended and the use of such modified rates and charges deferred.

VI. It is further concluded that a hearing should be had for the purpose of determining the lawfulness of all rates and charges of the respondents and of any rule, regulation, or practice affecting said rates and charges.

It is therefore ordered, That the operation and use by the respondents of the modifications of the current schedule of rates and charges filed on June 26, 1975, to become effective on July 8, 1975, are hereby suspended and deferred until the expiration of thirty days beyond the time when such modified rates would otherwise go into effect.

It is further ordered, That notice to the respondents shall be, and is hereby, given that a hearing concerning the matters set forth herein will be held before an Administrative Law Judge of the Department at a time and place to be specified at a later date, of which the respondents will receive adequate notice. At such hearing the respondents and all other interested persons will have a right to appear and present such evidence with respect to the matters and things set forth herein as may be relevant and material.

It is further ordered, That a copy hereof be served upon the respondents.

Done at Washington, D.C. July 9, 1975.

MARVIN L. MCLAIN,
Administrator, Packers and Stockyards Administration.

[FR Doc.75-18310 Filed 7-14-75;8:45 am]

DEPARTMENT OF COMMERCE

Domestic and International Business Administration

INDUSTRY SECTOR ADVISORY COMMITTEE ON RETAILING FOR MULTILATERAL TRADE NEGOTIATIONS

Establishment

Pursuant to the authority delegated under Executive Order 11846 of March 27, 1975, the Special Representative for Trade Negotiations (the "Special Representative") and the Secretary of Commerce ("the Secretary") have determined that an Industry Sector Advisory Committee on Retailing for Multilateral Trade Negotiations should be established as an advisory committee under the provisions of subsection 135(c)(2) of the Trade Act of 1974 (Pub. L. 93-618). In reaching such decision, the Special Representative and the Secretary have consulted with interested private organizations and have taken into account the factors set forth in subsection 135(c)(2)(B) of the Trade Act of 1974.

The Committee will advise the Special Representative, in conjunction with the Secretary, on matters which are of mutual concern to the U.S. retailing area and the United States in connection with the multilateral trade negotiations to be undertaken by the United States pursuant to sections 101 and 102 of the Trade Act of 1974. The Committee shall perform such functions and duties and prepare such reports as provided for in section 135(c) of the Trade Act of 1974 with respect to sector advisory committees established pursuant to section 135(c)(2) thereof.

The members of the Committee will be from the U.S. retailing area and will be appointed by and serve at the discretion of the Secretary and the Special Representative.

The Committee will function solely as an advisory body and the Department's Domestic and International Business Administration will provide staff support and services. Except as noted, the Department will be responsible for filings and other applicable statutory requirements of the Federal Advisory Committee Act. The Special Representative, or his designee, will have responsibility for determinations made pursuant to subsection 135(f) of the Trade Act of 1974.

The Charter for this Committee will be filed, in accordance with law, fifteen days from the date of this notice.

Dated: July 8, 1975.

GUY CHAMBERLAIN, JR.,
Acting Assistant Secretary of Administration.

[FR Doc.75-18225 Filed 7-14-75;8:45 am]

EXPORT REGULATIONS; SHORT SUPPLY CONTROLS

Substantiation of Past Participation Statements Relating to Exports of Petroleum Commodities and Use of Third Quarter Quota Entitlements

The FEDERAL REGISTER of December 13, 1973 announced that exporters desirous of receiving shares of the quotas for export of petroleum commodities were required to submit a statement on Form DIB-669P to the Office of Export Administration, U.S. Department of Commerce, indicating (separately for each foreign country) the quantities of each separate petroleum commodity (other than crude oils) listed in Supplement No. 1 to Part 377 of the Export Administration Regulations that the exporter exported to each such country during each calendar month of 1971, 1972, and the first six months of 1973. Since that time, these Past Participation Statements have been utilized in calculating quota entitlements issued each quarter to exporters of petroleum products (other than crude oils).

Exporters were cautioned that the Office of Export Administration might compare the Statements of Past Participation against Shipper's Export Declarations on file with the U.S. Bureau of the Census for confirmation of exporter identity as well as the data with respect to destinations, export quantities, and the Schedule B classification of past exports. It was noted that in appropriate cases audits would be made of exporter records, including the firm's copies of Shipper's Export Declarations and other documents.

Because of discrepancies between figures based on the aggregate of Past Participation Statements and Census export statistics for these commodities the Office of Export Administration has decided to require exporters of petroleum products to substantiate with documentary evidence the exports they reported on their previously submitted Past Participation Statements. This action is being taken pursuant to section 7(a) of the Export Administration Act of 1969, as amended and extended, and § 387.11 (f) of the Export Administration Regulations. A separate memorandum explaining the procedure and outlining the documentary evidence required is being sent to each exporter along with his Third Quarter 1975 Quota Entitlement.

Pending completion of the review and realignment of quotas as described above, no exporter will be issued licenses under his preliminary Third Quarter Quota Entitlements in an aggregate amount exceeding 50 percent of the aggregate quantity listed on his Entitlement sheet for each separate petroleum commodity. Exporters submitting applications for amounts in excess of 50 percent of preliminary Entitlements will be consulted as to which applications are to be reduced in quantity or held without action pending completion of the review and quota realignment. It is expected that the Department's audit will be completed by August 15, 1975, and that final adjustments to the entitlements will be announced shortly thereafter.

RAUER H. MEYER,
Director,
Office of Export Administration.

[FR Doc.75-18216 Filed 7-14-75;8:45 am]

National Bureau of Standards

FEDERAL INFORMATION PROCESSING STANDARDS TASK GROUP 13 WORKLOAD DEFINITION AND BENCHMARKING

Meeting

Pursuant to the Federal Advisory Committee Act, 5 U.S.C. App. I (Supp. III, 1973), notice is hereby given that the Federal Information Processing Standards Task Group 13 (FIPS TG-13), "Workload Definition and Benchmarking," will hold a meeting from 10 a.m. to 4 p.m. on Wednesday, September 10, 1975, in Room B-255, Building 225, of the National Bureau of Standards at Gaithersburg, Maryland.

The purpose of this meeting is to review the progress of two workgroups which are addressing the areas of Problem Definition and Benchmark Program Transferability.

The public will be permitted to attend, to file written statements, and, to the extent that time permits, to present oral statements. Persons planning to attend should notify the Executive Secretary, Mr. John F. Wood, Institute for Computer Sciences and Technology, National Bureau of Standards, Washington, D.C. 20234 (Phone—301-921-3485).

Dated: July 9, 1975.

ERNEST AMBLER,
Acting Director.

[FR Doc.75-18218 Filed 7-14-75;8:45 am]

Office of the Secretary

ELECTRIC CLOTHES DRYERS AND GAS RANGES

Voluntary Program for Appliance Efficiency

Correction

In FR Doc. 75-17618 appearing at page 28832 in the issue for Wednesday, July 9, 1975 the equation appearing on page 28837 was inadvertently switched with the equation in FR Doc. 75-17619 (appearing at page 29109 in the issue for Thursday, July 10, 1975) on page 29110.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[Docket No. 75N-0049]

SUGGESTED STATE REGULATIONS FOR CONTROL OF RADIATION

Notice of Availability

A publication entitled "Suggested State Regulations for Control of Radiation" (SSRCR) has been revised as of October 1974, and copies distributed to State radiation control agencies by the Conference of Radiation Control Program Directors. Additional copies of these suggested regulations are available for public examination in the office of the Hearing Clerk, Food and Drug Administration, Rm. 4-65, 5600 Fishers Lane, Rockville, MD 20852. Requests for single copies of these suggested State regulations should be made in writing to the Bureau of Radiological Health (HFX-25), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20852.

The SSRCR was initially published in 1962 by the Council of State Governments with the advice and assistance of the U.S. Atomic Energy Commission and the U.S. Public Health Service. These initial regulations were updated and revised in 1964, 1966, and 1970. The 1974 edition was prepared by the Atomic Energy Commission, now the Nuclear Regulatory Commission; the Bureau of Radiological Health, Food and Drug Administration (FDA); and the Conference of Radiation Control Program Directors, representing the State agencies.

The Atomic Energy Act of 1954, as amended, authorizes in section 274 (42 U.S.C. 2021), the Atomic Energy Commission, now the Nuclear Regulatory Commission (NRC), to cooperate with the States in the formulation of standards for protection against hazards of radiation. The Public Health Service, Department of Health, Education, and Welfare, under the broad responsibility conferred by the Public Health Service Act (42 U.S.C. 241 and 243) advises and promotes cooperation between the States on matters relating to protecting the public against specified radiation hazards. The Radiation Control for Health and Safety Act of 1968 (42 U.S.C. 263b et seq.) further provides for the establishment by the Secretary of Health, Education, and Welfare of an electronic product radiation control program designed to protect the public health and safety (42 U.S.C. 263d and 263e). In implementing this program, the Secretary is authorized to make such recommendations relating to such hazards and control as he considers appropriate. Acting on these authorities and responsibilities, the Atomic Energy Commission, now NRC, and the Bureau of Radiological Health, cooperated with the Conference of Radiation Control Program Directors in the preparation of these model State regulations.

This and previous editions of the SSRCR have been prepared to be con-

sistent with Federal radiation regulations promulgated by Federal agencies to carry out responsibilities vested in them by law. These suggested regulations are, therefore, compatible with existing Federal Radiation Guidance developed by the Federal Radiation Council for use by Federal agencies in developing standards for their various regulatory programs. Responsibility for establishment of Federal Radiation Guidance is now vested in the Administrator of the Environmental Protection Agency (42 U.S.C. 2021h). Changes in Federal regulations, Federal Radiation Guidance, or appropriate guidelines or recommended standards, and the experience and suggestions of the State radiation control agencies and others provide a basis for revision of the SSRCR. This edition of the SSRCR reflects changes in the guidelines of the National Council on Radiation Protection and Measurements (NCRP), new amendments to the AEC (NRC) regulations (10 CFR Chapter I), and the electronic product radiation safety performance standards issued by the Bureau of Radiological Health (21 CFR Chapter I, Subchapter J).

Purpose of Suggested State Regulations for Control of Radiation. The purpose of the SSRCR is to assist the States in developing their radiation control regulations by providing a guide or model to encourage uniform regulations among the States; complement Federal regulations; and help States maintain regulations compatible with, identical to, or as effective as, Federal regulations.

Because of requirements placed on State regulatory agencies in promulgating regulations consistent with the standards of a number of Federal agencies, it is especially important that Federal and State agencies cooperate in developing their regulations. These model regulations can serve as a means of assisting the States in developing regulations that are consistent with Federal radiation control standards to the extent required, for example:

a. The Atomic Energy Act of 1954, as amended by Pub. L. 86-373 (73 Stat. 688), has specified in section 274 (42 U.S.C. 2021), as a condition for a State's entering into an agreement with the U.S. Nuclear Regulatory Commission to assume regulatory responsibility for byproduct, source, and special nuclear material in quantities not sufficient to form a critical mass, that the State program be compatible with the NRC's program for the regulation of such material, and that the State program be adequate to protect the public health and safety with respect to the materials covered by the agreement.

b. The Public Health Service Act, as amended by the Radiation Control for Health and Safety Act of 1968 (Pub. L. 90-602), has specified in section 360F (42 U.S.C. 263n) that no state or political subdivision shall have any authority either to establish or to continue in effect, any standard which is applicable to the same aspect of performance of an electronic product and which is not identical to the Federal standard promulgated under the act.

c. Section 18 of the Occupational Safety and Health Act of 1970 (Pub. L. 91-596) indicates that for a State plan to be approved, the State regulations must be at least as effective as the Federal standards promulgated under section 6 of the act, which relate to the same issues.

These statutory requirements emphasize the importance of cooperation among the Federal agencies, and with the State representatives, to assure consistency in radiation control regulations.

Scope and content. The 1974 edition of the SSRCR includes three new parts: Part H, Radiation Safety Requirements for Analytical X-Ray Equipment; Part I, Radiation Safety Requirements for Particle Accelerators; and Part J, Notices, Instructions and Reports to Workers; Inspections. The new Part J incorporates new provisions under 10 CFR Part 19 of the U.S. Nuclear Regulatory Commission regulations. These provisions are comparable with those of the Department of Labor for inspections pursuant to the Occupational Safety and Health Act of 1970, under 29 CFR Part 1903. The present edition of the "Ionizing Radiation Category" of the SSRCR consists of the following parts:

I. Ionizing Radiation

Part A—General Provisions.
Part B—Registration of Radiation Machine Facilities and Services.
Part C—Licensing of Radioactive Material.
Part D—Standards for Protection Against Radiation.
Part E—Radiation Safety Requirements for Industrial Operations.
Part F—X Rays in the Healing Arts.
Part G—Use of Sealed Radioactive Sources in the Healing Arts.
Part H—Radiation Safety Requirements for Analytical X-Ray Equipment.
Part I—Radiation Safety Requirements for Particle Accelerators.
Part J—Notices, Instructions and Reports to Workers; Inspections.

A rationale report has been prepared for, and included with, each of the new and revised parts of the current edition of the SSRCR to provide the States and others using and reviewing the model regulations with background information on the bases and approaches of the working groups that prepared each part.

Use of suggested State regulations. The suggested State regulations provide a comprehensive set of ionizing radiation regulations covering a number of sources, including performance requirements applicable to equipment, safe use of radiation sources, and requirements on the facility wherein the sources are used. Thus, they provide a comprehensive code of radiation control provisions to assure protection of the public health from radiation at the State level. In addition, these model regulations could be utilized as a resource document by Federal agencies using radiation sources in instituting a total radiation safety program for Federal facilities. The model regulations include provisions for the control of byproduct, source, and special nuclear material in quantities not sufficient to form a critical mass for use by those States who have or are entering into an agreement with the U.S. Nuclear Regulatory Commission; however, these materials when used within Federal agencies are under the direct regulatory control of the U.S. Nuclear Regulatory Commission. This model could serve as a basis for meeting the requirements of section 19 of the Occupational Safety and Health Act of 1970 and Executive Order 11807 (Occupational Safety and Health Programs for Federal Employees), as they relate to radiation control, for the head of each Federal department and agency to establish an occupational safety and health program.

In essence, these suggested radiation control regulations could be utilized as (a) an aid in revising current State codes, (b) an aid in developing comprehensive codes at the State level when no regulations are in force, (c) an aid to Federal installations, and/or (d) an aid to manufacturers to know what type of controls may exist at the State level. It is recommended that applicable Federal or State agency regulations also be consulted directly.

Review and comments. During the developmental stage of this latest revision, draft copies of the SSRCR were sent to State and Federal agencies that have responsibilities and interest in radiation control for their review and comments and to keep them informed of the status of the suggested regulations. Although the present 1974 edition has been completed, an annual review and updating of each of the parts of the SSRCR is planned, as needed, by representatives of the Conference of Radiation Control Program Directors and appropriate Federal agencies.

Interested persons are invited to submit written comments and recommendations regarding this document, identified with the docket number appearing in the document heading, to the Bureau of Radiological Health (HFX-460), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20852. Each recommendation should be supported by appropriate rationale and background data that clearly establishes the scientific, technical, and public health bases for the recommendation. Any written comments or suggestions received about this edition will be collated and kept on file for consideration by those individuals given responsibility for review and development of that part.

Dated: June 26, 1975.

WILLIAM F. RANDOLPH,
Acting Associate Commissioner for Compliance.

[FR Doc.75-18221 Filed 7-14-75;8:45 am]

National Institutes of Health

TRANSPLANTATION AND IMMUNOLOGY COMMITTEE

Meeting

Pursuant to Pub. L. 92-463, notice is hereby given of the meeting of the

Transplantation and Immunology Committee, National Institute of Allergy and Infectious Diseases, September 3 and 4, 1975, Building 31C, Conference Room 8, National Institutes of Health, Bethesda, Maryland 20014.

This meeting will be open to the public from 8:30 a.m. to 5 p.m. on September 3, 1975, to review and discuss transplantation and immunology collaborative studies and other Transplantation and Immunology Branch programs, progress and administrative reports. Attendance by the public will be limited to space available. In accordance with the provisions set forth in sections 552(b)4 and 552(b)6, Title 5, U.S. Code and section 10(d) of Pub. L. 92-463, the meeting will be closed to the public from 8:30 a.m. to 5 p.m. on September 4, 1975 for review, discussion and evaluation of individual contractor's performance and review responses of sources sought announcements. Discussions will contain information of a proprietary and confidential nature, including detailed research protocols, designs and other technical information, financial data, such as salaries and personal information concerning individuals associated with existing contracts.

Mr. Robert Schreiber, Information Officer, National Institute of Allergy and Infectious Diseases, Building 31, Room 7A-32, National Institutes of Health, Bethesda, Maryland 20014, phone 496-5717 will furnish rosters of committee members, summary of the meeting and other information pertaining to the meeting.

Dated: July 9, 1975.

(Catalog of Federal Domestic Assistance Program No. 13.855, National Institutes of Health)

SUZANNE L. FREMEAU,
Committee Management Officer, National Institutes of Health.

[FR Doc.75-18303 Filed 7-14-75;8:45 am]

NATIONAL COMMISSION ON DIABETES

Meeting

Pursuant to Pub. L. 92-463, notice is hereby given of the meeting of the National Commission on Diabetes, August 4 and 5, 1975 (times below), at McCormick Inn, 23rd Street and Lake Shore Drive, Chicago, Illinois.

The entire meeting will be open to the public from 9 a.m. to 5 p.m. on August 4 and 5 at the above address. From 9 a.m. to 12:30 p.m. on August 5 the Commission will hear public testimony; from 2 p.m. to 5 p.m. the Commission will have a business and planning meeting. From 9 a.m. to 12:30 p.m. on August 5 the Commission will meet in subcommittees; from 2 p.m. to 4 p.m. for reports from the subcommittees and a continuation of the business and planning meeting.

Any member of the public who wishes to appear before the Commission between 9 a.m. and 12:30 on August 4 shall file a written statement or detailed summary of his remarks with the Commission before 5 p.m. on July 25. Statements or summaries shall be sent or delivered to Mr. Victor Wartofsky, address below.

The time allotted to each participant will be determined by the Commission Chairman based upon the number of individuals who request an opportunity to make presentations.

Mr. Victor Wartofsky, Information Officer, NIAMDD, National Institutes of Health, Building 31, Room 9A04, Bethesda, Maryland 20014, (301) 496-3583, will provide summaries of the meeting and rosters of the committee members.

(Catalog of Federal Domestic Assistance Program No. 13.846 National Institutes of Health)

Dated: July 10, 1975.

SUZANNE L. FREMEAU,
Committee Management Officer, National Institutes of Health.

[FR Doc.75-18304 Filed 7-14-75;8:45 am]

Public Health Service

ASSISTANT SECRETARY FOR HEALTH, ADMINISTRATOR, HEALTH RESOURCES ADMINISTRATION

Delegation of Authority

Notice is hereby given that the following delegation and redelegations of authority have been made under the District of Columbia Medical and Dental Manpower Act of 1970 (Pub. L. 91-650, as amended).

1. Delegation from the Secretary to the Assistant Secretary for Health to perform all of the authorities and functions vested in the Secretary of Health, Education, and Welfare by the District of Columbia Medical and Dental Manpower Act of 1970 (Pub. L. 91-650, as amended), except for the prescribing of regulations.

These authorities may be redelegated.

2. Redelegation from the Assistant Secretary for Health to the Administrator, Health Resources Administration to perform all of the authorities and functions under the District of Columbia Medical and Dental Manpower Act of 1970 (Pub. L. 91-650, as amended), except for the prescribing of regulations.

These authorities may be redelegated.

Dated: July 7, 1975.

JOHN OTTINA,
Assistant Secretary for Administration and Management.

[FR Doc.75-18250 Filed 7-14-75;8:45 am]

Office of the Assistant Secretary for Health

ROBERT I. LEININGER, ET AL.

Proposed Issuance of Exclusive License

Pursuant to § 6.3, 45 CFR, Part 6, notice is hereby given of intent to issue a limited-term, revocable, exclusive patent license in and to an invention of Robert I. Leininger and Richard D. Falb entitled "Nonthrombogenic Plastic Surfaces and Preparation thereof," an invention of Henry M. Grotta entitled "Nonthrombogenic Plastic Material and Method for Making the Same," and an invention of Robert I. Leininger and Gerald A. Grode entitled "Nonthrombogenic Plastic Surfaces and Preparation thereof."

Any objection thereto together with request for opportunity to be heard, if desired, should be directed to the Assistant Secretary for Health, Department of Health, Education, and Welfare, 330 Independence Avenue, SW., Washington, D.C. 20201, on or before August 14, 1975. Interested parties may obtain copies of the patents directed to these inventions upon request in writing to the party hereinabove named.

(Authority: 45 CFR 6.3)

Dated: July 9, 1975.

THEODORE COOPER, M.D.,
Assistant Secretary for Health.

[FR Doc.75-18251 Filed 7-14-75;8:45 am]

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Federal Disaster Assistance Administration

[FDAA-473-DR; NFD-272]

MINNESOTA

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 July 5, 1975, the President declared a major disaster as follows:

I have determined that the damage in certain areas of the State of Minnesota resulting from flooding beginning about April 23, 1975, is of sufficient severity and magnitude to warrant a major disaster declaration under Pub. L. 93-288. I therefore declare that such a major disaster exists in the State of Minnesota.

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. Robert E. Connor, HUD Region V, to act as the Federal Coordinating Officer for this declared major disaster.

I do hereby determine the following area of the State of Minnesota to have been adversely affected by this declared major disaster:

The County of:

Aitkin

(Catalog of Federal Domestic Assistance No. 14.701, Disaster Assistance)

Dated: July 5, 1975.

THOMAS P. DUNNE,
Administrator, Federal Disaster Assistance Administration.

[FR Doc.75-18229 Filed 7-14-75;8:45 am]

[FDAA-472-DR; NFD-271]

MONTANA

Amendment to Notice of Major Disaster

Notice of Major Disaster for the State of Montana, dated June 28, 1975, is hereby amended to include the following counties among those counties determined to have been adversely affected by the catastrophe declared a major disaster by the President in his declaration of June 28, 1975:

The Counties of:

Jefferson	Toole
Meagher	Wheatland

(Catalog of Federal Domestic Assistance No. 14.701, Disaster Assistance)

Dated: July 8, 1975.

WILLIAM E. CROCKETT,
Acting Administrator, Federal Disaster Assistance Administration.

[FR Doc.75-18230 Filed 7-14-75;8:45 am]

Office of Interstate Land Sales Registration

[Docket No. N-75-384]

TERRE DU LAC

Hearing

In the matter of Terre du Lac, OILSR No. 0-1475-29-56/A-E Docket No. 75-84-IS.

Pursuant to 15 U.S.C. 1706(d) and 24 CFR 1720.160(d) notice is hereby given that:

1. Terre du Lac, Inc., Donald Shrum, 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 June 6, 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 Terre du Lac, located in St. Francois County, Missouri, contain untrue statements of material fact or omit to state material facts required to be stated therein as necessary to make the statements therein not misleading.

2. The Respondent filed an Answer received June 26, 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 31, 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 24, 1975.

6. The Respondent is hereby notified that failure to appear at the above scheduled hearing shall be deemed a default and the proceedings shall be determined against Respondent, the allegations of which shall be deemed to be true, and an order suspending the statement of record, herein identified, shall be issued pursuant to 24 CFR 1710.45(b) (1).

This notice shall be served upon the Respondent forthwith pursuant to 24 CFR 1720.440.

By the Secretary.

Dated: July 7, 1975.

JAMES W. MAST,
Administrative Law Judge.

[FR Doc.75-18228 Filed 7-14-75;8:45 am]

CIVIL AERONAUTICS BOARD

PAKISTAN INTERNATIONAL AIRLINES CORPORATION FOREIGN AIR CARRIER PERMIT

[Docket No. 26968]

Postponement of Hearing

Objection has been filed by Bureau Counsel to the holding of the hearing in this matter immediately following the prehearing conference. Accordingly, the hearing in this matter will not immediately follow the prehearing conference.

However, the prehearing conference will proceed as scheduled on July 23, 1975 (40 FR 28848, July 9, 1975) at 10 a.m. (local time), and will be held in Room 503, Universal Building, 1825 Connecticut Avenue, N.W., Washington, D.C.

Dated at Washington, D.C., July 9, 1975.

[SEAL] RICHARD M. HARTSOCK,
Administrative Law Judge.

[FR Doc.75-18280 Filed 7-14-75;8:45 am]

ENVIRONMENTAL PROTECTION AGENCY

[FRL 398-6; OPP-33000/283]

RECEIPT OF APPLICATIONS FOR PESTICIDE REGISTRATION

Data To Be Considered in Support of Applications

On November 19, 1973, the Environmental Protection Agency (EPA) published in the FEDERAL REGISTER (38 FR 31862) its interim policy with respect to the administration of section 3(c)(1)(D) of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended. This policy provides that EPA will, upon receipt of every application for registration, publish in the FEDERAL REGISTER a notice containing the information shown below. The labeling furnished by the applicant will be available for examination at the Environmental Protection Agency, Room EB-31, East Tower, 401 M Street, SW, Washington, D.C. 20460.

On or before September 15, 1975, any person who (a) is or has been an applicant, (b) believes that data he developed and submitted to EPA on or after October 21, 1972, is being used to support an application described in this notice, (c) desires to assert a claim for compensation under section 3(c)(1)(D) for such use of his data, and (d) wishes to preserve his right to have the Administrator determine the amount of reasonable compensation to which he is entitled for such use of the data, must notify the Administrator and the applicant named in the notice in the FEDERAL REGISTER of his claim by certified mail. Notification to the Administrator should be addressed to the Information Coordination Section, Technical Services Division (WH-569), Office of Pesticide Programs, 401 M Street, SW, Washington, D.C. 20460. Every such claimant must include, at a minimum, the information listed in the interim policy of November 19, 1973.

Applications submitted under 2(a) or 2(b) of the interim policy will be processed to completion in accordance with existing procedures. Applications submitted under 2(c) of the interim policy cannot be made final until the 60 day period has expired. If no claims are received within the 60 day period, the 2(c) application will be processed according to normal procedure. However, if claims are received within the 60 day period, the applicants against whom the claims are asserted will be advised of the alternatives available under the Act. No claims will be accepted for possible EPA adjudication which are received after September 15, 1975.

Dated: July 7, 1975.

JOHN B. RITCH, Jr.,
Director, Registration Division.

APPLICATIONS RECEIVED (OPP-33000/283)

EPA Reg. No. 5590-155. Aerosol Techniques, Inc., Old Gate Lane, Milford CT 06460. SPRAY DISINFECTANT AND AIR DEODORANT CODE NO. 226-25D. Active Ingredients: Ethyl Alcohol 44.25%; Essential oils 0.90%; n-Alkyl (50% C14, 40% C12, 10% C16) dimethyl benzyl ammonium chloride 0.33%; o-phenylphenol 0.26%. Method of Support: Application proceeds under 2(a) of interim policy. Republished: Additional claims, PM32

EPA File Symbol 1730-UE. Consumer Products Div., American Cyanamid Co., Wayne NJ 07470. LEMONEX CONCENTRATED CLEANER. Active Ingredients: Ethyl alcohol 2.8%; n-Alkyl (C14 60%, C16 30%, C12 5%, C18 5%) dimethyl benzyl ammonium chlorides 1.75%; n-Alkyl (C12 50%, C14 30%, C16 17%, C18 3%) dimethyl ethylbenzyl ammonium chloride 1.75%; d-limonene 3%. Method of Support: Application proceeds under 2(b) of interim policy. PM31

EPA File Symbol 34773-G. ChemTech Resources, Inc., PO Box 24440, Dallas TX 75224. THREE-D DISINFECTANT-DEODORIZER-DETERGENT. Active Ingredients: n-Alkyl (50% C14, 40% C12, 10% C16) Dimethyl Benzyl Ammonium Chloride 5.0%; Sodium metasilicate 3.0%; Tetrasodium salt of ethylene diamine tetraacetic acid 1.8%. Method of Support: Application proceeds under 2(c) of interim policy. PM33

EPA Reg. No. 239-2186. Chevron Chemical Co., 940 Hensley St., Richmond CA 94801. ORTHO PARAQUAT CL. Active Ingredients: Paraquat Dichloride (1,1'-dimethyl-4,4'-bipyridinium dichloride) 29.17%. Method of Support: Application proceeds under 2(c) of interim policy. Republished: Additional uses. PM25

EPA File Symbol 100-LIA. Ciba-Geigy Corp., Agricultural Div., PO Box 11422, Greensboro NC 27409. PIK-OFF 10SL. Active Ingredients: Ethanedial dioxime 10.0%. Method of Support: Application proceeds under 2(b) of interim policy. PM25

EPA File Symbol 100-LIL. Ciba-Geigy Corp., Agricultural Div., PO Box 11422, Greensboro NC 27409. AATREX 90W HERBICIDE. Active Ingredients: Atrazine: 2-chloro-4-ethyl - amino-6-isopropylamino-s-triazine 85.5%; Related Compounds 4.5%. Method of Support: Application proceeds under 2 (c) of the interim policy. PM25

EPA File Symbol 518-AA. Darworth Co., PO Box K, Tower Lane, Avon CT 06001. CUPRINOL STAIN & WOOD PRESERVATIVE CASTLE GRAY #122. Active Ingredients: Bis (Tri-n-butyltin) oxide 0.29%. Method of Support: Application proceeds under 2(c) of interim policy. PM22

EPA File Symbol 518-AL. Darworth Co. CUPRINOL STAIN & WOOD PRESERVATIVE CHOCOLATE BROWN #70. Active Ingredients: Bis (Tri-n-butyltin) oxide 0.3%. Method of Support: Application proceeds under 2(c) of interim policy. PM22

EPA File Symbol 518-AU. Darworth Co. CUPRINOL STAIN & WOOD PRESERVATIVE BREWSTER GREEN #40. Active Ingredients: Bis (Tri-n-butyltin) oxide 0.3%. Method of Support: Application proceeds under 2(c) of interim policy. PM22

EPA File Symbol 1416-UE. Churchill Chemical Co., Div. of Dexter Corp., 576 S. Chambers St., Galesburg IL 61401. CCC-130. Active Ingredients: n-Alkyl (60% C14, 30% C16, 5% C12, 5% C18) dimethyl benzyl ammonium chlorides 4.5%; n-Alkyl (68% C12, 32% C14) dimethyl ethylbenzyl ammonium chlorides 4.5%; Tetrasodium ethylenediamine tetraacetate 2.0%; Sodium Carbonate 4.0%. Method of Support: Application proceeds under 2(b) of interim policy. PM31

EPA File Symbol 36853-R. Eastern Foods, Inc., PO Drawer L, Atlanta GA 30337. MINT DISINFECTANT. Active Ingredients: Alkyl (C14 60%, C16 30%, C12 5%, C18 5%) dimethyl benzyl ammonium chlorides 5.0%; Alkyl (C12 68%, C14 32%) dimethyl ethylbenzyl ammonium chlorides 5.0%. Method of Support: Application proceeds under 2(b) of interim policy. PM31

EPA File Symbol 3770-GEL. Economy Products Co., Inc., PO Box 427, Shenandoah IA 51601. 7½% CAPTAN POTATO DUST FUNGICIDE. Active Ingredients: N-[(trichloromethyl) thio]-4-cyclohexene-1, 2-dicarboximide 7.5%. Method of Support: Application proceeds under 2(c) of interim policy. PM21

EPA File Symbol 9898-G. E-Z Chemical Co., 6751-53 Holabird Ave., Baltimore MD 21222. AQUA-KLEEN PERMANENT ALGAECIDE LIQUID. Active Ingredients: Copper Sulfate Anhydrous 6.5%. Method of Support: Application proceeds under 2(c) of interim policy. PM24

EPA File Symbol 270-RRO. Farnam Companies, Inc., 2230 E. Magnolia St., Omaha NB 68112. LEATHER LIFE. Active Ingredients: Tributyl Tin Oxide 0.1%. Method of Support: Application proceeds under 2(c) of interim policy. PM24

EPA File Symbol 6993-LG. Germain's Inc., 4820 E. 50th St., Los Angeles CA 90055. GERMAIN'S HOME & GARDEN INSECT SPRAY. Active Ingredients: d-trans Allethrin (allyl homolog of Cinerin I) 0.25%; Piperonyl butoxide, technical 0.80%; N-octyl bicycloheptene dicarboximide 0.40%; Petroleum distillate 8.05%. Method of Support: Application proceeds under 2(c) of interim policy. PM17

EPA File Symbol 10163-TE. Gowan Co., PO Box 5696, Yuma AZ 85364. PROKIL TRIFLURALIN 4 EC. Active Ingredients: Trifluralin [A,A,A-Trifluoro-2, 6-Dinitro-N, N-Dipropyl-p-toluidine) 44.5%. Method of Support: Application proceeds under 2(c) of interim policy. PM25

EPA File Symbol 777-LG. Lehn & Fink Products, Div. of Sterling Drug Inc., 225 Summit Ave., Montvale NJ 07645. LYSOL SPRAY DISINFECTANT. Active Ingredients: o-Phenylphenol 0.1%; N-Alkyl (C18 92%. C16 8%)-N-Ethyl Morpholinium Ethylsulfates 0.035%; Alcohol 79.0%. Method of Support: Application proceeds under 2(b) of interim policy. PM32

EPA File Symbol 10465-O. Mineral Research & Development Corp., PO Box 911, Charlotte NC 28201. PRECEDE "O" SEED TREATMENT. Active Ingredients: Copper, metallic (from Copper Ammonium Carbonate) 12%; Captan N-(trichloromethyl) thio - 4 - cyclohexene - 1-2-dicarboximide 40%. Method of Support: Application proceeds under 2(c) of interim policy. PM22

EPA Reg. No. 359-358. Rhodia Inc., Agricultural Div., 23 Belmont Dr., Somerset NJ 08873. BUTOXONE AMINE. Active Ingredients: Dimethylamine salt of 4-(2,4-dichlorophenoxy) butyric acid 26.2%. Method of Support: Application proceeds under 2(c) of interim policy. PM23

EPA Reg. No. 359-502. Rhodia Inc. BUTOXONE SB. Active Ingredients: Dimethylamine salt of 4-(2,4-dichlorophenoxy) butyric acid 23.0%. Method of Support: Application proceeds under 2(c) of interim policy. PM23

EPA Reg. No. 359-677. Rhodia Inc. BUTOXONE. Active Ingredients: Dimethylamine salt of 4-(2,4-dichlorophenoxy) butyric acid 23.0%. Method of Support: Application proceeds under 2(c) of interim policy. PM23

EPA File Symbol 30942-G. Scientific Boiler Water Conditioning Co., 1 Maple St., Linden NJ 07036. ALGACIDE 703. Active Ingredients: Disodium cyanodithioimidocarbonate 3.68%; Potassium N-methyldithiocarbamate 5.07%. Method of Support: Application proceeds under 2(b) of interim policy. PM33

EPA File Symbol 30942-A. Scientific Boiler Water Conditioning Co. ALGACIDE 705. Active Ingredients: Poly[oxyethylene(dimethyliminio) ethylene (dimethyliminio) ethylene dichloride] 20.0%. Method of Support: Application proceeds under 2(b) of interim policy. PM34

EPA File Symbol 30942-U. Scientific Boiler Water Conditioning Co. ALGACIDE 701. Active Ingredients: Disodium cyanodithioimidocarbonate 4.90%; Potassium N-methyldithiocarbamate 6.76%. Method of Support: Application proceeds under 2(b) of interim policy. PM33

EPA File Symbol 30942-L. Scientific Boiler Water Conditioning Co. ALGACIDE 707. Active Ingredients: Poly[oxyethylene-(dimethyliminio) ethylene (dimethyliminio)ethylene dichloride] 15.0%. Method of Support: Application proceeds under 2(b) of interim policy. PM34

EPA File Symbol 148-REET. Thompson-Hayward Chemical Co., 5200 Speaker Rd., Kansas City KS 66106. DIAZINON TECHNICAL. Active Ingredients: O,O-Diethyl O-(2 - isopropyl - 6-methyl-4-pyrimidinyl) Phosphorothioate 95.0%. Method of Support: Application proceeds under 2(c) of interim policy. PM15

EPA File Symbol 1769-ETA. National Chemsearch, Div. of USAchem, Inc., 2727 Chemsearch Blvd., Irvin TX 75062. NATIONAL CHEMSEARCH BANZO 83. Active Ingredients: Diethanolamine salt of 2,4-D Dichlorophenoxyacetic Acid 8.00%; Dimethylamine salt of dicamba (3,6-dichloro-o-anisic acid) 3.28%; Dimethylamine salt of Related Acids 0.53%. Method of Support: Application proceeds under 2(c) of interim policy. PM23

EPA File Symbol 1769-ETL. National Chemsearch, Div. of USAchem, Inc., 2727 Chemsearch Blvd., Irving TX 75062. NATIONAL CHEMSEARCH BANZO 84. Active Ingredients: Diethanolamine salt of 2,4-D Dichlorophenoxyacetic Acid 8.0%; Diethanolamine salt of dicamba (3,6-dichloro-o-anisic Acid) 4.0%; Diethanolamine salt of Related Acids 0.69%. Method of Support: Application proceeds under 2(c) of interim policy. PM23

EPA File Symbol 3525-AE. Utility Chemical Co., East Peel St., Paterson NJ 07524. GAMMADINE CLEANER/SANITIZER. Active Ingredients: Butoxy Polypropoxy polyethoxy ethanol-Iodine complex 12.47%; Polyethoxy polypropoxy polyethoxy ethanol-Iodine complex 0.37%. Method of support: Application proceeds under 2(b) of interim policy. PM34

EPA File Symbol 1638-RN. Geo. L. Williams Co., 5700 Train Ave., Cleveland OH 44102. WJW-1975. Active Ingredients: Didecyl dimethyl ammonium chloride 7.5%. Method of Support: Application proceeds under 2(b) of interim policy. PM31

[FR Doc.75-18120 Filed 7-14-75;8:45 am]

[FRL 399-3; OPP-33000/284]

RECEIPT OF APPLICATIONS FOR PESTICIDE REGISTRATION

Data To Be Considered in Support of Applications

On November 19, 1973, the Environmental Protection Agency (EPA) published in the FEDERAL REGISTER (38 FR 31862) its interim policy with respect to the administration of section 3(c)(1)(D) of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended. This policy provides that EPA will, upon receipt of every application for registration, publish in the FEDERAL REGISTER a notice containing the information shown below. The labeling furnished by the applicant will be available for examination at the Environmental Protection Agency, Room EB-31, East Tower, 401 M Street, SW, Washington, DC 20460.

On or before September 15, 1975, any person who (a) is or has been an applicant, (b) believes that data he developed and submitted to EPA on or after October 21, 1972, is being used to support an application described in this notice, (c) desires to assert a claim for compen-

sation under section 3(c)(1)(D) for such use of the data, and (d) wishes to preserve his right to have the Administrator determine the amount of reasonable compensation to which he is entitled for such use of the data, must notify the Administrator and the applicant named in the notice in the FEDERAL REGISTER of his claim by certified mail. Notification to the Administrator should be addressed to the Information Coordination Section, Technical Services Division (WH-569), Office of Pesticide Programs, 401 M Street, SW, Washington, DC 20460. Every such claimant must include, at a minimum, the information listed in the interim policy of November 19, 1973.

Applications submitted under 2(a) or 2(b) of the interim policy will be processed to completion in accordance with existing procedures. Applications submitted under 2(c) of the interim policy cannot be made final until the 60 day period has expired. If no claims are received within the 60 day period, the 2(c) application will be processed according to normal procedure. However, if claims are received on or before September 15, 1975, the applicants against whom the claims are asserted will be advised of the alternatives available under the Act. No claims will be accepted for possible EPA adjudication which are received after September 15, 1975.

Dated: July 8, 1975.

MARTIN H. ROGOFF,
Acting Director,
Registration Division.

APPLICATIONS RECEIVED (OPP-33000/284)

EPA File Symbol 275-GN. Abbott Laboratories, Chemical Div., 14th & Sheridan Rd., N. Chicago IL 60065. AMICAL-48 DISPERSION ANTIMICROBIAL AGENT. Active Ingredients: Diiodo-methyl para-toyl sulfone 47.0%. Method of Support: Application proceeds under 2(b) of interim policy. PM22.

