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INFORMATION
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federal register

MONDAY, AUGUST 4, 1975

highlights

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Because of the great demand, the Office of the Federal Register will reprint and make available extra copies of OMB's Guidelines for Implementation of the Privacy Act of 1974. These reprints will be available on or about August 7, 1975. To obtain copies, call 523-5243 or come to the Office of the Federal Register at 1100 L St. NW, Room 8401.

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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 5—Administrative Personnel

CHAPTER I—CIVIL SERVICE COMMISSION

PART 213—EXCEPTED SERVICE

Department of Agriculture

Section 213.3313 is amended to show that one position of Staff Assistant to the Deputy Under Secretary is excepted under Schedule C.

Effective August 4, 1975, § 213.3313(c) (8) is added as set out below:

§ 213.3313 Department of Agriculture.

* * * * *

(c) *Office of the Under Secretary.* * * *

(8) One Staff Assistant to the Deputy Under Secretary.

(5 U.S.C. secs. 3301, 3302; EO 10577, 3 CFR 1954–1955 Comp., p. 218)

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

[FR Doc.75-19994 Filed 8-1-75;8:45 am]

PART 213—EXCEPTED SERVICE

Department of Labor

Section 213.3315 is amended to reflect the following title change from: Two Special Assistants to the Deputy Under Secretary for Legislative Affairs, to Two Assistants to the Deputy Under Secretary for Legislative Affairs.

Effective August 4, 1975, § 213.3315(a) (29) is revised as set out below:

§ 213.3315 Department of Labor.

(a) *Office of the Secretary.* * * *

(29) Two Asisstants to the Deputy Under Secretary for Legislative Affairs.

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

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

[FR Doc.75-20151 Filed 8-1-75;8:45 am]

PART 213—EXCEPTED SERVICE

Department of Labor

Section 213.3315 is amended to show that one position of Secretary (Steno) to the Administrator for Pension and Welfare Benefits is excepted under Schedule C.

Effective on August 4, 1975, § 213.3315 (a) (42) is added as set out below:

§ 213.3315 Department of Labor.

(a) *Office of the Secretary.* * * *

(42) One Secretary (Steno) to the Administrator for Pension and Welfare Benefits.

(5 U.S.C. 3301, 3302; EO 10577, 3 CFR 1954–1958 Comp., p. 218)

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

[FR Doc.75-20150 Filed 8-1-75;8:45 am]

PART 213—EXCEPTED SERVICE

Regional Commissions, Public Works and Economic Development Act of 1965

Section 213.3386 is amended to show that one position of Special Assistant to the Federal Cochairman, New England Regional Commission, is reestablished under Schedule C.

Effective on August 4, 1975, § 213.3386 (a) is amended to read as set out below:

§ 213.3386 Regional Commissions, Public Works and Economic Development Act of 1965.

(a) One Special Assistant to the Federal Cochairman of each Regional Commission established under the Public Works and Economic Development Act of 1965.

(5 U.S.C. 3301, 3302; EO 10577, 3 CFR 1954–1958 Comp., p. 218)

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

[FR Doc.75-20152 Filed 8-1-75;8:45 am]

PART 213—EXCEPTED SERVICE

U.S. International Trade Commission

Section 213.3339 is amended to show that one position of Secretary to the Chairman is excepted under Schedule C.

Effective on August 4, 1975, § 213.3339 (j) is added as set out below:

§ 213.3339 U.S. International Trade Commission.

* * * * *

(j) One Secretary to the Chairman.

(5 U.S.C. 3301, 3302; EO 10577, 3 CFR 1954–1958 Comp., p. 218)

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

[FR Doc.75-20149 Filed 8-1-75;8:45 am]

PART 213—EXCEPTED SERVICE

U.S. International Trade Commission

Section 213.3339 is amended to show that one position of Secretary to a Commissioner is excepted under Schedule C.

Effective on August 4, 1975, § 213.3339 (k) is added as set out below:

§ 213.3339 U.S. International Trade Commission.

* * * * *

(k) Secretary to a Commissioner.

(5 U.S.C. 3301, 3302; EO 10577, 3 CFR 1954–1958 Comp., p. 218)

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

[FR Doc.75-20148 Filed 8-1-75;8:45 am]

CHAPTER III—OFFICE OF MANAGEMENT AND BUDGET

PART 1303—PUBLIC INFORMATION PROVISIONS OF THE ADMINISTRATIVE PROCEDURES ACT

On February 19, 1975, the Office of Management and Budget issued a notice of proposed rulemaking (40 FR 7346) to amend Chapter III, Part 1303 of Title 5, Code of Federal Regulations regarding the implementation of the public information provisions of the Administrative Procedures Act (5 U.S.C. 552, as amended). These proposed regulations reflect the amendments to the Freedom of Information Act enacted as Pub. L. No. 93–502 (88 Stat. 1561). Written comments were invited through March 31, 1975.

One written comment was received in response to the notice of proposed rulemaking, and was considered by the Office of Management and Budget. OMB has revised its proposed rules to accommodate the suggested revisions.

In view of the foregoing Chapter III, Part 1303 of Title 5, Code of Federal

Regulations is amended as set forth below, effective February 19, 1975.

EXECUTIVE OFFICE OF THE PRESIDENT

NOTE: Until further regulations are promulgated, the remainder of the entities within the Executive Office of the President, to the extent that 5 U.S.C. 552 is applicable, shall follow the procedures set forth in the regulations applicable to the Office of Management and Budget. Requests for information from these other entities should be submitted directly to such entity.

OFFICE OF MANAGEMENT AND BUDGET

ORGANIZATION AND INFORMATION

Pursuant to section 552 of title 5, United States Code, as amended, the following notice is published:

ORGANIZATION

Sec.
1303.1 General.
1303.2 Authority and functions.
1303.3 Organization.

PROCEDURES

1303.10 Methods of operation.

AVAILABILITY OF INFORMATION

1303.20 Inspection, copying and exceptions.

CHARGES FOR SEARCH FOR REPRODUCTION

1303.30 Schedule of fees and method of payment for services rendered.

ORGANIZATION

§ 1303.1 General.

This information is furnished for the guidance of the public and in compliance with the requirements of section 552 of title 5, United States Code, as amended.

§ 1303.2 Authority and functions.

(a) The Office of Management and Budget was established in the Executive Office of the President pursuant to Part I of Reorganization Plan No. 2 of 1970 (35 FR 7959), effective July 1, 1970. That Plan transferred to the President all functions vested by law in the Bureau of the Budget, or its Director, and designated the Bureau of the Budget as the Office of Management and Budget. By Executive Order No. 11541 of July 1, 1970 (35 FR 10737), the President delegated all functions transferred to him by Part I of the Plan to the Director of the Office of Management and Budget.

(b) The principal statutory functions of the Office of Management and Budget are contained in the Budget and Accounting Act of 1921 (42 Stat. 20, 31 U.S.C. 1–25); the Federal Reports Act of 1942 (44 U.S.C. 3501–3511); the Government Corporation Control Act (59 Stat. 597, 31 U.S.C. 841–869); the Budget and Accounting Procedures Act of 1950 (65 Stat. 832), the Federal Advisory Committee Act (Pub. L. 92–463), the Congressional Budget and Impoundment Control Act of 1974 (Pub. L. 93–344), the Office of Federal Procurement Policy Act (Pub. L. 93–400), and the Privacy Act of 1974 (Pub. L. 93–579).

(c) The functions of the Office of Management and Budget are carried out pursuant to the provisions of the statutes cited above and the provisions of various Executive orders—principally, Executive Order No. 8248 of September 8, 1939 (CFR Cum. Supp., p. 576), outlining certain functions to be performed by the Bureau of the Budget for the President, and Executive Order No. 11230 of June 28, 1965 (3 CFR 1965 Supp., p. 146), as amended, delegating certain functions of the President to the Director of the Bureau of the Budget. Under the terms of Executive Order No. 11541 of July 1, 1970, the assignments and delegations made in the earlier orders are to be considered as assignments to the Office of Management and Budget and its Director.

§ 1303.3 Organization.

The central organization of the Office of Management and Budget consists of—

(a) The Office of the Director, which includes the Director and the Deputy Director and their principal assistants, including the Assistant to the Director for Administration.

(b) The Administrator of the Office of Federal Procurement Policy.

(c) Three Associate and Assistant Directors with Government-wide management responsibilities in specialized areas, as follows:

Executive Development and Labor Relations
Legislative Reference
Management and Operations

(d) Five program and budget Associate and Assistant Directors, as follows:

Budget Review
National Security and International Affairs
Human and Community Affairs
Economics and Government
Natural Resources, Energy, and Science

(e) The Office has no field organization.

(f) Units of the Office of Management and Budget are presently located in the Executive Office Building, 17th Street and Pennsylvania Avenue NW., and in the New Executive Office Building, 17th and H Streets NW., Washington, D.C. 20503. Regular office hours are from 9 a.m. to 5:30 p.m., Monday through Friday. Both buildings are under security control. Persons desiring to visit officers or employees of the Office of Management and Budget in either building will usually find it easier to do so if they write or telephone in advance for an appointment.

PROCEDURES

§ 1303.10 Methods of operation.

(a) The Office of Management and Budget maintains current indexes which identify information pertaining to matters issued, adopted, or promulgated after July 4, 1967, that are within the scope of 5 U.S.C. 552(a)(2). These indexes are updated quarterly and are published in the FEDERAL REGISTER. They are also available for public inspection and copying at the Office's Publications Office, Room G–236, New Executive Office Building, 17th and H Streets, NW., Washington, D.C. 20503. The indexes may be examined between the hours of 9:00 a.m. and 5:30 p.m. on any day, except Saturdays, Sundays, and legal public holidays.

(b) The Office of Management and Budget has established an internal Committee on Freedom of Information (hereinafter referred to as the Committee), chaired by the Deputy Director. The purpose of this Committee is to oversee the Office's administration of the Freedom of Information Act as amended and to recommend action on any appeals that may be filed in the event a request for information is denied.

(c) The Assistant to the Director for Administration is responsible for acting on all initial requests. Individuals wishing to obtain any information listed on the indexes should address their request in writing to the Assistant to the Director for Administration, Office of Management and Budget, Washington, D.C. 20503, Phone 395–4790. Requests for information shall be as specific as possible.

(d) Upon receipt of any request for information or records, the Assistant to the Director for Administration will determine within 10 days (excepting Saturdays, Sundays, and legal public holidays) whether it is appropriate to grant the request and will immediately provide written notification to the person making the request. If the request is denied, the written notification will also include the names of other individuals who participated in the determination and a notice that an appeal may be lodged including the format and content of any such appeal within the Office of Management and Budget. (Receipt of a request as used herein means the date the request is received in the office of the Assistant to the Director for Administration.)

(e) In the event the request is denied and that denial is appealed, the Assistant to the Director for Administration will refer the appeal to the Committee which will recommend a determination to the Deputy Director. Appeals shall be set forth in writing and addressed to the Assistant to the Director for Administration at the address specified in (c) of this section. The appeal shall include a statement explaining the basis for the appeal. Determinations of appeals will be set forth in writing and signed by the Deputy Director, or his designee within 20 days (excepting Saturdays, Sundays, and legal public holidays). If, on appeal, the denial is in whole or in part upheld, the written determination will also contain a notification of the provisions for judicial review and the names of the persons who participated in the determination.

(f) In unusual circumstances, the time limits prescribed in (d) and (e) of this section may be extended for not more than 10 working days (excepting Saturdays, Sundays, or legal public holidays). Extensions may be granted by the Deputy Director. The extension period may be split between the initial request and the appeal but in no instance may the total period exceed 10 working days. Extensions will be by written notice to the

persons making the request and will set forth the reasons for the extension and the date the determination is expected. As used herein, but only to the extent reasonably necessary to the proper processing of the particular request, the term "unusual circumstances" means:

(1) The need to search for and collect the requested records from establishments that are separate from the office processing the request;

(2) The need to search for, collect, and examine a voluminous amount of separate and distinct records which are demanded in a single request; or

(3) The need for consultation, which shall be conducted with all practical speed, with another agency having a substantial interest in the determination of the request or among two or more components of the agency which have a substantial subject matter interest therein.

AVAILABILITY OF INFORMATION

§ 1303.20 Inspection, copying, and exceptions.

(a) When a request for information has been approved pursuant to § 1303.10, the person making the request may make an appointment to inspect or copy the materials requested during regular business hours by writing or telephoning the Assistant to the Director for Administration at the address or telephone number listed in section 10(c). Such materials may be copied manually without charge, and reasonable facilities will be made available for that purpose. Also, copies of individual pages of such materials will be made available at the price per page specified in paragraph (a) of § 1303.30; however, the right is reserved to limit to a reasonable quantity the copies of such materials which may be made available in this manner when copies also are offered for sale by the Superintendent of Documents.

(b) Certain functional units of the Office of Management and Budget solely advise and assist the President, and therefore these units are not covered by 5 U.S.C. 552. However, the Director or the Deputy Director, acting on his behalf, may determine that a record which falls in one of the following categories shall be made available. These units carry out activities that provide advice and assistance to the President with regard to:

(1) The formulation and preparation of the Federal budget,

(2) The processing of enrolled bills and determinations of the relationships of pending and proposed legislation to the program of the President.

(3) The compensation of Federal employees,

(4) The establishment and organization of new agencies and the reorganization of existing programs and agencies, and

(5) The preparation of Executive Orders and Proclamations.

(c) Except to the extent that the Director or Deputy Director, acting on his behalf, determines that a record which falls within one of the following categories shall be made available, this section shall not apply to matters that are—

(1) (i) Specifically authorized under criteria established by an Executive Order to be kept secret in the interest of the national defense or foreign policy, and (ii) are in fact properly classified pursuant to such Executive Order.

(2) Related solely to the internal personnel rules and practices of the Office;

(3) Specifically exempted from disclosure by statute;

(4) Trade secrets and commercial or financial information obtained from a person and privileged or confidential;

(5) Interagency or intra-agency memorandums or letters which would not be available by law to a party other than an agency in litigation with the Office;

(6) Personnel and medical files and similar files the disclosure of which would constitute a clearly unwarranted invasion of personal privacy;

(7) Investigatory records compiled for law enforcement purposes, but only to the extent that the production of such records would (i) interfere with enforcement proceedings, (ii) deprive a person of a right to a fair trial or an impartial adjudication, (iii) constitute an unwarranted invasion of personal privacy, (iv) disclose the identity of a confidential source and, in the case of a record compiled by a criminal law enforcement authority in the course of a criminal investigation, or by an agency conducting a lawful national security intelligence investigation, confidential information furnished only by the confidential source, (v) disclose investigative techniques and procedures, or (vi) endanger the life or physical safety of law enforcement personnel;

(8) Contained in or related to examination, operating, or condition reports prepared by, on behalf of, or for the use of an agency responsible for the regulation or supervision of financial institutions; or

(9) Geological and geophysical information and data, including maps, concerning wells.

CHARGES FOR SEARCH AND REPRODUCTION

§ 1303.30 Schedule of fees and method of payment for services.