EPA File Symbol 12015-RT. Allied Laboratories, Inc., 975 Lake Rd., Medina OH 44256. HANDLE DISINFECTANT-SANITIZER-FUNGICIDE DEODORIZER. Active Ingredients: Didecyl dimethyl ammonium chloride 7.5%. Method of Support: Application proceeds under 2(b) of interim policy. PM31.

EPA Reg. No. 264-281. Amchem Products, Inc., Brookside Ave., Ambler PA 19002. AMCHEM LV4 BROADLEAF POSTEMERGENCE HERBICIDE. Active Ingredients: 2,4-Dichlorophenoxyacetic acid, butoxypropyl esters 70.9%. Method of Support: Application proceeds under 2(c) of interim policy. Republished: Added uses. PM23.

EPA File Symbol 7754-ER. Animal Repellents, Inc., 980 Ellicott St., Buffalo NY 14209. BLACK WIDOW. Active Ingredients: Pyrethrins 0.05%; Piperonyl butoxide, technical 0.10%; N-octyl bicycloheptene dicarboximide 0.16%; O-isopropoxyphenyl methylcarbamate 1.00%; Petroleum distillate 83.64%. Method of Support: Application proceeds under 2(c) of interim policy. PM12.

EPA Reg. No. 1448-55. Buckman Laboratories, Inc., 1256 N. McLean Blvd., Memphis TN 38108. BUSAN 30-I. Active Ingredients: 2 - (Thiocyanomethylthio) benzothiazole 30%. Method of Support: Application proceeds under 2(b) of interim policy. Republished: Added uses. PM22.

EPA Reg. No. 239-2404. Chevron Chemical Co., Ortho Div., 940 Hensley St., Richmond CA 94804. MONITOR 4 SPRAY. Active Ingredients: O,S-dimethyl phosphoramidothioate 40.0%. Method of Support: Application proceeds under 2(b) of interim policy. Republished: Added use. PM15.

EPA File Symbol 239-EUUE. Chevron Chemical Co., Ortho Div., 940 Hensley St., Richmond CA 94804., ORTHO TOMATO & VEGETABLE GARDEN DUST. Active Ingredients: Captan 7.5%; O,O-diethyl O-(2-isopropyl - 6 - methyl - 4 - pyrimidinyl) phosphorothioate 4.0%. Method of Support: Application proceeds under 2(c) of interim policy. PM15.

EPA Reg. No. 100-497. Ciba-Geigy Corp., PO Box 1142, Greensboro NC 27409. AATREX 4L. Active Ingredients: Atrazine (2-chloro-4 - ethylamino - 6 - isopropylamino - s-triazine) 40.8%. Method of Support: Application proceeds under 2(c) of interim policy. PM25.

EPA Reg. No. 100-570. Ciba-Geigy Corp., PO Box 1142, Greensboro NC 27409. AQUAZINE ALGICIDE. Active Ingredients: Simazine: 2 - chloro - 4,6 - bis(ethylamino) - s-triazine 80%. Method of Support: Application proceeds under 2(c) of interim policy. Republished: Change in use pattern. PM24.

EPA File Symbol 1990-GIR. Farmland Industries, Inc., PO Box 7305, Kansas City MO 64116. CO-OP LIQUID ATRAZINE. Active Ingredients: Atrazine: 2-chloro-4-ethylamino-6-isopropyl-amino-s-triazine 40.8%. Related compounds 2.2%. Method of Support: Application proceeds under 2(c) of interim policy. PM25.

EPA Reg. No. 654-73. Federal Chemical Co., Inc., 2530 Winthrop Ave., Indianapolis IN 46205. ARAB FOGERATOR. Active Ingredients: 2,2-dichlorovinyl dimethyl phosphate (DDVP) 0.46%; Related Compounds 0.04%; Pyrethrins 0.50%; Technical Piperonyl Butoxide 2.50%; Petroleum Distillates 16.45%. Method of Support: Application proceeds under 2(c) of interim policy. PM13.

EPA File Symbol 4822-RLN. S. C. Johnson & Son, Inc., 1525 Howe St., Racine WI 53403. JOHNSON REPELLENT JACKET. Active Ingredients: 3-Acetyl-2-(2,6-dimethyl-5-heptenyl) oxazolidine (Related Compounds 0.8%) 23.0%. Method of Support: Application proceeds under 2(a) of interim policy PM17.

EPA File Symbol 777-LL. Lehn & Fink Products, Div. of Sterling Drug Inc., 225 Summit Ave., Montvale NJ 07645. LYSOL SURFACE SPRAY DISINFECTANT. Active Ingredients: o-Phenylphenol 0.11%; N-Alkyl (C18 92%, C16 8%)-N-Ethyl Morpholinum Ethylsulfates 0.038%; Alcohol 84.68%. Method of Support: Application proceeds under 2(b) of interim policy. PM32.

EPA File Symbol 777-LU. Lehn & Fink Products, Div. of Sterling Drug Inc., 225 Summit Ave., Montvale NJ 07645. LYSOL DISINFECTANT SPRAY. Active Ingredients: o-Phenyl-phenol 0.1%; N-Alkyl (C18 92%, C16 8%)-N-Ethyl Morpholinium Ethylsulfates 0.035%; Alcohol 76.0%. Method of Support: Application proceeds under 2(b) of interim policy. PM32.

EPA File Symbol 35329-R. New Richmond Farmers Union CO-OP Oil Co., 539 N Knowles Ave., New Richmond WI 54017. NEW RICHMOND CO-OP 12-24-24 SYSTEMIC-D. Active Ingredients: *O,O*-Diethyl *S*-[2-(ethylthio) ethyl] phosphorodithioate 0.5%. Method of Support: Application proceeds under 2(c) of interim policy. PM15.

EPA File Symbol 3008-GO. Osmose Wood Preserving Co. of America, Inc., 980 Ellicott St., Buffalo NY 14209. TIMBERFUME-A. Active Ingredients: Chloropicrin 99%. Method of Support: Application proceeds under 2(c) of interim policy. PM11.

EPA File Symbol 10454-A. Polyphase Chemical Service, Div. of Metropolitan Petroleum, Petrochemicals Co., Inc., 25 Caven Point Rd., Jersey City NJ 07305. POLYPHASE POLYCIDE-O. Active Ingredients: Poly [oxyethylene(dimethyliminio) - ethylene (dimethyliminio)ethylene dichloride] 15.0%. Method of Support: Application proceeds under 2(b) of interim policy. PM34.

EPA File Symbol 10454-U. Polyphase Chemical Service, Div. of Metropolitan Petroleum, Petrochemicals Co., Inc. BIOQUAT. Active Ingredients: Poly[oxyethylene (dimethyliminio) ethylene(dimethyliminio) ethylene dichloride] 15.0%. Method of Support: Application proceeds under 2(b) of interim policy. PM34.

EPA File Symbol 10454-L. Polyphase Chemical Service, Div. of Metropolitan Petroleum, Petrochemicals Co., Inc. POLYPHASE BIOCIDE BT. Active Ingredients: Poly [oxyethylene(dimethyliminio)ethylene(dimethyliminio)ethylene dichloride] 15.0%. Method of Support: Application proceeds under 2(b) of interim policy. PM34.

EPA File Symbol 35137-A. Price Research, Ltd., 205 Westport Rd., Kansas City MO 64111. CHLORPYRIFOS LIQUID RESIDUAL SPRAY WITH SYNERGIZED PYRETHRINS FOR HOUSEHOLD USE. Active Ingredients: Pyrethrins 0.100%; Piperonyl butoxide, technical 0.200%; N-octyl bicycloheptene dicarboximide 0.300%; Chlorpyrifos [O,O-diethyl O-(3,5,6-trichloro-2-pyridyl) phosphorothioate] 0.500%; Aromatic petroleum distillate 0.290%; Petroleum distillate 98.610%. Method of Support: Application proceeds under 2(c) of interim policy. PM12.

EPA File Symbol 35137-I. Price Research, Ltd. SYNERGIZED PYRETHRIN SPRAY FOR MILLS, FOOD PLANTS AND THE HOME. Active Ingredients: Pyrethrins 0.100%; Piperonyl butoxide, technical 0.200%; N-octyl bicycloheptene dicarboximide 0.333%; Petroleum distillate 99.367%. Method of Support: Application proceeds under 2(c) of interim policy. PM17.

EPA File Symbol 35137-L. Price Research, Ltd. PYRETHRIN ULV MOSQUITO ADULTICIDE. Active Ingredients: Pyrethrins 5%; Piperonyl butoxide, technical 25%; Petroleum distillate 20%; Mineral oil 50%. Method of Support: Application proceeds under 2(c) of interim policy. PM17.

EPA File Symbol 35137-T. Price Research, Ltd. SYNERGIZED PYRETHRIN INDUSTRIAL SPRAY. Active Ingredients: Pyrethrins 0.50%; Piperonyl butoxide, technical 1.00%; N-octyl bicycloheptene dicarboximide 1.67%; Petroleum distillate 96.88%. Method of Support: Application proceeds under 2(c) of interim policy. PM17.

EPA File Symbol 29780-A. Ray-Chem Mfg., Co., 187 Milton Ave., SE, Atlanta GA 30315. (RC-3). Active Ingredients: n-Alkyl (60% C14, 30% C16, 5% C12, 5% C18) dimethyl benzyl ammonium chlorides 1.6%; n-Alkyl (68% C12, 32% C14) dimethyl ethylbenzyl ammonium chlorides 1.6%; Sodium Carbonate 3.0%; Tetrasodium ethylenediamine tetraacetate 1.0%. Method of Support: Application proceeds under 2(b) of interim policy. PM31.

EPA File Symbol 29780-I. Ray-Chem Mfg., Co. (RC-5). Active Ingredients: n-Alkyl (60% C14, 30% C16, 5% C12, 5% C18) dimethyl benzyl ammonium chlorides 1.6%; n-Alkyl (68% C12, 32% C14) dimethyl ethylbenzyl ammonium chlorides 1.6%; Sodium Carbonate 3.0%. Method of Support: Application proceeds under 2(b) of interim policy. PM31.

EPA File Symbol 29780–L. Ray-Chem Mfg., Co. (RC–2). Active Ingredients: n-Alkyl (60% C14, 30% C16, 5% C12, 5% C18) dimethyl benzyl ammonium chlorides 2.25%; n-Alkyl (68% C12, 32% C14) dimethyl ethylbenzyl ammonium chlorides 2.25%; Sodium Carbonate 3.00%; Tetrasodium ethylenediamine tetraacetate 1.00%. Method of Support: Application proceeds under 2(b) of interim policy. PM31.

EPA File Symbol 29780–T. Ray-Chem Mfg., Co. (RC–4). Active Ingredients: n-Alkyl (60% C14, 30% C16, 5% C12, 5% C18) dimethyl benzyl ammonium chlorides 2.25%; n-Alkyl (68% C12, 32% C14) dimethyl ethylbenzyl ammonium chlorides 2.25%; Sodium Carbonate 3.00%. Method of Support: Application proceeds under 2(b) of interim policy. PM31.

EPA File Symbol 29780–U. Ray-Chem Mfg., Co. (RC–1). Active Ingredients: n-Alkyl (60% C14, 30% C16, 5% C12, 5% C18) dimethyl benzyl ammonium chlorides 5.0%; n-Alkyl (68% C12, 32% C14) dimethyl ethylbenzyl ammonium chlorides 5.0%; Phosphoric Acid 30.0%. Method of Support: Application proceeds under 2(b) of interim policy. PM31.

EPA File Symbol 538–RUN. O. M. Scotts & Sons Co., Marysville OH 43040. SUMMER INSECT AND DISEASE CONTROL PLUS LAWN FERTILIZER. Active Ingredients: Thiophanate-methyl 5.50%; Chlorpyrifos 0.75%. Method of Support: Application proceeds under 2(c) of interim policy. PM12.

EPA File Symbol 11511–ER. Shalco Chemical Corp., PO Box 2508, 2421 Lexington Ave., Toledo OH 43606. SHALCO RAT BAIT. Active Ingredients: 3-(a-acetonylbenzyl)-4-hydroxy-coumarin (warfarin) 0.025%; N1-2 - quinoxalinylsulfanilamide (sulfaquinoxaline) 0.025%. Method of Support: Application proceeds under 2(c) of interim policy. PM11.

EPA File Symbol 11511–GE. Shalco Chemical Corp., PO Box 2508, 2421 Lexington Ave., Toledo OH 43606. SHALCO LIQUID MOSQUITO LARVACIDE. Active Ingredients: Petroleum Distillates 98.0%. Method of Support: Application proceeds under 2(c) of interim policy. PM11.

EPA File Symbol 10308–O. Sumitomo Chemical Co., Ltd., c/o Mr. Eugene J. Gerberg, 1330 Dillon Heights Ave., Baltimore MD 21228. INSECTICIDE, AEROSOL DUST D-PHENOTHRIN 30%. Active Ingredients: 3-phenoxybenzyl d-cis, trans chrysanthemate 30.00%. Method of Support: Application proceeds under 2(b) of interim policy. PM17.

EPA File Symbol 2175–L. Three-M-Supply, 1215 E. Columbia, Seattle WA 98122. MERICIDE DISINFECTANT-SANITIZER FUNGICIDE-DEODORIZER. Active Ingredients: Alkyl (C14 60%, C16 30%, C12 5%, C18 5%) Dimethyl Benzyl Ammonium Chlorides 5.0%; Alkyl (C12 68%, C14 32%) Dimethyl Ethylbenzyl Ammonium Chlorides 5.0%. Method of Support: Application proceeds under 2(b) of interim policy. PM31.

EPA File Symbol 7116–A. Unichem Inc., PO Box 1565, Greenville NC 27834. VULCAN. Active Ingredients: Didecyl dimethyl ammonium chloride 50%. Method of Support: Application proceeds under 2(b) of interim policy. PM31.

EPA File Symbol 876–ELN. Velsicol Chemical Corp., 341 E. Ohio St., Chicago IL 60611. DIPHACIN 110 S CONCENTRATE RODENTICIDE. Active Ingredients: Diphacinone 0.1%. Method of Support: Application proceeds under 2(c) of interim policy. PM11.

EPA File Symbol 35961–E. Viking Chemicals, 8 Brush St., Pontiac MI 48053. CMB–30. Active Ingredients: Poly oxyethylene(dimethyliminio) ethylene (dimethyliminio) ethylene dichloride 15.0%. Method of Support: Application proceeds under 2(b) of interim policy. PM34.

EPA File Symbol 35961–R. Viking Chemicals, 8 Brush St., Pontiac MI 48053. CMB–40. Active Ingredients: Disodium cyanodithioimidocarbonate 4.90%; Potassium N-methyldithiocarbamate 6.76%. Method of Support: Application proceeds under 2(b) of interim policy. PM33.

EPA File Symbol 2935–UNI. Wilbur-Ellis Co., PO Box 1286, Fresno CA 93715. DIAZINON 14G. Active Ingredients: O,O-diethyl O-(2-isopropyl - 6 - methyl-4-pyrimidinyl) phosphorothioate 14.3%. Method of Support: Application proceeds under 2(c) of interim policy. PM15.

EPA File Symbol 6837–LL. Wilmar Inc., PO Box 7084, Charlotte NC 28217. CONTROL NON SELECTIVE WEED KILLER. Active Ingredients: Diquat dibromide (6,7-Dihydropyride) (1,2-a:2:1'-C) pyrazinedilium dibromide 1.85%. Method of Support: Application proceeds under 2(c) of interim policy. PM24.

[FR Doc.75–18202 Filed 7–14–75;8:45 am]

[Opp–66014; FRL 397–3]

PESTICIDES

Intent To Cancel Registrations of Pesticides Containing Heptachlor or Chlordane

Correction

In FR Doc. 75–17940, appearing on page 28850, in the issue for Wednesday, July 9, 1975 in the third paragraph the first sentence should read "Cancellation of these registrations shall be effective at the end of 30 days from the receipt of notice by the registrant or publication of this notice in the Federal Register. * * *".

[FRL 399–4]

SANDOZ-WANDER, INC.

Renewal of Temporary Tolerance

Sandoz-Wander, Inc., P.O. Box 1489, Homestead, FL 33030, was granted a temporary tolerance for combined negligible residues of the herbicide 4-chloro-5-(methylamino) - 2 - (α,a,α-trifluoro-*m*-tolyl)-3(2*H*) - pyridazinone and its metabolite 4-chloro-5-(amino)-2-α,a,α-trifluoro-*m*-tolyl)-3(2*H*)-pyridazinone in or on the raw agricultural commodity cottonseed at 0.1 part per million on May 8, 1973, in connection with Pesticide Petition No. 3G1310 (notice was published in the FEDERAL REGISTER of May 22, 1973 (38 FR 13500)). The firm requested and received a 1-year renewal of this tolerance on March 12, 1974 (notice was published in the FEDERAL REGISTER of March 15, 1974 (39 FR 10014). This temporary tolerance expired on March 12, 1975.

The firm has requested a 60-day renewal of the temporary tolerance to obtain additional experimental data. It is concluded that this renewal of the temporary tolerance for combined negligible residues of the herbicide and its desmethyl metabolite in or on cottonseed at 0.1 part per million will protect the public health. A condition under which this temporary tolerance is renewed is that the herbicide be used in accordance with the temporary permit which is being issued concurrently and which provides for distribution under the Sandoz-Wander, Inc. name.

This temporary tolerance expires August 31, 1975. Residues remaining in or on the above raw agricultural commodity after expiration of this tolerance will not be considered actionable if the pesticide is legally applied during the term, and in accordance with provisions of the temporary permit/tolerance.

This action is taken pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(j), 68 Stat. 516; 21 U.S.C. 346a(j)), the authority transferred to the Administrator of the Environmental Protection Agency (35 FR 15623), and the authority delegated by the Administrator to the Deputy Assistant Administrator for Pesticide Programs (39 FR 18805).

Dated: June 30, 1975.

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

[FR Doc. 75–18203 Filed 7–14–75;8:45 am]

[FRL 401–4]

SODIUM CYANIDE

Notice of Hearing on Application To Register Sodium Cyanide for Use in the M–44 Device To Control Predators

On July 7, 1975, the Environmental Protection Agency (EPA) received an application to register sodium cyanide M–44 capsules. Application was made pursuant to section 3 of the Federal Insecticide, Fungicide, and Rodenticide Act, as amended (FIFRA), by the U.S. Department of the Interior, Fish and Wildlife Service, Washington, D.C. The applicant states that this product is for use as a predacide to reduce the numbers of coyotes, red foxes, gray foxes and feral dogs causing livestock depredations, damage to wildlife, or serving as disease vectors on rangelands, pasture, and forest lands in the western United States.

On March 9, 1972, registrations of sodium cyanide, strychnine and 1080 (sodium fluoroacetate) for predator control uses were cancelled and suspended by EPA Administrative Order (37 FR 5718). The Order was not contested, and, consequently, no fact finding hearings were held. This Order immediately followed Executive Order 11643 of February 8, 1972, banning the use of chemical toxicants on Federal lands.

Pursuant to the provisions of Subpart D, Part 164, 40 CFR, promulgated on March 18, 1975, this application to register sodium cyanide as a predacide constitutes a petition for reconsideration of the 1972 EPA Order (40 FR 12261). Sub-

part D requires that the Administrator determine, on the basis of the application and supporting data, whether there is substantial new evidence which may materially affect the prior Order and whether such evidence could not have been presented during the original proceedings. If it is determined that there is no such evidence, the application will be denied. If it is determined that there may be such evidence, and, hence, reconsideration of the prior Order is warranted, then a formal hearing will be convened to determine whether such evidence does in fact exist and whether such evidence requires reversal or modification of the prior Order. The final determination is made by the Administrator on the basis of the record at the hearing and the recommendations of the administrative law judge presiding over the hearing, taking into account the human and environmental risks found by the Administrator in the prior Order and the cumulative impact of past, present and anticipated use in the future.

If the final determination of the Administrator results in a modification of the prior Order to permit the use requested by the applicant, then the application will be processed in accordance with the applicable regulations governing the registration of pesticides, subject, however, to the terms of the modified Order. If the prior Order is not modified, then the application will be denied.

In accordance with Subpart D, a determination has been made that there exists substantial new evidence which may materially affect the prior Order with respect to use of sodium cyanide in the M–44 device and accordingly reconsideration of the 1972 EPA Order is warranted. Notice is hereby given that formal public hearings will be held in accordance with Subpart D and 5 U.S.C. section 554 beginning August 12 and ending August 15, 1975, unless extended by the Administrator for a maximum of three days upon request by the presiding administrative law judge. The hearings will be held at EPA headquarters, 401 M Street, S.W., Washington, D.C. A discussion of the background and basis for the determination that reconsideration of the prior Order is warranted, along with pertinent information concerning the hearings, issues to be adjudicated at the hearings and other matters, are set forth below.

Background

The Order. The 1972 EPA Order cancelling and suspending the registrations of sodium cyanide, strychnine and 1080 for predator control was not contested by any of the registrants or appealed by other persons who may have been adversely affected by the Order, and consequently, no fact finding hearings were held. In reaching the conclusion to ban these poisons, Administrator Ruckelshaus relied, in part, on the findings of a special committee chaired by Dr. Stanley Cain, which had been commissioned to study the use of chemical toxicants for predator control by the U.S. Department of the Interior and the President's Council on Environmental Quality.

A major consideration in the EPA decision to suspend the registrations of the three poisons was the indiscriminate manner in which these poisons were used. Administrator Ruckelshaus noted in the 1972 Order that "[a]ll of these poisons have a similar pattern of use as unattended baits and are spread over vast areas of open prairie." "Indiscriminate baiting over wide unpoliced areas poses two obvious and recognized threats to non-target animals that share the ranges as a natural habitat. The unsupervised bait is itself a potential killer of non-target range species." "While the mere toxicity of poisons does not, under FIFRA, render them a hazard, their degree of toxicity and pattern of use may well do so. The unattended and unsupervised use of poisons over large areas of land, by definition, poses a hazard to non-target species. The fact that label instructions contain directions for placing the baits at times and in areas least likely to be populated by non-target species and for policing them, affords slight, if any, comfort. This Agency has on prior occasions taken into account a 'commonly recognized practice' of use * * *, and has noted that the likelihood of directions being followed may affect their adequacy * * *."

With specific reference to sodium cyanide, the Administrator observed that the pattern of use was similar to strychnine and 1080: It was used in a baited explosive device containing a cyanide charge which was triggered when an animal pulled at the bait. This device was left unattended along trails or on range lands and posed a distinct hazard to humans.

Finally, with reference to all three poisons, the Administrator observed that the benefits derived from use of these poisons were ill-defined and speculative when measured against obvious threats to wildlife. There was an absence of any reliable data showing that the poisons were effective in reducing livestock losses caused by predators. He also noted that there were effective non-chemical alternative methods of predator control, such as, shooting, denning and trapping.

The 1972 Order contained the following specific findings of fact with respect to sodium cyanide.

1. Two products in the form of shells containing sodium cyanide are currently registered for explosive devices designed to kill coyotes that may prey on sheep. The device is simply a cyanide charge placed in a baited cylinder and driven into the ground. When the animal pulls at the bait the charge explodes into its mouth. Only one of the shell products is registered for use by the general public. The Division of Wildlife Services of the Department of the Interior has probably been the largest user of such devices.

2. Sodium cyanide is a water-soluble white-solid which reacts with acids to form hydrogen cyanide gas. This chemical is among the most toxic and rapidly acting of all known poisons.

3. Persons overcome by gas either die very rapidly from respiratory failure or recover completely within a relatively short time.

4. Ingestion or inhalation of a very low dose (as little as 300 micrograms per liter of air) may rapidly result in death.

5. There is no true effective antidote.

6. Recent data show four incidents involving cyanide compounds in fiscal year 1970 in three of which human beings were injured by the discharge of cyanide guns placed in fields. Only quick thinking on the part of all three victims in seeking immediate medical aid prevented any loss of life.

7. There is evidence that dogs have been subjected to poisoning by cyanide (used as outlined above) which is highly toxic to all wildlife and domestic animals.

Experimental Use Permits. On January 31, 1974, EPA promulgated a regulation which provided a mechanism for issuance of experimental permits for use of sodium cyanide in a spring-loaded ejector unit (the "M–44") to develop and accumulate information necessary to support registration (40 CFR 162.19; 39 FR 3939). In issuing this regulation it was noted that the human hazard associated with the spring-loaded unit appeared to be significantly less than that of the explosive type which was in common use at the time of the 1972 Order. Also, the spring-loaded unit when properly placed by trained personnel appeared to be more selective for coyotes than other chemical predator control methods used prior to the 1972 Order. However, it was also noted that reliable data were still lacking with respect to the following: (i) The amount of coyote control which can be achieved by the M–44 without causing unreasonable adverse effects on the environment; (ii) the correlation between the number of sheep lost without the use of the spring-loaded unit compared to the number of sheep lost using the spring-loaded unit; and (iii) data comparing the effectiveness and cost of the M–44 with non-chemical coyote control alternatives, including denning, shooting, trapping, and protective measures applied directly to sheep and lambs. Obviously, these data could only be developed under controlled field use conditions. Accordingly, the regulation was promulgated to permit the collection of these data, and experimental use permits were issued as follows:

Permit holders	*Date of issuance*
Texas Department of Agriculture.	Feb. 8, 1974
Montana Department of Livestock.	Apr. 4, 1974
California Department of Food and Agriculture.	Apr. 11, 1974
Department of the Interior.	May 28, 1974
South Dakota Department of Game, Fish and Parks.	July 1, 1974
Idaho State Department of Agriculture.	Apr. 19, 1974
Nebraska State Department of Agriculture.	Oct. 1, 1974
Kansas State University.	Feb. 1, 1975
Texas A. & M. University.	Feb. 24, 1975

The holders of these experimental permits have supplied data to EPA periodically, and additional data gathered

thus far will be submitted at a meeting with the Agency on July 15 and 16. These data will be available for public inspection at the same locations as the application.

Summary of Application

The applicant seeks the registration of M–44 cyanide capsules as a predacide for reducing the numbers of coyotes, red foxes, gray foxes, and feral dogs causing livestock depredations or damage to wildlife or serving as disease vectors on rangelands, pasture, and forest lands in the western United States.

The application specifies that, if M–44 cyanide capsules are registered, they will be used only in areas and programs approved by U.S. Fish and Wildlife Service Regional Directors. It further specifies that M–44 cyanide capsules will not be used in national parks or monument areas, areas where threatened or endangered species might be adversely affected, or areas where excessive exposure of the public and family pets is probable.

Since Executive Order 11643 (February 8, 1972) bans the use of chemical toxicants on Federal lands for predator control except in emergencies, use of sodium cyanide by the applicant or other Federal agencies would be limited to the conditions specified in the Executive Order unless it is subsequently modified. If the 1972 EPA Order is modified as a result of the hearings called by this notice, the Administrator will recommend to the President that the Executive Order be modified accordingly.

The applicant does not have jurisdiction over most lands on which the M–44 would be used if it is registered. The application states that predator programs on public lands would be controlled by cooperative agreement with appropriate jurisdictional agencies and on private lands by agreement with the landowner or lessee.

The application also specifies that "full documentation of livestock depredations, including evidence that such losses were caused by wild canids, or laboratory-confirmed verification that wild canids are, in fact, vectors of a communicable disease such as rabies" will be a prerequisite to each individual use of the M–44 cyanide capsules.

The application indicates that use of M–44's will follow two patterns: 1. Linear spacing along livestock or game trails and seldom used ranch or range roads, and 2. At draw stations, where several M–44's will be set in the vicinity of dead livestock, which will serve as an attractant. The maximum numbers of M–44's placed in the field will not exceed 10 in small pastures of 100 acres or less; or 10 per draw station, not to exceed 3 stations per square mile; or 30 stations per square mile of open range. M–44's will not be placed in proximity to food crops.

In its application, the applicant has made the following representations and submitted data intended to support each one:

1. Regarding the predator problem:

a. Depredating coyotes can be a significant economic factor affecting the sheep industry.

b. Sheep losses in the absence of coyote control far exceed losses where control is in effect.

c. Coyote predation on other classes of livestock can be serious in localized situations.

d. Predation by coyotes, red foxes, and gray foxes can be detrimental to other wildlife species.

e. The impact of feral dogs on livestock can be significant.

f. Red and gray foxes are a primary vector of sylvatic rabies.

2. Regarding hazards to humans and domestic animals:

a. Sodium cyanide is extremely toxic to a number of animals, including man. Low doses of sodium cyanide are acutely and rapidly toxic.

b. Prolonged exposure to hazardous concentrations of cyanide may result in chronic toxicity in man.

c. Cyanide is not a cumulative toxicant and probably would not be secondarily toxic.

d. Antidotal therapy for cyanide poisoning is available.

3. Regarding hazards to fish and wildlife:

a. Coyotes and red and gray foxes are numerous in the western United States and have a marked capacity, through reproduction, to resist or recover from widespread population reduction efforts.

b. The total number of coyotes and foxes taken by M–44's has been insignificant when compared with estimates of their population densities in the western States.

c. Operational use of M–44's, as proposed in the registration application, will have no serious or permanent effects on the numbers of coyotes and foxes, except on a localized basis.

d. M–44's are highly selective for the target species and present a minimal hazard to non-target wildlife, except certain rare and endangered species.

e. Use of M–44's within the range of the San Joaquin kit fox, red wolf, northern Rocky Mountain wolf, and eastern timber wolf constitutes a definite hazard and they therefore will not be used within the range of these species.

4. Regarding other environmental hazards:

a. Sodium cyanide would not be a hazard to water, soil, vegetation, or air.

b. A decrease in temperature may increase the toxicity of sodium cyanide.

For more detailed information, interested persons are referred to the application itself located at the Federal Register Section, Office of Pesticide Programs, Room E–401, Environmental Protection Agency, 401 M Street, SW, Washington, D.C. Copies will be available for inspection at EPA Regional Offices in Dallas, Kansas City, Denver, San Francisco and Seattle.

Substantial New Evidence

In accordance with the Subpart D procedures, the application and supporting data have been reviewed, and it has been determined that (i) the applicant has presented substantial new evidence with respect to sodium cyanide which may materially affect the 1972 Order to the extent that it cancelled and suspended the registrations of sodium cyanide for use in predator control, (ii) such evidence was not available to the Administrator at the time of the determination to cancel and suspend the registrations of sodium cyanide, and (iii) such evidence could not, through the exercise of due diligence, have been discovered by the parties to the cancellation proceeding prior to the issuance of the 1972 Order. No substantial new evidence with respect to strychnine and 1080 has been submitted to the Agency.

This determination is based on the application and supporting data submitted by the applicant which show that:

1. Four of the seven specific findings concerning sodium cyanide in the 1972 Order were directly related to the issue of human safety. Based on the data gathered in accordance with the applicant's experimental use permit, sodium cyanide when used in the M–44 has been shown to be significantly less hazardous to man than sodium cyanide when used in the explosive device for which it was registered at the time of the 1972 Order and which was known to cause injuries to humans.

2. Based on data derived from studies conducted subsequent to the 1972 Order and submitted by the applicant, use of sodium cyanide in the M–44 device is more selective than use of the chemical in the explosive device and more selective than some other chemical and non-chemical predator control methods.

3. In view of the data submitted by the applicant with respect to significantly reduced hazards to humans and the greater selectivity of sodium cyanide when used in the M–44, it is likely that proposed restrictions on use, in addition to other restrictions that might be developed, could be adopted and followed as a matter of practice by trained personnel subject to the supervision or control of the applicant.

The Hearings

Formal public hearings will be held in Washington, D.C. at EPA headquarters, 401 M Street, SW, beginning August 12 and ending August 15, 1975, unless extended by the Administrator for a maximum of three days upon request by the presiding Administrative law judge. The presiding administrative law judge shall be designated by the Chief Administrative Law Judge.

In the interest of providing for full public participation in the hearings, any person who wishes to intervene as a party in the hearing may do so by filing a motion for leave to intervene setting forth the identity of such person, the grounds for the proposed intervention and the position and interest of the such person in the hearing. Any person wishing to file briefs without being made a party may do so by leave of the presiding officer upon motion identifying the interest of such person and stating the reasons why the proposed brief is desirable. All such motions to intervene or file briefs must be filed with the hearing clerk not later than August 6, 1975.

EPA recognizes that one or more States or individuals may wish to seek registration of sodium cyanide for use in the M–44 device for predator control. Any such applications should be filed with the Registration Division, Office of Pesticide Programs, Room E–315, located

at the Headquarters address mentioned above, not later than July 31, 1975, in order that they can be reviewed in accordance with the provisions of Subpart D in time for the hearings. If, in accordance with the provisions of Subpart D, 40 CFR 164.131, the Administrator determines that an application submitted by that date presents substantial new evidence, then such application will be considered at the hearing in accordance with the procedures described herein, subject, however, to any revisions ordered by the Administrator prior to the commencement of the hearing as may be necessary to conform the issues that will be adjudicated at the hearing to the facts presented by any such applications. Any such application may, with the consent of the U.S. Department of the Interior, Fish and Wildlife Services, and accompanied by an offer to pay reasonable compensation pursuant to section 3(c)(1)(D) of FIFRA, incorporate by reference portions of the U.S.D.I. application. Applications received after July 31, 1975, will be reviewed pursuant to Subpart D but will not be considered in time for the scheduled hearings.

Within four (4) days after the last evidence is taken in the hearing, each party may file with the hearing clerk proposed orders, findings of fact, and conclusions of law based solely on the record, and a brief in support thereof. Within ten (10) days after the hearings the presiding officer shall evaluate the record before him and prepare and file his initial decision with the hearing clerk. Within fourteen (14) days after the hearings, each party may file a reply brief. And within twenty-one (21) days after the hearings, the Administrator will render his decision. Weekends and holidays are excluded for purposes of calculating the time periods set forth above.

Subpart D rules require that the hearing determine whether: (1) substantial new evidence does exist on the basis of the application, the data submitted by the applicant in support of the application and the evidence properly admitted at the hearing, and (2) such evidence, if it is found to exist, requires modification of the 1972 Order solely with respect to sodium cyanide. Accordingly, in the hearing called by this notice the issues to be adjudicated are whether the following constitute substantial new evidence:

1. Four of the seven specific findings concerning sodium cyanide in the 1972 Order were directly related to the issue of human safety. Based on the data gathered in accordance with the applicant's experimental use permit, sodium cyanide when used in the M-44 has been shown to be significantly less hazardous to man than sodium cyanide when used in the explosive device for which it was registered at the time of the 1972 Order and which was known to cause injuries to humans.

2. Based on data derived from studies conducted subsequent to the 1972 Order and submitted by the applicant, use of sodium cyanide in the M-44 device is more selective than use of the chemical in the explosive device and more selective than some other chemical and non-chemical predator control methods.

3. In view of the data submitted by the applicant with respect to significantly reduced hazards to humans and the greater selectivity of sodium cyanide when used in the M-44, it is likely that proposed restrictions on use, in addition to other restrictions that might be developed, could be adopted and followed as a matter of practice by trained personnel subject to the supervision or control of the applicant.

Finally, if such facts are determined to exist and to constitute substantial new evidence the hearing must also determine whether such facts require modification of the 1972 Order to permit the registration of sodium cyanide for use in the M-44 to control predators in accordance with FIFRA.

The determination of these issues shall be made taking into account the human and environmental risks found by the Administrator in the 1972 Order and the cumulative effect of all past and present uses, including the requested use, and uses which may reasonably be anticipated as a result of a modification of the 1972 Order.

Documents to be filed with the hearing clerk should be sent to:

Hearing Clerk, Attention: Sonia G. Anderson, Room E-1019, Environmental Protection Agency, 401 M Street, SW, Washington, D.C. 20460.

Dated: July 11, 1975.

RUSSELL TRAIN,
Administrator.

[FR Doc.75-18445 Filed 7-14-75;8:45 am]

FEDERAL COMMUNICATIONS COMMISSION

EXECUTIVE COMMITTEE OF THE RADIO TECHNICAL COMMISSION FOR AERONAUTICS

Meeting

As a matter of public notice, members of the Executive Committee of the Radio Technical Commission for Aeronautics will meet on administrative matters on Friday, August 8, 1975, in the Senate Room, Mayflower Hotel, 1127 Connecticut Avenue, NW., Washington, D.C., commencing at 9:30 a.m.

The Agenda for the meeting is:

1. Approval of the Minutes of the May 30, 1975, meeting.
2. Special Committee Activities Report for June-July, 1975:
   a. Future work of SC-120.
   b. Status of Special Committee 128.
   c. Chairmanship of Special Committee 129.
3. Chairman's Report on RTCA administration and activities.
4. Proposed Terms of Reference to Special Committee 116G.
5. Proposed International Air Traffic Control Symposium.
6. RTCA Internship.
7. Independent Landing Monitors.
8. Future use of one Document in lieu of separate MPS's and MOC's.
9. Other Business.
10. Date and place of next meeting.

The meetings of the RTCA Executive Committee are open to the public, subject to limitations of space available, and any member of the public may present oral statements at the meeting, subject to time available, or may submit written statements to the RTCA Secretariat. Persons planning to attend or who desire additional information concerning this meeting are requested to contact the RTCA Secretariat, Suite 655, 1717 H Street, NW., Washington, D.C. 20006, or telephone Area Code (202) 296-0484.

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

[FR Doc.75-18243 Filed 7-14-75;8:45 am]

RADIO TECHNICAL COMMISSION FOR AERONAUTICS SPECIAL COMMITTEE 126, AIRBORNE OMEGA RECEIVERS

Meeting

Pursuant to Pub. L. 92-463, notice is hereby given of a meeting of the Radio Technical Commission for Aeronautics Special Committee 126, Airborne OMEGA Receivers. It is to be held on July 31, 1975, in Conference Room 6A and 6B, FAA Headquarters Building, 800 Independence Avenue, SW. Washington, D.C., commencing at 9:30 a.m.

AGENDA

1. Chairman's Opening Comments—I. Lublin.
2. Introduction of members and guests.
3. Approval of Minutes of Third Meeting of SC-126 held on April 17, 1975.
4. Special Announcements.
5. Report of Subcommittees: 5.1 Low Performance; 5.2 High Performance.
6. New Business.
7. Date and place of next meeting.

Meetings of Special Committee 126 are open to the public, subject to limitations of space available, and any member of the public may present oral statements at the meeting, subject to time available, or may submit written statements to the RTCA Secretariat. Persons planning to attend or who desire additional information concerning this meeting are requested to contact the RTCA Secretariat, Suite 655, 1717 H Street, NW., Washington, D.C. 20006, or telephone Area Code (202) 296-0484.

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

[FR Doc.75-18242 Filed 7-14-75;8:45 am]

RADIO TECHNICAL COMMISSION FOR AERONAUTICS SPECIAL COMMITTEE 127, EMERGENCY LOCATOR TRANSMITTERS

Meeting

Pursuant to Pub. L. 92-463, notice is hereby given of a meeting of the Radio Technical Commission for Aeronautics Special Committee 127, Emergency Locator Transmitters. It is to be held on August 6, 1975, in Conference Room 6332,

Nassif Building, 400 Seventh Street, SW., Washington, D.C., commencing at 9 a.m.

AGENDA

1. Opening comments by the Chairman.
2. Administrative announcements.
3. Review and approval of Minutes of April 23, 1975, meeting.
4. Comments of Task Group.
5. Strawman Draft Work.
6. New Business.
7. Task Assignments.
8. Date and place of next meeting.

Meetings of Special Committee 127 are open to the public, subject to limitations of space available, and any member of the public may present oral statements at the meeting, subject to time available, or may submit written statements to the RTCA Secretariat. Persons planning to attend or who desire additional information concerning this meeting are requested to contact the RTCA Secretariat, Suite 655, 1717 H Street, NW., Washington, D.C. 20006, or telephone Area Code (202) 296-0484.

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

[FR Doc.75-18244 Filed 7-14-75;8:45 am]

RADIO TECHNICAL COMMISSION FOR AERONAUTICS SPECIAL COMMITTEE 129—FUTURE CIVIL AVIATION SPECTRUM REQUIREMENTS

Meeting

Pursuant to Pub. L. 92-463, notice is hereby given of a meeting of the Radio Technical Commission for Aeronautics Special Committee 129—Future Civil Aviation Spectrum Requirements. It is to be held on July 31-August 1, 1975, in Conference Room 8210, Federal Communications Commission, 2025 M Street, NW., Washington, D.C., commencing at 10 a.m.

The Agenda is as follows:

1. Approval of Minutes of Second Meeting held June 19-20, 1975.
2. Participation in Special Committee 129.
   a. Need to improve U.S. Industry and Scientific participation.
   b. Non-U.S. participation.
3. Report of the Drafting *ad hoc* Group.
4. Review of currently known U.S. civil aviation requirements.
5. Other Business.
6. Date and place of next meeting.

Meetings of Special Committee 129 are open to the public, subject to limitations of space available, and any member of the public may present oral statements at the meetings, subject to time available, or may submit written statements to the RTCA Secretariat. Persons planning to attend or who desire additional information concerning this meeting are requested to contact the RTCA Secretariat, Suite 655, 1717 H Street, NW., Washington, D.C. 20006, or telephone Area Code (202) 209-0484.

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

[FR Doc.75-18241 Filed 7-14-75;8:45 am]

FEDERAL MARITIME COMMISSION

CITY OF NEW YORK AND STANDARD FRUIT AND STEAMSHIP CO.

Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1100 L Street, NW, Room 10126; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, Louisiana, San Francisco, California, and Old San Juan, Puerto Rico. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C., 20573, on or before July 25, 1975. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of Agreements Filed by:

Theodore I. Kanner, Esq., General Counsel, The City of New York, Economic Development Administration, Department of Ports and Terminals, Battery Maritime Building, New York, New York 10004.

Agreement No. T-3119, between the City of New York (City) and Standard Fruit and Steamship Company (Standard), provides for Standard's sixteen and one-half year lease (with one ten-year renewal option) of Pier 42, East River, for use as a marine terminal. The agreement provides, however, that the leased premises shall not be used to accommodate or berth passenger vessels (as defined in the agreement) without the City's prior written approval. As compensation, the City is to receive: (1) a base rent of $140,880 per annum plus (2) additional rent, consisting of twelve per cent of the actual cost of the purchase, installation and construction of machinery, equipment and improvements as provided for in the agreement, such actual cost not to exceed $2,000,000.

Agreement No. T-3119-A, also between the City and Standard, provides for the surrender of Standard's earlier lease with the City for the premises to be leased under Agreement No. T-3119, above. Pier 42 was previously leased to Furness, Withy & Co. pursuant to FMC Agreement No. T-741, which was subsequently assigned to Standard.

By Order of the Federal Maritime Commission.

Dated: July 11, 1975.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.75-18375 Filed 7-14-75;8:45 am]

MEDITERRANEAN-U.S.A. GREAT LAKES WESTBOUND FREIGHT CONFERENCE

Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1100 L Street, NW., Room 10126; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, Louisiana, San Francisco, California and Old San Juan, Puerto Rico. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, on or before August 4, 1975. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of agreement filed by:

Eric G. Brown, Secretary
Mediterranean-U.S.A. Great Lakes Westbound Freight Conference
10 Place de la Joliette
Marseilles, France

Agreement No. 8260-15, among the member lines of the above-named Conference, modifies the basic agreement by requiring a unanimous vote of the membership for any amendment to the agreement and a three-quarters vote for determination of any violation.

By Order of the Federal Maritime Commission.

Dated: July 9, 1975.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.75-18281 Filed 7-15-75;8:45 am]

PUGET SOUND TUG AND BARGE CO.

Application for Exemption

Notice is hereby given that the following application for exemption has been

filed with the Commission for approval pursuant to section 35 of the Shipping Act, 1916, as amended (80 Stat. 1358, 46 U.S.C. 833a).

Interested parties may inspect and obtain a copy of this application at the Washington office of the Federal Maritime Commission, 1100 L Street, NW., Washington, D.C. 20573, Room 11413; or may inspect a copy of the application at the Field Offices, New York, New York; New Orleans, Louisiana; San Francisco, California; and San Juan, Puerto Rico. Comments with reference to the application, including a request for hearing if desired, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573 within twenty days after publication of this notice in the FEDERAL REGISTER. A copy of any such statement shall also be forwarded to the party filing the application (as indicated hereinafter) and the comments should indicate that this has been done.

Notice of application filed by:

John Cunningham, Esquire
Kominers, Fort, Schlefer & Boyer
1776 F Street, N.W.
Washington, D.C. 20006.

Puget Sound Tug & Barge Company has made application, pursuant to section 35 of the Shipping Act, 1916, for exemption from the Intercoastal Shipping Act, 1933, and the Shipping Act, 1916, and regulations applicable thereunder, to amend its currently effective exemption (46 CFR § 531.26(c)), scheduled to expire December 31, 1975, and extend for a period of three years beyond the expiration date. Applicant has been performing transportation between ports on navigable waters in the Lower 48 States and the Alaska North Slope under an exemption from tariff filing requirements granted June 20, 1974.

By order of the Federal Maritime Commission.

Dated: July 9, 1975.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.75-18282 Filed 7-14-75;8:45 am]

[Docket No. 75-25]

UNITED STATES LINES, INC., MATSON NAVIGATION CO.

Order of Investigation; Rates

On June 6, 1975, United States Lines, Inc. (USL), filed amendments to its Tariff FMC-F 57,[1] proposing to reduce its Foodstuffs, All Kinds and Freight, All Kinds (FAK) rates applicable to 40 foot containers, effective July 6, 1975. The proposed reduced rates would assess a minimum per 40 foot container charge based upon utilization of 2,192 cubic feet. An additional charge of 72 cents per cubic foot would be assessed for utilization above the minimum to the maximum capacity of a 40 foot container, i.e., 2,370 cubic feet. No similar provision is noted for 20 foot containers.

The Matson Navigation Company (Matson) filed a protest to the proposed revisions, alleging that the reductions will:

(a) Violate Tariff Circular No. 3 in that there is no clear and concise rule or provision to indicate the method to be used in determining the measurement of the cargo;

(b) Result in a higher per cube cost to shippers of 20 foot containers if the full capacity of the container is not utilized, and;

(c) Encourage false billing in violation of Section 16 of the Shipping Act, 1916.

Notwithstanding the above, Matson has also filed similar provisions to its Tariff FMC-F No. 153,[2] to become effective July 13 and 17, 1975, citing competitive necessity as justification. Matson offered to cancel these provisions in the event its protest is favorably considered.

Because users of the 40 foot container would be charged only for space utilized, subject to a minimum, and users of the 20 foot container would be charged on a per 20 foot container basis regardless of actual utilization, the result could work to prefer users of 40 foot containers in comparison to certain users of 20 foot containers. The measurement of cube of cargo is a departure from usual practice under FAK rates.

Moreover, because the additional charge for utilization above 2,192 cubic feet depends upon the shipper's declaration, the potential for misdeclaration is significant. While the integrity of most shippers is not in question, the Commission's responsibilities as a regulatory agency include attention to situations which might encourage practices violative of section 16 of the Shipping Act, 1916. This is particularly true in view of the fact that the Commission's Pacific District Investigators have indications of widespread misdescriptions by shippers using FAK rates in this trade. The Commission is particularly concerned that the rates proposed by United States Lines and Matson will encourage misstatements of cubic measurement unless there are adopted procedures which will rigorously monitor the accuracy of shipper declarations of cube.

Therefore, it is ordered, That pursuant to the authority granted the Commission by section 22 of the Shipping Act, 1916, as amended, an investigation is hereby ordered into the lawfulness of the aforementioned tariff matters for the purpose of making such findings and orders as the facts and circumstances warrant. In the event that the tariff matters hereby placed under investigation are further changed, altered, or reissued, such changes are hereby ordered to be made part of this investigation;

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 United States Lines and Matson, by the subject tariff matters, are proposing to subject any particular person, locality, or description of traffic to any undue or unreasonable prejudice or disadvantage in any respect whatsoever within the meaning of that section;

It is further ordered, That pursuant to section 18(a) of the Shipping Act, 1916, as amended, a determination shall be made as to whether United States Lines and Matson Navigation Company, by the subject rates on Foodstuffs, All Kinds and Freight, All Kinds are proposing to establish rates which are unjust or unreasonable or regulations and practices which relate to those rates which are unjust or unreasonable within the meaning of that section;

It is further ordered, That United States Lines, Inc. and Matson Navigation Company be named respondents in this proceeding;

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 January 9, 1976;

It is further ordered, That (1) a copy of this order be served forthwith upon the respondents and upon the Commission's Bureau of Hearing Counsel, and published in the FEDERAL REGISTER, and (2) the respondents and Hearing Counsel be 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 promptly notify the Secretary of the Commission 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 concluded 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 volume and nature of cargo moving in the affected trade will not be influenced by Commission action on the proposed rates.

By the Commission.

[SEAL] FRANCIS C. HURNEY,
Secretary.

[FR Doc.75-18283 Filed 7-14-75;8:45 am]

[1] USL FMC-F No. 57 applies to and from Pacific Coast ports and Hawaiian ports. The relevant provisions are at First Revised Page 118, Item 1160 (Foodstuffs, All Kinds), and at Second Revised Page 147 and Second Revised Page 148, Item 3000 (Freight, All Kinds).

[2] Matson FMC-F No. 153 applies from Pacific Coast ports to Hawaiian ports. The relevant provisions are at First Revised Page 156, Item 1160 (Foodstuffs, All kinds), and at First Revised Page 191 and First Revised Page 192, Item 3000 (Freight, All Kinds).

FEDERAL POWER COMMISSION

[Docket Nos. RP71-7, RP73-77; PGA75-7]

ALABAMA-TENNESSEE NATURAL GAS CO.

Proposed PGA Rate Adjustment and Minor Tariff Changes

JULY 8, 1975.

Take notice than on June 30, 1975, Alabama-Tennessee Natural Gas Company (Alabama-Tennessee) tendered for filing as part of its FPC Gas Tariff, Third Revised Volume No. 1, Eleventh Revised Sheet No. 3-A. This revised tariff sheet is proposed to become effective as of August 15, 1975.

Alabama-Tennessee states that the purpose of Eleventh Revised Tariff Sheet No. 3-A is to adjust Alabama-Tennessee's rates pursuant to the PGA provisions of Section 20 ond 22 of the General Terms and Conditions of its tariff to reflect increased rates to become effective on August 15, 1975, to be charged by its sole supplier, Tennessee Gas Pipeline Company.

The revised tariff sheet provides for the following rates:

Rate Schedule:	*Tenth revised sheet No. 3-A*
G-1:	
Demand	$3.20
Commodity	cents 60.05
SG-1:	
Commodity	cents 83.43
I-1:	
Commodity	cents 62.05

Alabama-Tennessee states that copies of the filings have been mailed to all of its jurisdictional customers and affected State regulatory Commissions.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before July 30, 1975. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

MARY B. KIDD,
Acting Secretary.

[FR Doc.75-18255 Filed 7-14-75;8:45 am]

[Docket No. E-9505]

CENTRAL ILLINOIS PUBLIC SERVICE CO.

Filing of Amendment to Existing Rate Schedule

JULY 8, 1975.

Take notice that on June 20, 1975, Central Illinois Public Service Company (Central Illinois) tendered for filing an amendment to Appendix B of its Interconnection Agreement with Commonwealth Edison Company (Edison). Appendix B is dated January 21, 1975, and the Interconnection Agreement is dated November 1, 1964, and filed with the Commission as Central Illinois Rate Schedule FPC No. 61.

Applicant states that this amendment provides for a change in the use by Edison of the 34.5 kV interconnection facilities provided by Central Illinois from continuous operation to standby operation. It provides for an annual charge of $12,238 based upon an annual fixed capital investment, maintenance and operating charge of 15 percent on an investment of $81,587. Central Illinois states that the term of Amendment to Appendix B is for 3 years, with a requested effective date of September 1, 1975. The amendment will continue thereafter until terminated by either party upon giving notice to the other in writing of its intention to do so at least one year in advance of such termination. Central Illinois states further that the 15 percent annual facilities use charge provided for in Amendment to Appendix B is identical to similar charges in Supplements on file with the Commission to Central Illinois Rate Schedule FPC No. 13.

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 July 24, 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 desiring 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.

MARY B. KIDD,
Acting Secretary.

[FR Doc.75-18256 Filed 7-14-75;8:45 am]

[Docket No. RP72-157; PGA75-9]

CONSOLIDATED GAS SUPPLY CORP.

Proposed Changes in FPC Gas Tariff

JULY 7, 1975.

Take notice that Consolidated Gas Supply Corporation (Consolidated), on June 23, 1975, tendered for filing proposed changes in its FPC Gas Tariff, Second Revised Volume No. 1, pursuant to its PGA clause for rates to be effective August 1, 1975. The proposed rate decrease would produce approximately $4.9 million annually less in jurisdictional revenues.

Consolidated states that the PGA filing was triggered by rate changes filed by Texas Gas Transmission Corporation and Texas Eastern Transmission Corporation to be effective August 1, 1975.

Consolidated requests waiver of the 45-day notice requirement contained in its PGA clause since it did not receive the suppliers' revised rates in sufficient time to make a timely filing, and further asks for a waiver of any other of the Commission's rules and regulations in order to permit the proposed rates to go into effect on August 1, 1975.

Copies of this filing were served upon Consolidated's jurisdictional customers, as well as interested State Commissions.

Any persons desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 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 July 18, 1975. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve ot 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.

MARY B. KIDD,
Acting Secretary.

[FR Doc.75-18260 Filed 7-14-75;8:45 am]

[Docket No. E-9524]

CONSUMERS POWER CO.

Tariff Change

JULY 8, 1975.

Take notice that Consumers Power Company (Consumers Power) on June 30, 1975, tendered for filing Amendment No. 1 to an Operating Agreement dated March 1, 1966 among Consumers Power, The Detroit Edison Company, and The Toledo Edison Company. This Operating Agreement is designated Consumers Power Company Rate Schedule FPC No. 22. Consumers Power states that the proposed changes would increase the charges under the Agreement for Emergency Service by Approximately 22 percent and for Short Term Power by approximately 17 percent. Amendment No. 1 also creates a new category of service termed "Off Peak Power".

Consumers Power further states that the increased rates are necessary to more adequately compensate parties supplying Short Term Power and Emergency Service under the Agreement for the fixed costs associated with production and bulk transmission facilities used to provide such power. The creation of the category of service termed "Off Peak Power" is intended to allow greater operating flexibility to the parties.

Any person desiring to be heard or to protest said Agreement should file a petition to intervene or protest with the Federal Power Commisison, 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 July 24, 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 Agreement are on file with the Commission and are available for public inspection.

MARY B. KIDD,
Acting Secretary.

[FR Doc.75-18261 Filed 7-14-75;8:45 am]

[Docket No. E-9521]

GEORGIA POWER CO.

Filing of Initial Tariff

JULY 8, 1975.

Take notice that Georgia Power Company (Georgia Power) on June 30, 1975, tendered for filing an initial partial requirements tariff, Georgia Power Company's FPC Electric Tariff, Original Volume No. —.

Georgia Power states that, pursuant to the tariff, for which the Company requests a July 1, 1975 effective date, the Company would supply partial requirements to wholesale for resale customers in its service area. The service consists of base load capacity, intermediate load capacity, peaking load capacity, reserves for such capacity and associated energy, complementary to Customer-owned resources. In addition, the Company will provide reserves for Customer-owned resources which result from joint planning with the Company.

The Company states that only one customer, Oglethorpe Electric Membership Corporation, will initially take service under the new tariff.

Georgia Power states that copies of the filing were served upon the Company's 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 July 24, 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.

MARY B. KIDD,
Acting Secretary.

[FR Doc.75-18262 Filed 7-14-75;8:45 am]

[Docket No. E-9522]

GEORGIA POWER CO.

Filing of Initial Tariff

JULY 8, 1975.

Take notice that Georgia Power Company (Georgia Power), on June 30, 1975, tendered for filing an initial transmission service tariff, Georgia Power Company's FPC Electric Tariff, Original Volume No. .

Georgia Power states that, under the tariff, for which the Company requests a July 1, 1975 effective date, the customer's bulk power resources, as defined, may be transmitted within the State of Georgia (other than Chatham, Effingham, Fannin, Towns and Union Counties) pursuant to entry by the Company and the customer into arrangements for the ownership and use of an integrated transmission system, which arrangements provide for parity of investment in said system among customers and the Company and for payments by one party to the other in the event of disparity of investment.

The Company states that only one customer, Oglethorpe Electric Membership Corporation, will initially take service under the new tariff. The Company and this customer have entered into an agreement pursuant to the new tariff.

Georgia Power states that copies of the filing were served upon the Company's jurisdictional customers.

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 July 24, 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.

MARY B. KIDD,
Acting Secretary.

[FR Doc.75-18263 Filed 7-14-75;8:45 am]

[Docket No. E-9520]

ILLINOIS POWER CO.

Tariff Change

JULY 8, 1975.

Take notice that Illinois Power Company (Illinois Power) on June 27, 1975, tendered for filing proposed changes in its FPC Electric Service Tariff, IP FPC 26, IP FPC 28 and IP FPC 30. Illinois Power states that the proposed changes would increase revenues from jurisdictional sales and service by $117,498, based on the twelve month period ended December 31, 1974.

Illinois Power further states that the rate schedules for the three Service Classification 40 customers were last increased in 1958 and subsequently reduced in 1964 and 1966, and that the Company has subsequently experienced sharply increased construction and capital costs and operating expenses.

Copies of the filing were served upon the public utility jurisdictional customers.

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 July 21, 1975. Protests will be considered by the Commission in determining the appropriate action to be taken but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this Application are on file with the Commission and are available for public inspection.

MARY B. KIDD,
Acting Secretary.

[FR Doc.75-18264 Filed 7-14-75;8:45 am]

[Docket No. RP73-66; PGA75-4]

INTER-CITY MINNESOTA PIPELINES LIMITED, INC.

Proposed Changes in FPC Gas Tariff Under Purchased Gas Adjustment Clause Provision

JULY 8, 1975.

Take notice that Inter-City Minnesota Pipelines Limited, Inc. on June 15, 1975 tendered for filing Fourth Revised Sheet No. 4 to its FPC Gas Tariff, Original Volume No. 1 proposed to be effective August 1, 1975.

Minnesota Pipelines states that the purpose of filing this revised tariff sheet is to reflect the increased costs of gas purchased from ICG Transmission Limited, effective August 1, 1975.

Minnesota Pipelines also states that copies of this filing have been served upon all its 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 July 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 filing are on file with the Commission and are available for public inspection.

MARY B. KIDD,
Acting Secretary.

[FR Doc.75-18265 Filed 7-14-75;8:45 am]

MICHIGAN WISCONSIN PIPE LINE CO., ET AL.

Extension of Time

JULY 7, 1975.

In the matter of Michigan Wisconsin Pipe Line Company, Docket Nos. CP74-316, CP75-182, CP75-195; Natural Gas Pipeline Company of America, Docket Nos. CP72-279, and CP75-274, Great Lakes Transmission Company, Docket

No. CP74-317; Northern Natural Gas Company, Docket Nos. CP75-21, CP75-237; Michigan Consolidated Gas Company, Docket Nos. CP75-199, CP75-200.

On June 18, 1975, Michigan Wisconsin Pipeline Company and Michigan Consolidated Gas Company filed motions for an extension of the time within which to file testimony and exhibits by all applicants and supporting intervenors as required by the order issued June 2, 1975, in the above-designated matter. Northern Natural Gas Company and Natural Gas Pipeline Company of America filed responses supporting the motions.

Upon consideration, notice is hereby given that the date is extended to and including August 15, 1975, within which the applicants and supporting intervenors shall file testimony and exhibits. All other dates remain unchanged.

MARY B. KIDD,
Acting Secretary.

[FR Doc.75-18266 Filed 7-14-75;8:45 am]

[Docket Nos. RP73-107, RP74-90]

CONSOLIDATED GAS SUPPLY CORP.

Change in Conference Date

JULY 7, 1975.

Take notice that the informal conference in the above referenced dockets which was set for Tuesday, July 22, 1975, by notice issued June 20, 1975, has been changed to July 21, 1975. The conference will convene at 10 a.m. in Room No. 5200 at the offices of the Federal Power Commission, 825 North Capitol Street, NE, Washington, D.C. 20426.

MARY B. KIDD,
Acting Secretary.

[FR Doc.75-18259 Filed 7-14-75;8:45 am]

[Docket No. RP75-8; PGA 75-4]

COMMERCIAL PIPELINE CO., INC.

PGA Filing

JULY 8, 1975.

Take notice that on June 13, 1975, Commercial Pipeline Company, Inc. (Commercial) tendered for filing Seventh Revised Sheets No. 3A reflecting Purchased Gas Adjustments and effective dates as set out below:

Sheet No.	Current adjustments	Cumulative adjustments	Effective date
3A Seventh Revised.....	($0.0395)	$0.0650	July 23, 1975

Commercial states that these revisions track precisely similar revisions in the tariff of Cities Service Gas Company, its sole supplier. Commercial requests waiver of notice to the extent required to permit said tariff sheets to become effective as proposed.

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 July 16, 1975. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

MARY B. KIDD,
Acting Secretary.

[FR Doc.75-18258 Filed 7-14-75;8:45 am]

COLUMBIA GULF TRANSMISSION CO.

Petition To Amend

JULY 7, 1975.

Take notice that on June 9, 1975, Columbia Gulf Transmission Company (Petitioner), P.O. Box 683, Houston, Texas 77001, filed in Docket No. CP73-5 a petition to amend the order of the Commission issued pursuant to section 7(c) of the Natural Gas Act on October 13, 1972, by authorizing an additional point for receipt of gas from Texas Gas Transmission Corporation (Texas Gas) to Petitioner on the Blue Water Project, offshore Louisiana, all as more fully set forth in the petition on file with the Commission and open to public inspection.

Petitioner states that it is authorized in a certificate of public convenience and necessity issued by the Commission on October 13, 1972, to transport for Texas Gas up to 51,000 Mcf daily from Eugene Island and Vermilion Areas, offshore Louisiana, through Petitioner's capacity entitlement in the Offshore Header and Western Shore Line of the Blue Water Project for delivery to Texas Gas at the Egan terminus of the Western Shore Line. Petitioner alleges that there is a decreasing deliverability in the Vermilion Area and that Texas Gas has acquired additional reserves in the Block 342 Field, Eugene Island Area, South Addition, offshore Louisiana, and in the Block 271 Field, Ship Shoal Area, South Addition, offshore Louisiana. The petition states that Texas Gas has requested the installation of an additional receipt point to be located by mutual agreement on the Blue Water Project, on Tennessee Gas Pipeline Company, a Division of Tenneco Inc.'s (Tennessee) existing platform in Block 198, Ship Shoal Area, offshore Louisiana. Petitioner states that the transportation pipeline to the additional receipt point would be constructed as set forth in the joint application by Texas Gas, *et al.*, for a certificate of public convenience and necessity in Docket No. CP 75-127.[1] Petitioner states that there would be no change in the contract demand of 51,000 Mcf per day as the result of operation of the proposed delivery point.

Any person desiring to be heard or to make any protest with reference to said petition to amend should on or before July 25, 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.

MARY B. KIDD,
Acting Secretary.

[FR Doc.75-18257 Filed 7-14-75;8:45 am]

[Docket No. E-9515]

ALABAMA POWER CO.

Tariff Change

JULY 7, 1975.

Take notice that on June 23, 1975, Alabama Power Company (Alabama) tendered for filing herein an agreement dated April 1, 1975, with the City of LaFayette, Alabama, under Alabama's FPC Electric Tariff, Original Volume No. 1. The proposed agreement gives notice that Alabama intends to convert the delivery voltage of the City of LaFayette from 4,160 volts to 115,000 volts and the capacity required to be maintained at the delivery point from 3,750 kva to 12,500 kva.

Alabama states that copies of this filing were served upon the City of LaFayette and its attorneys of record in FPC Docket No. E-8851.

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 July 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.

MARY B. KIDD,
Acting Secretary.

[FR Doc.75-18254 Filed 7-14-75;8:45 am]

[Docket No. E-7671]

BLANDIN PAPER CO., ET AL.

Order Setting Hearing, Payments for Headwater Benefits in the Upper Mississippi River Basin

JULY 2, 1975.

In the matter of Blandin Paper Co., Northwest Paper Co., Minnesota Power & Light Co., St. Regis Paper Co., Northern States Power Co., General Mills, Inc., Ford Motor Co.

[1] Notice of the application was published November 25, 1974 (39 FR 41216).

Section 10(f) of the Federal Power Act (16 U.S.C. 803(f)) provides for payments to be made for certain benefits received by a power project as a result of a headwater improvement. Pursuant to the Act and the appropriate sections of Part 11 of the Commission's regulations (18 CFR 11 (1974)), Commission staff has undertaken studies of the Upper Mississippi River Basin[1] to determine if and to what extent headwater benefits charges should be assessed the owners of power projects in that area.

As a result of staff's investigations, a document entitled "Investigation of Headwater Benefits in the Upper Mississippi River Basin, 1925 through 1965," was published in May 1971. Comments were solicited and received from representatives of each of the affected parties. In response to these comments and to other additional data, staff published, in March 1973, a supplement to the earlier report. Following another round of comments, an annex to the supplemental report was published in April 1974. The latest comments to this annex report were received March 17, 1975.

The staff's research indicates that payments should be made to the United States for benefits received from six upstream water storage facilities operated by the Corps of Engineers.[2] The staff study indicates that seven parties, each the owner of one or more power projects downstream from some or all of these Federally-owned headwater facilities, were liable for such payments for the period under study.[3] In addition, each of the parties was determined to owe a specified share of the costs incurred by staff in making the studies.

A number of the parties involved have objected to staff's conclusions regarding the parties' liability for payments in the amounts indicated by the reports. Their comments in response to the reports allege various legal, technical, factual, or procedural grounds for eliminating all or part of the payments due according to staff's calculations.

In view of the circumstances, we think it appropriate that Blandin Paper Co., Ford Motor Co., General Mills, Inc., Minnesota Power & Light Co., Northern States Power Co., Northwest Power Co., and St. Regis Paper Co. be afforded an opportunity to show in a hearing why they believe that headwater benefits payments for the period 1925 through 1965 for benefits received by power projects owned by them from Federally-owned headwater facilities in the Upper Mississippi River Basin, as calculated by staff in its May 1971 report and the March 1973 supplement and April 1974 annex thereto, are inappropriate or excessive.

In addition, the question of the assessment of interest on unpaid headwater benefit charges will be an issue in this proceeding, as well as the question of the date with respect to which such interest can first be assessed. These questions should be discussed by the parties.

The Commission finds. It is appropriate and in the public interest to hold a prehearing conference, and such hearings as may be required, in order to afford Blandin Paper Co., Ford Motor Co., General Mills, Inc., Minnesota Power & Light Co., Northern States Power Co., Northwest Power Co., and St. Regis Paper Co. the opportunity to show why they should not be liable for headwater benefits payments, as determined by staff, for benefits received from Federally-owned headwater facilities in the Upper Mississippi River Basin during the period 1925 through 1965.

The Commission orders. (A) A prehearing conference before an Administrative Law Judge shall be held at 10 a.m. on July 29, 1975, in a hearing room at the Federal Power Commission, 825 North Capitol Street, NE, Washington, D.C. 20426, respecting the matters set forth above concerning payment for headwater benefits under section 10(f) of the Federal Power Act and the Commissions Regulations with respect thereto.

(B) If the Administrative Law Judge finds that there is disagreement on the facts bearing on liability for the payment of headwater benefit charges, he shall schedule a hearing on the remaining factual issues to be followed by briefing and an initial decision in accordance with §§ 1.29 and 1.30 of the rules of practice and procedure.

(C) If the Administrative Law Judge finds no disagreement on material facts bearing on liability for payment of headwater benefit charges, he shall provide a briefing schedule to be followed by an initial decision in accordance with §§ 1.29 and 1.30 of the rules of practice and procedure.

By the Commission.

[SEAL] MARY B. KIDD, *Acting Secretary.*

[FR Doc.75-18276 Filed 7-14-75;8:45 am]

[1] The Basin is defined for the purposes of these studies as the drainage region encompassing that portion of the Mississippi River, including its tributaries, above, the Minnesota River. The area is located entirely in central Minnesota.

[2] The six Federally owned headwater improvements are: Winnibigoshish Lake, Leech Lake, Pokegama Lake, Sandy Lake, Pine River Reservoir, and Gull Lake.

[3] The parties and the plants they own are as follows:

Company:	*Name of powerplant*
Blandin Paper Co	Paper Mill (Project No. 2362).
Ford Motor Co	Twin City (Project No. 362).
General Mills, Inc	Minneapolis (removed from service in 1960).
Minnesota Power & Light Co	Sylvan (Project No. 2454).
	Little Falls (Project No. 2533).
	Blanchard (Project No. 346).
Northern States Power	St. Cloud.
	Coon Rapids.
	Main Street (Project No. 2056).
	Consolidated (Project No. 2056; removed from service in 1959).
Northwest Paper Co	Brainerd (Project No. 2533).
St. Regis Paper Co	Sartell.

[Docket Nos. RP72-149, RP75-20, and PGA75-11]

MISSISSIPPI RIVER TRANSMISSION CORP.

Proposed Change in Rates

JULY 8, 1975.

Take notice that Mississippi River Transmission Corporation (Mississippi) on June 24, 1975 tendered for filing Thirty-Second Revised Sheet No. 3A to its FPC Gas Tariff, First Revised Volume No. 1 to become effective August 1, 1975.

The purpose of the filing, which is being made under the Purchased Gas Cost Adjustment (PGCA) clause to Mississippi's tariff, is to reflect (1) changes in the cost of gas purchased by Mississippi from Trunkline Gas Company (Trunkline) and Natural Gas Pipeline Company of America (Natural), and (2) a change in Mississippi's deferred cost adjustment to recover the amount included in its deferred cost account applicable to its purchase of gas in the Mills Ranch Field during the period December 1974 through March 1975. The changes of Natural and Trunkline are proposed to be effective August 1, 1975 and result from purchased gas cost changes pursuant to the PGCA provisions of their respective tariffs and elimination of the Opinion No. 699-H surcharge included in each company's rates.

Mississippi simultaneously filed a request for reconsideration of the Commission's "Order Denying Rehearing issued May 19, 1975 and "Order Rejecting Filing Pursuant to PGA Clause" issued April 23, 1975 at Docket Nos. RP72-149, RP75-20 and PGA75-8. The instant filing includes a deferred cost adjustment relative to Mississippi's purchases of gas in the Mills Ranch Field. Such adjustment is the same as that which was eliminated from Mississippi's April 1, 1975 PGCA change by reason of the Commission's April 24, 1975 order. Mississippi requests that, in the event its request for reconsideration is not granted, Thirty-Second Revised Sheet No. 3A be suspended for one day to August 2, 1975 and the matter of recovery of the amount in Mississippi's deferred account applicable to its purchases of gas in the Mills Ranch Field during the period December, 1974 through March, 1975 be consolidated with Mississippi's pending rate proceeding at Docket No. RP75-20.

Mississippi requests waiver in order to permit the proposed changes to become effective on August 1, 1975 or August 2, 1975, as the case may be.

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. All such petition or protests should be filed on or before July 18, 1975. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

MARY B. KIDD,
Acting Secretary.

[FR Doc.75-18267 Filed 7-14-75;8:45 am]

[Docket No. RP74-100]

NATIONAL FUEL GAS SUPPLY CORP.

Certification of Settlement Agreement and Motion To Omit Initial Decision

JULY 8, 1975.

Take notice that on June 17, 1975, Presiding Law Judge William L. Ellis certified to the Commission, for its consideration and disposition, a proposed settlement agreement in the above-entitled proceeding, together with the entire record relating thereto. Also certified was a joint motion to omit the intermediate decision procedure as to the single unresolved issue of rate of return.

Any person wishing to do so may submit written comments concerning the proposed settlement agreement. All such comments should be submitted to the Federal Power Commission, 825 North Capitol Street, NE, Washington, D.C. 20426, on or before July 30, 1975.

MARY B. KIDD,
Acting Secretary.

[FR Doc.75-18266 Filed 7-14-75;8:45 am]

[Docket No. G-10632]

NORTHERN ILLINOIS GAS CO.

Application

JULY 8, 1975.

Take notice that on June 18, 1975, Northern Illinois Gas Company (Applicant), P.O. Box 190, Aurora, Illinois 60507, filed in Docket No. G-10632 an application pursuant to section 1(c) of the Natural Gas Act for a declaration that Applicant shall continue to be exempt from the provisions of the Natural Gas Act, all as more fully set forth in the application on file with the Commission and open to public inspection.

Applicant states that it is engaged in the business of selling and distributing gas in the State of Illinois. Applicant also states that it purchases gas in Illinois from Northern Natural Gas Company (Northern), among others, and that by an agreement of March 25, 1975, Applicant and Northern have agreed to reschedule deliveries of gas by Northern to assist Northern in meeting its peak day requirements for the 1975-1976 and 1976-1977 heating seasons. Applicant alleges that the terms of the agreement allow Northern to reduce Applicant's takes of gas during the periods of October 1, 1975, through March 31, 1976, and October 1, 1976, through March 31, 1977, by 36,000 Mcf of gas in each period. Applicant further alleges that Northern would deliver or cause to be delivered to Applicant during the periods of April 1, 1976, through September 30, 1976, and April 1, 1977, through September 30, 1977, an amount equal to the total volume of equivalent 1,000 Btu gas by which deliveries were reduced in each preceding winter heating season. Applicant states that it would be able to accept additional volumes of gas for injection in its storage fields during the 1976 and 1977 summer seasons due to curtailments of its gas supply and that the proposed arrangements would not result in a net increase in annual deliveries by Northern to Applicant. Applicant alleges that this would be an arrangement for the rescheduling of deliveries only and not an exchange of gas in interstate commerce subject to jurisdiction of the Commission. Applicant further states that it is a public utility subject to the jurisdiction of the Illinois Commerce Commission under the Illinois Public Utilities Act and that all of its operations are being conducted in Illinois.

By application filed May 13, 1975, in Docket No. CP75-336 [1] Northern requests authorization pursuant to section 7(c) of the Natural Gas Act for its part in the rescheduling of deliveries.

Applicant requests that the Commission declare that Applicant shall continue to remain exempt from the provisions of the Natural Gas Act pursuant to section 1(c) thereof notwithstanding its participation in the arrangement for rescheduling of deliveries with Northern.

Any person desiring to be heard or to make any protest with reference to said protest should on or before July 22, 1975, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

MARY B. KIDD,
Acting Secretary.

[FR Doc.75-18269 Filed 7-14-75;8:45 am]

[Docket No. RP74-102]

NORTHERN NATURAL GAS CO.

Order Issuing Order To Show Cause and Setting Procedures for Hearing

JULY 7, 1975.

On June 17, 1975, we issued an order in Docket No. RP74-102 modifying and accepting a settlement which constitutes an interim curtailment plan for Northern Natural Gas Company (Northern). As a part of that order, we stated that volumetric limitations constitute a valid and workable means of deterring growth where the public interest so demands. We further ordered that a separate order be issued demanding of Northern that cause be shown as to why volumetric limitations should not be imposed (p. 13).

In our order of June 17, 1975, we concluded that the record in RP74-102 clearly demonstrates that Northern intends to permit substantial future growth in firm, residential and commercial and small volume interruptible service by 1978. In this time of gas shortage, the public interest requires that we carefully assess any increase in deliveries of gas. We will, therefore, issue an order in Docket No. RP74-102 (volumetric limitations) requiring Northern to show cause why a maximum annual volumetric requirement should not be established for each firm, residential, and commercial and small volume interruptible customer on Northern's system for deliveries of gas in excess of its 1975 requirement, or, in the alternative, its requirement for a past year, and, if appropriate, what requirement should be established for each.

Any person wishing to become a party to the show cause proceeding hereinafter ordered may do so by filing a petition to intervene on or before August 5, 1975.

The Commission finds. It is appropriate in the administration of the Natural Gas Act that the Commission enter upon a hearing at which Northern Natural Gas Company should show cause why maximum annual volumetric requirements should not be established for each firm and small volume interruptible customer on Northern's system for deliveries of gas in excess of its 1975 requirement or, in the alternative, its requirement for a past year and, if appropriate, what requirement should be established for each customer.

The Commission orders. (A) Pursuant to the authority and in order to effectuate the purposes of the Natural Gas Act (particularly sections 5, 7, 14, and 16), Northern Natural Gas Company is hereby ordered to appear at a public hearing and to show cause: (1) Why maximum annual volumetric requirements should not be established for each firm and small volume interruptible customer on Northern's system for deliveries of gas in excess of its 1975 requirements, and, if appropriate, what requirement should be established for each customer; or in the alternative, (2) why maximum annual volumetric requirements should not be established for each firm and small volume interruptible customer on Northern's system for deliveries of gas in excess of its requirements for a past year, and if appropriate, what requirement should be established for each customer.

(B) Pursuant to the authority of the Natural Gas Act, the Commission's Rules of Practice and Procedure, and the Regulations under the Natural Gas Act, a public hearing shall be held commencing

[1] Notice of the application was published June 2, 1975, (40 FR 23793).

on September 23, 1975, at 10 a.m. (EDT) in a hearing room of the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, on the issues raised by the show cause order issued herein. A Presiding Administrative Law Judge to be designated by the Chief Administrative Law Judge for this purpose [See Delegation of Authority, 18 CFR 3.5(d)] shall preside at the hearing in this proceeding pursuant to the Commission's Rules of Practice and Procedure.

(C) The direct case of Northern Natural Gas Company, in accordance with the show cause order issued herein, shall be filed and served on all parties, the Presiding Administrative Law Judge, and the Commission Staff on or before August 25, 1975.

By the Commission.

[SEAL] MARY B. KIDD,
Acting Secretary.

[FR Doc.75-18270 Filed 7-14-75;8:45 am]

[Docket No. RP73-8, PGA 75-12]

NORTH PENN GAS CO.

Proposed Changes in FPC Gas Tariff

JULY 7, 1975.

Take notice that North Penn Gas Company (North Penn) on June 30, 1975, tendered for filing proposed changes in its FPC Gas Tariff, First Revised Volume No. 1, pursuant to its PGA clause, for rates to be effective August 1, 1975. North Penn states that the proposed rate change will decrease jurisdictional revenues based on the twelve-month period ending May 31, 1975, by $57,000 annually.

North Penn states that the PGA filing was triggered by a rate decrease filed by Consolidated Gas Supply Corporation on June 23, 1975, to become effective August 1, 1975.

North Penn is requesting a waiver of the 45-day notice requirement contained in its PGA clause since it did not receive its supplier's revised rates in sufficient time to make a timely filing and further asks for a waiver of any other of the Commission's Rules and Regulations in order to permit the proposed rates to go into effect on August 1, 1975.

North Penn states that copies of this filing were served upon North Penn's jurisdictional customers, as well as interested state commissions.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before July 18, 1975. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

MARY B. KIDD,
Acting Secretary.

[FR Doc.75-18271 Filed 7-14-75;8:45 am]

[Docket No. RP73-92; PGA75-3]

RATON NATURAL GAS CO.

Change in Rates

JULY 8, 1975.

Take notice that Raton Natural Gas Company (Raton) on June 26, 1975, tendered for filing proposed changes in its FPC Gas Tariff, Volume No. 1, consisting of Seventh Revised Sheet No. 3a. The change in rates is for Jurisdictional Gas Service.

Raton states that the instant notice of change in rates is occasioned solely by, and will compensate Raton only for, increases in the cost of gas purchased from Colorado Interstate Gas Company (CIG).

The tracking of CIG gas cost increase of 3.73 cents results in increased commodity rate from 59.52 cents to 63.25 cents.

The annual revenue increase by reason of the tracking increased rate amounts to $41,388.

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 July 18, 1975. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

MARY B. KIDD,
Acting Secretary.

[FR Doc.75-18272 Filed 7-14-75;8:45 am]

[Docket No. E-8823]

SOUTH CAROLINA ELECTRIC & GAS CO.

Filing of Revised Tariff Sheets Pursuant to Order Approving Settlement Agreement

JULY 8, 1975.

Take notice that South Carolina Electric & Gas Company, on June 26, 1975, tendered for filing its revised tariff sheets. The filing was made in compliance with the Commission's Order Approving Settlement Agreement issued June 17, 1975, in this docket. In accordance with the terms of the agreement and the Commission's Order, the revised rates, including a new fuel clause, shall be effective as of August 4, 1974.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE, Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure. All such petitions or protests should be filed on or before July 18, 1975. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

MARY B. KIDD,
Acting Secretary.

[FR Doc.75-18273 Filed 7-14-75;8:45 am]

[Docket No. CP67-26]

TEXAS EASTERN TRANSMISSION CORP. AND UNITED GAS PIPE LINE CO.