(a) Following is the fees schedule for the search and reproduction of information available under the Freedom of Information Act (5 U.S.C. 552), as amended.

(1) Search for records—$5.00 per hour when the search is conducted by a clerical employee. $8.00 per hour when the search is conducted by a professional employee. No charge for searches of less than 1 hour.

(2) Duplication of records—Records will be duplicated at a rate of $.10 per page for all copying of 4 pages or more. There is no charge for duplicating 3 or fewer pages.

(3) Other—When no specific fee has been established for a service, or the request for a service does not fall under one of the above categories due to the amount or type thereof, the Assistant to the Director for Administration is authorized to establish an appropriate fee based on "direct costs" as provided in the Freedom of Information Act and in accordance with Office of Management and Budget Circular No. A–25, "User charges." Examples of services covered by this provision include searches involving computer time or special travel, transportation, or communications costs.

(b) If records requested under this part are stored elsewhere than the headquarters of the Office of Management and Budget at Washington, D.C., the special costs of returning such records to the headquarters for review will be added to the search costs.

(c) Ordinarily, fees shall not be charged if the records requested are not found, or if all of the records located are withheld as exempt. However, if the time expended in processing the request is substantial, and if the requester has been notified of the estimated cost pursuant to paragraph (d) of this section, fees may be charged.

(d) Where it is anticipated that the fees chargeable under this section will amount to more than $25, or the maximum amount specified in the request, the requester shall be promptly notified of the amount of the anticipated fee or such portion thereof as can readily be estimated. In instances where the estimated fees will greatly exceed $25, an advance deposit may be required. The notice or request for an advance deposit shall extend an offer to the requester to consult with Office personnel in order to reformulate the request in a manner which will reduce the fees, yet still meet the needs of the requester.

(e) Fees must be paid in full prior to issuance of requested copies. In the event the requester is in arrears for previous requests for which the Office was unable to find or provide the requested information (see b. above), copies of records will not be provided for any subsequent request until the arrears have been paid in full.

(f) Remittances shall be in the form either of a personal check or bank draft drawn on a bank in the United States, or a postal money order. Remittances shall be made payable to the order of the Treasury of the United States and mailed or delivered to the Assistant to the Director for Administration, Office of Management and Budget, Washington, D.C. 20503.

(g) A receipt for fees paid will be given upon request. Refund of fees paid for services actually rendered will not be made.

(h) The Assistant to the Director for Administration, or an officer designated by the Assistant to the Director for Administration may in accordance with the Freedom of Information Act, as amended, waive all or part of any fee provided for in this section when the Assistant to the Director for Administration or the designated officer deems it to be in either the Office's interest or in the general public's interest.

These regulations are issued under the authority of 5 U.S.C. 552, as amended by Pub. L. 93–502.

For the Director of the Office of Management and Budget.

VELMA N. BALDWIN,
Assistant to the Director for Administration.

JULY 29, 1975.

[FR Doc.75-20173 Filed 8-1-75;8:45 am]

Title 7—Agriculture

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

PART 921—FRESH PEACHES GROWN IN DESIGNATED COUNTIES IN WASHINGTON

Expenses, and Rate of Assessment

This document authorizes expenses of the Washington Fresh Peach Marketing Committee, under Marketing Order No. 921, for the 1975–76 season at $9,262 and prescribes that each handler pay $0.80 per ton of peaches handled as his prorata share of such expenses.

Notice was published in the June 25, 1975, issue of the FEDERAL REGISTER (40 FR 26682) that consideration was being given to proposals regarding the expenses and the fixing of the rate of assessment for the fiscal period ending March 31, 1976, pursuant to the marketing agreement and Order No. 921 (7 CFR Part 921), regulating the handling of fresh peaches grown in designated counties in Washington, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674). The notice afforded interested persons until July 25, 1975, to submit written data, views, or arguments in connection with said proposals. None were received. After consideration of all relevant matters presented, including the proposals set forth in such notice which were submitted by the Washington Fresh Peach Marketing Committee (established pursuant to said marketing agreement and order), it is hereby found and determined that:

§ 921.214 Expenses and rate of assessment.

(a) *Expenses.* The expenses that are reasonable and likely to be incurred by the Washington Fresh Peach Marketing Committee, during the fiscal period beginning April 1, 1975, and ending March 31, 1976, will amount to $9,262;

(b) *Rate of assessment.* The rate of assessment, payable by each handler in accordance with § 921.41 is fixed at eighty cents ($0.80) per ton of fresh peaches, and

(c) Terms used in the amended marketing agreement and order shall, when used herein, have the same meaning as is given to the respective term in said marketing agreement and order.

It is hereby further found that good cause exists for not postponing the effective date hereof until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 553) in that (1) shipments of the current crop of peaches grown in the designated counties of Washington are now being made; (2) the relevant provisions of said marketing agreement and this part require that the rate of assessment fixed shall be applicable to all assessable fresh peaches from the beginning of such period; and (3) such period began on April 1, 1975, and the rate of assessment herein fixed will automatically apply to all assessable fresh peaches beginning with such date.

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

Dated: July 29, 1975.

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

[FR Doc.75-20158 Filed 8-1-75;8:45 am]

PART 922—APRICOTS GROWN IN DESIGNATED COUNTIES IN WASHINGTON

Expenses and Rate of Assessment for the 1975–76 Fiscal Period

This document authorizes expenses of the Washington Apricot Marketing Committee, under Marketing Order No. 922, for the 1975–76 season at $2,421 and prescribes that handlers pay $1.30 per ton to defray such expenses.

On June 27, 1975, notice of proposed rule making was published in the FEDERAL REGISTER (40 FR 27242) regarding proposed expenses and the related rate of assessment for the period April 1, 1975, through March 31, 1976, pursuant to the marketing agreement, as amended, and Order No. 922, as amended (7 CFR Part 922), regulating the handling of apricots grown in designated counties in Washington. This regulatory program is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674). The notice afforded interested persons until July 21, 1975, to submit written data, views, or arguments in connection with said proposals. None were received. After consideration of all relevant matters presented, including the proposals set forth in such notice which were submitted by the Washington Apricot Marketing Committee (established pursuant to said marketing agreement and order), it is hereby found and determined that:

Section 922.215 is added to read as follows:

§ 922.215 Expenses, rate of assessment.

(a) *Expenses.* Expenses that are reasonable and likely to be incurred by the Washington Apricot Marketing Committee during the period April 1, 1975, through March 31, 1976, will amount to $2,421.

(b) *Rate of assessment.* The rate of assessment for said period, payable by each handler in accordance with § 922.41, is fixed at $1.30 per ton of apricots.

It is hereby further found that good cause exists for not postponing the effective date hereof until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 553) in that (1) shipments of the current crop of apricots grown in designated counties in Washington are now being made; (2) the relevant provisions of said marketing agreement and this part require that the rate of assessment herein fixed shall be applicable to all assessable apricots handled during the aforesaid period; and (3) such period began on April 1, 1975, and said rate of assessment will automatically apply to all such apricots beginning with such date.

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

Dated: July 30, 1975.

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

[FR Doc.75-20246 Filed 8-1-75;8:45 am]

PART 947—IRISH POTATOES GROWN IN MODOC AND SISKIYOU COUNTIES IN CALIFORNIA AND IN ALL COUNTIES IN OREGON EXCEPT MALHEUR COUNTY

Handling Regulation

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

Notice of rule making with respect to a proposed handling regulation, to be effective under Marketing Agreement No. 114 and Marketing Order No. 947, both as amended (7 CFR Part 947), regulating the handling of Irish potatoes grown in the designated production area, was published in the July 15, 1975, FEDERAL REGISTER (40 FR 29726). This program is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.). The notice afforded interested persons through July 28, 1975, to file written data, views or arguments pertaining to that proposal. None was filed.

The recommendations of the committee reflect its appraisal of the composition of the 1975 crop in the production area and the marketing prospects for this season. The grade, size, quality, maturity and pack requirements as provided herein are necessary to prevent potatoes of low quality, or undesirable sizes from being distributed into fresh market channels. They will 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 are provided to certain of these requirements to recognize special situations in which such requirements would be inappropriate or unreasonable.

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

Shipments may be made to certain special purpose outlets without regard to minimum grade, size, cleanliness, maturity, pack and inspection requirements, provided that safeguards are met to pre-

vent such potatoes from reaching unauthorized outlets. Certified seed is so exempt, subject to the safeguard provisions only when shipped from the district where grown.

Shipments for use as livestock feed within the production area or to specified adjacent areas are likewise 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 are 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. Also potatoes of most processing uses are exempt under the legislative authority for this part.

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 provided.

Findings. After consideration of all relevant matter presented, including the proposal set forth in the aforesaid notice which was recommended by the Oregon-California Potato Committee, established pursuant to said marketing agreement and order, it is hereby found that the handling regulation, as hereinafter set forth, will tend to effectuate the declared policy of the act.

It is hereby further found that good cause exists for not postponing the effective date of this section until 30 days after its publication in the FEDERAL REGISTER (5 U.S.C. 553) in that (1) shipments of potatoes grown in the production area will begin on or about the effective date specified herein, (2) to maximize benefits to producers, this regulation should apply to as many shipments as possible during the marketing season, and (3) compliance with this regulation, which is similar to that in effect during previous marketing seasons, will not require any special preparation on the part of persons subject thereto which cannot be completed by August 5, 1975.

§ 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 August 5, 1975.

2. Section 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(a) 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 hundredweight 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) *Safeguards.*

(1) Each handler making shipments of certified seed outside the district where grown pursuant to paragraph (g) 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 paragraphs (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 of this title), 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.

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

Dated: July 30, 1975 to become effective August 5, 1975.

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

[FR Doc.75-20247 Filed 8-1-75;8:45 am]

CHAPTER XIV—COMMODITY CREDIT CORPORATION, DEPARTMENT OF AGRICULTURE

SUBCHAPTER B—LOANS, PURCHASES, AND OTHER OPERATIONS

PART 1434—HONEY

Subpart—Honey Purchase Regulations for 1975 and Subsequent Crops

Correction

In FR Doc. 75–19075 appearing at page 30798 in the issue of Wednesday, July 23, 1975, make the following corrections:

1. On page 30798, second column, second full paragraph, the sixth full line should read as follows: "leted. The remaining sections have been * * *."

2. On page 30801, first column, § 1434.16, paragraph (a)(2), tenth line should read as follows: "the quantity shall be determined on the * * *."

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; EXTRAORDINARY EMERGENCY REGULATION OF INTRASTATE ACTIVITIES

PART 78—BRUCELLOSIS

Subpart D—Designation of Modified Certified Brucellosis Areas, Specifically Approved Stockyards and Slaughtering Establishments

Brucellosis Areas

The amendments delete the following areas from the list of Modified Certified Brucellosis Areas in § 78.21 and add such areas to the list designated as Noncertified Areas in § 78.22 because it has been determined that they no longer come within the definition of a Modified Certified Brucellosis Area in § 78.1(m): Washington County in Arkansas; Brown County in Illinois; Henry County in Missouri; Pushmataha County in Oklahoma; and Cherokee, Cochran, Duval, Falls, Frio, Gonzales, Harris, Jefferson, Jim Hogg, Jim Wells, Lavaca, Leon, Liberty, McLennan, Nacogdoches, Orange, Runnels, Trinity, and Upshur Counties in Texas.

The amendments delete the following areas from the list of Noncertified Areas in § 78.22 and add such areas to the list designated as Modified Certified Brucellosis Areas in § 78.21 because it has been determined that they again come within the definition of a Modified Certified Brucellosis Area in § 78.1(m): Bryan and Okfuskee Counties in Oklahoma; and Henderson, Limestone, Live Oak, Navarro, and Smith Counties in Texas.

The amendments delete the following areas from the list of Modified Certified Brucellosis Areas in § 78.21 and add such areas to the list designated as Certified Brucellosis-Free Areas in § 78.20 because it has been determined that they now come within the definition of a Certified Brucellosis-Free Area in § 78.1(l): Seminole County in Florida; Bond and Johnson Counties in Illinois; Dubuque, Madison, and Winneshiek Counties in Iowa; and Kimble County in Texas.

The amendments delete the following areas from the list of Certified Brucellosis-Free Areas in § 78.20 and add such areas to the list designated as Modified Certified Brucellosis Areas in § 78.21 because it has been determined that they now come within the definition of a Modified Certified Brucellosis Area in § 78.1(m): Franklin County in Arkansas; Rowan County in Kentucky; Benton, Cannon, Cumberland, Montgomery, and Wayne Counties in Tennessee; Culberson, El Paso, Kinney, and Reeves Counties in Texas; and Box Elder County in Utah.

Accordingly, §§ 78.20, 78.21, and 78.22 of Part 78, Title 9, Code of Federal Regulations, designating Certified Brucellosis-Free Areas, Modified Certified Brucellosis Areas, and Noncertified Areas, respectively, are revised to read as follows:

§ 78.20 Certified Brucellosis-Free Areas.

The following States, or specified portions thereof, are hereby designated as Certified Brucellosis-Free Areas:

(a) *Entire States.*

Arizona, California, Connecticut, Delaware, Hawaii, Idaho, Indiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Montana, Nevada, New Hampshire, New Jersey, New York, North Carolina, North Dakota, Ohio, Oregon, Pennsylvania, Rhode Island, South Carolina, Vermont, Virginia, Washington, West Virginia, Wisconsin, Virgin Islands.

(b) *Specific Counties Within States.*

Alabama. Barbour, Cherokee, Clay, Cleburne, Dale, Etowah, Geneva, Henry, Houston, Lee, Russell.

Arkansas. Ashley, Baxter, Benton, Boone, Bradley, Calhoun, Carroll, Clay, Cleburne, Cleveland, Columbia, Conway, Craighead, Crawford, Dallas, Drew, Fulton, Garland, Grant, Greene, Jackson, Johnson, Lafayette, Madison, Marion, Monroe, Montgomery, Newton, Ouachita, Perry, Pike, Polk, Pope, Prairie, Searcy, Sharp, Stone, Union, Woodruff, Yell.

Colorado. Adams, Alamosa, Arapahoe, Archuleta, Bent, Boulder, Chaffee, Cheyenne, Clear Creek, Conejos, Costilla, Crowley, Custer, Delta, Denver, Dolores, Douglas, Eagle, Elbert, El Paso, Fremont, Garfield, Gilpin, Grand, Gunnison, Hinsdale, Huerfano, Jackson, Jefferson, Kit Carson, Lake, La Plata, Larimer, Las Animas, Lincoln, Logan, Mesa, Mineral, Moffat, Montezuma, Montrose, Otero, Ouray, Park, Phillips, Pitkin, Rio Blanco, Rio Grande, Routt, Saguache, San Juan, San Miguel, Sedgewick, Summit, Teller, Washington, Weld.

Florida. Baker, Bay, Brevard, Calhoun, Dade, Dixie, Escambia, Franklin, Gadsden, Gulf, Hamilton, Holmes, Jackson, Leon, Liberty, Monroe, Okaloosa, Orange, Pasco, Santa Rosa, Seminole, Sumter, Taylor, Wakulla, Walton, Washington.