Petition To Amend

JULY 7, 1975.

Take notice that on June 26, 1975, Texas Eastern Transmission Corporation (Texas Eastern), P.O. Box 2521, Houston, Texas 77001, and United Gas Pipe Line Company (United), 1500 Southwest Tower, Houston, Texas 77001, jointly Petitioners, filed in Docket No. CP67-26 a petition to amend the order of the Commission on July 22, 1969 (42 FPC 157), as amended, issuing a certificate of public convenience and necessity pursuant to Section 7(c) of the Natural Gas Act, by deleting therefrom authorization to exchange natural gas at an authorized exchange point near Beaumont, Jefferson County, Texas, all as more fully set forth in the petition to amend on file with the Commission and open to public inspection.

The petition states that Petitioners are authorized to exchange gas at a point near Beaumont, Jefferson County, that permission and approval to abandon facilities were granted United by the Commission August 14, 1970, in Docket No. CP70-103 (44 FPC 292), and that United no longer has facilities at the authorized point of exchange. Petitioners further state that Texas Eastern proposes to abandon its 16-inch and 20-inch Provident City-Beaumont pipelines, including the exchange point, and convert them into a common carrier products transportation service as proposed in the application pending in Docket No. CP75-306.[1]

Any person desiring to be heard or to make any protest with reference to said petition to amend should on or before July 25, 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

[1] Notice of the application was published May 6, 1975 (40 FR 19703).

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.

MARY B. KIDD,
Acting Secretary.

[FR Doc.75-18274 Filed 7-14-75;8:45 am]

[Docket No. E-9517]

THE WASHINGTON WATER POWER CO.

Tender of Rate Schedule Applicable to Wholesale Nonfirm Energy for Export

JULY 8, 1975.

Take notice that on June 23, 1975, The Washington Water Power Company (Washington) tendered for filing copies of a rate schedule applicable to what Washington refers to as "Wholesale Nonfirm Energy for Export." Washington states that this rate schedule would apply to the sale of surplus energy to utilities outside the Pacific Northwest area, as defined in Pub. L. 88-552, for the purpose of replacing high-cost thermal generation. The Company states that such rate schedule would also be applicable to emergency transfers of energy as defined under FPC Order No. 520.

Washington states that the basic rate established in the proposed rate schedule is predicated on a "share-the-saving" concept. The Company states further that when surplus energy in the Northwest is available for export at a lower rate than established by the "share-the-saving" concept, this rate schedule provides for making surplus energy available at a rate equivalent to such lower rate.

Review of Washington's filing indicates that the Company has not indicated the date on which service under such schedule is expected to commence. In addition, no form of notice was filed, as required by § 35.8(a) of the Commission's regulations.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE, Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before July 18, 1975. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

MARY B. KIDD,
Acting Secretary.

[FR Doc.75-18275 Filed 7-14-75;8:45 am]

NUCLEAR REGULATORY COMMISSION

ADVISORY COMMITTEE ON REACTOR SAFEGUARDS SUBCOMMITTEE ON SAFEGUARDS FOR SPECIAL NUCLEAR MATERIAL

Meeting

In accordance with the purposes of sections 29 and 182b. of the Atomic Energy Act (42 U.S.C. 2039, 2232b.), the Advisory Committee on Reactor Safeguards Subcommittee on Safeguards for Special Nuclear Material will hold a meeting on July 30, 1975 at the Royal Court Inn, 1750 South Elmhurst Road, Des Plaines, Illinois. The purpose of this meeting will be to develop information for consideration by the ACRS in its review of current safeguards activities, studies being made, and plans for future work.

The agenda for the subject meeting shall be as follows:

Wednesday, July 30, 1975, 9:00 a.m. until the conclusion of business. The Subcommittee will hear presentations by representatives of the NRC Staff and will hold discussions with these groups pertinent to its review of current safeguards activities, studies being made, and plans for future work.

In connection with the above agenda item, the Subcommittee will hold Executive Sessions, not open to the public, at 8:30 a.m. and at the end of the day to consider matters relating to the above topics.

These sessions will involve an exchange of opinions and discussion of preliminary views and recommendations of Subcommittee Members and internal deliberations for the purpose of formulating recommendations to the ACRS.

In addition to the Executive Sessions, the Subcommittee may hold closed sessions with representatives of the NRC Staff for the purpose of discussing privileged information concerning plant physical security and other matters related to plant design, construction, and operation, if necessary.

I have determined, in accordance with subsection 10(d) of Pub. L. 92-463, that the above-noted Executive Sessions will consist of an exchange of opinions and formulation of recommendations, the discussion of which, if written, would fall within exemption (5) of 5 U.S.C. 552(b) and that a closed session may be held, if necessary, to discuss certain documents and information which are privileged and fall within exemption (4) of 5 U.S.C. 552(b). Further, any non-exempt material that will be discussed during the above closed sessions will be inextricably intertwined with exempt material, and no further separation of this material is considered practical. It is essential to close such portions of the meeting to protect the free interchange of internal views, to avoid undue interference with agency or Subcommittee operation, and to avoid public disclosure of proprietary information.

Practical considerations may dictate alterations in the above agenda or schedule.

The Chairman of the Subcommittee is empowered to conduct the meeting in a manner that, in his judgment, will facilitate the orderly conduct of business, including provisions to carry over an incompleted open session from one day to the next.

With respect to public participation in the open portion of the meeting, the following requirements shall apply:

(a) Persons wishing to submit written statements regarding the agenda items may do so by mailing 25 copies thereof, postmarked no later than July 22, 1975 to the Executive Secretary, Advisory Committee on Reactor Safeguards, Nuclear Regulatory Commission, Washington, D.C. 20555. Such comments shall be based upon related documents on file and available for public inspection at the Nuclear Regulatory Commission's Public Document Room, 1717 H Street, NW, Washington, D.C. 20555.

(b) Those persons submitting a written statement in accordance with paragraph (a) above may request an opportunity to make oral statements concerning the written statement. Such requests shall accompany the written statement and shall set forth reasons justifying the need for such oral statement and its usefulness to the Subcommittee. To the extent that the time available for the meeting permits, the Subcommittee will receive oral statements during a period of no more than 30 minutes at an appropriate time, chosen by the Chairman of the Subcommittee between the hours of 11 a.m. and 3 p.m. on July 30, 1975.

(c) Requests for the opportunity to make oral statements shall be ruled on by the Chairman of the Subcommittee who is empowered to apportion the time available among those selected by him to make oral statements.

(d) Information as to whether the meeting has been cancelled or rescheduled and in regard to the Chairman's ruling on requests for opportunity to present oral statements, and the time allotted, can be obtained by a prepaid telephone call on July 28, 1975 to the Office of the Executive Secretary of the Committee (telephone 202/634-1920, Attn: John C. McKinley) between 8:15 a.m. and 5 p.m., e.d.t.

(e) Questions may be propounded only by members of the Subcommittee and its consultants.

(f) Seating for the public will be available on a first-come, first-serve basis.

(g) The use of still, motion picture, and television cameras, the physical installation and presence of which will not interfere with the conduct of the meeting, will be permitted both before and after the meeting and during any recess. The use of such equipment will not, however, be allowed while the meeting is in session.

(h) Persons desiring to attend portion of the meeting where proprietary information, other than plant security information, is to be discussed may do so by providing to the Executive Secretary, Advisory Committee on Reactor Safeguards, 1717 H Street, NW, Washington, D.C. 20555, seven days prior to the meeting, a copy of an executed agreement with the owner of the proprietary information to safeguard this material.

(i) A copy of the transcript of the open portion of the meeting will be available for inspection on or after August 5, 1975 at the Nuclear Regulatory Commission's Public Document Room, 1717 H Street, NW, Washington, D.C. 20555. Copies of the transcript may be reproduced in the Public Document Room or may be obtained from Ace Federal Reporters, Inc., 415 Second Street, NE, Washington, D.C. 20002 (telephone 202/547-6222) upon payment of appropriate

(j) On request, copies of the minutes of the meeting will be made available for inspection at the Nuclear Regulatory Commission's Public Document Room, 1717 H Street, NW, Washington, D.C. 20555 after October 30, 1975. Copies may be obtained upon payment of appropriate charges.

Dated: July 10, 1975.

JOHN C. HOYLE,
Advisory Committee Management Officer.

[FR Doc.75-18402 Filed 7-14-75;8:45 am]

[Docket Nos. 50-254 and 50-265]

COMMONWEALTH EDISON CO. AND IOWA-ILLINOIS GAS AND ELECTRIC CO.

Issuance of Amendments to Facility Operating Licenses

Notice is hereby given that the U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment Nos. 17 and 14 to Facility Operating License Nos. DPR-29 and DPR-30 (respectively) issued to the Commonwealth Edison Company (acting for itself and on behalf of the Iowa-Illinois Gas and Electric Company) for operation of the Quad Cities Units 1 and 2 location in Rock Island County, Illinois. These amendments are effective as of their date of issuance.

The amendments change the allowable scram reactivity reduction rates and provide compensating limitations on reactor power level versus core flow rate in accordance with the Commonwealth Edison's request dated June 24, 1975, as supported by a previous filing dated June 23, 1975, which was corrected by an additional letter dated June 24, 1975.

The application for these amendments complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendments. Prior public notice of these amendments is not required since the amendments do not involve a significant hazards consideration.

For further details with respect to these actions, see (1) the application for these amendments by Commonwealth Edison Company dated June 24, 1975, as supported by a previous filing dated June 23, 1975 which was corrected by an additional letter dated June 24, 1975, (2) Amendment Nos. 17 and 14 to License Nos. DPR-29 and DPR-30, and (3) the Commission's concurrently issued related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C., and at the Moline Public Library, at 504 17th Street in Moline, Illinois 60265. A single 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, 3rd day of July, 1975.

For the Nuclear Regulatory Commission.

DENNIS L. ZIEMANN,
Chief, Operating Reactors Branch No. 2, Division of Reactor Licensing.

[FR Doc.75-18208 Filed 7-14-75;8:45 am]

[Docket No. 50-289]

METROPOLITAN EDISON CO., (THREE MILE ISLAND NUCLEAR STATION, UNIT 1), ET AL.

Issuance of Amendment to Facility Operating License

Notice is hereby given that the U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 6 to Facility Operating License No. DPR-50 issued to Metropolitan Edison Company, Jersey Central Power and Light Company, and Pennsylvania Electric Company which revised Technical Specifications for operation of the Three Mile Island Nuclear Station, Unit 1, located in Dauphin County, Pennsylvania. The amendment is effective as of its date of issuance.

The amendment permits changes to the Technical Specifications to revise the requirements relating to the frequency, selection, and conduct of inspection and the reporting requirements pertaining to the Tendon Surveillance Program and the Ring Girder Inspection Test.

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 14, 1975, (2) Amendment No. 6 to License No. DPR-50, with Change No. 6, and (3) the Commission's Public Document Room, 1717 H Street NW., Washington, D.C., and at the Government Publications Section, Box 1601 (Education Building), Harrisburg, Pennsylvania 17126.

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 1st day of July, 1975.

For the Nuclear Regulatory Commission.

GEORGE LEAR,
Chief, Operating Reactors Branch No. 3, Division of Reactor Licensing.

[FR Doc.75-18209 Filed 7-14-75;8:45 am]

OFFICE OF MANAGEMENT AND BUDGET

CLEARANCE OF REPORTS

List of Requests

The following is a list of requests for clearance of reports intended for use in collecting information from the public received by the Office of Management and Budget on July 10, 1975 (44 USC 3509). The purpose of publishing this list in the FEDERAL REGISTER is to inform the public.

The list includes the title of each request received; the name of the agency sponsoring the proposed collection of information; the agency form Number(s), if applicable; the frequency with which the information is proposed to be collected; the name of the reviewer or reviewing division within OMB, and an indication of who will be the respondents to the proposed collection.

Requests for extension which appear to raise no significant issues are to be approved after brief notice thru this release.

Further information about the items on this daily list may be obtained from the Clearance Office, Office of Management and Budget, Washington, D.C. 20503 (202-395-4529), or from the reviewer listed.

NEW FORMS

DEPARTMENT OF COMMERCE

Maritime Administration, Directory of Minority Contractors With Maritime Capability, on occasion, minority business firms, Planchon, P., 395-6140.

Bureau of East-West trade, Petroleum Fuel Past Participation Statement and Supporting Documentation, DIB 669P, single-time petroleum fuel exporters, Caywood, D. P., 395-3443.

DEPARTMENT OF TRANSPORTATION

Departmental and Other Survey of Rider Attitude Toward the Transetts personal rapid Transit System, single-time students and employees of the Georgia Instit. of Tech., Lowry, R. L., 395-3772.

REVISIONS

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Health Resources Administration, Research in Emergency Medical Services Systems—Memphis BHSR 0421, single-time emergency room and ambulance personnel, Dick Eisinger, 395-6140.

EXTENSIONS

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of Education, Application or Final Report for School Assistance in a Major Disaster Area Under Sec. 7, Pub. L. 81-874, CE-4019-1, on occasion EAS in major disaster areas, Lowry, R. L., 395-3772.

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration, Certification: Flight Crewmembers Other Than Pilots, FAR 63, on occasion airmen, Marsha Traynham, 395-4529.

PHILLIP D. LARSEN,
Budget and Management Officer.

[FR Doc.75-18439 Filed 7-14-75;8:45 am]

CLEARANCE OF REPORTS

List of Requests

The following is a list of requests for clearance of reports intended for use in collecting information from the public received by the Office of Management and Budget on July 9, 1975 (44 U.S.C. 3509). The purpose of publishing this list in the FEDERAL REGISTER is to inform the public.

The list includes the title of each request received; the name of the agency sponsoring the proposed collection of information; the agency form number(s), if applicable; the frequency with which the information is proposed to be collected; the name of the reviewer or reviewing division within OMB, and an indication of who will be the respondents to the proposed collection.

Requests for extension which appear to raise no significant issues are to be approved after brief notice thru this release.

Further information about the items on this daily list may be obtained from the Clearance Office, Office of Management and Budget, Washington, D.C. 20503 (202-395-4529), or from the reviewer listed.

NEW FORMS

DEPARTMENT OF AGRICULTURE

Economic Research Service, New England Land Ownership Pre-Test Survey, Single-time owners of land in rural New England areas, Lowry, R. L., 395-3772.

EXTENSIONS

DEPARTMENT OF AGRICULTURE

Farmer Cooperative Service, Survey of Cooperative Soybean Oil Mills, annually, business firms, Marsha Traynham, 395-4529.

Agricultural Stabilization and Conservation Service, Subsequent Examination Report—Farmers Stock Peanuts (Concerning Building and Storage Facilities), CCC-1032, other (see SF-98), warehousemen, Marsha Traynham, 395-4529.

Farmer Cooperative Service, Annual Survey of Cooperative Cottonseed Oil Mills, annually, cooperative cottonseed oil mills, Marsha Traynham, 395-4529.

DEPARTMENT OF TRANSPORTATION

Coast Guard, Application for Class I Private Aids to Navigation on Artificial Islands and Fixed Structures, CG-4143, on occasion, oil industry, Marsha Traynham, 395-4529.

Federal Aviation Administration:

Utility Service by Application (FAA Facilities), FAA-4445-2, on occasion, utility companies, Marsha Traynham, 395-4529.

Examiner Designation and Qualification Record, FAA 8400-2, on occasion, airmen, Marsha Traynham, 395-4529.

PHILLIP D. LARSEN,
Budget and Management Officer.

[FR Doc.75-18440 Filed 7-14-75;8:45 am]

PRESIDENT'S ADVISORY COMMITTEE ON REFUGEES

PUBLIC MEETING

Notice is hereby given, pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), that the next meeting of the President's Advisory Committee on Refugees will be held on July 23, 1975, beginning at 10 a.m., in Room 4203, New Executive Office Building, 17th and Pennsylvania Avenue, NW., Washington, D.C. 20503.

The President's Advisory Committee on Refugees is established under Executive Order 11860 and is governed by the provisions of 5 U.S.C. Appendix I. The Committee shall advise the President and the heads of appropriate Federal agencies concerning the expeditious and coordinated resettlement of refugees, including: health and environmental matters related to resettlement; interrelationship of the governmental and volunteer roles in resettlement; educational and cultural adjustments required by these efforts; the general well-being of resettled refugees and their families and such other related concerns as the President may, from time to time, specify.

The meeting of the Committee shall be open to the public.

The proposed agenda includes the development of the formative activities and the operation of the Committee.

Records shall be kept of all Committee proceedings (and shall be available for public inspection at the library of the Department of Health, Education, and Welfare located in Room 1436, 330 Independence Avenue, SW., Washington, D.C. 20201).

Signed at Washington, D.C. on July 9, 1975.

ROGER D. SEMERAD,
Executive Director, President's Advisory Committee on Refugees.

[FR Doc.75-18199 Filed 7-14-75;8:45 am]

SECURITIES AND EXCHANGE COMMISSION

AMERICAN STOCK EXCHANGE, INC.

Proposed Amendments to Rules of American Stock Exchange Clearing Corporation

Notice is hereby given that the American Stock Exchange, Inc. (the "Amex") has filed, pursuant to section 19(b) of the Securities Exchange Act of 1934, as amended, amendments (the "Amendments") to the certificate of incorporation, by-laws, rules and procedures of the American Stock Exchange Clearing Corporation ("ASECC"). The Amendments provide for the implementation of a continuous net settlement ("CNS") system for the clearance and settlement of transactions executed on the Amex. Pursuant to the Amendments:

1. ASECC will clear and settle through the CNS system transactions in issues eligible for inclusion in the CNS operation and will continue to operate a daily balance order ("DBO") clearing and settlement system for transactions in issues not eligible for inclusion in the CNS operation.

2. Securities settlement in the CNS operation will be made through The Depository Trust Company ("DTC") by book entry; all members of ASECC will be required to become members of DTC and issues not eligible for inclusion in DTC will not be eligible for inclusion in the CNS operation. Securities settlement in the DBO operation may be effected through the envelope system of Stock Clearing Corporation ("SCC"), the clearing arm of the New York Stock Exchange, Inc.

3. Once CNS is fully operational, money settlement for transactions cleared through ASECC, including CNS transactions for which securities deliveries are made through DTC and DBO transactions for which securities deliveries are made through SCC's envelope system, will be made through SCC in order to permit ASECC-SCC dual members to make one payment for ASECC and SCC money settlement obligations each day.

4. Any losses will be allocated among ASECC, SCC and DTC in accordance with a formula included in the rules of each organization and, in certain circumstances, DTC will be permitted to reverse book entry movements for which payment is required to be made in DTC but for which DTC has not been paid.

Processing in connection with the ASECC's CNS operation will be performed by the Securities Industry Automation Corporation ("SIAC"), a service entity owned jointly by the NYSE and the Amex, which currently performs processing for ASECC's existing operations and for SCC's operations.

All interested persons are invited to submit their views and comments on the proposed Amendments. Written statements of views and comments should be addressed to George A. Fitzsimmons, Secretary, Securities and Exchange Commission, 500 North Capitol Street, Washington, D.C. 20549. Reference should be

made to File No. SR–2. The proposed Amendments are, and all such comments will be, available for public inspection at the Public Reference Room of the Securities and Exchange Commission at 1100 L Street, NW., Washington, D.C.

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

JULY 8, 1975.

[FR Doc.75–18211 Filed 7–14–75;8:45 am]

[File No. 500–1]

CONTINENTAL VENDING MACHINE CORP.

Suspension of Trading

JULY 8, 1975.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock of Continental Vending Machine Corporation being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

Therefore, pursuant to section 12(k) of the Securities Exchange Act of 1934, trading in such securities otherwise than on a national securities exchange is suspended, for the period from July 9, 1975 through July 18, 1975.

By the Commission.

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

[FR Doc.75–18210 Filed 7–14–75;8:45 am]

[812–2500; File No. 3–1980]

TALLEY INDUSTRIES, INC.

Filing of Application

JULY 3, 1975.

On March 26, 1969, Talley Industries, Inc., 3500 North Greenfield Road, Mesa, Arizona ("Industries") filed an application pursuant to section 17(b) of the Investment Company Act of 1940 ("Act") for an order exempting from section 17 (a) of the Act certain transactions incident to the proposed merger of Industries with General Time Corporation ("GTC"). After appropriate notice, a public hearing was held at which GTC and American Investors Fund, Inc. participated in support of the application. Certain stockholders of GTC who were granted leave to be heard and to participate appeared through the law firm of Austrian, Lance & Stewart (P.C.) ("Austrian") and opposed the application.

On January 9, 1970, the Commission issued its Findings and Opinion (Investment Company Act Release No. 5953) concluding that the application could not be granted unless Industries filed an appropriate amendment providing for modification of the merger terms in certain respects. Subsequently, Industries filed an amended application in accordance with the aforesaid Findings and Opinion of the Commission, and Industries and GTC adopted a merger plan modified in the manner suggested in such Findings and Opinion. On February 10, 1970, the Commission issued its order pursuant to section 17(b) of the Act exempting the proposed transactions as set forth in the application, as amended (Investment Company Release Act No. 5977); and on May 14, 1970, the modified merger plan became effective.

Notice is hereby given that on August 13, 1974, Austrian filed an application pursuant to Section 38(a) of the Act for an order of the Commission reopening this proceeding and amending the Commission's order of February 10, 1970 to provide that Industries shall pay Austrian counsel fees of $1,000,000 and expenses, with interest from February 10, 1970. All interested persons are referred to the application on file with the Commission for a statement of the representations therein.

The application states, among other things, that shortly after the issuance on January 9, 1970, of the Commission's Findings and Opinion which stated that the Commission could not approve the application unless the merger terms were amended as specified, Austrian informed the Commission's staff that Austrian proposed to apply to the Commission for an award of counsel fees; that the staff informed Austrian that the Commission did not have jurisdiction of an application for counsel fees; and that Austrian promptly thereafter brought an action in the United States District Court for the Southern District of New York against Industries and GTC which action was still pending when the instant application was filed.

It appearing to the Commission that, as a preliminary matter, and without prejudice to its specifying additional matters and issues, issues are raised as to:

1. Whether the Commission has jurisdiction with respect to the fees and expenses of participants in proceedings under Section 17(b) of the Act and, if so, the extent of such jurisdiction.

2. The effect upon such jurisdiction, power and duty, if any, of the pendency in a court of competent jurisdiction, of litigation against Industries and GTC involving the same questions as to whether Industries shall pay Austrian counsel fees and expenses, with interest from February 10, 1970.

It is ordered, That as a preliminary matter and before the taking of evidence, Austrian Industries and any other interested person, if so advised and in accordance with applicable requirements of the Commission's Rules of Practice, including Rule 23 thereof, shall file briefs as to the above stated issues on or before August 8, 1975, and reply briefs on or before August 22, 1975.

It is further ordered, That (a) on or before July 21, 1975, any person intending to file a brief is directed to so notify the Secretary of the Commission and to state the name and address of the person he designates to receive service of papers; and (b) the Secretary of the Commission, on or before July 28, 1975, shall mail to all such designated persons the names and addresses of those persons upon whom briefs shall be served.

It is further ordered, pursuant to section 40(a) of the Act, that an oral argument on the aforesaid application under the applicable provisions of the Act and the rules of the Commission thereunder be scheduled following the submission of reply briefs.

It is further ordered, That the Secretary of the Commission shall give notice of the aforesaid by mailing a copy of this Notice and Order by certified mail to Austrian and Industries; and that notice to all persons shall be given by publication of this Notice and Order in the Federal Register; and that a copy of this Notice and Order shall be published in the "SEC Docket" and that an announcement of the aforesaid shall be included in the "SEC News Digest."

It is further ordered, That the Secretary of the Commission shall mail a copy of this Notice and Order by certified mail to the following persons: American Investors Fund, Inc.; Galdi Securities Corporation; Mutual Shares Corporation; Norte & Co., Drs. Daniel Zeller and Benjamin Hoffseyer; Ms. Frieda Brook, Elizabeth McKeever and Hilda Popkin; Messrs. Morris Bramon, Sam Brook, Leonard J. Kassel and Maxwell Popkin.

By the Commission.

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

[FR Doc.75–18212 Filed 7–14–75;8:45 am]

VETERANS ADMINISTRATION

STATION COMMITTEE ON EDUCATIONAL ALLOWANCES

Notice of Meeting

Notice is hereby given pursuant to section V, Review Procedure and Hearing Rules, Station Committee on Educational Allowances that on July 23, 1975, at 10 a.m., the Veterans Administration Regional Office Station Committee on Educational Allowances shall at 110 9th Avenue, South, Nashville, Tennessee, conduct a hearing to determine whether Veterans Administration benefits to all eligible persons enrolled in Mason's School of Business, 2916 Felicia Street, Nashville, Tennessee, should be discontinued, as provided in 38 CFR 21.4134, because a requirement of law is not being met or a provision of the law has been violated. All interested persons shall be permitted to attend, appear before, or file statements with the Committee at that time and place.

Dated: July 8, 1975.

R. S. BIELAK,
Director, VA Regional Office, 110 9th Avenue, South Nashville, Tennessee.

[FR Doc.75–18298 Filed 7–14–75;8:45 am]

DEPARTMENT OF LABOR

Occupational Safety and Health Administration

[V-75-10]

INTERPACE CORP.

Application for Variance and Interim Order; Grant of Interim Order

I. *Notice of Application.* Notice is hereby given that Interpace Corporation, 260 Cherry Hill Road, Parsippany, New Jersey 07054 has made application pursuant to section 6(d) of the Williams-Steiger Occupational Safety and Health Act of 1970 (84 Stat. 1596; 29 U.S.C. 655) and 29 CFR 1905.11 for a variance and interim order pending a decision on the application for a variance, from the standards prescribed in 29 CFR 1910.180 (h)(3)(v) Crawler, Locomotive, and Truck Cranes—Riding the Load.

The addresses of the places of employment that will be affected by the application are as follows:

Lock Joint Pipe Company of Puerto Rico
Km. 0.6, S.R. 887
Carolina, Puerto Rico 00630

Lock Joint Pipe Company of Puerto Rico
Km. 11.2, S.R. 14
Ponce-Juana Diaz Road
Juana Diaz, Puerto Rico 00665

Interpace Corporation
5622 Kansas Avenue
Kansas City, Kansas 66106

Interpace Corporation
70001 Powell Road
Romeo, Michigan 48065

Interpace Corporation
Prairie Hill Road
South Beloit, Illinois 61080

Interpace Corporation
Edgeboro Road
East Brunswick, New Jersey 08816

Interpace Corporation
Shop Road
Columbia, South Carolina 29250

Interpace Corporation
1501 Perryman Road
Perryman, Maryland 21130

Interpace Corporation
Bower & Chatham Street
Lacoochee, Florida 33537

The applicant certifies that employees who would be affected by the variance have been notified of the application by giving a copy of it to their authorized employee representative, and by posting a copy at all places where notices to employees are normally posted. Employees have also been informed of their right to petition the Assistant Secretary for a hearing.

Regarding the merits of the application the applicant contends that it is providing a place of employment as safe as that required by § 1910.180(h)(3)(v) which requires that no hoisting, lowering, swinging, or traveling shall be done while anyone is on the load or hook. The applicant states that it uses locomotive cranes to place and remove metal forms (casings) used in the vertical pouring of concrete pipe. The casings range from 8 to 24 feet in height. The applicant proposes to use safety cages as a component part of the casing handling bar. Expected installation date for the cages is July 28, 1975.

The applicant states that it will use three cages, two circular and one of an oval configuration. These safety cages vary in size in order to accommodate the different diameter pipe manufactured by the company. The two circular cages are suited for the smaller diameter pipe and will house one employee during the operation. The oval safety cage is for the larger diameter pipe and will house two employees during the operation. The employees in the cages attach the chains from the casing handling bar to the casings, and then ride in the cage above the casings as they are lifted into position in order to be able to detach the chains. This process is repeated when the casings are stripped from the completed pipe.

The applicant states that the cages are constructed with guardrails and toeboards around the perimeter. On three quadrants, the perimeter is enclosed with heavy steel mesh. The fourth quadrant consists of four steps approximately 10 inches apart to provide the means of entering the cage. The cage with the smallest diameter will be equipped with heavy steel mesh to the height of the midrail of the guardrail (21 inches) to permit freedom of movement for the employee. The other two cages, having a larger diameter, will have the steeel mesh to the height of the topmost rail of the guardrail (42 inches). The applicant further states that the floor of the cage is four-way safety plate (diamond plate to insure that it has a non-slip surface) and that the cage is equipped with a steel plate roof.

The casing handling bar is equipped with a safety lanyard secured by a safety anchor for each employee. All employees are equipped with a safety harness for attachment to the lanyard. While the cage is moving the employees wearing safety harnesses stand and grasp the guardrail and vertical bars.

The casing handling bar and cage are attached to the load block of the locomotive crane. There is a safety latch across the mouth of the crane hook. The casing carrier chains are equipped with spring loaded mechanisms. When the hooks of the casing handling chains are attached to the casing, the spring forces a sleeve over the mouth of the hooks.

The beam into which the crane hook is inserted to lift the casing handling bar and cage is equipped with a preformed wire rope as a back-up safety device. All components of this apparatus have a tensile safety factor in excess of 5 to 1. The crane is equipped with a load indicating device.

A copy of the application will be made available for inspection and copying upon request at the Office of Compliance Programming, U.S. Department of Labor, 200 Constitution Avenue, NW, Room N-3603, Washington, D.C. 20210, and at the following Regional and Area Offices:

U.S. Department of Labor
Occupational Safety and Health Administration
1515 Broadway (1 Astor Plaza)—Room 3445
New York, New York 10036

U.S. Department of Labor
Occupational Safety and Health Administration
605 Condado Avenue—Room 328
Santurce, Puerto Rico 00907

U.S. Department of Labor
Occupational Safety and Health Administration
970 Broad Street—Room 1435-C
Newark, New Jersey 07012

U.S. Department of Labor
Occupational Safety and Health Administration
Room 3000
911 Walnut Street
Kansas City, Missouri 64106

U.S. Department of Labor
Occupational Safety and Health Administration
Room 1100
1627 Main Street
Kansas City, Missouri 64108

U.S. Department of Labor
Occupational Safety and Health Administration
300 South Wacker Drive—Room 1201
Chicago, Illinois 60606

U.S. Department of Labor
Occupational Safety and Health Administration
Michigan Theatre Building—Room 626
220 Bagley Avenue
Detroit, Michigan 48226

U.S. Department of Labor
Occupational Safety and Health Administration
230 S. Dearborn—10th Floor
Chicago, Illinois 60604

U.S. Department of Labor
Occupational Safety and Health Administration
1375 Peachtree Street, N.E.—Suite 587
Atlanta, Georgia 30309

U.S. Department of Labor
Occupational Safety and Health Administration
1710 Gervais Street—Room 205
Columbia, South Carolina 29201

U.S. Department of Labor
Occupational Safety and Health Administration
650 Cleveland Street—Room 44
Clearwater, Florida 33515

U.S. Department of Labor
Occupational Safety and Health Administration
Gateway Building—Suite 15220
3535 Market Street
Philadelphia, Penna. 19104

U.S. Department of Labor
Occupational Safety and Health Administration
Federal Building—Room 1110A
Charles Center—31 Hopkins Plaza
Baltimore, Maryland 21201

All interested persons, including employers and employees, who believe they would be affected by the grant or denial of the application for a variance are invited to submit written data, views and arguments relating to the pertinent application no later than August 14, 1975. In addition, employers and employees who believe they would be affected by a grant or denial of the variance may request a hearing on the application no later than August 14, 1975 in conformity with the requirements of 29 CFR 1905.15. Submission of written comments and requests for a hearing should be in quad-

ruplicate, and must be addressed to the Office of Compliance Programming at the above address.

II. *Interim Order.* It appears from the application for a variance and interim order, that an interim order is necessary to prevent an undue hardship to the applicant and its employees pending a decision on the variance. Therefore it is ordered, pursuant to authority in section 6(d) of the Williams-Steiger Occupational Safety and Health Act of 1970, and 29 CFR 1905.11(c) that Interpace Corporation be, and it is hereby, authorized to use the proposed safety cages as described in their application provided that:

1. The safety cage used shall be the type described in the application consisting of a roof, floor and standard guardrail including midrails and toeboards.

2. The employee shall use the safety belt attached to the lanyard at all times.

3. Crane operators shall be experienced, and lifts shall follow set procedures.

4. Established procedures, including use of the load indicating device, shall be followed to insure that rated loads are not exceeded during stripping operations.

5. Inspection and maintenance procedures as described in § 1910.180 shall be followed to insure that the crane is in good repair.

6. Regular inspection of the cage, including safety lanyard and harnesses and the load block, beam and hook shall be made to assure that it is in good repair.

Interpace Corporation shall give notice of this interim order to employees affected thereby, by the same means required to be used to inform them of the application for a variance.

Effective date. This interim order shall be effective as of July 14, 1975, and shall remain in effect until a decision is rendered on the application for variance.

Signed at Washington, D.C., this 9th day of July, 1975.

JOHN STENDER,
Assistant Secretary of Labor.

[FR Doc.75-18214 Filed 7-14-75;8:45 am]

INTERSTATE COMMERCE COMMISSION

[Notice No. 902]

ASSIGNMENT OF HEARINGS

JULY 10, 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 138557 Sub-7, Walt Keith Trucking, Inc., now assigned July 15, 1975, at Kansas City, Mo., is canceled and application dismissed.

MC 74321 Sub-109, B. F. Walker, Inc., now assigned July 17, 1975, at Los Angeles, California, is cancelled and the application is dismissed.

MC 124774 Sub-92, Midwest Refrigerated Express, Inc., now assigned July 28, 1975, at Amarillo, Tex., is canceled and application dismissed.

MC 135373 Sub-1, Airport Limousine Service, Inc., now assigned July 14, 1975, at Newark, N.J., is canceled and application dismissed.

MC 107913 Sub-14, F & W Express, Inc., now assigned August 5, 1975, at Little Rock, Ark., is postponed to September 9, 1975, (9 days), at Little Rock, Ark.; in a hearing room to be later designated.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.75-18312 Filed 7-14-75;8:45 am]

FOURTH SECTION APPLICATION FOR RELIEF

JULY 10, 1975.

An application, as summarized below, has been filed requesting relief from the requirements of section 4 of the Interstate Commerce Act to permit common carriers named or described in the application to maintain higher rates and charges at intermediate points than those sought to be established at more distant points.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the General rules of practice (49 CFR 1100.40) and filed on or before July 30, 1975.

FSA No. 43017—*Rubber Articles from Port Allen, Louisiana.* Filed by Southwestern Freight Bureau, Agent, (No. B-541), for interested rail carriers. Rates on rubber, artificial, neoprene or synthetic, crude, rubber compounds, NOIBN, loose or in packages, in carloads, as described in the application, from Port Allen, Louisiana, to points in eastern and southern territories.

Grounds for relief—Market competition and rate relationship.

Tariff—Supplement 115 to Southwestern Freight Bureau, Agent, tariff 13-E, U.C.C. No. 4982. Rates are published to become effective on August 13, 1975.

By the Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.75-18313 Filed 7-14-75;8:45 am]

IRREGULAR-ROUTE MOTOR COMMON CARRIERS OF PROPERTY

Elimination of Gateway Letter Notices

JULY 10, 1975.

The following letter-notices of proposals to eliminate gateways for the purpose of reducing highway congestion, alleviating air and noise pollution, minizing 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 July 25, 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 1222 (Sub-No. E1), filed May 15, 1974. Applicant: REINHARDT TRANSFER CO., 1410 Tenth Street, Portsmouth, Ohio 45662. Applicant's representative: Robert H. Kinker, P.O. Box 464, Frankfort, Ky. 40601. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles;* (a) from Ashland, Ky., to points in Tennessee west and south of Pickett, Fentress, Morgan, Anderson, Union, Grainger, Hawkins, Washington, and Unicoi Counties, Tenn., and points in Michigan on and south of Michigan Highway 21, and (b) from Huntington, W. Va., to points in Michigan on and south of Michigan Highway 21, points in Indiana on and west of a line running from the junction of U.S. Highway 231 with the Indiana-Kentucky State line, thence along U.S. Highway 231 to junction U.S. Highway 50, thence along U.S. Highway 50 to junction Indiana Highway 37, thence along Indiana Highway 37 to junction Indiana-Ohio State line, points in Illinois and St. Louis, Mo. The purpose of this filing is to eliminate the gateway of New Boston, Ohio.

No. MC 4405 (Sub-No. E7), filed June 1, 1975. Applicant: DEALERS TRANSIT, INC., P.O. Box 361, Lansing, Ill. 60438. Applicant's representative: Robert E. Joyner, 2008 Clark Tower, 5100 Poplar Avenue, Memphis, Tenn. 38137. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Electric precipitators* which because of size or weight require the use of special equipment (1) from points in Harrison, Belmont, Monroe, Washington, Carroll, Jefferson, Lorain, Ashland, Cuyahoga, Medina, Wayne, Stark, Mahoning, Summit, Trumbull, Ashtabula, Portage, Geauga, Lake, and Columbiana Counties, Ohio, to points in Oklahoma and Kansas; and (2) from points in West Virginia in, north and east of Tyler, Doddridge, Gilmer, Braxton, Webster, and Pocahontas Counties, Va., in, north and east of Highland, Augusta, Nelson, Appomattox, Campbell, Charlotte, and Mecklenburg Counties. The purpose of this filing is to eliminate the gateway of Warren, Ohio.

No. MC 5101 (Sub-No. E1), filed June 4, 1974. Applicant: SREIN FURNITURE CARRIERS, INC., 2307 Bristol Pike, Craydon, Pa. 19020. Applicant's representative: James H. Sweeney, P.O. Box

684, Woodbury, N.J. 08096. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Furniture*, uncrated and *parts* and *materials* used in the manufacture thereof; (a) between points in New Jersey on and south of New Jersey Highway 70, on the one hand, and, on the other, points in New York (except points in an area on and south of a line beginning at U.S. Highway 44 at the New York-Connecticut State line, thence along U.S. Highway 44 to junction U.S. Highway 209, thence along U.S. Highway 209 to junction New York Highway 52, thence along New York Highway 52 to junction New York Highway 17, thence along New York Highway 17 to the New York-Pennsylvania State line including points on the portions of the specified highways in New York, on the one hand, and, on the other, points in New Jersey north of U.S. Highway 70 and south of New Jersey Highway 33; (b) between points in New Jersey, on and north of a line beginning at Gloucester City, N.J., thence along unnumbered highway to Camden, N.J., thence along New Jersey Highway 70 to junction U.S. Highway 72 to Long Beach Island, on the one hand, and, on the other, points in Delaware; (c) between points in New Jersey north and east of a line beginning at Gloucester City, N.J., thence along unnumbered highways to Brooklawn, N.J., thence along Interstate Highway 295 to Mt. Ephriam, N.J., to junction New Jersey Highway 168, thence along New Jersey Highway 168 to junction New Jersey Highway 42, thence along New Jersey Highway 42 to junction U.S. Highway 322 to Atlantic City, N.J., including points on the portions of the highways specified, on the one hand, and, on the other, points in Maryland south of U.S. Highway 40 beginning at the Pennsylvania-Maryland State line to Baltimore, Md., thence along Harbor Tunnel Thruway to Tolchester Beach, Md., thence along Maryland Highway 21 to junction Maryland Highway 298, thence along Maryland Highway 298 to junction Maryland Highway 20, thence along Maryland Highway 291 to the Maryland-Delaware State line, including points on the portions of the highways specified and the District of Columbia.

(d) Between points in Delaware, on the one hand, and, on the other, points in New York; (e) between points in the District of Columbia, on the one hand, and, on the other, points in New York on and east of Interstate Highway 81 beginning at the St. Lawrence River to the New York-Pennsylvania State line; (f) between points in Maryland on, east, and south of a line beginning at U.S. Highway 140 at the Pennsylvania-Maryland State line, thence along Maryland Highway 27 to junction Maryland Highway 27 and Maryland Highway 118, thence along Maryland Highway 118 to junction Maryland Highway 112, thence along Maryland Highway 112 to the Maryland-Virginia State line, on the one hand, and, on the other, points in New York on and east of Interstate Highway 81; (2) *New upholstered furniture*, uncrated, and *parts* and *materials* used in the manufacture thereof; (a) from points in New York, north and east of a line beginning with New York Highway 7 at the New York-Vermont State line to Schenectady, N.Y., thence along Interstate Highway 90 to Utica, N.Y., thence along New York Highway 12 to Lowville, N.Y., thence along New York Highway 26 to Carthage, N.Y., thence along New York Highway 26 to junction New York Highway 3, thence along New York Highway 3 to Fargo, N.Y., thence along New York Highway 185 to junction U.S. Highway 11, thence along U.S. Highway 11 to junction New York Highway 87 to Odgensburg, N.Y., to points in Virginia and West Virginia (excluding points in West Virginia north of U.S. Highway 50); (b) from points in New Jersey on and south of U.S. Highway 33 to points in Pennsylvania, west and south of a line beginning at the Pennsylvania-Maryland State line at U.S. Highway 15 to Gettysburg, Pa., thence along U.S. Highway 30 to junction Pennsylvania Highway 56, thence along Pennsylvania Highway 56 to Johnstown, Pa., thence along Pennsylvania Highway 271, to junction U.S. Highway 30, thence along U.S. Highway 30 to Pennsylvania Turnpike, thence along the Pennsylvania Turnpike to junction Pennsylvania Highway 8, thence along Pennsylvania Highway 8 to Franklin, Pa., thence along U.S. Highway 62 to the New York-Pennsylvania State line.

(c) From points in New Jersey (except Trenton, N.J.), on and north of U.S. Highway 33 and on, south, and east of U.S. Highway 1 to ponts in Pennsylvania west and south of a line beginning at the Pennsylvania-Maryland State line at U.S. Highway 15 to Gettysburg, Pa., thence along U.S. Highway 30 to junction Pennsylvania Highway 56, thence along Pennsylvania Highway 56 to Johnstown, Pa., thence along Pennsylvania Highway 271 to junction U.S. Highway 30, thence along U.S. Highway 30 to the Pennsylvania Turnpike, thence along the Pennsylvania Turnpike to the Pennsylvania-Ohio State line; (3) *Metal sink tops*, porcelain coated, uncrated; (a) from Baltimore, Md., to points in New York on and east of U.S. Highway 11; and (b) from Baltimore, Md., to points in New Jersey, on and north of a line beginning at Gloucester, N.J., thence along unnumbered highway to Camden, N.J., thence along New Jersey Highway 70 to junction New Jersey Highway 72 to Long Beach Island, N.J. The purpose of this filing is to eliminate the gateway of Philadelphia, Pa.

No. MC 23618 (Sub-No. E2), filed June 3, 1974. Applicant: MC ALISTER TRUCKING COMPANY, P.O. Box 2377, Abilene, Tex. 79604. Applicant's representative: W. B. Younger (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Machinery, equipment, materials*, and *supplies* used in, or in connection with, the discovery, development, production, refining, manufacturing, processing, storage, transmission, and distribution of natural gas and petroleum and their products and by-products, and *machinery, equipment, materials*, and *supplies* used in, or in connection with, the construction, operation, repair, servicing, maintenance, and dismantling of pipelines, including the stringing and picking up thereof (except the stringing and picking up of pipe in connection with main pipelines); (2) *Machinery, equipment, materials*, and *supplies* used in, or in connection with, the drilling of water wells; (3) *Machinery, equipment, materials*, and *supplies* used in, or in connection with, the construction, operation, repair, servicing, maintenance, and dismantling of pipelines, other than pipelines used for the transmission of natural gas, petroleum, their products, and byproducts, water, or sewerage, restricted to the transportation of shipments moving to or from pipeline rights-of-way; (4) *Earth drilling machinery and equipment*, and *machinery, equipment, materials, supplies*, and *pipe*, incidental to, used in, or in connection with (a) the transportation, installation, removal, operation, repair, servicing, maintenance, and dismantling of drilling machinery and equipment, (b) the completion of holes or wells drilled, (c) the production, storage, and transmission of commodities resulting from drilling operations at well or hole sites, and (d) the injection or removal of commodities into or from holes or wells; and (5) *Machinery, equipment, materials, and supplies* used in connection with the construction, operation, repair, servicing, maintenance, and dismantling of pipelines for the transportation of water and sewage, including the stringing and picking up of pipe; between all points in Arizona east of a line beginning at junction U.S. Highway 89 and the United States-Mexico International Boundary line along U.S. Highway 89 to junction Arizona Highway 77, thence along Arizona Highway 77 and U.S. Highway 70 to Globe, Ariz., thence along U.S. Highway 60 to junction Arizona Highway 73, thence along Arizona Highway 73 to junction U.S. Highway 60, thence along U.S. Highway 60 to the Arizona-New Mexico State line, and all points in Montana east of a line beginning at the Montana-Wyoming State line and U.S. Highway 310 to junction Interstate Highway 90, thence along Interstate Highway 90 to junction U.S. Highway 87, thence along U.S. Highway 87 to junction Montana Highway 19, thence along Montana Highway 19 to junction U.S. Highway 191, thence along U.S. Highway 191 to junction Montana Highway 242, thence along Montana Highway 242 to the United States-Canada International Boundary line; restricted as to the commodities in (5) above to the transportation of traffic originating at or destined to pipeline rights-of-way. The purpose of this filing is to eliminate the gateway of points in Texas.

No. MC 30280 (Sub-No. E91), filed January 20, 1975. Applicant: WATKINS

CAROLINA EXPRESS, INC., P.O. Box 1636, Atlanta, Ga. 30301. Applicant's representative: Jerome F. Marks (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, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment), between points in South Carolina on and west of a line beginning at the Georgia-South Carolina State line and extending along U.S. Highway 378 to McCormick, thence along U.S. Highway 221 to Greenwood, thence along U.S. Highway 25 to the South Carolina-North Carolina State line, on the one hand, and, on the other, points in North Carolina in an area bounded by a line beginning at the Virginia-North Carolina State line and extending along U.S. Highway 1 in the north of junction U.S. Highway 158, thence along U.S. Highway 158 to Warrenton, thence along North Carolina Highway 58 to Wilson, thence along U.S. Highway 117 to Goldsboro, thence along U.S. Highway 13 to Fayetteville, thence along U.S. Highway 401 to Raeford, thence along U.S. Highway 221 to Aberdeen, thence along U.S. Highway 1 to the North Carolina-South Carolina State line to junction Interstate Highway 77, thence along Interstate Highway 77 to Statesville, thence along Interstate Highway 40 to Winston-Salem, thence along U.S. Highway 158 to Reidsville, thence along U.S. Highway 29 to the North Carolina-Virginia State line. The purpose of this filing is to eliminate the gateway of Charlotte, N.C.

No. MC 46313 (Sub-No. E1), filed May 15, 1974. Applicant: SUHR TRANSPORT, P.O. Box 1727, Great Falls, Mont. 59403. Applicant's representative: F. C. Weber (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Machinery, equipment, materials, and supplies*, use in, or in connection with, the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of natural gas and petroleum and their products and by-products, (2) *Machinery, equipment, materials and supplies* used in, or in connection with construction, operation, repair, servicing, maintenance and dismantling of pipelines, including the stringing and picking up thereof, and (3) *Earth drilling machinery and equipment*, and *machinery, equipment, materials, supplies and pipe*, incidental to, used in, or in connection with the transportation, installation, removal, operation, repair, servicing, maintenance, and dismantling of drilling machinery and equipment, the completion of holes or wells drilled, the production, storage and transmission of commodities resulting from drilling operations at well or hole sites and the injection or removal of commodities into or from holes or wells, from those points in Texas, Oklahoma, and Kansas east of U.S. Highway 81, to points in Butte, Meade, Lawrence, Harding, and Perkins Counties, S. Dak., those in North Dakota west of U.S. Highway 83, and those in Idaho north of a line beginning at the Idaho-Oregon State line and extending along Interstate Highway 80 to junction Interstate Highway 15, thence along Interstate Highway 15 to junction U.S. Highway 191, thence along U.S. Highway 191 to the Idaho-Montana State line. The purpose of this filing is to eliminate the gateway of points in Montana.

No. MC 49052 (Sub E17), filed June 4, 1974. Applicant: MACON TRADING POST, INC., 103 Cherry Street, Macon, Ga. 31208. Applicant's representative: Thomas R. Kingsley, 1819 H St. NW., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: Household goods, as defined by the Commission, between points in Lee, Macon, Russell, Bullock, Barbour, Pike, Coffee, Dale, Henry, Covington, Geneva, and Houston Counties, Ala., on the one hand, and, on the other points in Kentucky in and west of Monroe, Metcalfe, Hart, Grayson, and Breckinridge Counties; between points in Alabama in and south of Lee, Macon, Elmore, Montgomery, Lowndes, Butler, Conecuh, Escambia, Baldwin, and Mobile Counties, on the one hand, and, on the other, points in Cumberland, Clinton, Wayne, Russell, Adair, Casey, Green, Taylor, Marion, Boyle, Larue, Nelson, Anderson, Hardin, Bullitt, Spencer, Shelby, Mercer, Franklin, Meade, Jefferson, Oldham, Henry, Trimble, Washington, and Carroll Counties, Ky.; between points in Alabama in and south of Lee, Macon, Elmore, Autauga, Lowndes, Wilcox, Clarke, and Washington Counties, on the one hand, and on the other, points in Kentucky in and east of McCreary, Pulaski, Lincoln, Garrard, Jessamine, Woodford, Scott, Owen, Gallatin, and Boone Counties; and, between points in Dallas, Marengo, and Choctaw Counties, Ala., on the one hand, and, on the other, points in Kentucky in and east of Whitley, Laurel, Rockcastle, Madison, Jessamine, Fayette, Scott, Owen, Gallatine, and Boone Counties. The purpose of this filing is to eliminate the gateway of Muscogee Co., Ga.

No. MC 60014 (Sub E53), filed June 4, 1974. Applicant: AERO TRUCKING, INC., P.O. Box 308, Monroeville, Pa. 15146. Applicant's representative: William J. Rorison (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commodities*, requiring special equipment, restricted so that, or provided that, the loading or unloading, which necessitate the special equipment, is performed by the consignor or consignee, or both, between those points in New York on and south of a line beginning at Lake Erie, and extending along New York Highway 17 to junction New York Highway 52, thence along New York Highway 52 to junction Interstate Highway 84, thence along Interstate 84 to the New York-Connecticut state line, on the one hand, and, on the other, those points in New Hampshire on and east of a line beginning at the Massachusetts-New Hampshire State line and extending along U.S. Highway 3 to junction New Hampshire Highway 28, thence along New Hampshire Highway 28 to junction U.S. Highway 202, thence along U.S. Highway 202 to junction New Hampshire Highway 11, thence, along New Hampshire Highway 11 to the New Hampshire-Maine State line. The purpose of this filing is to eliminate the gateways of points in New York within 10 miles of Greenwich, Conn.; Greenwich, Conn., and points in Massachusetts within 35 miles of Boston.

No. MC 60014 (Sub E54), filed June 4, 1974. Applicant: AERO TRUCKING, INC., P.O. Box 308, Monroeville, Pa. 15146. Applicant's representative: William J. Rorison (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commodities*, requiring special equipment, restricted so that or provided that, the loading or unloading, which necessitate the special equipment, is performed by the consignor or consignee, or both, between those points in New York on and south of a line beginning at the Lake Erie and extending along New York Highway 438 to junction U.S. Highway 62, thence along U.S. Highway 62 to junction New York Highway 39, thence along New York Highway 39 to junction New York Highway 19A, thence along New York Highway 19A to junction New York Highway 245, thence along New York Highway 245 to junction New York Highway 63, thence along New York Highway 63 to junction New Jersey Highway 15, thence along U.S. Highway 15 to junction New York Highway 352, thence along New York Highway 352 to junction New York Highway 17, thence along New York Highway 17 to junction Interstate Highway 81, thence along Interstate Highway 81 to the New York-Pennsylvania State line, and those in New York on and south of a line beginning at the New Jersey-New York State line and extending along New York Highway 17 to junction Interstate Highway 87/287, thence along Interstate Highway 87/287, to junction Interstate Highway 287 to the New York-Connecticut State line, on the one hand, and, on the other, those points in Rhode Island on and east of a line beginning at the Rhode Island-Massachusetts State line and extending along Rhode Island Highway 146 to junction Rhode Island Highway 117, thence along Rhode Island Highway 117 to Narragansett Bay. The purpose of this filing is to eliminate the gateways of points in New York within 10 miles of Greenwich, Conn.; Greenwich, Conn.; and points in Massachusetts within 35 miles of Boston.

No. MC 60014 (Sub E56), filed June 4, 1974. Applicant: AERO TRUCKING, INC., P.O. Box 308, Monroeville, Pa. 15146. Applicant's representative: William J. Rorison (same as above). Au-

thority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commodities*, the transportation of which, by reason of their size or weight, require the use of special equipment, between points in Michigan, on the one hand, and, on the other, points in New York, New Jersey, Delaware, District of Columbia, and those in Pennsylvania on and south of a line beginning at the New York-Pennsylvania State line and extending along Pennsylvania Highway 277 to junction Pennsylvania Highway 77, thence along Pennsylvania Highway 77 to junction U.S. Highway 6/322, thence along U.S. Highway 6/322 to junction U.S. Highway 322, thence along U.S. Highway 322 to the Pennsylvania-Ohio State line. The purpose of this filing is to eliminate the gateways of Columbiana, Cuyahoga, Mahoning, Summitt, and Trumbull Counties, Ohio, and points in Pennsylvania on and west of a line extending from the Pennsylvania-Maryland State line north along unnumbered Highway to York, Pennsylvania, thence along Interstate Highway 83 (formerly U.S. Highway 111) to Harrisburg, Pennsylvania, thence north along Pennsylvania Highway 147 (formerly portion Pennsylvania Highway 14) to junction U.S. Highway 220 (formerly portion Pennsylvania Highway 14), thence along U.S. Highway 220 to junction U.S. Highway 15 (formerly portion Pennsylvania Highway 14), thence along U.S. Highway 15 to Trout Run, Pennsylvania, thence continuing along U.S. Highway 15 to the Pennsylvania-New York State line.

No. MC 60014 (Sub E57), filed June 4, 1974. Applicant: AERO TRUCKING, INC., P.O. Box 308, Monroeville, Pa. 15146. Applicant's representative: William J. Rorison (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commodities*, the transportation of which, by reason of their size or weight, require the use of special equipment, between points in Michigan, on the one hand, and, on the other, those points in Virginia on and east of a line beginning at the West Virginia-Virginia State line and extending along Virginia Highway 311 to junction U.S. Highway 220, thence along U.S. Highway 220 to the Virginia-North Carolina State line. The purpose of this filing is to eliminate the gateway of Columbiana, Cuyahoga, Mahoning, Summit, and Trumbull Counties, Ohio, and West Virginia.

No. MC 60014 (Sub E58), filed June 4, 1974. Applicant: AERO TRUCKING, INC., P.O. Box 308, Monroeville, Pa. 15146. Applicant's representative: William J. Rorison (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commodities*, the transportation of which, by reason of their size or weight, require the use of special equipment, from points in Michigan to those points in West Virginia on and east of a line beginning on the Ohio-West Virginia State line and extending along West Virginia Highway 18 to junction U.S. Highway 33/119, thence along U.S. Highway 33/119 junction West Virginia Highway 5, thence along West Virginia Highway 5 to junction West Virginia Highway 4, thence along West Virginia Highway 4 to junction U.S. Highway 19, thence along U.S. Highway 19 to junction U.S. Highway 60, thence along U.S. Highway 60 to junction West Virginia Highway 41, thence along West Virginia Highway 41 to junction U.S. Highway 19, thence along U.S. Highway 19 to junction West Virginia Highway 3, thence, along West Virginia Highway 3 to junction West Virginia Highway 12, thence along West Virginia Highway 12 to the West Virginia-Virginia State line. The purpose of this filing is to eliminate the gateways of Columbiana, Cuyahoga, Mahoning, Summit, and Trumbull Counties, Ohio, and West Virginia.

No. MC 60014 (Sub E59), filed June 4, 1974. Applicant: AERO TRUCKING, INC., P.O. Box 308, Monroeville, Pa. 15146. Applicant's representative: William J. Rorison (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commodities*, the transportation of which, by reason of their size or weight, require the use of special equipment, between points in Michigan, on the one hand, and, on the other, points in New Hampshire, Rhode Island, and those in Massachusetts on and east of U.S. Highway 5. The purpose of this filing is to eliminate the gateways of points in that part of Ohio on and east of a line extending from Mansfield to Pomeroy, Ohio, along Ohio Highway 13 to junction thereof with U.S. Highway 33, thence along U.S. Highway 33 to Pomeroy, and on and south of U.S. Highway 30 extending from Mansfield to the Ohio-West Virginia State line, Columbiana, Cuyahoga, Mahoning, Summit, and Trumbull Counties, Ohio, points in Pennsylvania on and west of a line extending from the Pennsylvania-Maryland State line north along unnumbered highway to York, Pennsylvania, thence along Interstate Highway 83 (formerly U.S. Highway 111) to Harrisburg, Pennsylvania, thence north along Pennsylvania Highway 147 (formerly portion Pennsylvania Highway 14) to junction U.S. Highway 220 (formerly portion Pennsylvania Highway 14) thence along U.S. Highway 220 to junction U.S. Highway 15 (formerly portion Pennsylvania Highway 14), thence along U.S. Highway 15 to Trout Run, Pennsylvania, thence continuing along U.S. Highway 15 to the Pennsylvania-New York State line, New York. Points in Massachusetts within 35 miles of Boston.

No. MC 60014 (Sub E60), filed June 4, 1974. Applicant: AERO TRUCKING, INC., P.O. Box 308, Monroeville, Pa. 15146. Applicant's representative: William J. Rorison (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commodities*, the transportation of which, by reason of their size or weight, require the use of special equipment, between those points in Michigan on and north of a line beginning at Lake Michigan and extending along Michigan Highway 21, thence along Michigan Highway 21 to junction Michigan Highway 56, thence along Michigan Highway 56 to junction Michigan Highway 54, thence along Michigan Highway 54 to junction Michigan Highway 83, thence along Michigan Highway 83 to junction Michigan Highway 15, thence along Michigan Highway 15 to Saginaw Bay, on the one hand, and, on the other, those points in Connecticut on and east of a line beginning at the Massachusetts-Connecticut State line and extending along U.S. Highway 202, thence along U.S. Highway 202 to junction Connecticut Highway 10, thence along Connecticut Highway 10 to junction Connecticut Highway 72, thence along Connecticut Highway 72 to junction Connecticut Highway 9, thence along Connecticut Highway 9 to Long Island Sound. The purpose of this filing is to eliminate the gateways of points in that part of Ohio on and east of a line extending from Mansfield to Pomeroy, Ohio, along Ohio Highway 13 to junction thereof with U.S. Highway 33, thence along U.S. Highway 33 to Pomeroy, and on and south of U.S. Highway 30 extending from Mansfield to the Ohio-West Virginia State line. Points in Columbiana, Cuyahoga, Mahoning, Summit, and Trumbull Counties, Ohio. Points in Pennsylvania on and west of a line extending from the Pennsylvania-Maryland State line north along unnumbered highway to York, Pennsylvania, thence along Interstate Highway 83 (formerly U.S. Highway 111) to Harrisburg, Pennsylvania, thence north along Pennsylvania Highway 147 (formerly portion Pennsylvania Highway 14) to junction U.S. Highway 220 (formerly portion Pennsylvania Highway 14) to junction U.S. Highway 220, (formerly portion Pennsylvania Highway 14), thence along U.S. Highway 220 to junction U.S. Highway 15 (formerly portion Pennsylvania Highway 14), thence along U.S. Highway 15 to Trout Run, Pennsylvania, thence continuing along U.S. Highway 15 to the Pennsylvania-New York State line, New York, and points in Massachusetts within 35 miles of Boston.

No. MC 60014 (Sub E63), filed June 4, 1974. Applicant: AERO TRUCKING INC., P.O. Box 308, Monroeville, Pa. 15146. Applicant's representative: William J. Rorison (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles*, requiring special equipment, restricted so that, or provided that, the loading or unloading which necessitate the special equipment, is performed by the consignor or consignee, or both, from those points in Michigan on and east of a line beginning at the Michigan-Ohio State line and extending along U.S. Highway 127 to junction Interstate Highway 94, thence

along Interstate Highway 94 to junction Michgan Highway 89, thence along Michigan Highway 89 to Lake Michigan, to those points in Tennessee on and east of a line beginning at the Tennessee-Virginia State line and extending along U.S. Highway 11E/19, thence along U.S. Highway 11E/19 to U.S. Highway 19, thence along U.S. Highway 19 to the Tennessee-North Carolina State line. The purpose of this filing is to eliminate the gateways of points in that part of Ohio on and east of a line extending from Mansfield to Pomeroy, Ohio, along Ohio Highway 13 to junction thereof with U.S. Highway 33, thence along U.S. Highway 33 to Pomeroy, and on and south of U.S. Highway 30 extending from Mansfield to the Ohio-West Virginia State line.

No. MC 60014 (Sub E66), filed June 4, 1974. Applicant: AERO TRUCKING INC., P.O. Box 308, Monroeville, Pa. 15146. Applicant's representative: William J. Rorison (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commodities*, the transportation of which, by reason of their size or weight, requires the use of special equipment, between those points in Michigan on and west of a line beginning at Lake Superior and extending along Michigan Highway 77 to junction U.S. Highway 2, thence along U.S. Highway 2 to Lake Michigan, on the one hand, and, on the other, those points in Ohio on and east of a line beginning at Lake Erie and extending along U.S. Highway 6 to junction U.S. Highway 6/20, thence along U.S. Highway 6/20 to junction Ohio Highway 53, thence along Ohio Highway 53 to junction Ohio Highway 12, thence along Ohio Highway 12 to junction U.S. Highway 68, thence along U.S. Highway 68 to junction U.S. Highway 62, thence along U.S. Highway 62 to the Ohio-Kentucky State line. The purpose of this filing is to eliminate the gateways of points in that part of Ohio on and east of a line extending from Mansfield to Pomeroy, Ohio, along Ohio Highway 13 to junction thereof with U.S. Highway 33, thence along U.S. Highway 33 to Pomeroy, and on and south of U.S. Highway 30 extending from Mansfield to the Ohio-West Virginia State line.

No. MC 60014 (Sub E68), filed June 4, 1974. Applicant: AERO TRUCKING, INC., P.O. Box 308, Monroeville, Pa. 15146. Applicant's representative: William J. Rorison (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commodities*, requiring special equipment, restricted so that, or provided that, the loading or unloading, which necessitate the special equipment, is performed by the consignor or consignee, or both, between those points in Michigan on and north of a line beginning at Lake Huron line and extending along Michigan Highway 21 to junction Michigan Highway 78, thence along Michigan Highway 78 to junction U.S. Highway 127, thence along U.S. Highway 127 to junction Michigan Highway 12, thence along Michigan Highway 12 to junction Michigan Highway 66, thence along Michigan Highway 66 to the Michigan-Indiana State line, on the one hand, and, on the other, those points in Vermont on and east of a line beginning at the United States-Canada International Boundary line and extending along U.S. Highway 5 to junction U.S. Highway 302, thence along U.S. Highway 302 to the Vermont-New Hampshire State line. The purpose of this filing is to eliminate the gateways of Columbiana, Cuyahoga, Mahoning, Summit, and Trumbull Counties, Ohio; Pennsylvania, points in New York within 19 miles of Greenwich, Conn.; Greenwich, Conn.; and points in Massachusetts within 35 miles of Boston.

No. MC 60014 (Sub E70), filed June 4, 1974. Applicant: AERO TRUCKING, INC., P.O. Box 308, Monroeville, Pa. 15146. Applicant's representative: William J. Rorison (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commodities*, requiring special equipment, restricted so that, or provided that, the loading or unloading, which necessitate the special equipment, is performed by the consignor or consignee, or both, between points in Virginia, on the one hand, and, on the other, points in Connecticut. The purpose of this filing is to eliminate the gateways of points in New York within 10 miles of Greenwich, Conn., and Greenwich, Conn.

No. MC 60014 (Sub E71), filed June 4, 1974. Applicant: AERO TRUCKING, INC., P.O. Box 308, Monroeville, Pa. 15146. Applicant's representative: William J. Rorison (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commodities*, the transportation of which, by reason of their size or weight require the use of special equipment, between those points in Virginia on and east of Virginia Highway 16 on the one hand, and, on the other, points in Ohio. The purpose of this filing is to eliminate the gateways of West Virginia, and points in that part of Ohio on and east of a line extending from Mansfield to Pomeroy, Ohio, along Ohio Highway 13 to junction thereof with U.S. Highway 33, thence along U.S. Highway 33 to Pomeroy, and on and south of U.S. Highway 30 extending from Mansfield to the Ohio-West Virginia State line (except points in Licking County, Ohio).

No. MC 61231 (Sub-No. E1), filed May 15, 1974. Applicant: ACE LINES, INC., 4143 E. 43rd St., Des Moines, Iowa 50317. Applicant's representative: William L. Fairbank, 900 Hubbell Bldg., Des Moines, Iowa 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Building materials, feeds, forest products* (including lumber and fence posts), *livestock* (including horses), and unprocessed farm products (except commodities in bulk and commodities requiring special equipment), between points in Minnesota, North Dakota, Iowa, Illinois, on the one hand, and, on the other, points in Indiana in the Chicago, Ill., commercial zone, points in St. Louis County, Mo., points in Missouri in the St. Louis, Mo.-E. St. Louis, Ill., commercial zone; Omaha, Nebr., and points within ten miles of Omaha, Nebr. The purpose of this filing is to eliminate the gateways of Chicago and East St. Louis, Ill., and Council Bluffs, Iowa.

No. MC 61231 (Sub-No. E2), filed May 15, 1974. Applicant: ACE LINES, INC., 4143 E. 43rd St., Des Moines, Iowa 50317. Applicant's representative: William L. Fairbank, 900 Hubbell Bldg., Des Moines, Iowa 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Building materials, feeds, forest products* (including lumber and fence posts), *livestock* (including horses), and *unprocessed farm products* (except commodities in bulk and commodities requiring special equipment), between points in South Dakota, on the one hand, and, on the other, points in Indiana in the Chicago, Ill., commercial zone. The purpose of this filing is to eliminate the gateways of Nassau, Minn., and points within 25 miles of Nassau, Minn., and Chicago, Ill.

No. MC 61231 (Sub-No. E3), filed May 15, 1974. Applicant: ACE LINES, INC., 4143 E. 43rd St., Des Moines, Iowa 50317. Applicant's representative: William L. Fairbank, 900 Hubbell Bldg., Des Moines, Iowa 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Building materials, feeds, forest products* (including lumber and fence posts), *livestock* (including horses), and *unprocessed farm products* (except commodities in bulk, and commodities requiring special equipment), between points in St. Louis County, Mo., and points in the St. Louis, Mo.-East St. Louis, Ill., commercial zone, on the one hand, and, on the other, points in South Dakota. The purpose of this filing is to eliminate the gateways of Nassau, Minn., and points within 25 miles thereof and East St. Louis, Ill.

No. MC 61231 (Sub-No. E4), filed May 15, 1974. Applicant: ACE LINES, INC., 4143 E. 43rd St., Des Moines, Iowa 50317. Applicant's representative: William L. Fairbank, 900 Hubbell Bldg., Des Moines, Iowa 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Building materials* (except in bulk and except commodities requiring special equipment), from Chicago, Ill., to points in Arizona, Colorado, Montana, New Mexico, Oklahoma, Texas, and Wyoming. The purpose of this filing is to eliminate the gateways of Chicago, Ill., and Des Moines, Iowa.

No. MC 61231 (Sub-No. E5), filed May 15, 1974. Applicant: ACE LINES, INC., 4143 E. 43rd St., Des Moines, Iowa 50317. Applicant's representative: William L. Fairbank, 900 Hubbell Bldg., Des Moines, Iowa 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Building materials* (except in bulk

and except commodities requiring special equipment), from Chicago, Ill., to points in South Dakota and Nebraska. The purpose of this filing is to eliminate the gateways of Chicago, Ill., and Ft. Dodge, Iowa.

No. MC 61231 (Sub-No. E9), filed May 15, 1974. Applicant: ACE LINES, INC., 4143 E. 43rd St., Des Moines, Iowa 50317. Applicant's representative: William L. Fairbank, 900 Hubbell Bldg., Des Moines, Iowa 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel building materials*, from Gary, Ind., to points in Nebraska and South Dakota. The purpose of this filing is to eliminate the gateways of Marshalltown and Ft. Dodge, Iowa.

No. MC 61231 (Sub-No. E11), filed May 15, 1974. Applicant: ACE LINES, INC., 4143 E. 43rd St., Des Moines, Iowa 50317. Applicant's representative: William L. Fairbank, 900 Hubbell Bldg., Des Moines, Iowa 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel building materials* (except commodities in bulk and commodities requiring special equipment), from Gary, Ind., to points in Iowa on and west of a line beginning at Lineville, Iowa, thence along U.S. Highway 65 to junction Iowa Highway 2, thence along Iowa Highway 2 to junction Iowa Highway 14 at Corydon, Iowa, thence along Iowa Highway 14 to junction Interstate Highway 80, thence along Interstate Highway 80 to junction U.S. Highway 63, thence along U.S. Highway 63 to the Iowa-Minnesota State line, and to points in Minnesota on and west of a line beginning at the Minnesota-Iowa State line, thence along Interstate Highway 35 to junction Minnesota Highway 73, thence along Minnesota Highway 73 to junction U.S. Highway 53, thence along U.S. Highway 53 to the United States-Canada International Boundary line.

No. MC 61231 (Sub-No. E12), filed May 15, 1974. Applicant: ACE LINES, INC., 4143 43rd St., Des Moines, Iowa 50317. Applicant's representative: William L. Fairbank, 900 Hubbell Bldg., Des Moines, Iowa 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Building materials, feeds, forest products* (including lumber and fence posts), livestock (including horses), and unprocessed farm products (except commodities in bulk and commodities requiring special equipment), between Omaha, Nebr., and points within ten miles thereof, on the one hand, and, on the other, points in South Dakota on and north of U.S. Highway 212. The purpose of this filing is to eliminate the gateways of Council Bluffs, Iowa, and Nassau, Minn., and points within 25 miles of Nassau, Minn.

No. MC 61231 (Sub-No. E14), filed May 15, 1974. Applicant: ACE LINES, INC., 4143 E. 43rd St., Des Moines, Iowa 50317. Applicant's representative: William L. Fairbank, 900 Hubbell Bldg., Des Moines, Iowa 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Building materials* (except commodities in bulk and commodities requiring special equipment), from Omaha, Nebr., and points within ten miles of Omaha, Nebr., to points in Arkansas, Indiana, Kentucky, Michigan, and Ohio. The purpose of this filing is to eliminate the gateways of Council Bluffs and Des Moines, Iowa.

No. MC 61231 (Sub-No. E15), filed May 15, 1974. Applicant: ACE LINES, INC., 4143 E. 43rd St., Des Moines, Iowa 50317. Applicant's representative: William L. Fairbank, 900 Hubbell Bldg., Des Moines, Iowa 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Building materials* (except commodities in bulk and those requiring special equipment), from Omaha, Nebr., and points within ten miles thereof, to points in Arizona. The purpose of this filing is to eliminate the gateways of Council Bluffs, and Des Moines, Iowa.

No. MC 61231 (Sub-No. E16), filed May 15, 1974. Applicant: ACE LINES, INC., 4143 E. 43rd St., Des Moines, Iowa 50317. Applicant's representative: William L. Fairbank, 900 Hubbell Bldg., Des Moines, Iowa 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular route, tranporting: *Gypsum products, composition boards, insulating materials, roofing* and *roofing materials, urethane* and *urethane products*, from Omaha, Nebr., and points within ten miles thereof, to points in Wisconsin (except points west of Wisconsin Highway 63). The purpose of this filing is to eliminate the gateways of Council Bluffs, Iowa, and the plant site of the Celotex Corporation at Dubuque, Iowa.

No. MC 61231 (Sub-No. E17), filed May 15, 1974. Applicant: ACE LINES, INC., 4143 E. 43rd St., Des Moines, Iowa 50317. Applicant's representative: William L. Fairbank, 900 Hubbell Bldg., Des Moines, Iowa 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: Wallboard, insulation, and insulation materials, from Omaha, Nebr., and points within ten miles thereof, to points in Ashland, Bayfield, Douglas, Burnett, Sawyer, and Washburn Counties, Wis. The purpose of this filing is to eliminate the gateways of Council Bluffs, Iowa, and the plant site of Conwed Bluffs and Des Moines, Iowa.

No. MC 83539 (Sub-No. E16), filed June 2, 1974. Applicant: C & H TRANSPORTATION CO., INC., P.O. Box 5976, Dallas, Tex. 75222. Applicant's representative: Thomas E. James (Same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Prefabricated iron and steel products* and *iron and steel pipe*, from Corpus Christi, Galveston, and Houston, Tex., to points in Arizona. The purpose of this filing is filing is to eliminate the gateway of points in New Mexico.

No. MC 83539 (Sub-E24), filed May 26, 1974. Applicant: C & H TRANSPORTATION CO., INC., P.O. Box 5976, Dallas, Tex. 75222. Applicant's representative: Kenneth West (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 size or weight, requires the use of special equipment and related machinery parts and related contractors' materials and supplies when their transportation is incidental to the transportation by the carrier of commodities which, because of size or weight, require the use of special equipment and *Self-propelled articles*, each weighing 15,000 pounds or more, and related machinery, tools, parts and supplies moving in connection therewith, restricted to commodities which are transported on trailers between points in Alabama, on the one hand, and on the other points in Kentucky except those in Martin, Pike, Floyd, Letcher, Knott, Perry, Harlan, Leslie, Clay, Bell, Knox, Laurel, Whitley, McCreary, Pulaski, Wayne, Russell, Clinton, Cumberland, and Monroe Counties. The purpose of this filing is to eliminate the gateway of points within 50 miles of Nashville, Tenn.

No. MC 102616 (Sub-No. E208), filed June 3, 1974. Applicant: COASTAL TANK LINES, INC., 215 E. Waterloo Road, Akron, Ohio 44306. Applicant's representative: Fred H. Daly (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals*, in bulk, in tank vehicles, from points in New Jersey to points in Arkansas, Louisiana, Mississippi, Missouri, Nebraska, Oklahoma, Texas (except Harris County), and points in Colorado, New Mexico, North Dakota, South Dakota, and Wyoming on and east of U.S. Highway 85, restricted against transportation of resins, paint, and paint materials to points in the Dallas, Tex., commercial zone. The purpose of this filing is to eliminate the gateways of South Charleston or Institute, W. Va., and Marshall, Ill., or points within five miles thereof.

No. MC 102616 (Sub-No. E254), filed June 3, 1974. Applicant: COASTAL TANK LINES, INC., 215 E. Waterloo Rd., Akron, Ohio 44306. Applicant's representative: Fred H. Daly (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals*, in bulk, in tank vehicles, from points in North Carolina on and east of U.S. Highway 501 to points in Oklahoma. The purpose of this filing is to eliminate the gateway of South Charleston or Institute, W. Va., and Marshall, Ill., or points within five miles thereof.

No. MC 107295 (Sub-E24), filed May 14, 1974. Applicant: PRE-FAB TRANSIT CO., P.O. Box 146, Farmer City, Ill. 61842. Applicant's representative: Dale L. Cox (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Buildings*, complete, knocked

down, or in sections, from points in Illinois to points in Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island, and Vermont. The purpose of this filing is to eliminate the gateway of Washinton Court House.

No. MC 111823 (Sub-No. E6), filed June 4, 1974. Applicant: SHERWOOD VAN LINES, INC., 4322 Milling Road, San Antonio, Tex. 78219. Applicant's representative: Robert T. Gallagher, 1776 Broadway, New York, N.Y. 10019. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between Grand Forks Air Force Base, Emerado, N. Dak., on the one hand, and, on the other, Craig Air Force Base, Selma, Ala.; Fort McClellan, Anniston, Ala.; Fort Rucker, Ozark, Ala.; Gunter Air Force Base, Montgomery, Ala.; Maxwell Air Force Base, Montgomery, Ala.; Redstone Arsenal, Huntsville, Ala.; Blytheville Air Force Base, Blytheville, Ark.; Little Rock Air Force Base, Jacksonville, Ark.; Naval Submarine Base New London, Groton, Conn.; Pentagon, Arlington Hall Station, Henderson Hall, and Navy Security Station, D.C., Andrews Air Force Base, Camp Springs, Md.; Bolling Air Force Base, D.C.; Fort Myer, Arlington, Va.; Fort McNair, D.C.; Cameron Station, Alexandria, Va.; Walter Reed Army Medical Center, D.C.; National Naval Medical Center, Bethesda, Md.; Naval Station, D.C.; Eglin Air Force Base, Homestead, Fla.; McDill Air Force Base, Tampa, Fla.; McCoy Air Force Base, Orlando, Fla.; Naval Air Station Cecil Field, Jacksonville, Fla.; Naval Air Station, Jacksonville, Fla.; Naval Air Station, Pensacola, Fla.; Naval Station, Mayport, Fla.; Naval Air Station Whiting Field, Milton, Fla.; Naval Station, Key West, Fla.; Naval Training Center, Orlando, Fla.; Patrick Air Force Base, Cocoa Beach, Fla.; Tyndall Air Force Base, Panama City, Fla.; Atlanta Army Depot, Forest Park, Ga.; Fort Benning, Columbus, Ga.; Fort Gordon, Augusta, Ga.; Fort McPherson, Atlanta, Ga.; Fort Stewart, Hinesville, Ga.; Hunter Army Airfield, Savannah, Ga.; Marine Corps Supply Center, Albany, Ga.; Dobbins Air Force Base, Marietta Ga.; Moody Air Force Base, Valdosta, Ga.; Naval Air Station, Albany, Ga.; Naval Air Station, Glynco, Ga.; Robins Air Force Base, Warner Robins, Ga.; Chanute Air Force Base, Rantoul, Ill.; Fort Sheridan, Highland Park, Ill.

Joliet Army Ammunition Depot, Joliet, Ill.; Savanna Army Depot, Savanna, Ill.; Naval Air Station, Glenview, Ill.; Naval Training Center, Great Lakes, Ill.; Scott Air Force Base, Belleville, Ill.; Grissom Air Force Base, Peru, Ind.; Fort Benjamin Harrison, Indianapolis, Ind.; Naval Ammunition Depot, Crane, Ind.; Fort Campbell, Hopkinsville, Ky.; Fort Knox, Fort Knox, Ky.; Barksdale Air Force Base, Shreveport, La.; England Air Force Base, Alexandria, La.; Fort Polk, Leesville, La.; Naval Air Station, New Orleans, La.; Aberdeen Proving Ground, Aberdeen, Md.; Edgewood Arsenal, Edgewood Arsenal, Md.; Fort Detrick, Fredericks, Md.; Fort Holabird, Baltimore, Md.; Fort George Meade, Laurel, Md.; Fort Ritchie, Cascade, Md.; Naval Air Station, Patuxent River, Md.; Naval Academy, Annapolis, Md.; Naval Training Center, Bainbridge, Md.; L. G. Hanscom Field, Bedford, Mass.; Fort Devens, Ayer, Mass.; Naval Air Station, South Weymouth, Mass.; Otis Air Force Base, Falmouth (Cape Code), Mass.; Westover Air Force Base, Springfield, Mass.; Kincheloe Air Force Base, Sault Ste. Marie, Mich.; K. I. Sawyer Air Force Base, Gwinn, Mich.; Selfridge Air National Guard Base, Mount Clemens, Mich.; Wurtsmith Air Force Base, Oscoda, Mich.; Columbus Air Force Base, Columbus, Miss.; Keesler Air Force Base, Biloxi, Miss.; Naval Air Station, Meridian, Miss.; Naval Construction Battalion, Gulfport, Miss.; Pease Air Force Base, Portsmouth, N.H.; Fort Dix, Wrightstown, N.J.; Fort Monmouth, Oceanport, N.J.; McGuire Air Force Base, Wrightstown, N.J.; Naval Air Station, Lakehurst, N.J.; Camp Drum, Watertown, N.Y.; Fort Hamilton, Brooklyn, N.Y.; Fort Wadsworth, Staten Island, N.Y.; U.S. Coast Guard Base, Governor's Island, N.Y.; Griffiss Air Force Base, Rome, N.Y.; Hancock Field, Syracuse, N.Y.; Plattsburg Air Force Base, Plattsburg, N.Y.; Naval Hospital, Saint Albans, N.Y.; Seneca Army Depot, Romulus, N.Y.; Stewart Field, Newburgh, N.Y.; U.S. Military Academy, West Point, N.Y.; Lockbourne Air Force Base, Columbus, Ohio; Wright-Patterson Air Force Base, Dayton, Ohio; Army War College, Carlisle Barracks, Pa.