Georgia. Appling, Atkinson, Bacon, Banks, Barrow, Brantley, Bryan, Bulloch, Burke, Butts, Camden, Candler, Charlton, Chatham, Chattahoochee, Clarke, Clayton, Cook, Crawford, Dawson, De Kalb, Echols, Effingham, Evans, Fannin, Franklin Glascock, Glynn, Greene, Habersham, Henry, Jeff Davis, Johnson, Jones, Lanier, Laurens, Liberty, Long, Madison, McIntosh, Monroe, Peach, Rabun, Richmond, Rockdale, Schley, Screven, Stephens, Taylor, Telfair, Toombs, Towns, Treutlen, Twiggs, Upson, Ware, Washington, Wayne, Wheeler, White, Wilkinson.

Illinois. Adams, Alexander, Boone, Bond, Bureau, Calhoun, Carroll, Cass, Champaign, Christian, Clark, Clay, Clinton, Coles, Cook, Crawford, Cumberland, De Kalb, De Witt, Du Page, Edgar, Edwards, Fayette, Ford, Franklin, Greene, Grundy, Hamilton, Hancock, Henderson, Iroquois, Jackson, Jasper, Jefferson, Jersey, Jo Daviess, Johnson, Kane, Kankakee, Kendall, Knox, Lake, La Salle, Lawrence, Lee, Livingston, Logan, Macon, Macoupin, Madison, Marion, Marshall, Massac, Mc-

Donough, McHenry, McLean, Menard, Mercer, Monroe, Montgomery, Morgan, Moultrie, Ogle, Peoria, Perry, Piatt, Pulaski, Putnam, Randolph, Richland, Rock Island, St. Clair, Saline, Sangamon, Schuyler, Scott, Shelby, Stark, Stephenson, Tazewell, Union, Vermilion, Wabash, Warren, Washington, White, Whiteside, Will, Winnebago.

Iowa. Adair, Adams, Audubon, Benton, Black Hawk, Boone, Bremer, Buchanan, Buena Vista, Butler, Calhoun, Carroll, Cass, Cedar, Cerro Gordo, Cherokee, Chickasaw, Clarke, Clay, Clayton, Clinton, Dallas, Delaware, Des Moines, Dickinson, Dubuque, Emmet, Fayette, Floyd, Franklin, Fremont, Greene, Grundy, Hamilton, Hancock, Hardin, Harrison, Henry, Howard, Humboldt, Ida, Iowa, Jackson, Jasper, Jefferson, Johnson, Jones, Keokuk, Kossuth, Lee, Linn, Louisa, Lucas, Lyon, Madison, Mahaska, Marion, Marshall, Mills, Mitchell, Monona, Monroe, Montgomery, Muscatine, O'Brien, Osceola, Page, Palo Alto, Plymouth, Pocahontas, Polk, Sac, Scott, Shelby, Sioux, Story, Tama, Taylor, Union, Van Buren, Wapello, Washington, Webster, Winnebago, Winneshiek, Woodbury, Worth, Wright.

Kansas. Comanche, Doniphan, Ford, Grove, Haskell, Hodgeman, Johnson, Lane, Marshall, Pawnee, Philips, Riley, Scott, Trego, Washington.

Kentucky. Bell, Breathitt, Campbell, Clay, Edmonson, Floyd, Harlan, Jackson, Johnson, Kenton, Knott, Knox, Lawrence, Lee, Leslie, Letcher, Lewis, Magoffin, Martin, McCreary, Menifee, Morgan, Owsley, Pendleton, Perry, Pike, Robertson, Trimble, Whitley, Wolfe.

Mississippi. Alcorn, Hancock, Harrison, Jackson, Stone, Tishomingo.

Missouri. Audrain, Carter, Dallas, Douglas, Dunklin, Franklin, Gasconade, Hickory, Iron, Jackson, Laclede, Lewis, Marion, Miller, Moniteau, Montgomery, Perry, Piatte, Pulaski, St. Louis, Schuyler, Shelby.

New Mexico. Bernalillo, Catron, Dona Ana, Grant, Harding, Lincoln, Los Alamos, Luna, McKinley, Otero, Sandoval, San Juan, Santa Fe, Sierra, Taos, Acoma Indian Reservation, Laguna Indian Reservation, Chociti Indian Reservation, Jemez Indian Reservation, Jicarilo Indian Reservation, Mescallero Indian Reservation, Navajo Indian Reservation, Zuni Indian Reservation, Canoncito Navajo Indian Reservation.

South Dakota. Aurora, Bennett, Bon Homme, Brown, Brule, Buffalo, Butte, Campbell, Charles Mix, Clark, Clay, Codington, Corson, Custer, Davison, Day, Deuel, Dewey, Douglas, Fall River, Faulk, Grant, Gregory, Haakon, Hamlin, Hand, Hanson, Harding, Hughes, Hutchinson, Hyde, Jackson, Jerauld, Kingsbury, Lake, Lawrence, Lincoln, Lyman, McCook, McPherson, Meade, Mellette, Miner, Minnehaha, Moody, Pennington, Perkins, Potter, Roberts, Sanborn, Shannon, Spink, Sully, Todd, Tripp, Turner, Union, Walworth, Washabaugh, Yankton, Ziebach.

Tennessee. Anderson, Bledsoe, Blount, Campbell, Carter, Cheatham, Claiborne, Davidson, Decatur, Dickson, Fentress, Grainger, Greene, Grundy, Hamblen, Hancock, Hardin, Houston, Jackson, Jefferson, Johnson, Knox, Lake, Lincoln, Meigs, Monroe, Morgan, Polk, Roane, Robertson, Rutherford, Scott, Sevier, Sullivan, Unicoi, Union, Van Buren, Warren, Washington, White.

Texas. Brewster, Comal, Crane, Ector, Gray, Hansford, Hartley, Hemphill, Irion, Jeff Davis, Kerr, Kimble, Lipscomb, Llano, Loving, Newton, Pecos, Reagan, Roberts, Sterling, Terrell, Val Verde, Ward, Winkler.

Utah. Beaver, Carbon, Daggett, Davis, Duchesne, Emery, Garfield, Grand, Iron, Juab, Kane, Millard, Morgan, Piute, Rich, Salt Lake, San Juan, Sanpete, Sevier, Summit, Tooele, Uintah, Utah, Wasatch, Washington, Wayne, Weber.

Wyoming. Albany, Big Horn, Campbell, Carbon, Converse, Crook, Fremont, Goshen, Hot Springs, Johnson, Laramie, Natrona, Niobrara, Park, Platte, Sheridan, Sublette, Sweetwater, Teton, Uinta, Washakie, Weston.

Puerto Rico. Adjuntas, Aguada, Aguadilla, Aguas Buenas, Aibonito, Anasco, Arroyo, Barceloneta, Barranquitas, Bayamon, Cabo Rojo, Caguas, Camuy, Canovanas (Loiza), Catano, Cayey, Ceiba, Ciales, Cidra, Coama, Comerio, Corozal, Culebra, Dorado, Fajardo, Guanica, Guayama, Guayanilla, Gurabo, Hormigueros, Humacao, Isabela, Jayuya, Juana Diaz, Lajas, Lares, Las Marias, Luquillo, Manati, Maricoa, Maunabo, Mayaguez, Moca, Morovis, Naranjito. Orocovis, Patillas, Penuelas, Ponce, Quebradillas, Rincon, Rio Grande, Rio Piedras, Sabana Grande, Salinas, San German, San Juan, San Lorenzo, San Sebastian, Santa Isabel, Toa Alta, Toa Baja, Trujillo Alto, Utuado, Vega Alta, Vega Baja, Vieques, Villalba, Yabucoa, Yauco.

§ 78.21 Modified Certified Brucellosis Areas.

The following States, or specified portions thereof, are hereby designated as Modified Certified Brucellosis Areas:

(a) *Entire States.*

Alaska, Louisiana, Nebraska.

(b) *Specific Counties Within States.*

Alabama. Autauga, Baldwin, Bibb, Blount, Bullock, Butler, Calhoun, Chambers, Chilton, Choctaw, Clarke, Coffee, Colbert, Conecuh, Coosa, Covington, Crenshaw, Cullman, Dallas, De Kalb, Elmore, Escambia, Fayette, Franklin, Greene, Hale, Jackson, Jefferson, Lamar, Lauderdale, Lawrence, Limestone, Lowndes, Macon, Madison, Marengo, Marion, Marshall, Mobile, Monroe, Montgomery, Morgan, Perry, Pickens, Pike, Randolph, St. Clair, Shelby, Sumter, Talladega, Tallapoosa, Tuscaloosa, Walker, Washington, Wilcox, Winston.

Arkansas. Arkansas, Chicot, Clark, Crittenden, Cross, Desha, Faulkner, Franklin, Hempstead, Hot Spring, Howard, Independence, Izard, Jefferson, Lawrence, Lee, Lincoln, Little River, Logan, Lonoke, Miller, Mississippi, Nevada, Phillips, Poinsett, Pulaski, Randolph, Saline, Scott, St. Francis, Sebastian, Sevier, Van Buren, White.

Colorado. Baca, Kiowa, Morgan, Prowers, Pueblo, Yuma, Southern Ute Indian Reservation, Ute Mountain Indian Reservation.

Florida. Alachua, Bradford, Broward, Charlotte, Citrus, Clay, Collier, Columbia, De Soto, Duval, Flagler, Gilchrist, Glades, Hardee, Hendry, Hernando, Highlands, Hillsborough, Indian River, Jefferson, Lafayette, Lake, Lee, Levy, Madison, Manatee, Marion, Martin, Nassau, Okeechobee, Osceola, Palm Beach, Pinellas, Polk, Putnam, St. Johns, St. Lucie, Sarasota, Suwanee, Union, Volusia.

Georgia. Baker, Baldwin, Bartow, Ben Hill, Berrien, Bibb, Bleckley, Brooks, Calhoun, Carroll, Catoosa, Chattooga, Cherokee, Clay, Clinch, Cobb, Coffee, Colquitt, Columbia, Coweta, Crisp, Dade, Decatur, Dodge, Dooly, Dougherty, Douglas, Early, Elbert, Emanuel, Fayette, Floyd, Forsyth, Fulton, Gilmer, Gordon, Grady, Gwinnett, Hall, Hancock, Haralson, Harris, Hart, Heard, Houston, Irwin, Jackson, Jasper, Jefferson, Jenkins, Lamar, Lee, Lincoln, Lowndes, Lumpkin, Macon, Marion, McDuffie, Meriwether, Miller, Mitchell, Montgomery, Morgan, Murray, Muscogee, Newton, Oconee, Oglethorpe, Paulding, Pickens, Pierce, Pike, Polk, Pulaski, Putnam, Quitman, Randolph, Seminole, Spalding, Stewart, Sumter, Talbot, Taliaferro, Tattnall, Terrell, Thomas, Tift, Troup, Turner, Union, Walker, Walton, Warren, Webster, Whitfield, Wilcox, Wilkes, Worth.

Illinois. Douglas, Effingham, Fulton, Gallatin, Hardin, Henry, Mason, Pike, Pope, Wayne, Williamson, Woodford.

Iowa. Allamakee, Appanoose, Crawford, Davis, Decatur, Guthrie, Pottawattamie, Poweshiek, Ringgold, Warren, Wayne.

Kansas. Allen, Anderson, Atchison, Barber, Barton, Bourbon, Brown, Butler, Chase, Chautauqua, Cherokee, Cheyenne, Clark, Clay, Cloud, Coffey, Cowley, Crawford, Decatur, Dickinson, Douglas, Edwards, Elk, Ellis, Ellsworth, Finney, Franklin, Geary, Graham, Grant, Gray, Greeley, Greenwood, Hamilton, Harper, Harvey, Jackson, Jefferson, Jewell, Kearny, Kingman, Kiowa, Labette, Leavenworth, Lincoln, Linn, Logan, Lyon, Marion, McPherson, Meade, Miami, Mitchell, Montgomery, Morris, Morton, Nemaha, Neosho, Ness, Norton, Osage, Osborne, Ottawa, Pottawatomie, Pratt, Rawlins, Reno, Republic, Rice, Rooks, Rush, Russell, Saline, Sedgwick, Seward, Shawnee, Sheridan, Sherman, Smith, Stafford, Stanton, Stevens, Sumner, Thomas, Wabaunsee, Wallace, Wichita, Wilson, Woodson, Wyandotte.

Kentucky. Adair, Allen, Anderson, Ballard, Barren, Bath, Boone, Bourbon, Boyd, Boyle, Bracken, Breckenridge, Bullitt, Butler, Caldwell, Calloway, Carlisle, Carroll, Carter, Casey, Christian, Clark, Clinton, Crittenden, Cumberland, Daviess, Elliott, Estill, Fayette, Fleming, Franklin, Fulton, Gallatin, Garrard, Grant, Graves, Grayson, Green, Greenup, Hancock, Hardin, Harrison, Hart, Henderson, Henry, Hickman, Hopkins, Jefferson, Jessamine, Larue, Laurel, Lincoln, Livingston, Logan, Lyon, Madison, Marion, Marshall, Mason, McCracken, McLean, Meade, Mercer, Metcalfe, Monroe, Montgomery, Muhlenberg, Nelson, Nicholas, Ohio, Oldham, Owen, Powell, Pulaski, Rockcastle, Rowan, Russell, Scott, Shelby, Simpson, Spencer, Taylor, Todd, Trigg, Union, Warren, Washington, Wayne, Webster, Woodford.

Mississippi. Adams, Amite, Attala, Benton, Bolivar, Calhoun, Carroll, Choctaw, Chickasaw, Claiborne, Clarke, Clay, Coahoma, Copiah, Covington, De Soto, Forrest, Franklin, George, Greene, Grenada, Hinds, Holmes, Humphreys, Issaquena, Itawamba, Jasper, Jefferson, Jefferson Davis, Jones, Kemper, Lafayette, Lamar, Lauderdale, Lawrence, Leake, Lee, Leflore, Lincoln, Lowndes, Madison, Marion, Marshall, Monroe, Montgomery, Neshoba, Newton, Noxubee, Oktibbeha, Panola, Pearl River, Perry, Pike, Pontotoc, Prentiss, Quitman, Rankin, Scott, Sharkey, Simpson, Smith, Sunflower, Tallahatchie, Tate, Tippah, Tunica, Union, Walthall, Warren, Washington, Wayne, Webster, Wilkinson, Winston, Yalobusha, Yazoo.

Missouri. Adair, Andrew, Atchison, Barry, Barton, Bates, Benton, Bollinger, Boone, Buchanan, Butler, Caldwell, Callaway, Camden, Cape Girardeau, Carroll, Cass, Cedar, Charlton, Christian, Clark, Clay, Clinton, Cole, Cooper, Crawford, Dade, Daviess, De Kalb, Dent, Gentry, Greene, Grundy, Harrison, Holt, Howard, Howell, Jasper, Jefferson, Johnson, Knox, Lafayette, Lawrence, Lincoln, Linn, Livingston, Macon, Madison, Maries, McDonald, Mercer, Mississippi, Monroe, Morgan, New Madrid, Newton, Nodaway, Oregon, Osage, Ozark, Pemiscot, Pettis, Phelps, Pike, Poly, Putnam, Ralls, Randolph, Ray, Reynolds, Ripley, St. Charles, St. Clair, St. Francois, St. Genevieve, Saline, Scotland, Scott, Shannon, Stoddard, Stone, Sullivan, Taney, Texas, Vernon, Warren, Washington, Wayne, Webster, Worth, Wright.