Letterkenny Army Depot, Chambersburg, Pa.; Naval Base, Philadelphia, Pa.; New Cumberland Army Depot, New Cumberland, Pa.; Tobyhanna Army Depot, Tobyhanna, Pa.; Defense Activities, Mechanicsburg, Pa.; Valley Forge General Hospital, Phoenixville, Pa.; Charleston Air Force Base, Charleston, S.C.; Fort Jackson, Columbia, S.C.; Marine Corps Air Station, Beaufort, S.C.; Myrtle Beach Air Force Base, Myrtle Beach, S.C.; Naval Base, Charleston, S.C.; Polaris Missile Facility, Charleson, S.C.; Shaw Air Force Base, Sumter, S.C.; Marine Corps Recruit Depot, Parris Island, S.C.; Naval Air Station Memphis, Millington, Tenn.; Arnold Air Force Station, Tullahoa, Tenn.; Brooks Air Force Base, San Antonio, Tex.; Ellington Air Force Base, Houston, Tex.; Kelly Air Force Base, San Antonio, Tex.; Lackland Air Force Base, San Antonio, Tex.; Naval Air Station, Corpus Christi, Tex.; Naval Air Station Chase Field, Beeville, Tex.; Naval Air Station, Kingsville, Tex.; Randolph Air Force Base, Universal City, Tex.; Fort Belvoir, Alexandria, Va.; Fort Eustis, Newport News, Va.; Fort Lee, Petersburg, Va.; Fort Monroe, Hampton, Va.; Fort Story, Virginia Beach, Va.; Langley Air Force Base, Hampton, Va.; Marine Corps School, Quantico, Va.; Naval Air Station Oceana, Ocean (Virginia Beach), Va.; Naval Amphibious Base, Little Creek (Norfolk), Va.; Naval Shipyard Norfolk, Portsmouth, Va.; Naval Station, Norfolk, Va.; Naval Weapons Laboratory, Dahlgren, Va.; Naval Weapons Station, Yorktown, Va.; Defense General Supply Center, Richmond, Va.; and Vint Hill Farms Station, Warrenton, Va. The purpose of this filing is to eliminate the gateways of St. Louis, Mo., or that part of Illinois on and north of U.S. Highway 36.

No. MC 111823 (Sub-No. E10), filed June 4, 1974. Applicant: SHERWOOD VAN LINES, INC., 4322 Milling Road, San Antonio, Tex. 78219. Applicant's representative: Robert J. Gallagher, 1776 Broadway, New York, N.Y. 10019. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between Richards-Gebaur Air Force Base, Kansas City, Mo., and Whiteman Air Force Base, Knob Noster, Mo., on the one hand, and, on the other Craig Air Force Base, Selma, Ala.; Fort McClemman, Anniston, Ala.; Fort Rucker, Ozark, Ala.; Gunter Air Force Base, Montgomery, Ala.; Maxwell Air Force Base, Montgomery, Ala.; Redstone Arsenal, Huntsville, Ala.; Blytheville Air Force Base, Blytheville, Ark.; Naval Submarine Base New London, Groton, Conn.; Pentagon, Arlington Hall Station, Henderson Hall, and Navy Security Station, District of Columbia; Andrews Air Force Base, Camp Springs, Md.; Bolling Air Force Base, District of Columbia; Fort Myer, Arlington, Va.; Fort McNair, District of Columbia; Cameron Station, Alexandria, Va.; Walter Reed Army Medical Center, District of Columbia; National Naval Medical Center, Bethesda, Md.; Naval Station, District of Columbia; Eglin Air Force Base, Valparaiso, Fla.; Homestead Air Force Base, Homestead, Fla.; McDill Air Force Base, Tampa, Fla.; McCoy Air Force Base, Orlando, Fla.; Naval Air Station Cecil Field, Jacksonville, Fla.; Naval Air Station, Jacksonville, Fla.; Naval Air Station, Pensacola, Fla.; Naval Station, Mayport, Fla.; Naval Air Station Whiting Field, Milton, Fla.; Naval Station, Key West, Fla.; Naval Training Center, Orlando, Fla.; Patrick Air Force Base, Cocoa Beach, Fla.; Tyndall Air Force Base, Panama City, Fla.; Atlanta Army Depot, Forest Park, Ga.; Fort Benning, Columbus, Ga.; Fort Gordon, Augusta, Ga.; Fort McPherson, Atlanta, Ga.; Fort Stewart, Hinesville, Ga.; Hunter Army Airfield, Savannah, Ga.; Marine Corps Supply Center, Albany, Ga.

Dobbins Air Force Base, Marietta, Ga.; Moody Air Force Base, Valdosta, Ga.; Naval Air Station, Albany, Ga.; Naval Air Station, Glynco, Ga.; Robins Air Force Base, Warner Robins, Ga.; Chanute Air Force Base, Rantoul, Ill.; Fort Sheridan, Highland Park, Ill.; Joliet Army Ammunition Depot, Joliet, Ill.; Savanna Army Depot, Savanna, Ill.; Naval Air Station, Glenview, Ill.; Naval Training Center, Great Lakes, Ill.; Scott Air Force Base, Belleville, Ill.; Grissom Air Force Base, Peru, Ind.; Fort Benjamin Harrison, Indianapolis, Ind.; Naval Ammunition Depot, Crane, Ind.; Fort

Campbell, Hopkinsville, Ky.; Fort Knox, Fort Knox, Ky.; Naval Air Station, New Orleans, La.; Aberdeen Proving Ground, Aberdeen, Md.; Edgewood Arsenal, Edgewood Arsenal, Md.; Fort Detrick, Frederick, Md.; Fort Holabird, Baltimore, Md.; Fort George Meade, Laurel, Md.; Fort Ritchie, Cascade, Md.; Naval Air Station, Patuxent River, Md.; Naval Academy, Annapolis, Md.; Naval Training Center, Bainbridge, Md.; Fort Devens,, Ayer, Mass.; Naval Air Station, South Weymouth, Mass.; L. G. Hanscom Field, Bedford, Mass.; Otis Air Force Base, Falmouth (Cape Cod), Mass.; Westover Air Force Base, Springfield, Mass.; Kincheloe Air Force Base, Sault Ste. Marie, Mich.; K. I. Sawyer Air Force Base, Gwinn, Mich.; Selfridge Air National Guard Base, Mount Clemens, Mich.; Wurtsmith Air Force Base, Oscoda, Mich.; Columbus Air Force Base, Columbus, Miss.; Keesler Air Force Base, Biloxi, Miss.; Naval Air Statin, Meridian, Miss.; Naval Construction Battalion, Gulfport, Miss.; Pease Air Force Base, Portsmouth, N.H.; Fort Dix, Wrightstown, N.J.; Fort Monmouth, Oceanport, N.J.; McGuire Air Force Base, Wrightstown, N.J.; Naval Air Station, Lakehurst, N.J.; Camp Drum, Watertown, N.Y.; Fort Hamilton, Brooklyn, N.Y.; Fort Wadsworth, Staten Island, N.Y.; U.S. Coast Guard Base, Governor's Island (New York City), N.Y.; Griffiss Air Force Base, Rome, N.Y.; Hancock Field, Syracuse, N.Y.

Plattsburg Air Force Base, Plattsburg, N.Y.; Naval Hospital, Saint Albans, N.Y.; Seneca Army Depot, Romulus, N.Y.; Steward Field, Newburgh, N.Y.; U.S. Military Academy, West Point, N.Y.; Lockbourne Air Force Base, Columbus, Ohio; Wright-Patterson Air Force Base, Dayton, Ohio; Army War College, Carlisle Barracks, Pa.; Letterkenny Army Depot, Chambersburg, Pa.; Naval Base, Philadelphia, Pa.; New Cumberland Army Depot, New Cumberland, Pa.; Tobyhanna Army Depot, Tobyhanna, Pa.; Defense Activities, Mechanicsburg, Pa.; Valley Forge General Hospital, Phoenixville, Pa.; Charleston Air Force Base, Charleston, S.C.; Fort Jackson, Columbia, S.C.; Marine Corps Air Station, Beaufort, S.C.; Marine Corps Recruit Depot, Parris Island, S.C.; Myrtle Beach Air Force Base, Myrtle Beach, S.C.; Naval Base, Charleston, S.C.; Polaris Missile Facility, Charleston, S.C.; Shaw Air Force Base, Sumter, S.C.; Arnold Air Force Station, Tullahoma, Tenn.; Naval Air Station Memphis, Millington, Tenn.; Fort Belvoir, Alexandria, Va.; Fort Eustis, Newport News, Va.; Fort Lee, Petersburg, Va.; Fort Monroe, Hampton, Va.; Fort Story, Virginia Beach, Va.; Langley Air Force Base, Hampton, Va.; Marine Corps School, Quantico, Va.; Naval Air Station, Oceana (Virginia Beach), Va.; Naval Amphibious Base, Little Creek (Norfolk), Va.; Naval Shipyard Norfolk, Portsmouth, Va.; Naval Weapons Laboratory, Dahlgren, Va.; Naval Weapons Station, Yorktown, Va.; Defense General Supply Center, Richmond, Va.; Vint Hill Farms Station, Warrenton, Va.; and Naval Station Norfolk, Norfolk, Va. The purpose of this filing is to eliminate the gateway of St. Louis, Mo., or that part of Illinois on and north of U.S. Highway 36.

No. MC 111823 (Sub-No. E11), filed June 4, 1974. Applicant: SHERWOOD VAN LINES, INC., 4322 Milling Road, San Antonio, Tex. 78219. Applicant's representative: Robert J. Gallagher, 1776 Broadway, New York, N.Y. 10019. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between Millington, Tenn., on the one hand, and, on the other, Ent Air Force Base & Peterson Field, Colorado Springs, Colo.; Fitzsimons General Hospital, Denver, Colo.; Fort Carson, Colorado Springs, Colo.; Lowry Air Force Base, Denver, Colo.; U.S. Air Force Academy, Colorado Springs, Colo.; Naval Submarine Base New London, Groton, Conn.; Pentagon, Arlington Hall Station, Henderson Hall, and Navy Security Station, District of Columbia; Andrews Air Force Base, Camp Springs, Md.; Bolling Air Base, District of Columbia; Fort Myer, Arlington, Va.; Fort McNair, District of Columbia; Cameron Station, Alexandria, Va.; Walter Reed Army Medical Center, District of Columbia; National Naval Medical Center, Bethesda, Md.; Naval Station, District of Columbia; Chanute Air Force Base, Rantoul, Ill.; Fort Sheridan, Highland Park, Ill.; Joliet Army Ammunition Depot, Joliet, Ill.; Savanna Army Depot, Savanna, Ill.; Naval Air Station, Glenview, Ill.; Naval Training Center, Great Lakes, Ill.; Scott Air Force Base, Belleville, Ill.; Grissom Air Force Base, Peru, Ind.; Fort Benjamin Harrison, Indianapolis, Ind.; Naval Ammunition Depot, Crane, Ind.; Forbes Air Force Base, Topeka, Kans.; Fort Leavenworth, Kans.; Fort Riley, Junction City, Kans.; Fort Knox, Fort Knox, Ky.; Aberdeen Proving Ground, Aberdeen, Md.; Edgewood Arsenal, Edgewood Arsenal, Md.; Fort Detrick, Frederick, Md.; Fort Holabird, Baltimore, Md.; Fort George Meade, Laurel, Md.; Fort Ritchie, Cascade, Md.; Naval Air Station, Patuxent River, Md.; Naval Academy, Annapolis, Md.; Naval Training Center, Bainbridge, Md.; Fort Devens, Ayer, Mass.; Naval Air Station, South Weymouth, Mass.; L. G. Hanscom Field, Bedford, Mass.; Otis Air Force Base, Falmouth (Cape Cod), Mass.; Westover Air Force Base, Springfield, Mass.; Kincheloe Air Force Base, Sault Ste. Marie, Mich.

K. I. Sawyer Air Force Base, Gwinn, Mich.; Selfridge Air National Guard Base Mount Clemens, Mich.; Wurtsmith Air Force Base, Oscoda, Mich.; Duluth International Airport, Duluth, Mich.; Richards-Gebaur Air Force Base, Kansas City, Mo.; Whiteman Air Force Base, Knob Noster, Mo.; Offutt Air Force Base, Omaha, Nebr.; Pease Air Force Base, Portsmouth, N.H.; Fort Dix, Wrightstown, N.Y.; Fort Monmouth, Oceanport, N.J.; McGuire Air Force Base, Wrightstown, N.J.; Naval Air Station, Lakehurst, N.J.; Camp Drum, Watertown, N.Y.; Fort Hamilton, Brooklyn, N.Y.; Fort Wadsworth, Staten Island, N.Y.; U.S. Coast Guard Base, Governor's Island (New York City), N.Y.; Griffiss Air Force Base, Rome, N.Y.; Hancock Field, Syracuse, N.Y.; Plattsburg Air Force Base, Plattsburg, N.Y.; Naval Hospital, Saint Albans, N.Y.; Seneca Army Depot, Romulus, N.Y.; Stewart Field, Newburgh, N.Y.; U.S. Military Academy, West Point, N.Y.; Grand Forks Air Force Base, Emerado, N. Dak.; Minot Air Force Base, Minot, S. Dak.; Lockbourne Air Force Base, Columbus, Ohio; Wright-Patterson Air Force Base, Dayton, Ohio; Army War College, Carlisle Barracks, Pa.; Letterkenny Army Depot, Chambersburg, Pa.; Naval Base Philadelphia, Philadelpha, Pa.; New Cumberland Army Depot, New Cumberland, Pa.; Tobyhanna Army Depot, Tobyhanna, Pa.; Defense Activities, Mechanicsburg, Pa.; Valley Forge General Hospital, Phoenixville, Pa.; Ellsworth Air Force Base, Rapid City, S. Dak.; Fort Belvoir, Alexandria, Va.; Fort Eustis, Newport News, Va.; Fort Lee, Petersburg, Va.; Fort Monroe, Hampton, Va.; Fort Story, Virginia Beach, Va.; Langley Air Force Base, Hampton, Va.; Marine Corps School, Quantico, Va.; Naval Air Station Oceana, Oceana (Virginia Beach), Va.; Naval Amphibious Base, Little Creek (Norfolk), Va.; Naval Shipyard Norfolk, Portsmouth, Va.; Naval Station, Norfolk, Va.; Naval Weapons Laboratory, Dahlgren, Va.; Naval Weapons Station, Yorktown, Va.; Defense General Supply Center, Richmond, Va.; Vint Hill Farms Station, Warrenton, Va.; and Camp McCoy, Sparta, Wis. The purpose of this filing is to eliminate the gateway of St. Louis, Mo., or Louisville, Ky., or that part of Indiana and Illinois on and north of U.S. Highway 36.

No. MC 111823 (Sub-No. E16), filed June 4, 1974. Applicant: SHERWOOD VAN LINES, INC., 4322 Milling Road, San Antonio, Tex. 78219. Applicant's representative: Robert J. Gallagher, 1776 Broadway, New York, N.Y. 10019. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between San Diego, Calif., on the one hand, and, on the other, Craig Air Force Base, Selma, Ala.; Ft. McClellan, Anniston, Ala.; Gunter Air Force Base, Montgomery, Ala.; Maxwell Air Force Base, Montgomery, Ala.; Redstone Arsenal, Huntsville, Ala.; Blytheville Air Force Base, Blytheville, Ark.; District of Columbia, Naval Submarine Base, Groton, Conn.; Andrews Air Force Base, District of Columbia; Bolling Air Force Base, District of Columbia; Cameron Station, District of Columbia; Ft. Myer, District of Columbia; Ft. McNair, District of Columbia; Walter Reed Army Hospital, District of Columbia; National Naval Medical Center, District of Columbia; Naval Station, District of Columbia; Homestead Air Force Base, Homestead, Fla.; McDill Air Force Base, Tampa, Fla.; McCoy Air Force Base, Orlando, Fla.; Naval Air Station, Cecil Field, Jacksonville, Fla.; Naval Air Station, Jacksonville, Fla.; Naval Station, May-

port, Fla.; Naval Supply Center, Key West, Fla.; Naval Training Center, Orlando, Fla.; Patrick Air Force Base, Cocoa Beach, Fla.; Tyndall Air Force Base, Panama City, Fla.; Atlanta Army Depot, Forrest Park, Ga.; Fort Benning, Columbus, Ga.; Fort Gordon, Augusta, Ga.; Fort McPherson, Atlanta, Ga.; Fort Stewart, Hinsville, Ga.; Hunter Air Force Base, Savannah, Ga.; Marine Corp Supply Center, Albany, Ga.; Dobbins Air Force Base, Marietta, Ga.; Moody Air Force Base, Valdosta, Ga.; Naval Air Station, Albany, Ga.; Naval Air Station, Glynco, Ga.; Robins Air Force Base, Warner Robins, Ga.; Chanute Air Force Base, Rantoul, Ill.; Fort Sheridian, Highland Park, Ill.; Joliet Army Depot, Joliet, Ill.; Savanna Army Depot, Savanna, Ill.; Naval Air Station, Glenview, Ill.; Naval Training Center, Great Lakes, Ill.; Scott Air Force Base, Belleville, Ill.; Grissom Air Force Base, Peru, Ind.; Ft. Benjamin Harrison, Indianapolis, Ind.; Naval Ammunition Depot, Crane, Ind.; Ft. Campbell, Hopkinsville, Ky.

Ft. Knox, Ky.; Aberdeen Proving Ground, Aberdeen, Md.; Edgewood Arsenal, Edgewood, Md.; Ft. Detrick, Frederick, Md.; Fort Holabird, Baltimore, Md.; Ft. George Meade, Laurel, Md.; Ft. Ritchie, Cascade, Md.; Naval Air Station, Patuxant River, Md.; Naval Air, Annapolis, Md.; Naval Training Center. Bainbridge, Md.; Ft. Devens, Ayer, Mass.; L. G. Hanscom Field, Bedford, Mass.; Otis Air Force Base, Falmouth, Mass.; Westover Air Force Base, Springfield, Mass.; Kincheloe Air Force Base, Sault Ste. Marie, Mich.; K. I. Sawyer Air Force Base, Gwinn, Mich.; Selfridge Air Force Base, Mt. Clemens, Mich.; Wurtsmith Air Force Base, Oscoda, Mich.; Duluth International Airport, Minn.; Columbus Air Force Base, Miss.; Naval Air Station, Meridian, Miss.; Ft. Leonard Wood, Waynesville, Mo.; Pease Air Force Base, Portsmouth, N.H.; Fort Dix, Wrightstown, N.J.; Fort Monmouth, Oceanport, N.J.; McGuire Air Force Base, Wrightstown, N.J.; Naval Air Station, Lakehurst, N.J.; Camp Drum, Watertown, N.Y.; Ft. Hamilton, Brooklyn, N.Y.; Naval Supply Center, Governor's Isle, N.Y.; Griffiss Air Force Base, Rome, N.Y.; Hancock Field, Syracuse, N.Y.; Plattsburg Air Force Base, Plattsburg, N.Y.; Naval Hospital, St. Albans, N.Y.; Seneca Army Depot, Romulus, N.Y.; Stewart Field, Newburgh, N.Y.; U.S. Military Academy, West Point, N.Y.; Lockbourne Air Force Base, Columbus, Ohio; Wright Patterson Air Force Base, Dayton, Ohio; Army War College, Carlisle Barracks, Carlisle, Pa.; Letterkenney Army Depot, Chambersburg, Pa.; Naval Base, Philadelphia, Pa.; New Cumberland Army Depot, New Cumberland, Pa.; Tobeyhanna Army Depot, Tobeyhanna, Pa.; Defense Activities, Mechanicsburg, Pa.; Valley Forge General Hospital, Phoenixville, Pa.; Charleston Air Force Base, Charleston, S.C.; Ft. Jackson, Columbia, S.C.; Marine Corp Air Station, Beaufort, S.C.; Marine Corp Recruit Depot, Parris Island, S.C.; Myrtle Beach Air Force Base, Myrtle Beach, S.C.; Naval Base, Charleston, S.C.; Polaris Missile Facility, Charleston, S.C.; Shaw Air Force Base, Sumter, S.C.; Arnold Air Force Base, Tullahoma, Tenn.; Naval Air Station, Memphis, Tenn.; Ft. Belvoir, Alexandria, Va.; Ft. Eustis, Newport News, Va.; Ft. Lee, Petersburg, Va.; Ft. Monroe, Hampton, Va.; Ft. Story, Virginia Beach, Va.; Langley Air Force Base, Hampton, Va.; Marine Corp, Quantico, Va.; Naval Air Station, Oceana, Va.; Naval Amphibians Base, Norfolk, Va.; Naval Shipyard, Portsmouth, Va.; Naval Station, Norfolk, Va.; Naval Weapons Lab., Dahlgren, Va.; Naval Weapons Station, Yorktown, Va.; Defense Supply Center, Richmond, Va.; Vint Hill Farms Station, Warrenton, Va.; and Camp McCoy, Sparta, Wis. The purpose of this filing is to eliminate the gateway of St. Louis, Mo.

No. MC 111823 (Sub-No. E17), filed June 4, 1974. Applicant: SHERWOOD VAN LINES, INC., 4322 Milling Rd., San Antonio, Tex. 78219. Applicant's representative: Robert J. Gallagher, 1776 Broadway, New York, N.Y. 10019. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between Monterey, Calif., on the one hand, and, on the other, Little Rock Air Force Base, Jacksonville, Ark.; Craig Air Force Base, Selma, Ala.; Ft. McClellan, Anniston, Ala.; Ft. Rucker, Ozark, Ala.; Gunter Air Force Base, Montgomery, Ala.; Maxwell Air Force Base, Montgomery, Ala.; Redstone Arsenal, Huntsville, Ala.; Blytheville Air Force Base, Ark.; the District of Columbia; Naval Sub Base, Groton, Conn.; Andrews Air Force Base, Md.; Bolling Air Force Base, District of Columbia; Cameron Station, District of Columbia; Ft. Myer, District of Columbia; Ft. McNair, District of Columbia; Walter Reed Army Hospital, District of Columbia; National Naval Medical Center, District of Columbia; Naval Station, District of Columbia; Eglin Air Force Base, Valparaiso, Ind.; Homestead Air Force Base, Fla.; McDill Air Force Base, Tampa, Fla.; McCoy Air Force Base, Orlando, Fla.; Naval Air Station, Cecil Field, Jacksonville, Fla.; Naval Air Station, Jacksonville, Fla.; Naval Air Station, Pensacola, Fla.; Naval Station, Mayport, Fla.; Naval Air Station, Whiting Field, Milton, Fla.; Naval Supply Center, Key West, Fla.; Naval Training Center, Orlando, Fla.; Cocoa Beach, Patrick Air Force Base, Fla.; Tyndall Air Force Base, Panama City, Fla.; Atlanta Army Depot, Forrest Park, Ga.; Ft. Benning, Columbus, Ga.; Ft. Gordon, Augusta, Ga.; Ft. McPherson, Atlanta, Ga.; Ft. Stewart, Hinsville, Ga.; Hunter Air Force Base, Savannah, Ga.; Marine Corp. Supply Center, Albany, Ga.; Dobbins Air Force Base, Marietta, Ga.; Moody Air Force Base, Valdosta, Ga.; Naval Air Station, Albany, Ga.; Naval Air Station, Glynco, Ga.; Robins Air Force Base, Warner Robins, Ga.; Chanute Air Force Base, Rantoul, Ill.; Ft. Sheridan, Highland Park, Ill.; Joliet Army Depot, Ill.; Savanna Army Depot, Ill.; Naval Air Station, Glenview, Ill.; Naval Training Center, Great Lakes, Ill.; Scott Air Force Base, Belleville, Ill.; Grissom Air Force Base, Peru, Ind.; Ft. Benjamin Harrison, Indianapolis, Ind.; Naval Ammunition Depot, Crane, Ind.; Ft. Campbell, Hopkinsville, Ky.; Ft. Knox, Ky.

Aberdeen Proving Ground, Md.; Edgewood, Arsenal, Md.; Ft. Detrick, Frederick, Md.; Ft. Holabird, Baltimore, Md.; Ft. George Meade, Md.; Ft. Ritchie, Cascade, Md.; Naval Air Station, Patuxent River, Md.; Naval Air, Annapolis, Md.; Naval Training Center, Bainbridge, Md.; Ft. Devens, Ayer, Mass.; L. G. Hanscom Field, Bedford, Mass.; Otis Air Force Base, Falmouth, Mass.; Westover Air Force Base, Springfield, Mass.; Kincheloe Air Force Base, Sault Ste. Marie, Mich.; K. I. Sawyer Air Force Base, Gwin, Mich.; Selfridge Air Force Base, Mt. Clemens, Mich.; Wurtsmith Air Force Base, Oscode, Mich.; Columbus Air Force Base, Miss.; Keesler Air Force Base, Biloxi, Miss.; Naval Air Station, Meridian, Miss.; Naval Construction Battalion, Gulfport, Miss.; Ft. Leonard Wood, Waynesville, Mo.; Whiteman Air Force Base, Knob Noster, Mo.; Pease Air Force Base, Portsmouth, N.H.; Ft. Dix, Wrightstown, N.J.; Ft. Monmouth, Oceanport, N.J.; McGuire Air Force Base, Wrightstown, N.J.; Naval Air Station, Lakehurst, N.J.; Camp Drum, Watertown, N.Y.; Ft. Hamilton, Brooklyn, N.Y.; Naval Supply Center, Governor's Isle, N.Y.; Griffiss Air Force Base, Rome, N.Y.; Hancock Field, Syracuse, N.Y.; Plattsburg Air Force Base, N.Y.; Naval Hospital, St. Albans, N.Y.; Seneca Army Depot, Romulus, N.Y.; Stewart Field, N.Y.; U.S. Military Academy, West Point, N.Y.; Lockbourne Air Force Base, Columbus, Ohio; Wright Patterson Air Force Base, Dayton, Ohio; Carlisle Barracks, Army War College, Pa.; Letterkenny Army Depot, Chambersburg, Pa.; Naval Base, Philadelphia, Pa.; New Cumberland Army Depot, New Cumberland, Pa.; Tobeyhanna Army Depot, Pa.; Defense Activities, Mechanicsburg, Pa.; Valley Forge General Hospital, Phoenixville, Pa.; Charleston Air Force Base, S.C.; Ft. Jackson, Columbia, S.C.; Marine Corp. R.D., Paris Island, S.C.; Myrtle Beach Air Force Base, S.C.; Naval Base, Charleston, S.C.; Polaris Missile Facility, Charleston, S.C.; Shaw Air Force Base, Sumter, S.C.; Arnold Air Force Base, Tullahoma, Tenn.; Naval Air Station, Memphis, Tenn.; Fort Belvoir, Alexandria, Va.; Ft. Eustis, Newport News, Va.; Ft. Lee, Petersburg, Va.; Ft. Monroe, Hampton, Va.; Ft. Story, Virginia Beach, Va.; Langley Air Force Base, Hampton, Va.; Marine Corp., Quantico, Va.; Naval Air Station, Oceana, Va.; Naval Amphibians Base, Norfolk, Va.; Naval Shipyard, Portsmouth, Va.; Naval Shipyard, Norfolk, Va.; Naval Station, Norfolk, Va.; Naval Weapons Lab., Dahlgren, Va.; Naval Weapons Station, Yorktown, Va.; Defense Supply Center, Richmond, Va.; Vint Hill Farms Station, Warrenton, Va.; and Camp McCoy, Sparta, Wis. The pur-

pose of this filing is to eliminate the gateway of St. Louis, Mo.

No. MC 111823 (Sub-No. E18), filed June 4, 1974. Applicant: SHERWOOD VAN LINES, INC., 4322 Milling Road, San Antonio, Tex. 78219. Applicant's representative: Robert J. Gallagher, 1776 Broadway, New York, N.Y. 10019. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between San Leandro, Calif., on the one hand, and, on the other, Chanute Air Force Base, Rantoul, Ill.; Ft. Sheridan, Highland Park, Ill.; Joliet Army Depot, Joliet, Ill.; Savanna Army Depot, Savanna, Ill.; Naval Air Station, Glenview, Ill.; Naval Training Center, Great Lakes, Ill.; Scott Air Force Base, Belleville, Ill.; Grissom Air Force Base, Peru, Ind.; Ft. Benjamin Harrison, Indianapolis, Ind.; Naval Ammunition, Crane, Ind.; Ft. Campbell, Hopkinsville, Ky.; Ft. Knox, Ky.; Aberdeen Proving Ground, Md.; Ft. Detrick, Md.; Ft. George Meade, Md.; Ft. Ritchie, Md.; Naval Air Station, Patuxent, Md.; Naval Academy, Annapolis, Md.; Naval Training Station, Bainbridge, Md.; Ft. Devens, Mass.; Hanscom Field, Mass.; Otis Air Force Base, Mass.; Westover Air Force Base, Mass.; Kincheloe Air Force Base, Mich.; K. I. Sawyer Air Force Base, Mich.; Selfridge Air Force Base, Mich.; Wurtsmith Air Force Base, Mich.; Columbus Air Force Base, Miss.; Keesler Air Force Base, Miss.; Naval Air Station, Meridian, Miss.; Ft. Leonard Wood, Mo.; Whiteman Air Force Base, Knob Noster, Mo.; Pease Air Force Base, N.H.; Ft. Dix, Wrightstown, N.J.; Fort Monmouth, N.J.; McGuire Air Force Base, N.J.; Naval Air Station, Lakehurst, N.J.; Camp Dru, N.Y.; Ft. Hamilton, N.Y.; U.S. Coast Guard, Governor's Island, New York; Griffiss Air Force Base, Rome, N.Y.; Hancock Field, Syracuse, N.Y.; Plattsburg Air Force Base, N.Y.; Naval Hospital, St. Albans, N.Y.; Seneca Army Depot, Romulus, N.Y.; Stewart Field, Newburg, N.Y.; West Point, N.Y.; Lockbourne Air Force Base, Columbus, Ohio; Wright-Patterson Air Force Base, Dayton, Ohio; Carlisle Barracks, Pa.; Letterkenny Army Depot, Chambersburg, Pa.; Naval Base, Philadelphia, Pa.; New Cumberland Army Depot, Pa.; Tobeyhanna Army Depot, Pa.; Valley Forge General Hospital, Phoenixville, Pa.

Charleston Air Force Base, S.C.; Ft. Jackson, Columbia, S.C.; Marine Corp. Air Station, Beaufort, S.C.; Marine Corp. R.D., Parris Island, S.C.; Myrtle Beach Air Force Base, S.C.; Naval Air Station, Charleston, S.C.; Shaw Air Force Base, Sumter, S.C.; Armed Air Force Station, Tullahoma, Tenn.; Cameron Station, Alexandria, Va.; Naval Air Station, Memphis, Tenn.; Fort Belvoir, Alexandria, Va.; Fort Eustis, Newport News, Va.; Ft. Lee, Petersburg, Va.; Fort Monroe, Hampton, Va.; Fort Story, Virginia Beach, Va.; Langley Air Force Base, Hampton, Va.; Marine Corps, Quantico, Va.; Naval Air Station, Oceana, Va.; Naval Amphibians, Little Creek, Va.; Naval Shipyard, Norfolk, Va.; Naval Station, Norfolk, Va.; Naval Weapons Laboratory, Dahlgren, Va.; Naval Weapons Station, Yorktown, Va.; Defense General Supply Center, Richmond, Va.; Vint Hills Farm Station, Warrenton, Va.; Craig Air Force Base, Selma, Ala.; Ft. McClellan, Anniston, Ala.; Fort Rucker, Ozark, Ala.; Gunter Air Force Base, Montgomery, Ala.; Maxwell Air Force Base, Montgomery, Ala.; Redstone Arsenal, Huntsville, Ala.; Naval Sub Base, Groton, Conn.; District of Columbia; Andrews Air Force Base, Md.; Bolling Air Force Base, Washington, D.C.; Ft. Myer, Washington, D.C.; Ft. McNair, Washington, D.C.; Walter Reed Army Medical Center, Washington, D.C.; National Naval Medical Center, Bethesda, Md.; Naval Station, Washington, D.C.; Eglin Air Force Base, Ft. Walton Beach, Fla.; Homestead Air Force Base, Homestead, Fla.; Naval Air Station, Pensacola, Fla.; Naval Air Station, Mayport, Fla.; Naval Air Station, Milton, Fla.; Naval Air Station, Key West, Fla.; Naval Training Center, Orlando, Fla.; Patrick Air Force Base, Cocoa Beach, Fla.; Tyndall Air Force Base, Panama City, Fla.; Atlanta, Army Depot, Atlanta, Ga.; Ft. Benning, Columbus, Ga.; Ft. Gordon, Ga.; Ft. McPherson, Atlanta, Ga.; Ft. Stewart, Hinesville, Ga.; Hunter Army Airfield, Savannah, Ga.; Marine Corp., S.C.; Albany, Ga.; Moody Air Force Base, Valdosta, Ga.; Naval Air Station, Albany, Ga.; Naval Air Station, Glynco, Ga.; Robins Air Force Base, Warner Robins, Ga.; Blytheville, Ark.; Little Rock Air Force Base, Ark.; McDill Air Force Base, Tampa, Fla.; McCoy Air Force Base, Orlando, Fla.; Naval Air Station Cecil Field, Jacksonville, Fla.; Naval Air Station, Jacksonville, Fla.; Dobbins Air Force Base, Marietta, Ga.; Defense Activities, Mechanicsburg, Pa.; and Camp McCoy, Sparta, Wis. The purpose of this filing is to eliminate the gateway of St. Louis, Mo.

No. MC 111823 (Sub-No. E19), filed June 4, 1974. Applicant: SHERWOOD VAN LINES, INC., 4322 Milling Road, San Antonio, Tex. 78219. Applicant's representative: Robert J. Gallagher, 1776 Broadway, New York, N.Y. 10019. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between El Centro, Calif., on the one hand, and, on the other, Craig Air Force Base, Selma, Ala.; Ft. McClellan, Anniston, Ala.; Ft. Rucker, Ozark, Ala.; Gunter Air Force Base, Montgomery, Ala.; Maxwell Air Force Base, Montgomery, Ala.; Redstone Arsenal, Huntsville, Ala.; Blytheville Air Force Base, Blytheville, Ark.; Naval Sub Base, Groton, Conn.; District of Columbia, Andrews Air Force Base, D.C.; Bolling Air Force Base, D.C.; Ft. Meyer, D.C.; Ft. McNair, D.C.; Walter Reed Army Medical Center, D.C.; National Naval Medical Center, Bethesda, Md.; Naval Station, D.C.; Homestead Air Force Base, Homestead, Fla.; McDill Air Force Base, Tampa, Fla.; McCoy Air Force Base, Orlando, Fla.; Cecil Field, Jacksonville, Fla.; Naval Air Station, Jacksonville, Fla.; Naval Air Station, Jacksonville, Fla.; Naval Air Station, Mayport, Fla.; Naval Air Station, Key West, Fla.; Naval Training Center, Orlando, Fla.; Patrick Air Force Base, Cocoa Beach, Fla.; Tyndall Air Force Base, Panama City, Fla.; Atlanta Army Depot, Atlanta, Ga.; Ft. Benning, Columbus, Ga.; Ft. Gordon, Augusta, Ga.; Ft. McPherson, Atlanta, Ga.; Ft. Stewart, Hinesville, Ga.; Hunter Airfield, Savannah, Ga.; Marine Corp. Supply Center, Albany, Ga.; Moody Air Force Base, Valdosta, Ga.; Naval Air Station, Albany, Ga.; Naval Air Station, Glynco, Ga.; Robins Air Force Base, Warner Robins, Ga.; Chanute Air Force Base, Rantoul, Ill.; Ft. Sheridan, Highland Park, Ill.; Joliet Army Ammunition Depot, Joliet, Ill.; Savanna Army Depot, Savanna, Ill.; Naval Air Station, Glenview, Ill.; Naval Training Center, Great Lakes, Ill.; Scott Air Force Base, Belleville, Ill.; Grissom Air Force Base, Peru, Ind.; Ft. Benjamin Harrison, Indianapolis, Ind.; Naval Ammunition Depot, Crane, Ind.; Ft. Campbell, Hopkinsville, Ky.; Ft. Knox, Ft. Knox, Ky.; Aberdeen Proving Ground, Aberdeen, Md.; Edgewood Arsenal, Edgewood, Md.; Ft. Detrick, Frederick, Md.; Ft. Holabird, Baltimore, Md.; Ft. George G. Meade, Laurel, Md.; Ft. Ritchie, Cascade, Md.; Naval Academy, Annapolis, Md.; Naval Air Station, Patuxent River, Md.; Naval Training Center, Bainbridge, Md.

Ft. Devens, Ayer, Mass.; Hanscom Field, Bedford, Mass.; Otis Air Force Base, Falmouth, Mass.; Westover Air Force Base, Springfield, Mass.; Kincheloe Air Force Base, Kinross, Mich.; K. I. Sawyer Air Force Base, Gwinn, Mich.; Selfridge Air Force Base, Mt. Clemens, Mich.; Wurtsmith Air Force Base, Oscoda, Mich.; Duluth International Airport, Minn.; Columbus Air Force Base, Columbus, Miss.; Ft. Leonard Wood, Waynesville, Mo.; Pease Air Force Base, Portsmouth, N.H.; Ft. Dix, Wrightstown, N.J.; Ft. Monmouth, Red Bank, N.J.; McGuire Air Force Base, Wrightstown, N.J.; Naval Air Station, Lakehurst, N.J.; Camp Drum, Watertown, N.Y.; Ft. Hamilton, Brooklyn, N.Y.; U.S. Coast Guard, Governor's Island, N.Y.; Griffis Air Force Base, Rome, N.Y.; Hancock Field, Syracuse, N.Y.; Plattsburg Air Force Base, Plattsburg, N.Y.; Naval Hospital, St. Albans, N.Y.; Seneca Army Depot, Romulus, N.Y.; Stewart Air Force Base, Newburgh, N.Y.; West Point Academy, West Point, N.Y.; Lockbourne Air Force Base, Columbus, Ohio; Wright Patterson Air Force Base, Dayton, Ohio; Army War College, Carlisle Barracks, Carlisle, Pa.; Cameron Station, Alexandria, Va.; Dobbins Air Force Base, Marietta, Ga.; Letterkenny Army Depot, Chambersburg, Pa.; Naval Supply Depot, Philadelphia, Pa.; New Cumberland Army Depot, New Cumberland, Pa.; Tobyhanna Army Depot, Tobyhanna, Pa.; Defense Supply, Mechanicsburg, Pa.; Valley Forge General Hospital, Phoenixville, Pa.; Charleston Air Force Base, Charleston, S.C.; Ft. Jackson, Columbia, S.C.; Marine Corps

Air Station, Beaufort, S.C.; Parris Island Marine Corp. Recruit Depot, Parris Island, S.C.; Myrtle Beach Air Force Base, Myrtle Beach, S.C.; Naval Base, Charleston, S.C.; Polaris Missile Center, Charleston, S.C.; Shaw Air Force Base, Sumter, S.C.; Arnold Air Force Base, Tullahoma, Tenn.; Naval Air Station, Memphis, Tenn.; Ft. Belvoir, Alexandria, Va.; Ft. Eustis, Newport News, Va.; Ft. Lee, Petersburg, Va.; Ft. Monroe, Hampton, Va.; Ft. Story, Virginia Beach, Va.; Langley Air Force Base, Hampton, Va.; Marine Corp Schools, Quantico, Va.; Naval Air Station, Virginia Beach, Va.; Naval Amphibians Base, Norfolk, Va.; Naval Shipyard, Norfolk, Va.; Naval Air Station, Norfolk, Va.; Naval Weapons Laboratory, Dahlgren, Va.; Naval Weapons Station, Yorktown, Va.; Defense General Supply Center, Richmond, Va.; Vint Hill Farms Station, Warrenton, Va.; and Camp McCoy, Sparta, Wis. The purpose of this filing is to eliminate the gateway of St. Louis, Mo.

No. MC 111823 (Sub-No. E20), filed June 4, 1974. Applicant: SHERWOOD VAN LINES, INC., 4322 Milling Road, San Antonio, Tex. 78219. Applicant's representative: Robert J. Gallagher, 1776 Broadway, New York, N.Y. 10019. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between Travis Air Force Base, Fairfield, Calif., on the one hand, and, on the other, Craig Air Force Base, Selma, Ala.; Ft. McClellan, Anniston, Ala.; Ft. Rucker, Ozark, Ala.; Gunter Air Force Base, Montgomery, Ala.; Maxwell Air Force Base, Montgomery, Ala.; Redstone Arsenal, Huntsville, Ala.; Blytheville Air Force Base, Ark.; Little Rock Air Force Base, Jacksonville, Ark.; Naval Sub Base, Groton, Conn.; District of Columbia Area, Andrews Air Force Base, Camp Spring, Md.; Bolling Air Force Base, D.C.; Ft. Myer, D.C.; Ft. McNair, D.C.; Walter Reed Army Medical Center, D.C.; National Naval Medical Center, Bethesda, Md.; Naval Station, D.C.; Eglin Air Force Base, Valparaiso, Fla.; Homestead Air Force Base, Fla.; McDill Air Force Base, Tampa, Fla.; McCoy Air Force Base, Orlando, Fla.; Naval Air Station, Cecil Field, Jacksonville, Fla.; Naval Air Station, Jacksonville, Fla.; Naval Air Station, Pensacola, Fla.; Naval Station, Mayport, Fla.; Naval Air Station Whiting Field, Milton, Fla.; Naval Station, Key West, Fla.; Naval Training Center, Orlando, Fla.; Patrick Air Force Base, Cocoa Beach, Fla.; Tyndall Air Force Base, Panama City, Fla.; Atlanta Army Depot, Forrest Park, Ga.; Ft. Benning, Columbus, Ga.; Ft. Gordon, Augusta, Ga.; Ft. McPherson, Atlanta, Ga.; Ft. Stewart, Hinesville, Ga.; Hunter Army Airfield, Savannah, Ga.; Marine Corp. Supply Center, Albany, Ga.; Dobbins Air Force Base, Marietta, Ga.; Moody Air Force Base, Valdosta, Ga.; Naval Air Station, Albany, Ga.; Naval Air Station, Glynco, Ga.; Robins Air Force Base, Warner Robins Ga.; Chanute Air Force Base, Rantoul, Ill.; Ft. Sheridan, Highland Park, Ill.; Joliet Army Depot, Ill.; Savanna Army Depot, Ill.; Naval Air Station, Glenview, Ill.; Naval Training Center, Great Lakes, Ill.; Scott Air Force Base, Belleville, Ill.; Grissom Air Force Base, Peru, Ind.; Ft. Benjamin Harrison, Indianapolis, Ind.; Naval Ammunition Depot, Crane, Ind.; Ft. Campbell, Hopkinsville, Ky.; Ft. Knox, Ky.; Naval Air Station, New Orleans, La.; Aberdeen Proving Ground, Aberdeen, Md.; Edgewood Arsenal, Edgewood, Md.; Ft. Detrick, Frederick, Md.; Ft. Holabird, Baltimore, Md.; Ft. George Meade, Laurel, Md.; Ft. Ritchie, Cascade, Md.; Naval Air Station, Patuxent, Md.; Naval Academy, Annapolis, Md.

Naval Training Center, Bainbridge, Md.; Ft. Devens, Ayer, Mass.; L. G. Hanscom Field, Bedford, Mass.; Otis Air Force Base, Falmouth, Mass.; Westover Air Force Base, Springfield, Mass.; Kincheloe Air Force Base, Kinrons, Mich.; K. I. Sawyer, Gwenn, Mich.; Selfridge Air Force Base, Mt. Clemens, Mich.; Wurtsmith Air Force Base, Oscoda, Mich.; Columbus Air Force Base, Columbus, Miss.; Keelser Air Force Base, Biloxi, Miss.; Naval Air Station, Meridian, Miss.; Naval Construction, Gulfport, Miss.; Ft. Leonard Wood, Waynesville, Mo.; Whitman Air Force Base, Knob Noster, Mo.; Pease Air Force Base, Portsmouth, N.H.; Ft. Dix, Wrightstown, N.J.; Ft. Monmouth, Oceanport, N.J.; McGuire Air Force Base, Wrightstown, N.J.; Naval Air Station, Lakehurst, N.J.; Camp Drum, Watertown, N.Y.; Ft. Hamilton, Brooklyn, N.Y.; U.S. Coast Guard Base, Governor's Island, N.Y.; Griffiss Air Force Base, Rome, N.Y.; Hancock Field, Syracuse, N.Y.; Plattsburg Air Force Base, N.Y.; Naval Hospital, St. Albans, N.Y.; Seneca Army Depot, Romulus, N.Y.; Stewart Field, Newburg, N.Y.; West Point, N.Y.; Lockbourne Air Force Base, Columbus, Ohio; Wright Patterson Air Force Base, Dayton, Ohio; Carlisle Barricks, Army War College, Pa.; Letterkenny Army Depot, Chambersburg, Pa.; Naval Base, Philadelphia, Pa.; Army Depot, New Cumberland, Pa.; Tobyhanna Army Depot, Pa.; Defense Activities, Mechanicsburg, Pa.; Valley Forge General Hospital, Phoenixville, Pa.; Charleston Air Force Base, S.C.; Ft. Jackson, Columbia, S.C.; Marine Corp, Air Station, Beaufort, S.C.; Marine Corp., Paris Island, S.C.; Myrtle Beach Air Force Base, S.C.; Naval Base, Charleston, S.C.; Polaris Missile, Charleston, S.C.; Shaw Air Force Base, Sumter, S.C.; Arnold Air Force Base, Tullahoma, Tenn.; Naval Air Station, Memphis, Tenn.; Ft. Belvoir, Alexandria, Va.; Ft. Eustis, Newport News, Va.; Ft. Lee, Petersburg, Va.; Ft. Monroe, Hampton, Va.; Ft. Story, Virginia Beach, Va.; Langley Air Force Base, Hampton, Va.; Marine Corp., Quantico, Va.; Naval Air Station, Oceana, Va.; Naval Amphibians, Norfolk, Va.; Naval Shipyard, Portsmouth, Va.; Naval Station, Norfolk, Va.; Naval Weapons Lab., Dahlgren, Va.; Naval Weapons Station, Yorktown, Va.; Defense Supply Center, Richmond, Va.; Vint Hill Farm Station, Warrenton, Va.; and Camp McCoy, Sparta, Wis. The purpose of this filing is to eliminate the gateway of St. Louis, Mo.

No. MC 111823 (Sub-No. E40), filed June 4, 1974. Applicant: SHERWOOD VAN LINES, INC., 4322 Milling Road, San Antonio, Tex. 78219. Applicant's representative: Robert J. Gallagher, 1776 Broadway, New York, N.Y. 10019. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between Vint Hill Farms Station, Warranton, Va., on the one hand, and, on the other, Redstone Arsenal, Huntsville, Ala.; Blytheville Air Force Base, Blytheville, Ark.; Little Rock Air Force Base, Jacksonville, Ark.; Ent Air Force Base & Peterson Field, Colorado Springs, Colo.; Fitzsimons General Hospital, Denver, Colo.; Fort Carson, Colorado Springs, Colo.; Lowry Air Force Base, Denver, Colo.; U.S. Air Force Academy, Colorado Springs, Colo.; Chanute Air Force Base, Rantoul, Ill.; Fort Sheridan, Highland Park, Ill.; Joliet Army Ammunition Depot, Joliet, Ill.; Savanna Army Depot, Savanna, Ill.; Naval Air Station, Glenview, Ill.; Naval Training Center, Great Lakes, Ill.; Scott Air Force Base, Belleville, Ill.; Grissom Air Force Base, Peru, Ind.; Fort Benjamin Harrison, Indianapolis, Ind.; Naval Ammunition Depot, Crane, Ind.; Forbes Air Force Base, Topeka, Kans.; Fort Leavenworth, Leavenworth, Kans.; Fort Riley, Junction City, Kans.; McConnell Air Force Base, Wichita, Kans.; Fort Campbell, Hopkinsville, Ky; Fort Knox, Fort Knox, Ky.; Barksdale Air Force Base, Shreveport, La.; England Air Force Base, Alexandria, La.; Fort Polk, Leesville, La.; Naval Air Station, New Orleans, La.; Kincheloe Air Force Base, Sault Ste Marie, Mich.; K. I. Sawyer Air Force Base, Gwinn, Mich.; Selfridge Air National Guard Base, Mount Clemens, Mich.; Wurtsmith Air Force Base, Oscoda, Mich.; Duluth International Airport, Duluth, Minn.; Columbus Air Force Base, Columbus, Miss.

Keesler Air Force Base, Biloxi, Miss.; Naval Air Station, Meridian, Miss.; Naval Construction Battalion, Gulfport, Miss.; Fort Leonard Wood, Waynesville, Mo.; Richards-Gebaur Air Force Base, Kansas City, Mo.; Whiteman Air Force Base, Knob Noster, Mo.; Offutt Air Force Base, Omaha, Nebr.; Grand Forks Air Force Base, Emerado, N. Dak.; Minot Air Force Base, Minot, N. Dak.; Lockbourne Air Force Base, Columbus, Ohio; Wright-Patterson Air Force Base, Dayton, Ohio; Altus Air Force Base, Altus, Okla.; Fort Sill, Lawton, Okla.; Tinker Air Force Base, Oklahoma City, Okla.; Vance Air Force Base, Enid, Okla.; Ellsworth Air Force Base, Rapid City, S. Dak.; Naval Air Station Memphis, Millington, Tenn.; Bergstrom Air Force Base, Austin, Tex.; Brooks Air Force Base, San Antonio, Tex.; Carswell Air Force Base, Fort Worth, Tex.; Dyess Air Force Base, Abilene, Tex.; Ellington Air Force Base, Houston, Tex.; Naval Air Station, Dallas, Tex.; Fort Bliss, El Paso, Tex.; Fort Hood, Killeen, Tex.; Fort Sam Houston, San Antonio, Tex.; Fort Wolters, Mineral Wells, Tex.; Goodfellow Air Force Base,

San Angelo, Tex.; Kelly Air Force Base, San Antonio, Tex.; Lackland Air Force Base, San Antonio, Tex.; Laredo Air Force Base, Laredo, Tex.; Laughlin Air Force Base, Del Rio, Tex.; Naval Air Station, Corpus Christi, Tex.; Naval Air Station Chase Field, Beeville, Tex.; Naval Air Station, Kingsville, Tex.; Randolph Air Force Base, Universal City, Tex.; Reese Air Force Base, Lubbock, Tex.; Sheppard Air Force Base, Wichita Falls, Tex.; Webb Air Force Base, Big Spring, Tex.; and Camp McCoy, Sparta, Wisc. The purpose of this filing is to eliminate the gateways of St. Louis, Mo., or Louisville, Ky., or that part of Ohio on and north of a line beginning at the Ohio-Pennsylvania State line, and extending along U.S. Highway 422 to junction U.S. Highway 62, thence along U.S. Highway 62 to junction U.S. Highway 40, thence along U.S. Highway 40 to the Ohio-Indiana State line.

No. MC 111823 (Sub-No. E41), filed June 4, 1974. Applicant: SHERWOOD VAN LINES, 4322 Milling Road, San Antonio, Tex. 78219. Applicant's representative: Robert J. Gallagher, 1776 Broadway, New York, N.Y. 10019. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between Fort Eustis, Newport News, Va., Fort Monroe and Langley Air Force Base, Hampton, Va., Fort Story and Naval Air Station Oceana, Virginia Beach, Va., Naval Amphibious Base, Naval Shipyard (Norfolk), Portsmouth, Va., Naval Station, Norfolk, Va., and Naval Weapons Station, Yorktown, Va., on the one hand, and, on the other, Blytheville Air Force Base, Blytheville, Ark.; Little Rock Air Force Base, Jacksonville, Ark.; Ent Air Force Base & Peterson Field, Colorado Springs, Colo.; Fitzsimons General Hospital, Denver, Colo.; Fort Carson, Colorado Springs, Colo.; Lowry Air Force Base, Denver, Colo.; U.S. Air Force Academy, Colorado Springs, Colo.; Chanute Air Force Base, Rantoul, Ill.; Fort Sheridan, Highland Park, Ill.; Joliet Army Ammunition Depot, Joliet, Ill.; Savanna Army Depot, Savanna, Ill.; Naval Air Station, Glenview, Ill.; Naval Training Center, Great Lakes, Ill.; Scott Air Force Base, Belleville, Ill.; Grissom Air Force Base, Peru, Ind.; Fort Benjamin Harrison, Indianapolis, Ind.; Naval Ammunition Depot, Crane, Ind.; Forbes Air Force Base, Topeka, Kans.; Fort Leavenworth, Leavenworth, Kans.; Fort Riley, Junction City, Kans.; McConnell Air Force Base, Wichita, Kans.; Fort Campbell, Hopkinsville, Ky.; Fort Knox, Fort Knox, Ky.; Barksdale Air Force Base, Shreveport, La.; England Air Force Base, Alexandria, La.; Fort Polk, Leesville, La.; Kincheloe Air Force Base, Sault Ste. Marie, Mich.; K. I. Sawyer Air Force Base, Gwinn, Mich.; Selfridge Air National Guard Base, Mount Clemens, Mich.; Wurtsmith Air Force Base, Oscoda, Mich.; Duluth International Airport, Duluth, Minn

Fort Leonard Wood, Waynesville, Mo.; Richards-Gebaur Air Force Base, Kansas City, Mo.; Whiteman Air Force Base, Knob Noster, Mo.; Offutt Air Force Base Omaha, Nebr.; Grand Forks Air Force Base, Emerado, N. Dak.; Minot Air Force Base, Minot, N. Dak.; Lockbourne Air Force Base, Columbus, Ohio; Wright-Patterson Air Force Base, Dayton, Ohio; Altus Air Force Base, Altus, Okla.; Fort Sill, Lawton, Okla.; Tinker Air Force Base, Oklahoma City, Okla.; Vance Air Force Base, Enid, Okla.; Ellsworth Air Force Base, Rapid City, S. Dak.; Naval Air Station Memphis, Millington, Tenn.; Bergstrom Air Force Base, Austin, Tex.; Brooks Air Force Base, San Antonio, Tex.; Carswell Air Force Base, Fort Worth, Tex.; Dyess Air Force Base, Abilene, Tex.; Ellington Air Force Base, Houston, Tex.; Naval Air Station, Dallas, Tex.; Fort Bliss, El Paso, Tex.; Fort Hood, Killeen, Tex.; Fort Sam Houston, San Antonio, Tex.; Fort Wolters, Mineral Wells, Tex.; Goodfellow Air Force Base, San Angelo, Tex.; Kelly Air Force Base, San Antonio, Tex.; Lackland Air Force Base, San Antonio, Tex.; Laredo Air Force Base, Laredo, Tex.; Laughlin Air Force Base, Del Rio, Tex.; Naval Air Station, Corpus Christi, Tex.; Naval Air Station Chase Field, Beeville, Tex.; Naval Air Station, Kingsville, Tex.; Randolph Air Force Base, Universal City, Tex.; Reese Air Force Base, Lubbock, Tex.; Sheppard Air Force Base, Wichita Falls, Tex.; Webb Air Force Base, Big Spring, Tex.; and Camp McCoy, Sparta, Wisc. The purpose of this filing is to eliminate the gateways of St. Louis, Mo., or Louisville, Ky., or that part of Illinois and Indiana on and north of U.S. Highway 36, or that part of Ohio on and north of a line beginning at the Ohio-Pennsylvania State line, and extending along U.S. Highway 422 to junction U.S. Highway 62, thence along U.S. Highway 62 to junction U.S. Highway 40, thence along U.S. Highway 40 to the Ohio-Indiana State line.

No. MC 111823 (Sub-No. E42), filed June 4, 1974. Applicant: SHERWOOD VAN LINES, INC., 4322 Milling Road, San Antonio, Tex. 78219. Applicant's representative: Robert J. Gallagher, 1776 Broadway, New York, N.Y. 10019. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between Fort Lee, Petersburg, Va., and Defense General Supply Center, Richmond, Va., on the one hand, and, on the other, Blytheville Air Force Base, Blytheville, Ark.; Little Rock Air Force Base, Jacksonville, Ark.; Ent Air Force Base & Peterson, Colorado Springs, Colo.; Fitzsimons General Hospital, Denver, Colo.; Fort Carson, Colorado Springs, Colo.; Lowry Air Force Base, Denver, Colo.; U.S. Air Force Academy, Colorado Springs, Colo.; Chanute Air Force Base, Rantoul, Ill.; Fort Sheridan, Highland Park, Ill.; Joliet Army Ammunition Depot, Joliet, Ill.; Savanna Army Depot, Savanna, Ill.; Naval Air Station, Glenview, Ill.; Naval Training Center, Great Lakes, Ill.; Scott Air Force Base, Belleville, Ill.; Scott Air Force Base, Belleville, Ill.; Grissom Air Force Base, Peru, Ind.; Fort Benjamin Harrison, Indianapolis, Ind.; Naval Ammunition Depot, Crane, Ind.; Forbes Air Force Base, Topeka, Kans.; Fort Leavenworth, Leavenworth, Kans.; Fort Riley, Junction City, Kans.; McConnell Air Force Base, Wichita, Kans.; Fort Campbell, Hopkinsville, Ky.; Fort Knox, Fort Knox, Ky.; Barksdale Air Force Base, Shreveport, La.; England Air Force Base, Alexandria, La.; Fort Polk, Leesville, La.; Naval Air Station, New Orleans, La.; Kincheloe Air Force Base, Sault Ste Marie, Mich.; K. I. Sawyer Air Force Base, Gwinn, Mich.; Selfridge Air National Guard Base, Mount Clemens, Mich.; Wurtsmith Air Force Base, Oscoda, Mich.; Duluth International Airport, Duluth, Mich.; Columbus Air Force Base, Columbus, Miss.; Fort Leonard Wood, Waynesville, Mo.; Richards-Gebaur Air Force Base, Kansas City, Mo.; Whiteman Air Force Base, Knob Noster, Mo.; Offutt Air Force Base, Omaha, Nebr.; Grand Forks Air Force Base, Emerado, N. Dak.

Minot Air Force Base, Minot, N. Dak.; Lockbourne Air Force Base, Columbus, Ohio; Wright-Patterson Air Force Base, Dayton, Ohio; Altus Air Force Base, Altus, Okla.; Fort Sill, Lawton, Okla.; Tinker Air Force Base, Oklahoma City, Okla.; Vance Air Force Base, Enid, Okla.; Ellsworth Air Force Base, Rapid City, S. Dak.; Naval Air Station Memphis, Millington, Tenn.; Bergstrom Air Force Base, Austin, Tex.; Brooks Air Force Base, San Antonio, Tex.; Carswell Air Force Base, Fort Worth, Tex.; Dyess Air Force Base, Abiline, Tex.; Ellington Air Force Base, Houston, Tex.; Naval Air Station, Dallas, Tex.; Fort Bliss, El Paso, Tex.; Fort Hood, Killeen, Tex.; Fort Sam Houston, San Antonio, Tex.; Fort Wolters, Mineral Wells, Tex.; Goodfellow Air Force Base, San Angelo, Tex.; Kelly Air Force Base, San Antonio, Tex.; Laredo Air Force Base, Laredo, Tex.; Laughlin Air Force Base, Del Rio, Tex.; Naval Air Station, Corpus Christi, Tex.; Naval Air Station, Chase Field, Beeville, Tex.; Naval Air Station, Kingsville, Tex.; Randolph Air Force Base, Universal City, Tex.; Reese Air Force Base, Lubbock, Tex.; Sheppard Air Force Base, Wichita Falls, Tex.; Webb Air Force Base, Big Spring, Tex.; and Camp McCoy, Sparta, Wisc. The purpose of this filing is to eliminate the gateway of St. Louis, Mo., or Louisville, Ky., or that part of Ohio on and north of a line beginning at the Ohio-Pennsylvania State line, and extending along U.S. Highway 422 to junction U.S. Highway 40, thence along U.S. Highway 40 to the Indiana-Ohio State line, or that part of Indiana and Illinois on and north of U.S. Highway 36.

No. MC 111823 (Sub-No. E43), filed June 4, 1974. Applicant: SHREWOOD VAN LINES, INC., 4322 Milling Road, San Antonio, Tex. 78219. Applicant's representative: Robert J. Gallagher, 1776 Broadway, New York, N.Y. 10019. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission,

between Fort Belvoir, Alexandria, Va., Marine Corps School, Quantico, Va., and Naval Weapons Laboratory, Dahlgren, Va., on the one hand, and, on the other, Redstone Arsenal, Huntsville, Ala.; Blytheville Air Force Base, Blytheville, Ark.; Little Rock Air Force Base, Jacksonville, Ark.; Ent Air Force Base & Peterson Field, Colorado Springs, Colo.; Fitzsimons General Hospital, Denver, Colo.; Fort Carson, Colorado Springs, Colo.; Lowry Air Force Base, Denver, Colo.; U.S. Air Force Academy, Colorado Springs, Colo.; Chanute Air Force Base, Rantoul, Ill.; Fort Sheridan, Highland Park, Ill.; Joliet Army Ammunition Depot, Joliet, Ill.; Savanna Army Depot, Savanna, Ill.; Naval Air Station, Glenview, Ill.; Naval Training Center, Great Lakes, Ill.; Scott Air Force Base, Belleville, Ill.; Grisson Air Force Base, Peru, Ind.; Fort Benjamin Harrison, Indianapolis, Ind.; Naval Ammunition Depot, Crane, Ind.; Forbes Air Force Base, Topeka, Kans.; Fort Leavenworth, Leavenworth, Kans.; Fort Riley, Junction City, Kans.; McConnell Air Force Base, Wichita, Kans.; Fort Campbell, Hopkinsville, Ky.; Fort Knox, Fort Knox, Ky.; Barksdale Air Force Base, Shreveport, La.; England Air Force Base, Alexandria, La.; Fort Polk, Leesville, La.; Naval Air Station, New Orleans, La.; Wurtsmith Air Force Base, Oscoda, Mich.; Duluth International Airport, Duluth, Minn.; Columbus Air Force Base, Columbus, Miss.; Keesler Air Force Base, Biloxi, Miss.; Naval Air Station, Meridian, Miss.; Naval Construction Battalion, Gulfport, Miss.; Fort Leonard Wood, Waynesville, Mo.; Richards-Gebaur Air Force Base, Kansas City, Mo.; Offutt Air Force Base, Omaha, Nebr.; Grand Forks Air Force Base, Emerado, N. Dak.; Minot Air Force Base, Minot, N. Dak.; Lockbourne Air Force Base, Columbus, Ohio.

Wright-Patterson Air Force Base, Dayton, Ohio; Altus Air Force Base, Altus, Okla.; Fort Sill, Lawton, Okla.; Tinker Air Force Base, Oklahoma City, Okla.; Vance Air Force Base, Enid, Okla.; Ellsworth Air Force Base, Rapid City, S. Dak.; Naval Air Station Memphis, Millington, Tenn.; Bergstrom Air Force Base, Austin, Tex.; Brooks Air Force Base, San Antonio, Tex.; Carswell Air Force Base, Fort Worth, Tex.; Dyess Air Force Base, Abilene, Tex.; Ellington Air Force Base, Houston, Tex.; Naval Air Station, Dallas, Tex.; Fort Bliss, El Paso, Tex.; Fort Hood, Killeen, Tex.; Fort Sam Houston, San Antonio, Tex.; Fort Wolters, Mineral Wells, Tex.; Goodfellow Air Force Base, San Angelo, Tex.; Kelly Air Force Base, San Antonio, Tex.; Lackland Air Force Base, San Antonio, Tex.; Laredo Air Force Base, Laredo, Tex.; Laughlin Air Force Base, Del Rio, Tex.; Naval Air Station, Corpus Christi, Tex.; Naval Air Station Chase Field, Beeville, Tex.; Naval Air Station, Kingsville, Tex.; Randolph Air Force Base, Universal City, Tex.; Reese Air Force Base, Lubbock, Tex.; Sheppard Air Force Base, Wichita Falls, Tex.; Webb Air Force Base, Big Spring, Tex.; and Camp McCoy, Sparta, Wisc. The purpose of this filing is to eliminate the gateway of Louisville, Ky., or St. Louis, Mo., or that part of Ohio on and north of a line beginning at the Ohio-Pennsylvania State line, and extending along U.S. Highway 422 to junction U.S. Highway 62, thence along U.S. Highway 62 to junction U.S. Highway 40, thence along U.S. Highway 40 to the Ohio-Indiana State line, or that part of Illinois and Indiana on and north of U.S. Highway 36.

No. MC 112582 (Sub-No. E1), filed May 13, 1974. Applicant: T. M. ZIMMERMAN CO., P.O. Box 380, Route 2, Chambersburg, Pa. 17201. Applicant's representative: John M. Musselman, P.O. Box 1146, Harrisburg, Pa. 17108. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (a) *Frozen berries*, from Lawrence, Mass., to points in Pennsylvania within 25 miles of Chambersburg, Pa.; (b) *Frozen berries*, in mechanically refrigerated equipment, from Lawrence, Mass., to points in Ohio, Virginia, West Virginia, and the District of Columbia, and points in Maryland on, east, and south of a line beginning at the Pennsylvania-Maryland State line and extending along U.S. Highway 15, U.S. Highway 40, Interstate Highway 695, Maryland Highway 3, Maryland Highway 100, Maryland Highway 2, U.S. Highway 50, and Maryland Highway 404 to the Maryland-Delaware State line; (c) *Frozen berries*, from Lawrence, Mass., to points in North Carolina and South Carolina; (d) *Frozen foods*, in mechanically refrigerated equipment, from points in Pennsylvania within 25 miles of Chambersburg, Pa., to points in Connecticut, Delaware, Maine, Massachusetts, New Hampshire, New Jersey, New York, Ohio, Rhode Island, Vermont, West Virginia, and the District of Columbia, points in Maryland west of Chesapeake Bay and on and south of U.S. Highway 301, and points in Virginia on, west, and south of a line beginning at the West Virginia-Virginia State line and extending along Virginia Highway 692, U.S. Highway 11, Virginia Highway 7, and Interstate Highway 95; (e) *Frozen foods*, in mechanically refrigerated equipment, from points in Pennsylvania within 25 miles of Chambersburg, to points in North Carolina and South Carolina; (f) *Frozen meat* and *frozen fish* (including frozen shellfish), when transported in the same vehicle with meat products, in mechanically refrigerated equipment, from Boston, Mass., to points in Ohio, Virginia, West Virginia, and the District of Columbia, and points in Maryland on, east, and south of a line beginning at the Pennsylvania-Maryland State line and extending along U.S. Highway 15, Interstate Highway 70, U.S. Highway 40, Interstate Highway 695, Maryland Highway 3, Maryland Highway 100, Maryland Highway 2, U.S. Highway 50, and Maryland Highway 404 to the Maryland-Delaware State line.

(g) *Frozen meat* and *frozen fish* (including frozen shellfish), when transported in the same vehicle with meat products, in mechanically refrigerated equipment, from Boston, Mass., to points in North Carolina and South Carolina; (h) *frozen blueberries*, from points in Maine (except points in Aroostook County, Maine), to points in Ohio, Virginia, West Virginia, and the District of Columbia, and points in Maryland on, east, and south of a line beginning at the Pennsylvania-Maryland State line and extending along Interstate Highway 70, U.S. Highway 40, Interstate Highway 695, Maryland Highway 3, Maryland Highway 100, Maryland Highway 2, U.S. Highway 50, and Maryland Highway 404 to the Maryland-Delaware State line; and (i) *Frozen blueberries*, from points in Maine (except points in Aroostook County, Maine), to points in North Carolina and South Carolina. The purpose of this filing is to eliminate the gateway of Chambersburg, Pa. (j) *Frozen meat* and *frozen fish* (including frozen shellfish), when transported in the same vehicle with meat products, in mechanically refrigerated equipment, from Boston, Mass., to points in Delaware, Maryland, Ohio, Virginia, West Virginia, and the District of Columbia, and points in New Jersey on and south of a line beginning at the Pennsylvania-New Jersey State line and extending along New Jersey Highway 70 to junction New Jersey Highway 72, and thence along New Jersey Highway 72 to the Aslantic Ocean; and (k) Frozen meat and frozen fish (including frozen shellfish), when transported in the same vehicle with meat products, in mechanically refrigerated equipment, from Boston, Mass., to points in North Carolina and South Carolina. The purpose of this filing is to eliminate the gateway of the Pet Milk Co., at Allentown, Pa.

No. MC 112989 (Sub-E2), filed January 28, 1975. Applicant: WEST COAST TRUCK LINES, INC., Rt. 4, Box 194–R, Eugene, Oreg. 97405. Applicant's representative: Michael D. Crew, 620 Blue Cross Bldg., Portland, Oreg. 97201. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commodities*, the transportation of which, by reason of size or weight, requires the use of special equipment, and related machinery parts and related contractor's materials and supplies, when their transportation is incidental to the transportation of the commodities authorized above; between points in California, on the one hand, and, on the other, points in Oregon west of U.S. Highway 97 (except points in Klamath County) and points in Washington. The purpose of this filing is to eliminate the gateway of points in Coos, Curry, Douglas, Linn, Lane, Benton, Lincoln, Jackson, and Josephine Counties, Oreg.

No. MC 113828 (Sub-No. E34), filed June 4, 1974. Applicant: O'BOYLE TANK LINES, INC., P.O. Box 30006, Washington, D.C. 20014. Applicant's representative: Michael A. Grimm (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular

routes, transporting: (1) *Lubricating oils*, in bulk, in tank vehicles, from St. Marys, W. Va., to points in Maryland on and east of U.S. Highway 15 (Washington, D.C.*), (2) *Lubricating oils*, in bulk, in tank vehicles, from St. Marys, W. Va., to points in Delaware and Virginia on and east of Interstate Highway 95 (Washington, D.C., and points in St. Marys County, Md.*). The purpose of this filing is to eliminate the gateways marked by asterisks above.

No. MC 113828 (Sub-No. E68), filed June 4, 1974. Applicant: O'BOYLE TANK LINES, INC., P.O. Box 30006, Washington, D.C. 20014. Applicant's representative: Michael A. Grimm (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum products*, in bulk, in tank vehicles, (a) from Norfolk, Va., to points in Maryland (District of Columbia*), (b) from Norfolk, Va., to points in Delaware (St. Marys County, Md.*), and (c) from Norfolk, Va., to points in Huntington, Blair, Cambria, Somerset, Bedford, Fultin, Franklin, Cumberland, and Adams Counties, Pa. (Terminals off the Colonial pipeline at or near Fairfax, Va.*). The purpose of this filing is to eliminate the gateways marked by asterisks above.

No. MC 113843 (Sub-No. E231), filed May 13, 1974. Applicant: REFRIGERATED FOOD EXPRESS, INC., 316 Summer St., 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 fish*, from Rockland and Portland, Maine to points in Iowa, Kentucky, Nebraska, and those points in Ohio on, south, and west of a line beginning at the Ohio-Pennsylvania State line and extending along U.S. Highway 224 to junction U.S. Highway 250, thence along U.S. Highway 250 to Lake Erie. The purpose of this filing is to eliminate the gateway of Maryland (except Baltimore).

No. MC 113843 (Sub-No. E271), filed May 17, 1974. Applicant: REFRIGERATED FOOD EXPRESS, INC., 316 Summer St., 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) from those points in Pennsylvania on and east of a line beginning at the Pennsylvania-Maryland State line and extending along U.S. Highway 11 to Northumberland, thence along U.S. Highway 15 to the Pennsylvania-New Jersey State line to those points in Nebraska on, north, and west of a line beginning at the Missouri River and extending along Nebraska Highway 92 to junction Interstate Highway 80, thence along Interstate Highway 80 to junction U.S. Highway 77, thence along U.S. Highway 77 to the Nebraska-Kansas State line; (2) from those points in Pennsylvania on and east of U.S. Highway 219 to those points in Nebraska on and west of a line beginning at the Nebraska-Colorado State line and extending along Nebraska Highway 19 to Sidney, thence along U.S. Highway 385 to the Nebraska-South Dakota State line; (3) from Lake City, Pa., and those points in Pennsylvania on, north, and east of a line beginning at Lake Erie and extending along U.S. Highway 19 to Meadville, thence along Pennsylvania Highway 77 to junction U.S. Highway 6, thence along U.S. Highway 6 to the Pennsylvania-New York State line, to those points in Nebraska on and west of a line beginning at the Nebraska-Colorado State line and extending along Nebraska Highway 19 to Sidney, thence along U.S. Highway 385 to the Nebraska-South Dakota State line; (4) from Indiana, Pa., and those points in Pennsylvania on and east of a line beginning at the Pennsylvania-Maryland State line and extending along U.S. Highway 219 to junction Pennsylvania Highway 403, thence along Pennsylvania Highway 403 to Johnstown, thence along Pennsylvania Highway 56 to junction U.S. Highway 119, thence along U.S. Highway 119 to DuBois, thence along U.S. Highway 219 to the Pennsylvania-New York State line to Scottsbluff, Nebr.; and (5) from those points in Pennsylvania on, north and west 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 Pennsylvania Highway 287, thence along Pennsylvania Highway 287 to junction U.S. Highway 220, thence along U.S. Highway 220 to junction Pennsylvania Highway 65, thence along Pennsylvania Highway 64 to junction Pennsylvania Highway 144, thence along Pennsylvania Highway 144 to junction U.S. Highway 322, thence along U.S. Highway 332 to Lewistown, thence along U.S. Highway 22 to Harrisburg, thence along Interstate Highway 83 to the Pennsylvania-Maryland State line to points oin Nebraska. The purpose of this filing is to eliminate the gateway of LeRoy, N.Y.

No. MC 113843 (Sub-No. E592), filed May 17, 1974. Applicant: REFRIGERATED FOOD EXPRESS, INC., 316 Summer St., 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) from those points in Pennsylvania on and west of U.S. Highway 15, to those points in Vermont on and north of U.S. Highway 4; (2) from those points in Pennsylvania on and west of U.S. Highway 15, to those points in New Hampshire on and north of a line beginning at the New Hampshire-Vermont State line and extending along New Hampshire Highway 12 to junction New Hampshire Highway 11, thence along New Hampshire Highway 11 to junction New Hampshire Highway 28, thence along New Hampshire Highway 28 to junction New Hampshire Highway 25, thence along New Hampshire Highway 25 to the New Hampshire-Maine State line, and those in Vermont on and north of U.S. Highway 4; (3) from those points in Pennsylvania on and west of a line beginning at the Pennsylvania-Maryland State line and extending along U.S. Highway 11 to Chambersburg, thence along Pennsylvania Highway 433 to junction Pennsylvania Highway 641, thence along Pennsylvania Highway 641 to junction Pennsylvania Highway 75, thence along Pennsylvania Highway 75 to junction Pennsylvania Highway 274, thence along Pennsylvania Highway 274 to junction Pennsylvania Highway 34, thence along Pennsylvania Highway 34 to junction U.S. Highway 15, thence along U.S. Highway 15 to the Pennsylvania-New York State line, to those points in New Hampshire on and north of a line beginning at the New Hampshire-Vermont State line and extending along New Hampshire Highway 103 to junction U.S. Highway 202, thence along U.S. Highway 202 to the New Hampshire-Maine State line, and those in Vermont on and north of U.S. Highway 4; and (4) from 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 junction U.S. Highway 220, thence along U.S. Highway 220 to the Pennsylvania-Maryland State line, to points in New Hampshire, Vermont, and those in Maine on and south of Maine Highway 25. The purpose of this filing is to eliminate the gateway of Syracuse, N.Y.

No. MC 113843 (Sub-No. E598), filed May 16, 1974. Applicant: REFRIGERATED FOOD EXPRESS, INC., 316 Summer St., 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 Wilkes-Barre, Pa., and 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 thence along Pennsylvania Highway 487 thence along Pensylvania Highway 487 to junction Pennsylvania Highway 239, thence along Pennsylvania Highway 239 to junction U.S. Highway 11, thence along U.S. Highway 11 to junction Pennsylvania Highway 307, thence along Pennsylvania Highway 307 to junction Pennsylvania Highway 690, thence along Pennsylvania Highway 690 to junction Pennsylvania Highway 590, thence along Pennsylvania Highway 590 to junction U.S. Highway 6, thence along U.S. Highway 6 to the Pennsylvania-New Jersey State line, 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 Ohio Highway 14, thence along Ohio Highway 14 to junction Ohio Highway 183, thence along Ohio Highway 183 to junction U.S. Highway 62, thence along U.S. Highway 62 to junction Ohio Highway 83, thence along Ohio Highway 83 to junction Ohio Highway 16, thence along Ohio Highway 16 to junc-

tion Ohio Highway 13, thence along Ohio Highway 13 to junction U.S. Highway 33, thence along U.S. Highway 33 to the Ohio-West Virginia State line.

(2) Between those points in Ohio on, north, and west of a line beginning at the Ohio-West Virginia State line and extending along Ohio Highway 7 to junction Ohio Highway 39, thence along Ohio Highway 39 to junction Interstate Highway 77, thence along Interstate Highway 77 to the Ohio-West Virginia State line, on the one hand, and, on the other, 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 U.S. Highway 6, thence along U.S. Highway 6 to the Pennsylvania-New Jersey State line; (3) between points in Fulton and Williams Counties, Ohio, 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 42, thence along Pennsylvania Highway 42 to junction Pennsylvania Highway 442, thence along Pennsylvania Highway 442 to junction U.S. Highway 220, thence along U.S. Highway 220 to junction U.S. Highway 15, thence along U.S. Highway 15 to the Pennsylvania-New York State line; (4) between Allentown and Bethlehem, Pa., and 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 22 to junction Pennsylvania Highway 309, thence along Pennsylvania Highway 309 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 the Pennsylvania-New York State line, on the one hand, and, on the other, those points in Ohio on and north of Interstate Highway 90 and points in Williams and Fulton Counties, Ohio, and Norwalk, Ohio.

(5) Between those points in Ohio on and north of Interstate Highway 90, those in Williams and Fulton Counties, Ohio, and Norwalk, Ohio, 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 Pennsylvania Highway 309 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; and (6) between King of Prussia, Pa., and 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 422 to junction U.S. Highway 202, thence along U.S. Highway 202 to junction Pennsylvania Highway 309, thence along Pennsylvania Highway 309 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, on the one hand, and, on the other, Cleveland, Ohio, and those points in Ohio on and north of Interstate Highway 90. The purpose of this filing is to eliminate the gateway of Elmira, N.Y.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.75-18311 Filed 7-14-75;8:45 am]

[Notice No. 76]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

JULY 8, 1975.

The following are notices of filing of application: except as otherwise specifically noted, each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application, for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the new rules of Ex Parte No. MC-67 (49 CFR 1131) published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, on or before July 30, 1975. One copy of such protests must be served on the applicant, or its authorized representative, if any, and the protests must certify that such service has been made. The protests must be specific as to the service which such protestant can and will offer, and must consist of a signed original and six (6) copies. A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in field office to which protests are to be transmitted.

No. MC 45764 (Sub-No. 24TA), filed June 25, 1975. Applicant: ROBBINS MOTOR TRANSPORTATION, INC., Industrial Highway and Saville Ave., Eddystone, Pa. 19013. Applicant's representative: Edesar Kelis (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Electrical generating equipment*, the transportation of which because of size or weight, requires the use of special equipment or special handling, and related materials and supplies used in the installation thereof, from Windsor and Bloomfield, Conn., to San Francisco, Calif., for 120 days. Supporting shipper: Turbo Power & Marine Systems, 1690 New Britain Ave., Farmington, Conn. 06032. Send protests to: Monica A. Blodgett, Transportation Assistant, Interstate Commerce Commission, 600 Arch St., Room 3238, Philadelphia, Pa. 19106.