New Mexico. Chaves, Colfax, Curry, De Baca, Eddy, Guadalupe, Hidalgo, Lea, Mora, Quay, Rio Arriba, Roosevelt, San Miguel, Socorro, Torrance, Union, Valencia, Isleta Indian Reservation.

Oklahoma. Adair, Alfalfa, Atoka, Beaver, Beckham, Blaine, Bryan, Caddo, Canadian,

Carter, Cherokee, Choctaw, Cimarron, Cleveland, Coal, Comanche, Cotton, Craig, Creek, Custer, Delaware, Dewey, Ellis, Garfield, Garvin, Grady, Grant, Greer, Harmon, Harper, Haskell, Hughes, Jackson, Jefferson, Johnston, Kay, Kingfisher, Kiowa, Latimer, LeFlore, Lincoln, Logan, Love, McClain, McCurtain, McIntosh, Major, Marshall, Mayes, Murray, Muskogee, Noble, Nowata, Okfuskee, Oklahoma, Okmulgee, Osage, Ottawa, Pawnee, Payne, Pittsburg, Pontotoc, Pottawatomie, Roger Mills, Rogers, Seminole, Sequoyah, Stephens, Texas, Tillman, Tulsa, Wagoner, Washington, Washita, Woods, Woodward.

South Dakota. Beadle, Brookings, Edmunds, Jones, Marshall, Stanley, Crow Creek Indian Reservation.

Tennessee. Bedford, Benton, Bradley, Cannon, Carroll, Chester, Clay, Cocke, Coffee, Crockett, Cumberland, DeKalb, Dyer, Fayette, Franklin, Gibson, Giles, Hamilton, Hardeman, Hawkins, Haywood, Henderson, Henry, Hickman, Humphreys, Lauderdale, Lawrence, Lewis, Loudon, Macon, Madison, Marion, Marshall, Maury, McMinn, McNary, Montgomery, Moore, Obion, Overton, Perry, Pickett, Putnam, Rhea, Sequatchie, Shelby, Smith, Stewart, Sumner, Tipton, Trousdale, Wayne, Weakley, Williamson, Wilson.

Texas. Anderson, Andrews, Angelina, Aransas, Archer, Armstrong, Atascosa, Austin, Bailey, Bandera, Bastrop, Baylor, Bee, Bell, Bexar, Blanco, Borden, Bosque, Bowie, Brazoria, Brazos, Briscoe, Brooks, Brown, Burleson, Burnet, Caldwell, Calhoun, Callahan, Cameron, Camp, Carson, Cass, Castro, Chambers, Childress, Clay, Coke, Coleman, Collins, Collingsworth, Colorado, Comanche, Concho, Cooke, Coryell, Cottle, Crockett, Crosby, Culberson, Dallam, Dallas, Dawson, Deaf Smith, Delta, Denton, De Witt, Dickens, Dimmit, Donley, Eastland, Edwards, Ellis, El Paso, Erath, Fannin, Fayette, Fisher, Floyd, Foard, Fort Bend, Franklin, Gaines, Galveston, Garza, Gillespie, Glassock, Goliad, Grayson, Gregg, Grimes, Guadalupe, Hale, Hall, Hamilton, Hardeman, Hardin, Harrison, Haskell, Hays, Henderson, Hidalgo, Hill, Hockley, Hood, Hopkins, Houston, Howard, Hudspeth, Hunt, Hutchinson, Jack, Jackson, Jasper, Johnson, Jones, Karnes, Kendall, Kenedy, Kent, King, Kinney, Kleberg, Knox, Lamar, Lamb, Lampasas, La Salle, Lee, Limestone, Live Oak, Lubbock, Lynn, McCulloch, McMullen, Madison, Marion, Martin, Mason, Matagorda, Maverick, Medina, Menard, Midland, Milam, Mills, Mitchell, Montague, Montgomery, Moore, Morris, Motley, Navarro, Nolan, Nueces, Ochiltree, Oldham, Palo Pinto, Panola, Parker, Parmer, Polk, Potter, Presidio, Rains, Randall, Real, Red River, Reeves, Refugio, Robertson, Rockwall, Rusk, Sabine, San Augustine, San Jacinto, San Patricio, San Saba, Schleicher, Scurry, Shackelford, Shelby, Sherman, Smith, Somervell, Starr, Stephens, Stonewall, Sutton, Swisher, Tarrant, Taylor, Terry, Throckmorton, Titus, Tom Green, Travis, Tyler, Upton, Uvalde, Van Zandt, Victoria, Walker, Waller, Washington, Webb, Wharton, Wheeler, Wichita, Wilbarger, Willacy, Illiamson, Wilson, Wise, Wood, Yoakum, Young, Zapata, Zavala.

Utah. Box Elder, Cache.
Wyoming. Lincoln.
Puerto Rico. Arecibo, Carolina, Guaynabo, Hatillo, Juncos, Las Piedras, Naguabo.

§ 78.22 Noncertified Areas.

Arkansas. Washington.
Illinois. Brown.
Missouri. Henry.
Oklahoma. Pushmataha.
Texas. Cherokee, Cochran, Duval, Falls, Freestone, Frio, Gonzales, Harris, Jefferson, Jim Hogg, Jim Wells, Kaufman, Lavaca, Leon, Liberty, McLennan, Nacogdoches, Orange, Runnels, Trinity, Upshur.

(Secs. 4–7, 23 Stat. 32, as amended; secs. 1 and 2, 32 Stat. 791–792, as amended; sec. 3, 33 Stat. 1265, as amended; sec. 2, 65 Stat. 693; and secs. 3 and 11, 76 Stat. 130, 132; 21 U.S.C. 111–113, 114a–1, 115, 117, 120, 121, 125, 134b, 134f; 37 FR 28464, 28477; 38 FR 19141, 9 CFR 78.16).

Effective date: The foregoing amendments shall become effective August 4, 1975.

The amendments impose certain restrictions necessary to prevent the spread of brucellosis in cattle and relieve certain restrictions presently imposed. They should be made effective promptly in order to accomplish their purpose in the public interest and to be of maximum benefit to persons subject to the restrictions which are relieved. 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 of 5 U.S.C. 553, it is found upon good cause that notice and other public procedure with respect to the amendments are impracticable, unnecessary, and contrary to the public interest, and good cause is found for making them effective less than 30 days after publication in the FEDERAL REGISTER.

Done at Washington, D.C., this 29th day of July.

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

[FR Doc.75-20252 Filed 8-1-75;8:45 am]

Title 10—Energy

CHAPTER II—FEDERAL ENERGY ADMINISTRATION

PART 205—ADMINISTRATIVE PROCEDURES AND SANCTIONS

Profit Margin Repurification

On April 18, 1975 the FEA issued a notice of proposed rulemaking to amend Part 205 by adding a new Subpart S, Profit Margin Repurification. Comments were received from twenty-one interested persons and a public hearing was held on May 16, 1975 at which four interested parties presented oral testimony. Consideration of all the written and oral presentations has led the FEA to conclude that the new Subpart S should be added to the regulations as proposed.

The purpose of the new Supart S is to provide a means whereby a refiner which has become subject to a profit margin limitation by charging allowable prices above base price to reflect increased nonproduct costs may "repurify" itself by remitting revenues derived during that fiscal year from charging prices in excess of base price, and thereby not be subject to the profit margin limitation. This amendment incorporates in the FEA profit margin regulations a provision that was a part of the prior Cost of Living Council profit margin regulations, from which the current FEA regulations were adopted. This provision, in effect, permits a refiner to defer its determination to recover non-product cost increases until near the end of its fiscal year, when it will be in a better position to evaluate the impact of that determination.

Pursuant to § 212.11 of the FEA regulations, a refiner which charges a price for any item in excess of the base price of the item may not, in the fiscal year in which the price in excess of the base price is charged, exceed its base period profit margin. If a refiner does not raise any price above base price, there is no profit margin limitation. Increased product costs are included in base prices, but increased non-product costs are not, so that the profit margin limitation applies only with respect to the pass through of increased non-product costs.

Pursuant to this amendment, a refiner, which during a fiscal year has increased a price above base price, but has then rescinded for the remainder of the fiscal year all price increases above base price, and has made refunds or reduced prices below base price to the extent of its price increases above base price, will not be subject to the profit margin limitation for that fiscal year. In other words, a refiner may "repurify" itself by returning to the market place any non-product cost increases it has passed through, and thereby avoid the profit margin limitation.

The remission of revenues must be made in the following manner:

(1) If the ultimate consumers who purchased the items at prices above base price are reasonably indentifiable, refunds must first be made to them.

(2) To the extent that these ultimate consumers are not reasonably identifiable, revenues must must be remitted in the form of future sales at prices below base price of the same items previously sold at prices above base price.

To comply with the provisions of this subpart a firm must rescind its above-base prices and complete its remittance of revenues within the fiscal year it intends to avoid the profit margin limitation. The subpart also extends to firms which have raised a price above base price in a previous fiscal year, and which continue to charge the increased price in a subsequent fiscal year. Such a firm must lower its prices to base price and remit revenues derived from the price increases in effect during that subsequent fiscal year in order to avoid the profit margin limitation in that year. A firm which complies with the provisions of this subpart within a fiscal year would nevertheless become subject to the profit margin limitation once again in that same fiscal year if it subsequently charged a price in excess of base price in that fiscal year.

To comply with the provisions of Subpart S, a firm must first submit a letter of intent to FEA which shall include a revenue remission plan. This plan must be approved by the FEA. The FEA may disapprove the revenue remission plan within 30 days from the date of its re-

ceipt. The information which must be included in the letter of intent is set forth in § 205.242(d).

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

In consideration of the foregoing, Part 205 of Chapter II, Title 10 of the Code of Federal Regulations, is amended as set forth below.

Issued in Washington, D.C., July 29, 1975.

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

1. Part 205 is amended to add a new Subpart S to read as follows:

Subpart S—Profit Margin Repurification

§ 205.240 Scope.

The subpart applies to any firm subject to a profit margin limitation imposed by Part 212 of this chapter.

§ 205.241 General rule.

Any firm subject to a profit margin limitation under Part 212 of this chapter is not subject to that limitation if, before the end of the fiscal year in which it charged a price above the base price, the firm (a) rescinds for the remainder of the fiscal year all price increases above base price, and (b) in conformity with §§ 205.242 and 205.243 of this subpart, remits to customers in the form of refunds, or future sales at prices below base price of the same covered products previously sold at prices above base price, or both, an amount equal to or greater than all revenues derived in the fiscal year from charging a price or prices in excess of base price.

§ 205.242 Letter of intent.

(a) A firm may take action to reduce prices to base price at any time.

(b) Before remitting revenues derived from charging prices above base price, each firm shall submit to FEA a letter of intent to remit revenues which shall include a revenue remission plan which must be approved by FEA. If the firm receives no written response to its letter of intent within 30 days after the date it was received by the FEA, the firm may assume approval of its revenue remission plan and proceed to remit revenues in accordance with § 205.243 of this subpart.

(c) To be eligible for FEA approval under this subpart, a letter of intent must be received at such a time before the end of the firm's fiscal year as will allow FEA review thereof in accordance with paragraph (b) of this section and as will allow the firm fully to execute the plan for remission of revenues before the end of that fiscal year.

(d) Each letter of intent to remit revenues shall include a revenue remission plan presenting the following information:

(1) The amount of revenue the firm has received as a result of having increased the price of covered products above base price, indicated by product or product line;

(2) The above-base-price selling price, the base price, and the proposed below-base-price selling price of each product;

(3) The sales figures and other information which demonstrate that the proposed prices below base price will result in remission of revenues derived from charging prices above the base price;

(4) The period of time during which the remission of revenues will take place;

(5) The anticipated effect of the firm's price reductions on competition and the manner in which the firm's revenue remission plan will minimize disruption of competitive pricing patterns; and

(6) The amount of revenues which can be refunded to customers.

§ 205.243 Remission of revenues.

(a) Remission of revenues derived from charging prices above base price shall be made first in the form of refunds to individual customers who purchased covered products at prices in excess of base price, to the extent that those customers are reasonably identifiable. For the purpose of making refunds pursuant to this subpart, "customer" means, so far as possible, the ultimate consumer. To the extent that customers are not reasonably identifiable, remission of the balance of revenues derived from charging prices above base price shall be made to customers of the same class as those charged the prices above base prices through the reduction of the price of those items which were raised above base price to below base price, so that the difference between the revenues realized at the reduced prices and the revenues which could have been realized if the sales had been made at base price is equal to or greater than the revenues (net of any refunds) derived from charging prices above base price.

(b) Each firm that remits revenues shall make such arrangements with its immediate customers, purchasers, dealers, employees or agents as are necessary to obtain and maintain records of the names and addresses of ultimate consumers who are reasonably identifiable in accordance with normal business practices and to assure that refunds are in fact made to such ultimate consumers.