No. MC 87379 (Sub-No. 16TA), filed June 30, 1975. Applicant: C. H. HOOKER TRUCKING CO., 1475 Roanoke Ave., Uhrichsville, Ohio 44683. Applicant's representative: Boyd B. Ferris, 50 West Broad St., Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New furniture and furniture parts, and accessories*, from Newcomerstown, Ohio, to Birmingham, Montgomery, Ala.; Denver, Colo.; Bridgeport, Hartford, Norwich, Conn.; Wilmington, Dela.; Metro Wash., D.C., District of Columbia; Clearwater, Daytona, Jacksonville, Kissimmee, Miami, Ocala, Orlando, Tallahassee, Tampa, Fla.; Atlanta, Augusta, College Park, Columbus, Macon, Savannah, Ga.; Boise, Nampa, Idaho; Bloomington, Champaign, Chicago, Decatur, East St. Louis, Herrion, Marion, Peoria, Rock Island, Rockford, Springfield, Urbana, Ill.; Elkhart, Evansville, Franklin, Fort Wayne, Indianapolis, Jeffersonville, Muncie, North Vermon, Richmond, Terre Haute, South Bend, Ind.; Cedar Rapids, Council Bluff, Davenport, Des Moines, Sioux City, Iowa; Kansas City, Wichita, Kans.; Bowling Green, Campton, Clay City, Cynthiana, Franklin, Junction City, Lexington, Litchfield, Louisville, Mt. Sterling, Nicholesville, Owingsville, Paducah, Prestonsburg, Richmond, Winchester, Ky.; New Orleans, La.; Augusta, Bangor, Portland, Maine; Boston, Pittsfield, Springfield, Mass.; Ann Arbor, Belding, Detroit, Flint, Grand Rapids, Jackson, Kalamazoo, Lansing, Lincoln Park, Oswasso, Saginaw, Warren, Mich.; Minneapolis, St. Paul, Minn.; Brandon, Jackson, Meridian, Miss.; Boonville, Columbia, Independence, Joplin, Kansas City, Springfield, St. Louis, Mo.; Grand Island, Lincoln, Omaha, Nebr.; Ashville, Charlotte, Durham, Goldsboro, Hamlet, Hickory, Raleigh, Winston-Salem, N.C.; Camden, Jersey City, Kearney, Newark, North Bergen, Paterson, Penn Grove, Stratford, N.J.; Albany, Bronx, Brooklyn, Buffalo, Central Islip, Flushing, Long Island, New Rochelle, New York Metro Area, Rego Park, Rochester, Syracuse, West Hempstead, N.Y.; Oklahoma City, Tulsa, Okla.; Altoona, Coplay, Erie, Harrisburg, McClellandtown, Philadelphia, Pittsburgh, South Williamsport, Pa.; Charleston, Columbia, Greenville, S.C.; Iroquois, S. Dak.; Chattanooga, Dyersburg, Kingsport, Knoxville, Memphis, Nashville, Tenn.; Ammarillo, Corpus Christi, Dallas, El Paso, Ft. Worth, Houston, Lubbock, San Antonio, Tex.; Ogden, Rou, Salt Lake City, Utah; Alexandria, Fredricksburg, Harrisburg, Lynchburg, Roanoke, Va.; Beckley, Buckhannon, Charleston, Dunbar, Huntington, Morgantown, and Williamson, W. Va., for 180 days. Supporting shipper: Newcomerline, Division of Groovfold, Inc., P.O. Box 317, Newcomerstown, Ohio 43832. Send protests to Frank L. Calvary, District Supervisor, Interstate Commerce Commission, 220 Federal Bldg., & U.S. Courthouse, 85 Marconi Blvd., Columbus, Ohio 43215.

No. MC 112822 (Sub-No. 381TA), filed June 30, 1975. Applicant: BRAY LINES INCORPORATED, P.O. Box 1191, Cushing, Okla. 74023. Applicant's representative: Charles D. Midkiff, 1401 N. Little St., P.O. Box 1191, Cushing, Okla. 74023.

Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Doors, frames, mirrors, automobile parts, metal vehicle accessories, plastic articles, moulding, spray paint, metal hangers, and items used* in the installation thereof, from the facilities of Evans Products Company, at or near Dothan, Ala., to points in Arizona, California, Colorado, Idaho, Montana, Nevada, New Mexico, Oklahoma, Oregon, Texas, Utah, and Washington, for 180 days. Supporting shipper: Evans Products Company, Daniel D. Daiek, 15500 East Twelve Mile Road, Roseville, Mich. 48066. Send protests to: Marie Spillars, Transportation Assistant, Interstate Commerce Commission, Bureau of Operations, Room 240, Old P.O. Bldg., 215 N.W. Third, Oklahoma City, Okla. 73102.

No. MC 113908 (Sub-No. 346TA), filed June 30, 1975. Applicant: ERICKSON TRANSPORT CORPORATION, 2105 East Dale Street, P.O. Box 3180 G.S.S., Springfield, Mo. 65804. Applicant's representative: B. B. Whitehead (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wine, wine products, alcohol, neutral spirits, distilled spirits*, in bulk, from Atlanta, Ga., to Tampa, Fla., for 180 days. Supporting shipper: Monarch Wine Company, P.O. Box 6847, Atlanta, Ga. Send protests to: John V. Barry, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 600 Federal Bldg., 911 Walnut St., Kansas City, Mo. 64106.

No. MC 114457 (Sub-No. 239TA), filed June 30, 1975. Applicant: DART TRANSIT COMPANY, 2102 University Ave., St. Paul, Minn. 55114. 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: *Urethane products*, from St. Paul, Minn., to Iowa City, Iowa, restricted to traffic originating at the named origin and destined to the named destination points, for 180 days. Supporting shipper: General Foam of Minnesota, 1800 Como Ave., St. Paul, Minn. 55108. Send protests to: Raymond T. Jones, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Room 414, Federal Bldg. & U.S. Courthouse, 110 South Fourth St., Minneapolis, Minn. 55401.

No. MC 119493 (Sub-No. 138TA), filed June 30, 1975. Applicant: MONKEM COMPANY, INC., P.O. Box 1196, Joplin, Mo. 64801. Applicant's representative: J. J. Knotts, Jr. (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Manufactured animal and poultry feeds and ingredients* (except in bulk), (1) from Red Bay, Ala., to points in Tennessee, Alabama, Kentucky, Mississippi, Arkansas, Georgia, South Carolina, North Carolina, Florida, Louisiana, Oklahoma, Texas, Indiana, Illinois, Michigan, Ohio, Virginia, West Virginia, Missouri, and Kansas (2) from Tupelo, Miss., to points in Tennessee, Alabama, Kentucky, Mississippi, Arkansas, Georgia, South Carolina, North Carolina, Florida, Louisiana, Texas, Indiana, Michigan, Ohio, Virginia, and West Virginia, for 180 days. Supporting shipper: Sunshine Mills, P.O. Box 5, Red Bay, Ala. 35582. Send protests to: John V. Barry, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 600 Federal Bldg., 911 Walnut St., Kansas City, Mo. 64106.

No. MC 124212 (Sub-No. 88TA), filed June 23, 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: *Liquid oxygen*, in bulk, in shipper-owned cryogenic trailers, from the plantsite of Airco, Inc., at or near Chester, W. Va., to Johnson City, Tenn., Cumberland, Md., and Winchester, Va.; *Liquid nitrogen*, in bulk, in shipper-owned cryogenic trailers, from the plantsites of Airco, Inc., at or near Chester, W. Va., Butler, Pa., and Warren, Ohio, and the plantsite of Air Products, at Creighton, Pa., to Ohio and points in Pennsylvania on and west of U.S. Highway 15, for 180 days. Supporting shipper: Airco Industrial Gases Division, Airco, Inc., 650 Smithfield St., Suite 620, Pittsburgh, Pa. 15222. Send protests to: James Johnson, District Supervisor, Interstate Commerce Commission, 818 Federal Office Bldg., 1240 East Ninth St., Cleveland, Ohio 44199.

No. MC 127042 (Sub-No. 161TA), filed June 30, 1975. Applicant: HAGEN, INC., 3232 Highway 75 North, P.O. Box 98, Leeds Station, Sioux City, Iowa 51108. Applicant's representative: Edward A. O'Donnell (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *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 utilized by Farmland Foods, Inc., located at or near Crete, Nebr., to points in Arizona, California, Colorado, Idaho, Illinois, Iowa, Kansas, Minnesota, Missouri, Montana, Nevada, New Mexico, North Dakota, Oklahoma, Oregon, South Dakota, Texas, Utah, Washington, Wisconsin, and Wyoming, restricted to traffic originating at the above-named origin and destined to the above-named points, for 180 days. Supporting shipper: Wayne E. Lemke, Manager-Packinghouse Product Traffic, Farmland Foods, Inc., 3315 N. Oak Trafficway, Kansas City, Mo. 64116. Send protests to: Carroll Russell, District Supervisor, Suite 620, Union Pacific Plaza, 110 N. 14th St., Omaha, Nebr. 68102.

No. MC 133828 (Sub-No. 4TA), filed June 25, 1975. Applicant: CASAZZA TRUCKING COMPANY, 1250 Glendale Avenue, Sparks, Nevada 89431. Applicant's representative: Earl Casazza, 1250 Glendale Avenue, Sparks, NV 89431. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Road Construction Machinery and Equipment* as described in Appendix VIII to the report in description of Motor Carrier Certificates, MCC 209, 766, and Excavating and Logging Machinery and Equipment, the transportation of which because of size or weight requires the use of special equipment. Between points in Alpine, El Dorado, Mono, Nev., Placer and Sierra Counties, Calif., and, Lyon, Ormsby, and Douglas Counties, Nev., and those in Washoe County, Nev., on and south of U.S. Highway 40, on the one hand, and, on the other, Big Pine, Bishop, Doyle, Portola, Quincy, and Susanville, Calif., serving such points for joinder purposes with other motor common carriers only. Applicant seeks to interline shipments with other motor common carriers at Big Pine, Bishop, Doyle, Portola, Quincy, and Susanville, Calif., only and does not propose to render any pick up or delivery service at such points, for 180 days. Supporting shippers: There are approximately 8 statements of support attached to the application, which may be examined at the Interstate Commerce Commission in Washington, D.C., or copies thereof which may be examined at the field office named below. Send protests to: Robert G. Harrison, District Supervisor, Interstate Commerce Commission, 203 Federal Bldg., 705 N. Plaza St., Carson City, Nev. 89701.

No. MC 138954 (Sub-No. 3TA), filed June 27, 1975. Applicant: G. L. CREECH, doing business as TRUCK SERVICE HAULING AND RENTAL, P.O. Box 15891, Baton Rouge, La. 70815. Applicant's representative: James B. Thompson III, 666 South Foster Drive, Baton Rouge, La. 70806. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Steel reinforcing rods*, from Baton Rouge, La., to Aliceville, Ala., for 180 days. Supporting shipper: Armco Steel Corp., P.O. Box 7706, Houston, Tex. 75007. Send protests to: Ray C. Armstrong, Jr., District Supervisor, Interstate Commerce Commission, T-9038 U.S. Postal Service Bldg., 701 Loyola Ave., New Orleans, La. 70113.

No. MC 139154 (Sub-No. 3TA), filed June 24, 1975. Applicant: RICHARDS TRANSPORT, LTD., #2 Prospect Place, Regina, Saskatchewan, Canada. Applicant's representative: James B. Holvland, 425 Gate City Bldg., Fargo, N. Dak. 58102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wood products*, from ports of entry on the International Boundary Line between the United States and Canada, located at Raymond, Port of Morgan, and Sweetgrass, Mont., and Portal, N. Dak., to points in Montana, North Dakota, South Dakota, and Minnesota. Restrictions: (a) Restricted to the transportation of traffic originating in foreign commerce;

(b) Restricted to the transportation of traffic originating at the facilities of MacMillan Bloedel (Saskatchewan) Limited at or near Hudson Bay, Saskatchewan, for 180 days. Supporting shipper, MacMillan Bloedel (Saskatchewan) Limited, Box 460, Hudson Bay, Saskatchewan, Canada. Send protests to: J. H. Ambs, District Supervisor, Bureau of Operations, Interstate Commerce Commission, P.O. Box 2340, Fargo, N. Dak. 85102.

No. MC 139227 (Sub-No. 1TA), filed June 30, 1975. Applicant: ROYAL TRANSPORTS, INC., 5540 Raytown Road, Kansas City, Mo. 64133. Applicant's representative: Patrick E. Quinn, 605 South 14th St., P.O. Box 82028, Lincoln, Nebr. 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Asphalt emulsions*, from El Dorado, Kans., to points in Missouri, for 180 days. Supporting shipper: Kansas Emulsions, Inc., 10th & Oak, El Dorado, Kans. 67042. Send protests to: Vernon V. Coble, District Supervisor, Interstate Commerce Commission, Room 600, Federal Bldg., Kansas City, Mo. 64106.

No. MC 140497 (Sub-No. 1TA), filed June 30, 1975. Applicant: FIRST CHOICE CONTAINER HAULAGE CORP., East Broadway, Monticello, N.Y. 12701. Applicant's representative: Ira S. Cooper, 26 Court St., Brooklyn, N.Y. 11242. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Shipping containers and metal parts* used in the control and maintenance of said containers, truck bodies, parts for truck bodies, truck trailers and parts for trailers, between Monticello, N.Y., on the one hand, and, on the other, Manhattan, Brooklyn, and Staten Island, N.Y.; Port Newark and Jersey City, N.J.; Norfolk, Va.; Philadelphia, West Point, and Harrisburg, Pa.; Boston, Mass.; and Baltimore, Md., for 180 days. Supporting shippers: (1) Fountain Welding Corp., Box 472, Monticello, N.Y. 12701. (2) Quickway Metal Fabricators, Inc., Monticello, N.Y. 12701. (3) Goldmark Industries, Box 41, Swan Lake, N.Y. 12783. Send protests to: Robert A. Radler, District Supervisor, 518 Federal Bldg., Albany, N.Y. 12207.

No. MC 141074 (Sub-No. 1TA), filed July 1, 1975. Applicant: DONALD WHEATLEY, doing business as DONALD WHEATLEY TRUCKING COMPANY, P.O. Box 477, Sharptown, Md. 21861. Applicant's representative: Chester A. Zyblut, 1522 K St., NW., Washington, D.C. 20005. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Lumber*, from Sharptown, Md., to points in Virginia, Delaware, Pennsylvania, New Jersey, New York, Ohio, Connecticut, Massachusetts, Rhode Island, North Carolina, Maine, New Hampshire, and Vermont, for 180 days. Supporting shipper: J. V. Wells Co., P.O. Box 526, Sharptown, Md. 21861. Send protests to: Wiley C. Hersman, District Supervisor, Interstate Commerce Commission, 12th & Constitution Ave., N.W., Room 317, Washington, D.C. 20423.

No. MC 141077 (Sub-No. 1TA), filed June 30, 1975. Applicant: DEAN JACOBSON AND JACK TANNER, doing business as TANNER TRUCKING, P.O. Box 53, Alexander, N. Dak. 58831. Applicant's representative: Charles M. Williams, Suite 646 Metropolitan Bldg., 1612 Court Place, Denver, Colo. 80202. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Cottonseed and meal*, in bulk, in bags, from the plantsite and storage facilities utilized by Pecos Valley Cotton Oil Mill at or near Loving, N. Mex., to points in Sheridan, Daniels, Roosevelt, Richland, Valley, McCone, Dawson, Prairie, Wibaux, Fallon, Custer, Carter, and Powder River Counties, Mont.; and McKenzie, Dunn, Mercer, Golden Valley, Billings, Oliver, Stark, Morton, Slope, Hettinger, Grant, Sioux, Adams, and Bowman Counties, N. Dak.; restricted: (1) against the transportation of the above commodities in bulk, in tank vehicles, and (2) to services rendered under a continuing contract or contracts with Dean Jacobson and Jack Tanner, a Partnership, for 180 days. Supporting shipper: Dean Jacobson and Jack Tanner, P.O. Box 53, Alexander, N. Dak. 58831. Send protests to: J. H. Ambs, District Supervisor, Bureau of Operations, Interstate Commerce Commission, P.O. Box 2340, Fargo, N. Dak. 58102.

No. MC 141085 TA, filed July 1, 1975. Applicant. PITTSFIELD FREIGHT LINES, INC., Church Street, Stockbridge, Mass. 01262. Applicant's representative: Anthony C. Vance, Suite 501, 1111 E Street, NW., Washington, D.C. 20004. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Processed log products* for log homes, *millwork, materials, accessories, parts and supplies* for assembly, processing, and manufacture of log homes, between Great Barrington, Mass., on the one hand, and, on the other, points in Connecticut, Massachusetts, New Jersey, New Hampshire, New York, Pennsylvania, Vermont, Virginia, Maine, Rhode Island, North Carolina, restricted to service performed under continuing contract with New England Log Homes, Inc., doing business as NELHI, for 180 days. Supporting shipper: New England Log Homes, Inc., d/b/a NELHI, 1883 Dixwell Ave., Hampden, Conn. 06514. Send protests to: Joseph W. Balin, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 338 Federal Bldg. & U.S. Courthouse, 436 Dwight St., Springfield, Mass. 01103.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.75-18314 Filed 7-14-75;8:45 am]

[Notice No. 29]

MOTOR CARRIER BOARD TRANSFER PROCEEDINGS

JULY 15, 1975.

Synopses of orders entered by the Motor Carrier Board of the Commission pursuant to sections 212(b), 206(a), 211, 312(b), and 410(g) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 1132), appear below:

Each application (except as otherwise specifically noted) filed after March 27, 1972, contains a statement by applicants that there will be no significant effect on the quality of the human environment resulting from approval of the application. As provided in the Commission's Special Rules of Practice any interested person may file a petition seeking reconsideration of the following numbered proceedings on or before August 4, 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-75816. By order entered June 25, 1975, the Motor Carrier Board approved the transfer to Hank & Frank Drayage, Inc., Santa Clara, Calif., of the operating rights set forth in Certificate No. MC 119943, issued April 14, 1961, to Henry L. Bortoli, Frank Bortoli, and Adrian D. Stiltz, doing business as Hank & Frank Drayage Co., Santa Clara, Calif., authorizing the transportation of grain and rice flour, between points in California. Louis Pasquinelli, 999 West Taylor St., Suite B, San Jose, Calif. 95126, attorney for applicants.

No. MC-FC-75838. By order of June 25, 1975, the Motor Carrier Board approved the transfer to Karl R. Salskov, doing business as Salskov Transfer, 214 East Park Street, Emmett, Idaho 83617, of Certificate No. 101998 issued September 27, 1944, to Jim F. Salskov, doing business as Salskov Transfer, 214 East Park Street, Emmett, Idaho 83617, authorizing the transportation of general commodities, with exceptions, over a regular route between Boise, Idaho, and Emmett, Idaho, service is authorized to and from Eagle, Idaho, restricted to shipments originating at or destined to Emmett, Idaho; and over irregular routes, between points in Payette and Washington Counties, Idaho, east of U.S. Highways 30 and 95 and those in Gem County, Idaho, except those on Idaho Highway 16 other than Emmett, Idaho.

No. MC-FC-75893. By order of June 26, 1975, the Motor Carrier Board approved the transfer to Robert O. Michels and Jerry D. Flynn, a partnership, doing business as Vincennes Transfer & Storage Company, Vincennes, Indiana, of Certificate No. MC 35436 issued August 22, 1966, to Ivan Weaver and Gerald Harmon, a partnership, doing business

as Acme Van & Storage Co., Terre Haute, Ind., authorizing the transportation of household goods as defined, between Terre Haute, Ind., and points within 15 miles thereof, on the one hand, and, on the other, points in Illinois, Kentucky, Michigan, Missouri, Ohio, Tennessee, and Wisconsin. Donald W. Smith, Suite 2465, One Indiana Square, Indianapolis, Indiana 46204, Attorney for Applicants.

No. MC–FC–75903. By order entered June 6, 1975, the Motor Carrier Board approved the transfer to Gary Schultz Transit Company, Winona, Minn., of the operating rights set forth in Certificate No. MC 110589 (Sub-No. 25), issued October 24, 1973, to J. E. Lammert Transfer, Inc., Grand Island, Nebr., authorizing the transportation of livestock, feed, seeds, tankage, household goods, binder twine, petroleum products, and farm machinery and tractors and parts thereof, from, to, and between specified points in Iowa, Nebraska, and Minnesota. Gary Schultz, 477 Hiawatha Boulevard, Winona, Minn. 55987, for transferee, J. E. Lammert Transfer, Inc., P.O. Box 488, Grand Island, Nebr. 68801, transferor.

No. MC–FC–75921. By order of June 25, 1975, the Motor Carrier Board approved the transfer to The Dehlinger Corporation, doing business as Oil Field Trucking Service, Abilene, Texas, of the Certificate of Registration in No. MC 56623 (Sub-No. 1), issued July 1, 1964, to J. R. Robinson, Houston, Texas, evidencing a right of the holder to engage in transportation in interstate or foreign commerce corresponding in scope to the grant of intrastate authority in Specialized Motor Carrier's Permanent Certificate of Public Convenience and Necessity No. 5509, dated June 15, 1955, issued by the Railroad Commission of Texas. Albert G. Walker, Jr., 612 Capital National Bank Building, Austin, Texas 78701, Attorney for applicants.

No. MC–FC–75933. By order entered June 26, 1975, the Motor Carrier Board approved the transfer to E.F.L. Transportation, Inc., South San Francisco, Calif., of Certificate of Registration No. MC 121748, issued January 28, 1975, to Edward J. Palmer, doing business as E.F.L. Transportation, South San Francisco, Calif., evidencing a right to engage in transportation, in interstate or foreign commerce, of general commodities, between specified areas in California. George M. Carr, 351 California St., #1215, San Francisco, Calif. 94104, attorney for applicants.

No. MC–FC–75934. By order entered June 30, 1975, the Motor Carrier Board approved the transfer to Lopes Trucking Service, Inc., Modesto, Calif., of the operating rights set forth in Certificates Nos. MC 123647 and MC 123647 (Sub-No. 1), issued December 15, 1961, and April 9, 1973, respectively, to John S. Lopes, Jr., doing business as Lopes Trucking Service, Modesto, Calif., authorizing the transportation of various specified commodities, from, to, and between points in California. E. H. Griffiths, 1182 Market St., Suite 207, San Francisco, Calif. 94102 practitioner for applicants.

No. MC–FC–75951. By order entered June 30, 1975, the Motor Carrier Board approved the transfer to Bill Murray Grain Service, Inc., Hopkington, Iowa, of the operating rights set forth in Permit No. MC 125304, issued December 7, 1972, to Hayden Produce, Inc., Anamosa, Iowa, authorizing the transportation of groceries, frozen foods, other than groceries, and fresh fruits and vegetables when moving in mixed loads with either groceries or frozen foods, between the plantsites of Certified Grocers Wholesale of Illinois, Inc., of Chicago, Ill., on the one hand, and, on the other, Anamosa and Monticello, Iowa, under a continuing contract or contracts with 3 specified shippers. Michael V. Gooch, 777 Chamber of Commerce Bldg., Indianapolis, Ind. 46204, attorney for applicants.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.75-18315 Filed 7-14-75;8:45 am]

federal register

TUESDAY, JULY 15, 1975

WASHINGTON, D.C.

Volume 40 ■ Number 136

PART II

FEDERAL ELECTION COMMISSION

■

ADVISORY OPINIONS

FEDERAL ELECTION COMMISSION

[Notice 1975–12, AO 1975–1 and AO 1975–4]

ADVISORY OPINIONS

The Federal Election Commission announces the publication today of its first Advisory Opinions. Such opinions will issue from time to time in response to previously published Advisory Opinion Requests. The Commission's opinions are in response to questions raised by individuals holding Federal office, candidates for Federal office and political committees, with respect to whether any specific transaction or activity by such individual, candidate, or political committee would constitute a violation of the Federal Election Act of 1971, as amended, of Chapter 95 or Chapter 96 of Title 26 United States Code, or of Section 608, 610, 611, 613, 614, 615, 616, or 617 of Title 18 United States Code.

The Commission points out that these advisory opinions should be regarded as interim rulings which are subject to modification by future Commission regulations of general applicability. In the event that a holding in either opinion is altered by the Commission's regulations, the persons to whom the opinions were issued will be notified.

ADVISORY OPINIONS

AO 1975–1: NATIONAL POLITICAL PARTY CONVENTIONS

This advisory opinion is rendered under 2 U.S.C. 437f in response to requests (for advisory opinions) submitted by the Democratic National Committee and the Republican National Committee (hereinafter the Committees) and published together as AOR 1975–1 in the June 24, 1975, FEDERAL REGISTER (40 FR 26660). Interested parties were given an opportunity to submit written comments relating to the requests.

The requests state that both Committees are in the process of selecting sites for Presidential nominating conventions to be held in the summer of 1976. In connection with the conventions, private and public (municipal) corporations in some of the cities which are potential sites have offered to the National Committees for no charge or at reduced charges:

(1) The use of an auditorium or convention center, construction and convention related services therein such as: construction of podiums; press tables; false floors; camera platforms; additional seating; lighting, electrical, air conditioning and loudspeaker systems; offices; office equipment; and decorations. Rent is to be waived during the construction period;

(2) Various transportation services, including the provision of buses and automobiles;

(3) Law enforcement services necessary to assure orderly conventions;

(4) Use of convention bureau personnel to provide central housing and reservation services;

(5) Rooms in hotels in proportion to the number of rooms actually booked by the conventions;

(6) Local transportation, accommodations and hospitality for committees of the Parties responsible for choosing the sites of the conventions; and

(7) Other similar convention related facilities and services.

In addition, various local and state governmental agencies have offered the use of municipal and state facilities or services in connection with the conventions for no charge or at reduced charges.

The Committees request an advisory opinion indicating:

(A) Whether these transactions would violate 18 U.S.C. 610, (B) whether they must be treated as involving expenditures for the purposes of 26 U.S.C. 9008 (d) and (C) the Commission's certification and disbursement procedures under 26 U.S.C. 9008 (e) and (g).

A. *Whether the transactions would violate 18 U.S.C. 610.* Section 610, Title 18, United States Code, makes it unlawful for a corporation "* * * to make a contribution or expenditure in connection with any political convention or caucus held to select candidates for any political office * * *". As used in section 610 "* * * the phrase 'contribution or expenditure' [includes] any direct or indirect payment, distribution, loan, advance, deposit, or gift of money, or any services, or anything of value * * * to any candidate, campaign committee, or political party or organization, in connection with any election to any of the offices referred to in this section * * *".[1] 2 U.S.C. 591(a) (2) defines the term "election," as used in section 610, as including "a convention or caucus of a political party held to nominate a candidate."

The Commission interprets the applicability of section 610 as follows:

1. *State or local governmental agencies and municipal corporations.* It is the opinion of the Commission that any of the services, benefits or uses of property described in paragraphs numbered (1) through (7) above may be offered by state or local governmental agencies and municipal corporations without violating 18 U.S.C. 610. Section 610 prohibits only national banks, corporations and labor organizations from making contributions or expenditures in connection with political conventions. Thus, local or state governmental agencies or municipal corporations would not be prohibited from providing facilities or services to the Committees, provided that such facilities were not leased from corporations, national banks or labor organizations for less than their fair market value. The Commission would view with grave concern any evidence that any government or government instrumentality which makes such facilities available to a political committee, had received from any corporation, at a date proximate to the giving of such facilities, any substantial contribution of money, or the benefit of any ostensible business transaction which appears to have been out of the ordinary course of the corporation's business. Municipal corporations may not serve as conduits for contributions which a corporation may not make directly.

2. *Private Corporations.* It is the opinion of the Commission that, in general, private corporations are precluded by 18 U.S.C. 610 from donating or providing at less than fair market value any of the services, benefits or uses of property described in paragraphs (1) through (7) above. The Commission notes two situations, however, which in the Commission's opinion do not involve violations of section 610.

(a) Where a corporation offers certain reductions in standard rates and/or gives to a national political convention the use of certain facilities without apparent charge, in return for the purchase by the convention of a certain minimum quantity of whatever product or service the corporation deals in, the rate reduction or offering of "free" facilities are not prohibited contributions under section 610, but are rather details of an overall purchase transaction, if such reduction and/or facilities are offered in the ordinary course of business by the corporation to non-political conventions of corresponding size and duration. It is a widely known industry practice, for example, for hotels to offer reduced rates, some free rooms and free meeting space within the hotel in exchange for advance booking of large numbers of rooms. In the Commission's view, the rates, rooms and meeting spaces so provided do not, in general, involve prohibited contributions. The Commission may, of course, audit any hotel corporation's donations of space or reductions in rates in connection with the overall convention purchase of rooms to assure that such donations conform in kind and degree to those offered by such hotels in connection with any typical convention which purchases room space.

(b) Local corporations which are engaged at the retail level in the business of supplying consumer goods or services to the public may contribute funds to a local civic association, business league, chamber of commerce, real estate board

[1] The Commission notes that 18 U.S.C. 610 includes a definition for "contribution or expenditure" which is supplemental to the definitions in 18 U.S.C. 591. The relationship between the two definitions was addressed in Ash v. Cort, 496 F. 2d 416, 424 (3rd Cir. 1974), rev'd on other grounds, 43 U.S.L.W. 4773 (1975). "The definition given 'expenditure' in both sections traces back to the Federal Election Campaign Act of 1971, P.L. 92–225, Title II Secs. 201, 205 86 Stat. 3. The drafters clearly intended Sec. 591's definition to affect interpretation of Sec. 610, for they expressly provided that the definitions in Sec. 591 applied to use of those terms in Sec. 610. We note also that Sec. 591 indicates the 'meaning' of expenditure while Sec. 610 only indicates certain matters 'included' in that term. We therefore read section 610 as supplementing rather than replacing section 591's definition." Furthermore, section 101(f)(2) of the Federal Election Campaign Act Amendments of 1974, amended 18 U.S.C. 591 to make clear that the definitions therein could be modified in the substantive sections, to wit section 610.

or board of trade (1) not organized for profit and no part of the net earnings of which inures to the benefit of any private shareholder or individual, and (2) a principal objective of which must be the encouragement of that commerce which is necessarily entailed in the arrival of any major convention in the city where such local corporations are located. Such contributions must be made in the reasonable expectation of a commensurate commercial return during the life of the convention, as may be indicated by previous convention experience. In the view of the Commission, a contribution so qualified has commercial characteristics sufficiently akin to the characteristics of a purchase transaction, as described above, as to fall outside the prohibition of section 610. The Commission may, of course, conduct such investigations and audits as may be necessary to ensure that any such "contribution" in connection with a political convention conforms in degree to contributions made by the same corporation to such civic association or like organization in connection with other, non-political conventions of a similar size and duration.

In the Commission's opinion, no other corporate offering beyond those described in the foregoing two exceptions are permitted by 18 U.S.C. 610.

B. *Whether the transactions involve expenditures under 26 U.S.C. 9008(d).* 26 U.S.C. 9008(d)(1) provides that the national committee of a major party may not make expenditures with respect to a presidential nominating convention, which in the aggregate exceed $2 million. It is the view of the Commission that the transactions described under Part A of this opinion as falling outside of the scope of 18 U.S.C. 610 involve "expenditures," or "gratuities" which are not attributable to the $2 million limitation under which the committees operate.

C. *The Commission's certification and disbursement procedures under 26 U.S.C. 9008 (e) and (g).* Certification and disbursement procedures are in the process of being established by the Commission and will be the subject of a subsequent publication. Consequently, no opinion is expressed in this area at this time.

This advisory opinion is issued on an interim basis only pending the promulgation by the Commission of rules and regulations of general applicability. Any interpretation or ruling contained herein is to be construed as limited to the facts of the specific advisory opinion requests and should not be relied on as having any precedential significance except as it relates to those facts at the time of its issuance.

AO 1975–4: DEMOCRATIC NATIONAL COMMITTEE (DEMOCRATIC PARTY TELETHON)

The Federal Election Commission renders this advisory opinion under 2 U.S.C. 437f in response to a request submitted by a political committee. The request was made public by the Commission and published as AOR 1975–4 in the FEDERAL REGISTER on June 24, 1975 (40 FR 26663). Interested parties were given an opportunity to submit written comments relating to the request.

SHELDON S. COHEN, Esq.,
General Counsel,
Democratic National Committee.

DEAR MR. COHEN: Your letter of June 5, 1975, informed the Commission that on July 26 and 27, 1975, the Democratic National Committee ("DNC") will again sponsor a fundraising telethon for the benefit of the Democratic Party over the ABC television network. You further advised that the actual production of the telethon will be conducted by a Production Committee, organized under the California not-for-profit corporation law solely for the purpose of said production. Any amounts expended by the Production Committee will be reimbursed by the DNC out of the gross receipts of the telethon. Additionally, preliminary arrangements for both the production of the telethon and the disbursement of receipts have been worked out between the DNC and participating State Committees (as defined in your letter).

You have requested the Commission to rule on several aspects of the expenditure of funds and receipt of contributions in connection with this telethon. The remainder of this opinion will deal with those requests in the order in which they are raised in your letter.

1. You request a ruling that the endorsement or guarantee by any individual of all or a portion of any bank loan made to the DNC for purposes of financing the production of the telethon will not be treated as a "contribution" as defined in 18 U.S.C. 591(e)(1). You request a similar ruling that the guarantee by any individual of a bank loan made to a state central committee, either for use by the state central committee in financing its own telethon obligations, or to enable the state central committee to advance funds to a state telethon committee, will not constitute a contribution. For purposes of this advisory opinion the Commission will treat these requests as substantially equivalent.

It is the Commission's conclusion that a loan or endorsement as described above is a "contribution" as defined in 18 U.S.C. 591(e)(1) for purposes of the limitations contained in section 608 of Title 18 of the United States Code.

Section 591(e)(1) defines a contribution as "a gift, subscription, loan, advance, or deposit of money or anything of value, * * * made for the purpose of influencing the nomination for election, or election, of any person to Federal office * * *" etc. While the section excepts a bank loan made in the ordinary course of business it includes an individual's guarantee or endorsement of such a loan.

In your request (and in your subsequent letter dated June 30, 1975), you contend that the described guarantee or endorsement is not a loan made for the purpose of influencing the election of a person for federal office, because there is no "direct and substantial relationship between (1) the transfer of money or other things of value and (2) the furtherance of the candidacy of a particular individual, or group of individuals. The Commission does not agree with this contention. The language of the statute nowhere indicates that the purpose stated in section 591(e) need be direct and substantial or even that it be a principal purpose of the transfer. Ultimately, the election of its designated candidates is the purpose of any transfer of money or other thing of value to an organized political party. To rule as you request would lead logically to the conclusion that any contribution to an organized political party would not come within the statutory definition of contribution unless "earmarked" for a particular candidate's campaign. The effect of such a ruling would be to disadvantage any third party candidacies which ordinarily coalesce primarily around the candidacy of a named candidate since such a party could not claim that contributions to it were for a purpose other than to influence the election of the party's candidate for Federal office. Neither the elimination of the ceiling for contributions to organized political parties nor the disadvantaging of third party efforts can justifiably be said to be within the intent of Congress in enacting the 1974 amendments.

An analysis of the statutory language supports this reasoning. The word "person" is defined in section 591(g) to mean "an individual * * * or group of persons," while "candidate" is defined, in section 591(b) as "an individual who seeks nomination for election, or election, to Federal office * * *." Had Congress wanted to restrict the purpose clause of section 591(e)(1) to particular candidacies it would have used the specifically defined word "candidate" instead of the more generally defined word "person". We believe this reasoning is further strengthened by the inclusion of the word "any" immediately preceding the word "person" in the purpose clause of section 591(e)(1). That indicates that Congress did not only have particular candidacies in mind but rather was focusing, in addition, on contributions made for the purpose of influencing the election to Federal office of a yet unnamed candidate of group of candidates, e.g., Democratic candidates for Federal office in the 1976 general election. Such would certainly be the end result of a contribution to the DNC no matter what its immediate use. For example, the use of the proceeds of the telethon to retire past debts would serve to strengthen the DNC's credit leading to further opportunities for bank loans, the use of the proceeds of which would be related to Federal elections. The Commission can find no distinction between the use of such contributions and the use of a guarantee or endorsement for the purpose of obtaining a loan to finance a telethon which will result in the receipt of such contributions.

Accordingly, it is the Commission's conclusion that the endorsements you describe constitute statutory contributions subject to the $25,000 limitation on individual contributions in 18 U.S.C. 608(b)(3). To the extent that the primary loan remains unpaid, the endorsements shall be considered loans (and thus statutory contributions) from each guarantor or endorser in an amount equal to the proportion of the unpaid balance thereof that each guarantor or endorser bears to the total number of guarantors or endorsers.

2. You request a ruling that, since the telethon effort is a joint venture among the various state central and/or state telethon committees (as described in your letter), the provision of staff support from one committee to another and the general coordinating efforts of the DNC will not be treated as statutory contributions for purposes of either Title 2 or Title 18 of the United States Code.

Based on your description of the activities which will be undertaken by DNC staff members in conjunction with the staffs of the various State Committees, the Commission has concluded that such activities will not constitute a statutory contribution from the DNC to the various State Committees or from the State Committees to the DNC.

3. Your letter requests a ruling that the transfer of net telethon proceeds by a state telethon committee to a non-reporting state central committee will not affect the latter's non-reporting status.

The Commission agrees that the transfer of proceeds by a state telethon committee to a state central committee would not change the latter's status as a non-reporting committee provided, of course, that such

funds are not intended to be spent, and, in fact, are not expended to influence the nomination or election of candidates to Federal office. We assume for purposes of this ruling that each state telethon committee will register as a political committee and will report all expenditures, receipts, and transfers in connection with its participation in the telethon.

4. The Commission agrees that, for purposes of the July 1975 telethon only, the Production Committee, which has registered as a political committee under 2 U.S.C. 433, may be treated as an agent or subsidiary of the DNC and, thus, any of its transactions required to be reported under 2 U.S.C. 434 may be reported by the DNC. This ruling is subject to the condition that the Production Committee maintain detailed records of its receipts and disbursements in accordance with 2 U.S.C. 432(c) and (d) and that such records will be preserved by the DNC. Moreover, the records must be available for audit upon request of the Commission.

5. The Commission agrees that all contributions made as a result of or in connection with the telethon should be considered as contributions to the DNC and reported as such in the report filed by the DNC. Consequently, a State Committee will not be required to report the receipt and transmission of a contribution payable to the DNC. However, under 2 U.S.C. 432(b) any State Committee and its agents receiving funds on behalf of the DNC must render a detailed account thereof to the DNC. Thus, it will be necessary for each State Committee to keep a detailed record of all such contributions as a part of its records subject to audit by the Commission.

In the case of a contribution which is made payable to a State Committee and then endorsed and transmitted to the DNC, the receipt and transmission must be reflected in the State Committee's report.

Finally, the Commission agrees that, where the DNC is in receipt of an individual's contribution which is earmarked for a particular committee or other recipient, the details as to identification of the contributor must be shown in reports of both the DNC and the receipient committee or other person.

6. You request a ruling that, in the case of states which have set up separate telethon committees, and in which the state central committee has made an initial advance to the state telethon committee to enable it to meet expenses, this loan transaction will not effect the status of the state central committee as a non-reporting committee.

The Commission does not agree and has concluded that, if a state central committee, which is presently a non-reporting committee, makes a loan to, or guarantees a loan for, a state telethon committee as described in your letter, such loan or guarantee will constitute an expenditure under 2 U.S.C. 431(f) and, if in excess of $1,000 will cause the state central committee to become a "political committee" under 2 U.S.C. 431(d) which must register with and report to the Commission. This conclusion is based on the reasoning contained in the ruling under paragraph 1 above. To hold that a guarantee from an individual is a contribution but that a loan by the central committee of a state political party for the same purpose is not an expenditure would be inconsistent. Further, to deny that this kind of loan was made for the purpose of influencing a Federal election would, in the Commission's opinion, be detrimental to one of the principal purposes of the 1974 amendments, namely to make public all such contributions and expenditures. Finally, the Commission cautions any state central committee to avoid using funds contributed to it by a national bank corporation or labor organization for purposes of the loan transaction as described above.

7, 8, 9. The Commission agrees that the DNC and the various State Committees should report as described in your requests.

10. The Commission agrees with your contention that telethon expenses incurred by the DNC and by participating State Committees should not be counted against the applicable limitations for either the DNC or any State Committee under 18 U.S.C. 608 (b), (e) and (f).

This advisory opinion is issued on an interim basis only pending the promulgation by the Commission of rules and regulations of general applicability. Any interpretation or ruling contained herein is to be construed as limited solely to the facts of the specific advisory opinion requests and should not be relied on as having any precedential significance except as it relates to those facts at the time of its issuance.

Dated: July 10, 1975.

THOMAS B. CURTIS,
Chairman for the
Federal Election Commission.

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