[FR Doc.75-20113 Filed 7-30-75;9:52 am]

Title 12—Banks and Banking

CHAPTER I—COMPTROLLER OF THE CURRENCY, DEPARTMENT OF THE TREASURY

PART 11—SECURITIES EXCHANGE ACT DISCLOSURE RULES

Revision of Regulations; Correction

On July 17, 1975, FR Doc. 75-18564 was published in the FEDERAL REGISTER (40 FR 30038). Several corrections are necessary, as follows:

1. On page 30039, middle column, "Authority: 15 USC 78l, 78m, 78p, 78w", the first citation should have the letter "l" in italics;

2. On page 30039, middle column, § 11.1, line 4, the citation should read "(15 USC 78)";

3. On page 30040, left column, § 11.2 (j) (2) (i), line 10 of subparagraph (2) (i), the word "or" following the word "issuer" should read "of", and in line 11 of subparagraph (2) (i), the word "of" following the word "certificates" should read "or";

4. On page 30040, right column, § 11.2 (z), line 2 of paragraph (z), the word "either" following the word "meeting" should read "any";

5. On page 30041, right column, § 11.3 (c) (6) (i), the colon at the end of subparagraph (6) (i) following the word "determination" should be changed to a semicolon;

6. On page 30041, right column, § 11.3 (c) (8), line 1 of subparagraph (8), the word "the" should be inserted between "by" and "Comptroller";

7. On page 30041, right column, § 11.4 (a) (4) (i), line 1 of subparagraph (4) (i), the word "where" immediately following "(i)" should be capitalized;

8. On page 30042, left column, § 11.4 (a) (4) (i), last line of subparagraph (4) (i), the period following "300 persons" should be changed to a semicolon;

9. On page 30042, middle column, § 11.4(d) (5), line 3 of subparagraph (5), insert after "Comptroller of the Currency" the phrase "after the receipt by the Comptroller of the Currency";

10. On page 30043, middle column, § 11.4(n), line 15 of paragraph (n), the word "his" immediately preceding the word "discretion" should read "its";

11. On page 30043, right column, § 11.4 (q) (2), line 9 of subparagraph (2), immediately preceding the phrase "the signature", insert the following: "Unsigned copies shall be conformed. If";

12. On page 30045, right column, § 11.5 (c) (9), line 10 of subparagraph (9), the period following the phrase "paragraph (f)." should be changed to a comma;

13. On page 30046, left column, § 11.5 (c) (9), line 1 at the top of the page, the phrase "section 13 of the Act" should read "section 18 of the Act";

14. On page 30046, right column, § 11.5 (f) (1), line 9 of subparagraph (f) (1), the citation "§ 1.5" should read "§ 11.5";

15. On page 30046, right column, § 11.5 (f) (1), lines 11, 12 and 13 of subparagraph (f) (1) should be deleted;

16. On page 30046, right column, § 11.5 (f) (2), line 7 of subparagraph (f) (2), immediately preceding the word "exclusive" insert an open parenthesis "(";

17. On page 30046, right column, § 11.5 (f) (2), line 10 of subparagraph (f) (2), the word "gvien" should be changed to read "given";

18. On page 30047, middle column, § 11.5(g) (2) (i), 9 of subparagraph (2) (i), the word "persons" should be singular, to read "person";

19. On page 30047, right column, § 11.5 (g) (2) (ii), lines 5, 6, 7 and 8 of subparagraph (2) (ii)—lines 3, 4, 5 and 6 from the top of the page—are juxtaposed. Beginning with line 4 of subparagraph (2) (ii) and ending with line 9, the material

should read as follows: "the bank after receipt of a tender of the material to be mailed, of envelopes or other containers therefor, of postage or payment for postage, and of evidence that such material has been filed with the Comptroller of the Currency";

20. On page 30048, middle column, § 11.5(i)(3)(ii), line 4 of subparagraph (3)(ii), the word "of" should read "or";

21. On page 30048, right column, § 11.5 (i)(4), line 20 of subparagraph (4), the colon following the word "solicitation" should be changed to a semicolon;

22. On page 30049, right column, § 11.5 (l), the designation of this paragraph should be changed from the number "(1)" to the letter "(l)";

23. On page 30050, middle column, § 11.5(l)(7)(i), line 4 of subparagraph (7)(i), the word "any" should be inserted between the words "to" and "proposed";

24. On page 30050, right column, § 11.5 (m)(1), line 18 of subparagraph (1), the designation "(2)" should be changed to "(ii)";

25. On page 30057, left column, § 11.7 (c)(9)(viii), line 4 of subparagraph (9)(viii), immediately following the word "paragraph" insert the designation ("c)(9)(viii)";

26. On page 30057, left column, § 11.7 (c)(9)(viii), in line 5 of subparagraph (9)(viii), immediately following the word "credit", the word "for" should read "(or";

27. On page 30057, left column, § 11.7 (c)(9)(viii), line 9 of subparagraph (9)(viii), the word "pay" immediately preceding the word "money" should be changed to read "repay";

28. On page 30057, left column, § 11.7 (c)(9)(viii), line 10 of subparagarph (9)(viii), the word "accounts" should be singular, to read "account";

29. On page 30057, middle column, § 11.7(c)(10)(iv)(B), lines 8 and 9 of clause (iv)(B)—lines 39 and 40 of subparagraph (10)(iv)—the word "dollar" immediately following the word "underlying" should be deleted;

30. On page 30057, right column, § 11.7 (c)(10)(iv)(B), lines 16 and 17 of clause (iv)(B)—lines 1 and 2 from the top of the page—the word "reocnciliation" should read "reconciliation" and the word "unelss" in line 17 (line 2 from the top) should read "unless";

31. On page 30060, middle column, § 11.41 Item 11(c), Instruction 1, line 2 of Instruction 1, insert the word "of" between the words "amendment" and "options";

32. On page 30063, right column, § 11.42, General Instructions, paragraph B ("Annual Reports . . ."), line 10 of paragraph B, the semicolon following the word "Act" should be changed to a comma;

33. On page 30065, left column, § 11.42, Form F-2—Instructions As To Financial Statements, instruction 4, line 2 of the italicized title, the word "cities" should read "cases";

34. On page 30065, left column, § 11.42, Form F-2—Instructions As To Financial Statements, instruction 4, line 2 of the text of instruction 4, the word "requesst" should read "request";

35. On page 30065, middle column, § 11.43, paragraph C ("Incorporation By Reference To . . ."), in line 7 of the text of paragraph C, following the phrase "reference in", the word "an" should be deleted;

36. On page 30067, middle column, § 11.43, Item 10(c), Instruction 3, line 5 of Instruction 3, the word "Comptroller" should be changed to read "Comptroller of the Currency";

37. On page 30067, right column, § 11.43, Financial Statements of Business Acquired, paragraph 3 ("Filing of Other . . ."), line 6 of the text of paragraph 3, the word "thereafter" should read "therefor";

38. On page 30069, left column, § 11.46, General Instructions, paragraph 2 ("Preparation of . . ."), line 7 of the text of paragraph 2, the word "motions" should read "captions";

39. On page 30070, left column, § 11.47, Item 3 (Source And Amount Of . . ."), line 4 of the text of Item 3, immediately following the word "price" and preceding the comma, insert the word "or";

40. On page 30070, left column, § 11.47, Item 3 ("Source And Amount Of . . ."), line 7 of the text of Item 3, delete the comma following the word "funds";

41. On page 30070, left column, § 11.47, Item 3 ("Source And Amount Of . . ."), line 10 of the text of Item 3, immediately preceding the phrase "a description" insert the word "provide";

42. On page 30076, middle column, § 11.61, Table I, in the italicized title for Table I (line 7 from the top of the page), the word "Securitis" should be "Securities";

43. On page 30076, middle column, § 11.61, Table I, in line 6 of the introduction to Table I (line 13 from the top of the page), following the phrase "reported in", the word "table" should be capitalized;

44. On page 30076, left and middle columns, § 11.61, Table II ("Puts, calls . . ."), on line 4 of the introduction to Table II, following the phrase "reported in", the word "table" should be capitalized;

45. On page 30077, all 3 columns, § 11.62 Table I ("Puts, calls . . ."), in line 3 of the introduction to Table II, the phrase "the Comptroller's Regulations" should read "this part";

46. On page 30078, left column, § 11.62, Instructions, paragraph 6(f), line 7 of paragraph 6(f) following the word "space", the phrase "on page 2" should be deleted;

47. On page 30078, middle column, § 11.62, Instructions, paragraph 6(h), line 17 of paragraph 6(h)—line 8 from the top of the page—following the word "space", the phrase "on page 2" should be deleted;

48. On page 30081, left column, § 11.71, Form F-9B ("Statement of Income"), category 1 ("Operating Income"), line (a), the word "loan" should be plural, to read "loans";

49. On page 30083, left column, § 11.71, Form F-9D ("Schedules"), Schedule I ("U.S. Treasury Securities, Securities of other . . ."), Footnotes 2 and 3 to Schedule I are reversed, and thus Footnote number 2 should be numbered "3", and Footnote number 3 should be numbered "2", and their relative positions at the bottom of the page should be reversed;

50. On page 30084, right column, § 11.102(b), line 2 of paragraph (b)—line 7 from the top of the page—the number "13" should be changed to read "13(a)";

51. On page 30084, right column, § 11.102(d), lines 4 and 5 of paragraph (d), following the word "paragraph" in line 4, the remainder of line 4 and all of line 5 should be deleted and the following inserted in lieu thereof: "the instructions to these items nevertheless require";

52. On page 30085, left column, § 11.102(d), line 6 of paragraph (d)—line 1 at the top of the page—the word "disclosures" should be singular, to read "disclosure";

53. On page 30085, left column, § 11.102(d), line 13 of paragraph (d)—line 8 from the top of the page—the phrase "item 7(f)" should be changed to read "these items";

54. On page 30085, left column, § 11.102(e), line 2 of paragraph (e), the phrase "item 7(f)" should be changed to read "these items";

55. On page 30085, left column, § 11.102(e), line 4 of paragraph (e), the phrase "item 7" should be changed to read "such items";

56. On page 30085, left column, § 11.102(f), line 2 of paragraph (f), immediately following the citation "7(e)", the phrase "of Form F-5" should be inserted;

57. On page 30085, left column, § 11.102(f), line 6 of paragraph (f), the word "transaction" should be plural, to read "transactions".

Dated: July 31, 1975.

[SEAL] JAMES E. SMITH,
Comptroller of the Currency.

[FR Doc.75-20245 Filed 8-1-75;8:45 am]

CHAPTER II—FEDERAL RESERVE SYSTEM

SUBCHAPTER A—BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM

[REG. Q]

PART 217—INTEREST ON DEPOSITS

Withdrawals From Savings Deposits

On April 7, 1975, the Board invited public comments to be received by June 6, 1975, on a proposed amendment to its Regulation Q which would permit member banks to offer a service for making third party payments through pre-authorized transfers of funds from depositors' savings accounts (40 FR 16685-6). After review and consideration of all comments received, the Board has adopted the proposed amendment in substantially the same form as proposed.

Previously, Regulation Q permitted member banks to make withdrawals from customers' savings accounts only to effect the payment of installments of principal, interest, or other charges (in-

cluding taxes or insurance premiums) due on a real estate loan or mortgage. This amendment will permit banks to provide a full range of bill payment services without regard to the nature of the payment. The amendment authorizes member banks to honor withdrawal orders or authorizations received from the depositor for recurrent or occasional payments from his/her savings deposit. A member bank shall not honor any such withdrawal order or authorization received from a third party. The term "withdrawal order or authorization" means the depositor's agreement with the bank to effect withdrawals for payment to third parties. The term does not refer to notice received from third parties providing information as to amounts to be paid.

As amended, § 217.5(c) will permit a savings depositor to authorize his/her bank to transfer funds to third parties (whether or not the payment is in satisfaction of a debt), or to the depositor's bank to repay any indebtedness to the bank *except* that incurred through overdrafts or use of a checking account line of credit.

The amendment adopted by the Board gives member banks authority to offer bill paying services and does not specify the form of such services. However, member banks desiring to offer their depositors this service may find the following examples useful. The authorization given to the bank by the depositor may take different forms, as explained below.

1. In most cases, the depositor will sign a contract outlining the rights and duties of both bank and depositor. Such contract will constitute the depositor's authorization to the bank to honor the depositor's instructions to transfer funds from his/her account.

2. The depositor's authorization to the bank also may be in the form of written withdrawal orders or authorizations supplied to the depositor by the bank and forwarded to the bank by the depositor requesting transfer of his/her funds. Such withdrawal orders or authorizations must bear language in boldface type that they are not negotiable or transferable.

The transfer of funds may be accomplished by means of an internal bookkeeping transfer or by the member bank sending payment to the transferee or the transferee's bank. The depositor will give the bank the names of those organizations or individuals to whom funds are to be transferred, indicating either the specific amount to be paid to each or a maximum amount and the frequency of payment. The depositor also may authorize the bank to make withdrawals from his/her savings account in amounts stated on bills or other notices delivered periodically or occasionally by the third party to the depositor's bank. The depositor may be required to supply the bank with the transferee's address and/or bank account number. Subsequent additions to the list of transferees or changes in instructions may be communicated to the bank in person, in writing, or by telephone.

The Board recently invited public comment on proposed access arrangements for utilizing Federal Reserve facilities in clearing and settling magnetically encoded payment instructions. (40 FR 25641) The amendment announced today does not affect the proposal regarding access. This amendment does not authorize member banks to send items recorded on magnetic tape originating from savings accounts directly to Federal Reserve clearing facilities.

Member banks should maintain data on accounts subject to third party payment authorizations in a manner which will facilitate identification of such deposits for reporting purposes.

Four textual changes have been made in the amendment. The first change is the insertion of the phrase "including the bank (except as prohibited by subparagraph 2)" in the first sentence of the amended § 217.5(c)(1)(vii) to indicate that funds withdrawn from a savings account under authority of that section may be transferred to the account of the depositor's bank for repayment of any indebtedness *except* that incurred through overdrafts or the use of a checking account line of credit.

The second textual change is the insertion of the words "automatically or" in § 217.5(c)(2). This change is designed to indicate that a member bank may not offer or agree to transfer funds automatically from a depositor's savings account to the depositor's checking account either to cover overdrafts or to replenish the depositor's checking account balance.

The third change is the insertion in the first sentence of § 217.5(c)(1)(vii) of the words "received from a depositor by a member" to indicate that withdrawal orders or authorizations may be paid only if received by a member bank from a depositor. This change and the fourth change, the insertion of the word "withdrawal" before "order(s) or authorization(s)" wherever it appears in the regulation are intended to emphasize the nontransferable nature of such withdrawal orders or authorizations permitted by this amendment.

After review and consideration of all comments received, 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 and to prescribe such regulations as it may deem necessary to effectuate the purposes of that section, the Board has decided to adopt the amendment in substantially the form proposed.

Effective September 2, 1975, § 217.5(c) is amended to read as follows:

§ 217.5 Withdrawal of savings deposits.

* * * * *

(c) *Manner of payment of savings deposits.* (1) Subject to the provisions of paragraph (c)(2) and (3) of this section, a member bank may permit withdrawals to be made from a savings deposit only through payment[7] to the depositor (but not to any other person whether or not acting for the depositor) except

* * * * *

(vii) Pursuant to nontransferable withdrawal orders or authorizations received from a depositor by a member bank for the payment of amounts from such deposits to third parties, including the bank (except as prohibited by paragraph (c)2 of this section), periodically or otherwise. Any such withdrawal order or authorization that may be honored as a withdrawal request for payment to a third party may, if so authorized by the third party, be honored as a transfer to an account of such third party. Any form for such withdrawal order or authorization shall contain language in boldface type of reasonable size to the effect that it is not negotiable or transferable.

(2) Notwithstanding the provisions of paragraph (c)(1) of this section, no withdrawal shall be permitted by a member bank to be made from a savings deposit, through payment to the bank itself or through transfer of credit to a demand or other deposit account of the same depositor (other than of interest on the savings deposit) if such payment or transfer is made pursuant to any advertised plan or any agreement, written or oral which authorizes such payments or transfers of credit to be made automatically or as a normal practice in order to cover checks or drafts drawn by the depositor upon the bank.

(3) The provisions of this paragraph do not apply to deposits subject to negotiable orders of withdrawal authorized by Federal law to be issued in the States of Massachusetts and New Hampshire.

* * * * *

By order of the Board of Governors, July 28, 1975.

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

[FR Doc.75-20185 Filed 8-1-75;8:45 am]

PART 265—RULES REGARDING DELEGATION OF AUTHORITY

Specific Function Delegated

In order to expedite and facilitate the handling of certain of its functions, the Board has amended its Rules Regarding Delegation of Authority pursuant to the provisions of section 11(k) of the Federal Reserve Act (12 U.S.C. 248(k)) to delegate to the Director of the Office of Saver and Consumer Affairs the authority (1) to approve and issue reporting, examination, or inspection materials with respect to the Board's responsibilities under the Consumer Credit Protection Act, the Securities Exchange Act of 1934, and the Federal Trade Commission Act (subsections 18(f)(1)–(3)), (2) to grant State exemptions under the Consumer Credit Protection Act and Regulation Z (12 CFR 226.12), and (3) to conduct certain matters with respect to the Truth in Lending Advisory Committee.

The requirements of 5 U.S.C. 553 with respect to notice and public participation were not followed in connection with these amendments because they are rules

[7] Payment from a savings deposit or presentation of a passbook may be made over the counter, through the mails, or otherwise.

of agency organization and are exempt from such procedures under 5 U.S.C. 553 (b). The requirements of 5 U.S.C. 553(d) with respect to deferred effective date were not followed in connection with these amendments because such deferral is unnecessary as the persons affected thereby will not be affected adversely.

Effective July 21, 1975, paragraph (h) of § 265.2 is amended by adding paragraphs (4), (5), and (6) as follows:

§ 265.2 Specific functions delegated to Board employees and to Federal Reserve Banks.

* * * * *

(h) The Director of the Office of Saver and Consumer Affairs (or in his absence, the Acting Director) is authorized:

* * * * *

(4) Pursuant to the provisions of section 11(a) of the Federal Reserve Act (12 U.S.C. 248(a)), section 17(b) of the Securities Exchange Act of 1934 (15 U.S.C. 78q), sections 108(b), 621(c), and 704(b) of the Consumer Credit Protection Act (15 U.S.C. 1607(b), 1681S(b), 1691C), and, section 18(f)(3) of the Federal Trade Commission Act (Pub. L. 93-637 section 202(a))

(a) To issue examination or inspection manuals, registration, report, agreement, and examination forms, guidelines, instructions or other similar materials for use in connection with the administration of

(1) Sections 1 through 707 (excluding sections 201 through 500) of the Consumer Credit Protection Act (15 U.S.C. 1601-1691e),

(2) Sections 7 and 8 of the Securities Exchange Act of 1934 (15 U.S.C. 78 g and h),

(3) Sections 18(f)(1)—(3) of the Federal Trade Commission Act (Pub. L. 93-637 § 202(a)), and rules and regulations issued thereunder.

(5) Pursuant to Sections 123 and 171 (b) of the Truth in Lending Act (15 U.S.C. 1633 and 1666j) and the Board's Regulation Z, 12 CFR 226.12, to grant, but not deny or revoke, exemptions to States from the requirements of Chapters 2 and 4 of the Truth in Lending Act (15 U.S.C. 1631-1644 and 1666), where State law imposes substantially similar requirements, and there is adequate provision for enforcement.

(6) Pursuant to Section 110 of the Consumer Credit Protection Act (15 U.S.C. 1609), to call meetings of and consult with the Advisory Committee established under that section, to approve the agenda for such meetings, and to accept any resignations from Advisory Committee members.

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

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

[FR Doc.75-20184 Filed 8-1-75;8:45 am]

Title 13—Business Credit and Assistance

CHAPTER III—ECONOMIC DEVELOPMENT ADMINISTRATION, DEPARTMENT OF COMMERCE

PART 305—PUBLIC WORKS AND DEVELOPMENT FACILITIES PROGRAM

Grant and Loan Program

Part 305 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.

1. Part 305 is amended by amending § 305.59 to read as follows:

§ 305.59 Property management.

* * * * *

(h) The requirements contained in this section apply to grant and combination grant/loan projects. They do not apply to projects for which assistance has been provided solely in the form of loans or by purchasing evidence of indebtedness.

(Sec. 701, Public Law 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 August 4, 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 28, 1975.

WILMER D. MIZELL,
Assistant Secretary for Economic Development.

[FR Doc.75-20174 Filed 8-1-75;8:45 am]

Title 14—Aeronautics and Space

CHAPTER I—FEDERAL AVIATION ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

[Docket No. 14857; Amdt. 39-2313]

PART 39—AIRWORTHINESS DIRECTIVES

Alexander Schleicher ASW 15 Gliders

There has been a report of a rudder jam during flight in an Alexander Schleicher ASW 15 glider that resulted in an emergency landing. Since this condition is likely to exist or develop in other gliders of the same type design, an airworthiness directive is being issued which requires repetitive inspections of fin-rudder nose clearance and rudder nose reforming and reinforcement when the clearance is less than specified limits on Alexander Schleicher ASW 15 gliders.

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

This amendment is made under the authority of Section 313(a), 601, and 603 of the Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421, and 1423) and of Section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

In consideration of the foreging, and pursuant to the authority delegated to me by the Administrator (14 CFR 11.89), § 39.13 of Part 39 of the Federal Aviation Regulations is amended by adding the following new airworthiness directive.

ALEXANDER SCHLEICHER. Applies to ASW 15 gliders, serial numbers 15001 through 15183, certificated in all categories.

Compliance is required within the next ten hours time in service after the effective date of this A.D. and thereafter at intervals not to exceed 50 hours time in service from the last inspection until the rudder nose is reinforced in accordance with paragraph (b)(2) of this A.D.

To prevent rudder jam due to improper fin-rudder nose clearance, accomplish the following:

(a) Visually inspect the rudder nose for deformation and measure the gap between the fin and rudder. The acceptable gap is between 2 to 3 mm at the lower rudder hinge tapering to an allowable gap of between 1 to 2 mm at the upper end of the vertical fin.

(b) If the measured gap is not within limits, or a deformation of the rudder nose is found, comply with the following:

(1) Reform the rudder nose inward until the gap is within limits by applying heat in accordance with paragraph 1 of the instructions contained in Alexander Schleicher ASW 15 Technical Note 10 dated January 30, 1973, or an FAA-approved equivalent.

(2) Reinforce rudder nose in accordance with paragraph 2 of the instructions contained in Alexander Schleicher ASW 15 Technical Note 10 dated January 30, 1973 and Alexander Schleicher drawing L-272 150.36/37.B1.33, or an FAA-approved equivalent.

This amendment becomes effective August 18, 1975.

Issued in Washington, D.C. on July 25, 1975.

RICHARD P. SKULLY,
Director, Flight Standards Service.

[FR Doc.75-20126 Filed 8-1-75;8:45 am]

[Docket No. 14855; Amdt. 39-2311]

PART 39—AIRWORTHINESS DIRECTIVES

Flug-und Fahrzeugwerke AG HBV "Diamant" & Diamant 16.5 Gliders

The lower harness attachments on a Flug- und Fahrzeugwerke AG (FFA) Diamant glider came loose due to insufficient bonding. This condition could result in structural failure of the harness attachment. Since this condition is likely

to exist or develop in other gliders of the same type design, an airworthiness directive is being issued to reinforce the lower harness attachments on FFA HBV "Diamant" and Diamant 16.5 gliders.

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

This amendment is made under the authority of sections 313(a), 601, and 603 of the Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421, and 1423) and of Section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (14 CFR 11.89), § 39.13 of Part 39 of the Federal Aviation Regulations is amended by adding the following new airworthiness directive:

FLUG-UND FAHRZEUGWERKE AG. Applies to HBV "Diamant" and Diamant 16.5 gliders, all serial numbers, certificated in all categories.

Compliance is required within the next 10 hours' time in service after the effective date of this AD, unless already accomplished.

To prevent structural failure of the lower harness attachments D1.201-0710, reinforce the attachments in accordance with the "REQUIRED ACTION" specified in Flug-und Fahrzeugwerke AG Service Bulletin No. 5, dated February 4, 1974, or an FAA-approved equivalent.

This amendment becomes effective August 18, 1975.

Issued in Washington, D.C., on July 25, 1975.

RICHARD P. SKULLY,
Director,
Flight Standards Service.

[FR Doc.75-20128 Filed 8-1-75;8:45 am]

[Docket No. 14859; Amdt. 39-2315]

PART 39—AIRWORTHINESS DIRECTIVES

Messerschmitt-Bolkow-Blohm Model BO-105 Helicopters

There have been failures of the tail rotor blade tip cap of Messerschmitt-Bolkow-Blohm (MBB) Model BO-105 helicopters that could result in failure of the tail rotor and consequent loss of directional control of the helicopter. Since this condition is likely to exist or develop in other helicopters of the same type design, an airworthiness directive is being issued which requires reinforcement of the tail rotor blade tip cap on certain MBB Model BO-105 helicopters.

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

This amendment is made under the authority of sections 313(a), 601, and 603 of the Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421, and 1423) and of section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

In consideration of the foregoing and pursuant to the authority delegated to me by the Administrator (14 CFR 11.89), § 39.13 of Part 39 of the Federal Aviation Regulations is amended by adding the following new airworthiness directive.

MESSERSCHMITT-BOLKOW-BLOHM. Applies to Messerschmitt-Bolkow-Blohm (MBB) models BO-105A and BO-105C helicopters certificated in all categories, incorporating tail rotor blade P/N 105-31742, serial numbers 548 and lower.

Compliance is required within the next 100 hours' time in service after the effective date of this AD, unless already accomplished in accordance with MBB BO-105 Service Bulletin No. 30-8.

To prevent failure of the tail rotor blade tip cap, inspect tail rotor blades for condition, modify as prescribed, and return to service, in accordance with paragraph 2 of MBB BO-105 Service Bulletin No. 30-8, dated July 5, 1974, or an equivalent approved by the Chief, Aircraft Certification Staff, FAA, Europe, Africa, and Middle East Region.

This amendment becomes effective August 18, 1975.

Issued in Washington, D.C., on July 25, 1975.

RICHARD P. SKULLY,
Director,
Flight Standards Service.

[FR Doc.75-20124 Filed 8-1-75;8:45 am]

[Docket No. 14861; Amdt. 39-2318]

PART 39—AIRWORTHINESS DIRECTIVES

Messerschmitt-Bolkow-Blohm GmbH Phoebus A1, B1 Gliders

There have been reports of cracks in the rudder cable level welds on certain Phoebus gliders that could result in loss of rudder control. Since this condition is likely to exist or develop in other gliders of the same type design, an airworthiness directive is being issued which requires periodic inspection for rudder cable lever weld cracks and replacement of rudder cable levers on Phoebus A1 and B1 gliders.

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

This amendment is made under the authority of sections 313(a), 601, and 603 of the Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421, and 1423) and of section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (14 CFR 11.89), § 39.13 of Part 39 of the Federal Aviation Regulations is amended by adding the following new airworthiness directive:

ENTWICKLUNGSGEMEINSCHAFT (MESSERSCHMITT-BOLKOW-BLOHM G.m.b.H.). Applies to Phoebus A1 and B1 gliders, serial numbers 702 thru 751, certificated in all categories.

Compliance is required as indicated.

To prevent loss of rudder control, accomplish the following:

(a) Within the next 10 hours' time in service after the effective date of this AD, unless already accomplished, and thereafter at intervals not to exceed 100 hours' time in service from the last inspection, inspect the rudder control cable lever as follows:

(1) Remove headrest, luggage container, and seat.

(2) Disconnect rudder control cables from cable lever.

(3) Remove rudder control rod and rudder control cable lever (P/N 15120-4236).

(4) Inspect rudder control cable lever weld for cracks using a magnifying glass with a magnification power of not less than five.

(5) If a crack is found comply with paragraph (b) of this AD.

(b) If a rudder control cable lever weld crack is found during an inspection required by paragraph (a), replace the rudder control cable level P/N 15120-4236 with a serviceable part of the same part number or an FAA-approved equivalent.

[MBB Service Bulletin No. PHOEBUS 27-20/1, dated March 1975, pertains to this AD.]

This amendment becomes effective August 18, 1975.

Issued in Washington, D.C. on July 28, 1975.

J. A. FERRARESE,
Acting Director,
Flight Standards Service.

[FR Doc.75-20130 Filed 8-1-75;8:45 am]

[Docket No. 14854; Amdt. 39-2310]

PART 39—AIRWORTHINESS DIRECTIVES

Pilatus Aircraft Ltd. B4-PC11 Gliders

The design of the canopy limiting cable includes a lock link which will not release the canopy on Pilatus B4-PC11 gliders and which would hinder emergency egress. Since this condition is likely to exist or develop in other gliders of the same type design, an airworthiness directive is being issued which requires an alteration of the limiting cable attachment on Pilatus B4-PC11 gliders.

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

This amendment is made under the authority of section 313(a), 601, and 603 of the Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421, and 1423) and of section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (14 CFR 11.89), § 39.13 of Part 39 of the Federal Aviation Regulations is amended by adding the following new airworthiness directive:

PILATUS AIRCRAFT LTD. Applies to B4-PC11 gliders, certificated in all categories, equipped with canopy limiting lock link.

Compliance is required as indicated, unless already accomplished.

To ensure canopy emergency jettisoning capability, accomplish the following:

(a) Within the next 10 hours' time in service after the effective date of this AD, disconnect the limiting cable.

(b) Within the next 50 hours' time in service after the effective date of this AD, alter

the canopy limiting cable attachment in accordance with the accomplishment instructions of Pilatus Service Bulletin No. 1001, dated April 1974, or an FAA-approved equivalent.

This amendment becomes effective August 18, 1975.

Issued in Washington, D.C., on July 25, 1975.

RICHARD P. SKULLY,
Director,
Flight Standards Service.

[FR Doc.75-20129 Filed 8-1-75;8:45 am]

[Docket No. 14856; Amdt. 39-2312]

PART 39—AIRWORTHINESS DIRECTIVES

Slingsby Sailplanes—T59D Kestrel Gliders

Cracks have been found on the inside welded corners of the elevator actuator bracket of a Slingsby T59D Kestrel glider that could result in structural failure of the elevator actuator bracket and loss of elevator control. Since this condition is likely to exist or develop in other gliders of the same type design, an airworthiness directive is being issued to require inspections and replacement of the elevator actuator bracket on Slingsby T59D Kestrel gliders.

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

This amendment is made under the authority of section 313(a), 601, and 603, of the Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421, and 1423) and of section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (14 CFR 11.89), § 39.13 of Part 39 of the Federal Aviation Regulations is amended by adding the following new airworthiness directive:

SLINGSBY SAILPLANES. Applies to T59D Kestrel gliders certificated in all categories.

Compliance is required as indicated, unless already accomplished.

To prevent structural failure of the elevator actuator bracket, accomplish the following:

(a) Within the next 10 hours' time in service after the effective date of this AD and thereafter at intervals not to exceed 5 hours' time in service, visually inspect the elevator actuator bracket P/N 59A-30-11 for cracks in the inside welded corners.

(b) If cracks are found, prior to further flight, replace the elevator actuator bracket, P/N 59A-30-11, with a machined aluminum bracket, P/N 59A-03-8A/B/C, in accordance with Slingsby Sailplanes Technical Instruction No. 65, Issue 2, dated May 23, 1974, or an FAA-approved equivalent.

(c) The inspections required by paragraph (a) of this AD may be discontinued after a machined aluminum elevator actuator bracket, P/N 59A-03-8A/B/C, has been installed in place of P/N 59A-30-11 in accordance with Slingsby Sailplanes Technical Instruction No. 65, Issue 2, dated May 23, 1974, or an FAA-approved equivalent.

This amendment becomes effective August 18, 1975.

Issued in Washington, D.C., on July 25, 1975.

RICHARD P. SKULLY,
Director,
Flight Standards Service.

[FR Doc.75-20127 Filed 8-1-75;8:45 am]

[Docket No. 14858; Amdt. 39-2314]

PART 39—AIRWORTHINESS DIRECTIVES

Slingsby Sailplanes—T59D Kestrel Gliders

A dive brake control mechanism malfunction on a Slingsby T59D Kestrel glider resulted in an emergency landing. Since this situation is likely to exist or develop in other gliders of the same type design, an airworthiness directive is being issued which requires replacement of the dive brake control mechanism and imposes dive brake operating limitations until the replacement is accomplished on Slingsby T59D Kestrel gliders.

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

This amendment is made under the authority of section 313(a), 601, and 603, of the Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421, and 1423) and of section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

In consideration of the foregoing and pursuant to the authority delegated to me by the Administrator (14 CFR 11.89), § 39.13 of Part 39 of the Federal Aviation Regulations is amended by adding the following new airworthiness directive:

SLINGSBY SAILPLANES. Applies to Slingsby T59D Kestrel gliders certificated in all categories.

Compliance is required as indicated, unless already accomplished.

To prevent dive brake retraction failure, accomplish the following:

(a) Within the next 10 hours' time in service after the effective date of this AD, install a placard on the instrument panel in full view of the pilot reading:

AIR BRAKE EXTENSION LIMITATION

FINAL APPROACH	50%
FLAREOUT ON LANDING	100%
CRUISE	NONE (0%)

(b) Within the next 50 hours' time in service after the effective date of this AD, replace the dive brake control mechanism with the linear type dive brake control mechanism, P/N 59A-45-717, in accordance with Slingsby Sailplanes Technical Instruction No. 75 dated May 21, 1975, or an FAA-approved equivalent.

(c) The placard required by paragraph (a) of this AD may be removed after the work specified in paragraph (b) of this AD has been accomplished.

This amendment becomes effective August 18, 1975.

Issued in Washington, D.C. on July 25, 1975.

RICHARD P. SKULLY,
Director,
Flight Standards Service.

[FR Doc.75-20125 Filed 8-1-75;8:45 am]

[Docket No. 14860; Amdt. 39-2316]

PART 39—AIRWORTHINESS DIRECTIVES

Societe Nationale Industrielle Aerospatiale "PUMA" Helicopter Models SA-330F and SA-330G

Score marks have been found on leading edges of main rotor blades of Aerospatiale "PUMA" Models SA-330F and SA-330G helicopters that could result in failure of the blades. Since this condition is likely to exist or develop in other helicopters of the same type design, an airworthiness directive is being issued which requires a one-time inspection for cracks in the main rotor blades.

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

This amendment is made under the authority of Sections 313(a), 601, and 603, of the Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421, 1423) and of Section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

In consideration of the foregoing and pursuant to the authority delegated to me by the Administrator (14 CFR 11.89), Section 39.13 of Part 39 of the Federal Aviation Regulations is amended by adding the following new airworthiness directive.

SOCIETE NATIONALE INDUSTRIELLE AEROSPATIALE. Applies to "PUMA" helicopter models SA-330F and SA-330G, certificated in all categories, incorporating main rotor blades which have leading edge erosion protective strips.

Compliance is required within the next 100 hours time in service after the effective date of this AD, unless already accomplished in accordance wtih Puma SA-330 Service Bulletin No. 05.39.

To prevent failure of the main rotor blade due to cracks in the region of the leading-edge erosion protection, inspect for cracks, repair as necessary, and return to service, in accordance with paragraph 1C of Puma SA-330 Service Bulletin No. 05.39, dated December 8, 1974, or an equivalent approved by the Chief, Aircraft Certification Staff, FAA Europe, Africa and Middle East Region.

This amendment becomes effective August 18, 1975.

Issued in Washington, D.C. on July 25, 1975.

RICHARD P. SKULLY,
Director,
Flight Standards Service.

[FR Doc.75-20123 Filed 8-1-75;8:45 am]

[Airspace Docket No. 75-GL-33]

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

Alteration of Transition Area

On page 23765 of the FEDERAL REGISTER dated June 2, 1975, the Federal Aviation Administration published a Notice of Proposed Rule Making which would amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to

alter the transition area at Flint, Michigan.

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

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

This amendment shall be effective September 6, 1975.

This amendment 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 July 16, 1975.

JOHN M. CYROCKI,
Director,
Great Lakes Region.

In § 71.181 (40 FR 441), the following transition area is amended to read:

FLINT, MICHIGAN

That airspace extending upward from 700 feet above the surface within a 12-mile radius of the Flint VOR, within 5 miles north and 8 miles south of the Flint ILS localizer west course, extending from the 12-mile radius area to 12 miles west of the outer marker; within a 4-mile radius of Owosso City Airport, (Latitude 42°59'30" N. Longitude 84°08'00" W.); and within a 5½ mile radius of the Price Airport, (Latitude 42°48'25" N., Longitude 83°46'20" W.); excluding the portion which overlies the Detroit, Michigan transition area.

[FR Doc.75-20133 Filed 8-1-75;8:45 am]

[Airspace Docket No. 75-GL-37]

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

Alteration of Transition Area

On page 25027 of the FEDERAL REGISTER dated June 12, 1975, the Federal Aviation Administration published a Notice of Proposed Rule Making which would amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to alter the transition area at Chicago, Illinois.

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

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

It being determined that good cause, with respect to safety in air commerce and air transportation, exists for making this rule effective less than 30 days after publication, this amendment shall be effective August 4, 1975.

This amendment 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 July 24, 1975.

JOHN M. CYROCKI,
Director,
Great Lakes Region.

In § 71.181 (40 FR 441), the following transition area is amended as indicated:

CHICAGO, ILLINOIS

Delete "latitude 42°00'00" N., longitude 88°25'00" W." and insert in place "latitude 42°01'00" N., longitude 88°40'00" W. to latitude 42°15'00" N., longitude 88°40'00" W.".

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

Issued in Des Plaines, Ill., on May 22, 1975.

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

[FR Doc.75-20131 Filed 8-1-75;8:45 am]

[Airspace Docket No. 75-GL-22]

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

Designation of Transition Area

On page 22556 and 22557 of the FEDERAL REGISTER dated May 23, 1975, the Federal Aviation Administration published a Notice of Proposed Rule Making which would amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to designate a transition area at Oshkosh, Wisconsin.

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

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

This amendment shall be effective August 4, 1975.

This amendment 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 July 1, 1975.

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

In § 71.181 (40 FR 441), the following transition area is amended to read:

OSHKOSH, WISCONSIN

That airspace extending upward from 700 feet above the surface within an area bounded by a line beginning at Latitude 44°24'00" N., Longitude 22°45'00" W. to Latitude 44°-24'00" N., Longitude 88°27'00" W. to Latitude 44°19'00" N., Longitude 88°19'00" W. to Latitude 43°33'00" N., Longitude 88°19'00" W. to Latitude 43°33'00" N., Longitude 88°-53'00" W. to Latitude 43°52'00" N., Longitude 88°53'00" W., to point of beginning.

[FR Doc.75-20137 Filed 8-1-75;8:45 am]

[Airspace Docket No. 75-GL-31]

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

Designation of Transition Area

On page 22557 of the FEDERAL REGISTER dated May 23, 1975, the Federal Aviation Administration published a Notice of Proposed Rule Making which would amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to designate a transition area at LaPorte, Indiana.

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

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

It being determined that good cause, with respect to safety in air commerce and air transportation, exists for making this rule effective less than 30 days after publication, this amendment shall be effective 0901 GMT, August 21, 1975.

This amendment 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 July 24, 1975.

JOHN M. CYROCKI,
Director,
Great Lakes Region.

In § 71.181 (40 FR 441), the following transition area is added:

LAPORTE, INDIANA

That airspace extending upward from 700 feet above the surface within a 5-mile radius of the LaPorte Municipal Airport (Latitude 41°34'21" N., Longitude 86°44'02" W.); within 2 miles either side of the 165° bearing from the LaPorte Airport extending from the 5-mile radius area to 9 miles south of the airport, excluding that portion which overlies the Michigan City, Indiana transition area.

[FR Doc.75-20136 Filed 8-1-75;8:45 am]

[Airspace Docket No. 75-GL-34]

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

Designation of Transition Area

On page 22556 of the FEDERAL REGISTER dated May 23, 1975, the Federal Aviation Administration published a Notice of Proposed Rule Making which would amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to designate a transition area at Dwight, Illinois.

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

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

It being determined that good cause, with respect to safety in air commerce and air transportation, exists for making this rule effective less than 30 days after publication, this amendment shall be effective 0901 GMT, August 21, 1975.

This amendment 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 July 24, 1975.

JOHN M. CYROCKI,
Director,
Great Lakes Region.

In § 71.181 (40 FR 441), the following transition area is added:

DWIGHT, ILLINOIS

That airspace extending upward from 700 feet above the surface within a five mile radius of Dwight Airport (Latitude 41°08'05" N., Longitude 88°26'30" W.); and within three miles either side of the 097° bearing from the airport extending from the five mile radius area to 3 miles from the airport.

[FR Doc.75-20132 Filed 8-1-75;8:45 am]

[Airspace Docket No. 75-GL-36]

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

Designation of Transition Area

On page 23766 of the FEDERAL REGISTER dated June 2, 1975, the Federal Aviation Administration published a Notice of Proposed Rule Making which would amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to designate a transition area at Marlette, Michigan.

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

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

This amendment shall be effective 0901 GMT, September 11, 1975.

This amendment 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 July 16, 1975.

JOHN M. CYROCKI,
Director,
Great Lakes Region.

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.).

[FR Doc.75-20134 Filed 8-1-75;8:45 am]

Title 19—Customs Duties

CHAPTER I—UNITED STATES CUSTOMS SERVICE, DEPARTMENT OF THE TREASURY

[T.D. 75-198]

PART 4—VESSELS IN FOREIGN AND DOMESTIC TRADES

Exemption From Entry and Clearance Requirements and Customs Charges for Yachts of the British Virgin Islands

The Department of State provided information to the Department of the Treasury on April 9, 1975, that yachts of the United States are permitted to cruise in the territorial waters of the British Virgin Islands, a Caribbean entity under British jurisdiction, without charges for entering or clearance, dues, duty per ton, tonnage taxes, or charges for cruising licenses.

Pursuant to section 5 of the Act of May 28, 1908, as amended (section 5, 35 Stat. 425, as amended; 46 U.S.C. 104), following a finding by the Secretary of the Treasury that a foreign nation has granted the above-described exemptions to yachts of the United States, the Commissioner of Customs may issue cruising licenses to yachts of that nation.

It has been demonstrated to the satisfaction of the Secretary of the Treasury that yachts of the United States are granted the above-described reciprocal privileges by the British Virgin Islands. Therefore, corresponding privileges are accorded to yachts of the British Virgin Islands effective as of the date of such notification.

Accordingly, § 4.94(b) of the Customs Regulations is amended by amending the parenthetical material after "Great Britain" in the list of countries granting the previously-described reciprocal privileges to yachts of the United States to read "(including Turks and Caicos Islands, St. Vincent (including the territorial waters of the Northern Grenadine Islands), the Cayman Islands, the St. Christopher-Nevis-Anguilla Islands, and the British Virgin Islands)". (Sec. 3, 23 Stat. 119, as amended, sec. 5, 35 Stat. 425, as amended (5 U.S.C. 301, 46 U.S.C. 3, 104))

There is statutory authority for this exemption after a finding has been made that such reciprocity exists. Therefore, good cause exists for dispensing with notice and public procedure thereon as unnecessary, and good cause is found for the amendment to become effective at the earliest date possible under 5 U.S.C. 553.

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

Approved: July 24, 1975.

DAVID R. MACDONALD,
Assistant Secretary of the Treasury.

[FR Doc.75-20216 Filed 8-1-75;8:45 am]

Title 20—Employees' Benefits

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

PART 405—FEDERAL HEALTH INSURANCE FOR THE AGED AND DISABLED (1965 ——)

Nonallowable Costs Related to Certain Capital Expenditures; Provider Appeals Concerning Classifications for, Exceptions to, and Exemptions From Cost Limits

On January 3, 1975, there was published in the FEDERAL REGISTER (40 FR 797) a Notice of Proposed Rule Making with proposed amendments to Subpart D of Regulations No. 5, to implement section 1122 of the Social Security Act—"Limitation on Federal Participation for Capital Expenditures." The proposed amendments provided that reimbursement would be withheld from providers of services, for depreciation, interest on borrowed funds, a return on equity capital (in the case of proprietary providers), and other costs related to certain capital expenditures that the Secretary determines have not been submitted to the designated planning agency, as required, or have been determined to be inconsistent with State and local health facility plans. The proposed amendments also included the appeals right of providers and persons pursuant to section 1122(f) of the Social Security Act.

Interested persons were given 30 days within which to submit written comments or suggestions thereon. Comments and suggestions were received from several organizations and institutions. Some of these parties expressed their full concurrence with the proposed regulations as written, and others offered recommendations which are summarized below.

It was suggested that the regulations be effective beginning with the date they are published as a final rule in the Federal Register. Others recommended that the effective date of the regulations be expressed exactly as stated in the enacting legislation. As was explained in the preamble to the proposed regulations, section 1122 is self-executing and the proposed regulations are merely conforming regulations which specify an effective date consistent with that contained in regulations already published as a final rule in the FEDERAL REGISTER, by the Public Health Service (PHS) and codified in the Code of Federal Regulations (42 CFR Part 100). For this reason, neither of these suggestions has been adopted.

A comment was made that the regulations should include the definition of capital expenditures contained in the PHS regulations, as well as the specific methods by which State agencies will evaluate capital expenditures which are subject to section 1122 of the Act, and a requirement that State agencies complete their review of capital expenditures in 30 days. We believe the cross-reference in § 405.435 to the capital expenditure definition in the PHS regulations is sufficient. As for evaluation

methods that State agencies will follow and the period within which State agencies should review expenditures, both relate to the section 1122 responsibilities of the PHS and, therefore, these suggestions were forwarded to the PHS.

It was also suggested that the regulations specify, and identify, which capital expenditure planning costs are allowable costs for Medicare reimbursement purposes, even though the expenditure may be not approved or was not undertaken. Both of these concepts are expressed clearly in the last sentence of § 404.435 (a), in the proposed regulations. Another comment was that the regulations should grant providers the right to administrative and judicial review of their intermediary's determination with respect to nonallowable costs attributable to capital expenditures which are subject to, but not approved under, section 1122. The proposed regulations (paragraph (d) of § 405.435) provided for reconsideration of the reimbursement determination under §§ 405.1809–405.1883 and §§ 405.1885–405.1889 of the regulations already in force. The content of this paragraph has now been redesignated as § 405.1890 and incorporated in Subpart R instead of Subpart D. However, judicial review is specifically prohibited by section 1122(f) of the Act.

In addition, one comment indicated that the regulations do not clearly identify the parties which may be involved in provider appeals of section 1122 determinations (State agencies, intermediaries, Provider Reimbursement Review Board, the Secretary of Health, Education, and Welfare, Federal courts). The right to appeal section 1122 determinations and the parties to these appeals are explained and identified by cross-reference to existing Social Security Administration regulations.

Although not included in the Notice of Proposed Rule Making on section 1122, a revision of paragraph (e) of § 405.460 is being published in final with these regulations. This amendment concerns the rights of a provider to review of a determination concerning the classification for, exceptions to, or exemptions from the cost limits imposed under the authority of § 405.460 of Regulations No. 5, originally published at 39 FR 20164 (June 6, 1974). The revision is only a technical one which effects no substantive change in the appeals procedure. The cross-reference is being corrected to reflect the new location of the provisions referred to (Subpart R of Regulations No. 5).

With the changes noted above, the proposed amendments are adopted and set forth below.

(Sections 1102, 1122, and 1871 of the Social Security Act; 49 Stat. 647, as amended, 86 Stat. 1386, 79 Stat. 331, 42 U.S.C. 1302, 1320a–1, and 1395hh.)

Effective date: These amendments shall be effective with respect to all capital expenditures, the obligation for which is incurred after December 31, 1972, or after the effective date of the agreement between the State and the Secretary, whichever is later.

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

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

Dated: July 3, 1975.

J. B. CARDWELL,
Commissioner of Social Security.

Approved: July 29, 1975.

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

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

1. Section 405.402 is amended by revising the material in paragraph (c) preceding paragraph (c)(1) to read as follows:

§ 405.402 Cost reimbursement; general.

* * * * *

(c) As formulated herein, the principles give recognition to such factors as depreciation, interest, bad debts, educational costs, compensation of owners, and an allowance for a reasonable return on equity capital of proprietary facilities. However, costs such as depreciation, interest on borrowed funds, a return on equity capital (in the case of proprietary providers), and other costs related to certain capital expenditures are subject to the provisions of § 405.435, "Nonallowable costs related to certain capital expenditures." With respect to allowable costs some items of inclusion and exclusion are:

* * * * *

2. Section 405.415 is amended by adding paragraph (k) to read as follows:

§ 405.415 Depreciation: Allowance for depreciation based on asset costs.

* * * * *

(k) *Limitation on Federal participation for capital expenditures.* See § 405.435, "Nonallowable costs related to certain capital expenditures" for situations where allowance for depreciation is not an allowable cost.

3. Section 405.419 is amended by adding paragraph (e) to read as follows:

§ 405.419 Interest expense.

* * * * *

(e) *Limitation on Federal participation for capital expenditures.* See § 405.435, "Nonallowable costs related to certain capital expenditures" for situations where interest on borrowed funds is not an allowable cost.

4. Section 405.429 is amended by adding paragraph (b)(3) to read as follows:

§ 405.429 Return on equity capital of proprietary providers.

* * * * *

(b) *Application.* * * *

(3) Effective with respect to any capital expenditure, the obligation for which is incurred after December 31, 1972, or after the effective date of an agreement executed between a State and the Secretary pursuant to section 1122 of the Act, whichever date is later (and subject to the exceptions in § 405.435(c)), a provider's investment in plant, property, and equipment related to patient care, and funds deposited by a provider which leases plant, property, or equipment related to patient care which are found to be expenditures which have not been submitted to the designated planning agency as required or have been determined to be inconsistent with health facility planning requirements (see 42 CFR 100.101–100.110) are not included in the provider's equity capital for computing the allowance for a reasonable return on equity capital.

5. A new § 405.435 is added to read as follows:

§ 405.435 Nonallowable costs related to certain capital expenditures.

(a) *Principle.* Effective with respect to any capital expenditure, as defined in 42 CFR Part 100, the obligation for which is incurred after December 31, 1972, or after the effective date of an agreement executed between a State and the Secretary pursuant to section 1122 of the Act, whichever date is later, the depreciation, interest on borrowed funds, return on equity capital (in the case of proprietary providers), and any other costs attributable to such capital expenditure, where the Secretary has determined that such proposed capital expenditure has not been submitted to the designated planning agency as required, or that it has been determined by such agency to be inconsistent with the standards, plans, or criteria developed to meet the need for adequate health care facilities (as defined in 42 CFR 100.101–100.110) are not allowable. Other costs related to such capital expenditures include title fees; permit and license fees; broker commissions; architect, legal, accounting, and appraisal fees; interest, finance, or carrying charges on bonds, or notes; and other costs incurred for borrowing funds. The reasonable costs incurred by a provider for studies, surveys, designs, plans, working drawings, specifications, and other activities essential to the acquisitions, improvement, expansion, or replacement of the plant and equipment which are conducted to enable the provider to properly determine whether the proposed capital expenditure would be in compliance with the standards, plans, or criteria developed by the designated planning agency are allowable, except if the provider makes the capital expenditure and does not receive the required approval.

(b) *Applicability.* Under the principle specified in paragraph (a) of this section, any costs related to capital expenditures, the obligation for which was incurred by or on behalf of a provider subsequent to 1972 (except as described in paragraph (c) of this section), are not allowable where the Secretary has de-

termined that the capital expenditures have not been submitted to the designated planning agency as required or that they have been determined to be inconsistent with the standards, plans, or criteria developed by the designated planning agency or other health planning agency in the State to meet the need for adequate health care facilities in the area covered by the plan or plans so developed (see 42 CFR 100.101–100.110). Costs claimed by a provider in connection with capital assets which are donated or transferred to a provider are also subject to the application of such principle. Such principle also applies to the reasonable equivalent of that portion of any rental expense incurred pursuant to a lease or a comparable arrangement (and to any amounts deposited under the terms of such a lease or comparable arrangement in computing the return on equity capital) that would have been excluded had the provider acquired such a facility or equipment by purchase. The amounts excluded are not subject to reimbursement under any other provisions of Title XVIII of the Act.

(c) *Exceptions.* The limitation on recognition of costs attributable to capital expenditures discussed in this section does not apply to:

(1) A provider furnishing health care services as of December 18, 1970, which on such date was committed to a formal plan of expansion or replacement, with respect to such expenditures as may be made or such obligations as may be incurred for capital items included in such plan where preliminary expenditures toward the plan of expansion or replacement (including payments for studies, surveys, designs, plans, working drawings, specifications, and site acquisition, essential to the acquisition, improvement, expansion, or replacement of the health care facility or equipment concerned) of $100,000 or more, had been made during the 3-year period ending December 17, 1970, or,

(2) Christian Science sanatoriums operated, or listed and certified, by the First Church of Christ, Scientist, Boston, Massachusetts, or

(3) Capital expenditures the obligations for which were incurred by or on behalf of a provider prior to 1973, or

(4) Capital expenditures the exclusion of which the Secretary has determined would:

(i) Discourage the operation or expansion of a provider which has demonstrated its capability of providing comprehensive health care services efficiently, effectively, and economically; or

(ii) Otherwise be inconsistent with the effective organization and delivery of health services or the effective administration of Title V, XVIII, or XIX of the Act.

(d) *Appeals.* See § 405.1890 for appeal rights of a provider or other person dissatisfied with a determination under section 1122 of the Act (42 U.S.C. 1320a–1).

6. A new § 405.1890 is added to read as follows:

§ 405.1890 Appeals from a determination under section 1122 of the Act.

(a) *Right to an appeal.* Any provider or person dissatisfied with a determination under section 1122 of the Act, 42 U.S.C. 1320a–1, other than a determination of amounts of reimbursement to be excluded, may request a reconsideration of such determination as provided for in 42 CFR 100.108(d). In addition, any provider or person may appeal a determination disallowing costs attributable to a nonapproved capital expenditure in accordance with applicable provisions in this Subpart R, subject to the exceptions in paragraphs (b), (c), (d) and (e) of this section.

(b) *Amount in issue is less than $10,000.* A determination of exclusion under section 1122 of the Act of an amount of less than $10,000 may be appealed to an intermediary's hearing officer or panel of hearing officers, using the mechanisms in §§ 405.1809–405.1833 and §§ 405.1885–405.1889, as applicable, except that:

(1) There is no requirement that the amount in issue disallowed under section 1122 of the Act be at least $1,000; and

(2) The period within which the provider may request review shall be 6 months, rather than the period described in § 405.1811(a).

(c) *Amount in issue is $10,000 or more.* A determination of exclusion under section 1122 of the Act of an amount of $10,000 or more (or with respect to a particular cost report, exclusion of an amount of less than $10,000, provided that the total amount in issue with respect to such cost report exceeds $10,000) may be appealed to the Provider Reimbursement Review Board, using the mechanism in §§ 405.1835 through 405.-1889, except that:

(1) The period within which the provider may request review shall be 6 months, rather than the period described in § 405.1841(a); and

(2) Paragraph (a)(4) of § 405.1801 and § 405.1877 shall not apply to a determination of exclusion under section 1122 of the Act.

(d) *Other administrative review.* Except as provided in paragraphs (b) and (c) of this section, there is no administrative review of any determination of exclusion of costs under the authority of section 1122 of the Act.

(e) *Judicial review.* As provided in section 1122(f) of the Act and paragraph (c)(2) of this section, there is no judicial review of any determination made under the authority of section 1122.

7. Paragraph (e) of § 405.460 is revised to read as follows:

§ 405.460 Limitations on coverage of costs.

* * * * *

(e) *Provider rights to review.* A request by a provider for review of the determination of an intermediary concerning classification for, exceptions to, or exemptions from the cost limits imposed under the provisions of this section shall be made to the intermediary under the provisions of Subpart R of this Part 405.

* * * * *

[FR Doc.75-20219 Filed 8-1-75;8:45 am]

Title 36—Parks, Forests, and Public Property

CHAPTER VI—AMERICAN REVOLUTION BICENTENNIAL ADMINISTRATION

PART 606—THE OFFICIAL COMMEMORATIVE LICENSING PROGRAM

Policy and Guidelines

● **Purpose. The purpose of this document is to describe the official commemorative licensing program for the American Revolution Bicentennial Administration (ARBA) and to prescribe regulations for its implementation.** ●

Background. The Joint Resolution (Pub. L. 89–491, as amended) establishing the American Revolution Bicentennial Commission (ARBC), the predecessor organization to the American Revolution Bicentennial Administration (ARBA), anticipated that the Commission would be funded with donations and with funds *"received in pursuance of contracts hereunder"* (section 6(d)). Also, authorizations for appropriations were enacted.

The basic legislation was amended by Pub. L. 91–528 to grant the Commission exclusive rights to any logos, symbols or marks adopted by the ARBC.

Testimony by Hobart D. Lewis, Vice Chairman, ARBC, on May 6, 1970, before Subcommittee No. 4 of the House Committee on the Judiciary in support of H.R. 16408, which was enacted as Pub. L. 91–528, was as follows:

> The purpose of section 3 of the bill is to permit the Commission the exclusive use of distinctive logos, symbols, or marks, which will be designed as the hallmarks of the official Bicentennial commemoration.
>
> It is expected that these designs will become associated in the minds of people world-wide with the American Revolution Bicentennial. Advertising, information literature, travel brochures, letterheads, tickets, etc., associated with activities sanctioned by the Commission will carry such design. The Commission will be able to license use of such designs under appropriate terms and conditions in connection with promotional and identification purposes as well as in connection with souvenir items such as pennants, lighters, etc.

Senate Committee on the Judiciary Report No. 91–976, dated June 25, 1970, reporting favorably on H.R. 16408, states:

> The purpose of this section is to permit the Commission the exclusive use of distinctive logos, symbols, or marks, which will be designed as the hallmark of the official Bicentennial commemoration.
>
> It is expected that these designs will become associated in the minds of people worldwide with the American Revolution Bicentennial. Advertising, information literature, travel brochures, letterheads, tickets and so forth, associated with activities sanctioned by the Commission will carry such design. The Commission will be able to license use of such designs under appropriate terms and conditions in connection with promotional

and souvenir items, such as medals, pennants, lighters, and so forth.

A similar statement is included in Report No. 91-976 of the Senate Judiciary Committee on the companion bill in the Senate (S. 3630).

Subsequent amendments to the basic ARBC legislation (Pub. L. 92-236) authorize the Commission to provide for:

. . . the preparation, distribution, dissemination, exhibition, and sale of historical, commemorative, and informational materials and objects which will contribute to public information, awareness, and interest in the Bicentennial.

This provision constitutes broad authority for ARBC to engage in distribution and sales programs related to the Bicentennial commemoration, including the licensing of the logo for appropriate use on souvenirs and other items.

Pub. L. 92-538, approved October 23, 1972, amended the basic ARBC statute to include authorization for a program of matching grants to State Bicentennial Commissions, communities and nonprofit organizations to support their Bicentennial projects. It was anticipated that the ARBC funding for such projects would be derived from revenues from the sale of commemorative medals and from revenues from a licensing program.

The American Revolution Bicentennial Administration (ARBA) was established by Pub. L. 93-179, approved December 11, 1973, as the successor organization to the ARBC. Such legislation specifically continued in effect all of the above provisions of law and specifically directs the Administrator to perform certain duties and further empowers the Board to establish basic policy guidelines for the Administrator. With respect to licensing, Pub. L. 93-179, section 4(b)(4) provides:

(b) In addition the Administrator shall—
(4) provide for the preparation, distribution, dissemination, exhibition, and sale of commemorative medals and other historical, commemorative, and informational materials and objects which will contribute to public information, awareness, and interest in the bicentennial. In preparing the Administration's plans and programs, the Administrator shall give due consideration to any related plans and programs developed by State, local and private groups, and he may designate special committees with representatives from such bodies to plan, devlop, and coordinate specific activities.

Historically, Americans in all walks of life tend to attach a real significance to official commemorative items which memorialize for themselves and their families special events, holidays and national celebrations. Frequently, these memorabilia become family treasures to be passed from generation to generation. Recognizing this tradition, the Congress included in Pub. L. 93-179 the above authority for a licensing program.

During Congressional hearings of the former Commission, as well as hearings to establish the new ARBA, the intent of the Congress also is clear that the ARBA should develop a source of funds to further the programs and activities of States, communities, and non-profit organizations. Consistent with the legislative authorization and the legislative history, a portion of the funds derived from a commemorative licensing program will be distributed in accordance with section 9(a)(2):

(a) The Administrator is authorized to carry out a program of grants-in-aid in accordance with and in furtherance of the purposes of this Act. The Administrator may, subject to such regulations as may be prescribed—
(2) make grants of nonappropriated funds to non-profit entities, including States, territories, the District of Columbia, and the Commonwealth of Puerto Rico (or subdivisions thereof), to assist in developing or supporting bicentennial programs or projects. Such grants may be up to 50 per centum of the total cost of the program or project to be assisted.

Adoption of Regulations. The American Revolution Bicentennial Board was established by Pub. L. 93-179 and is empowered by section 10(h)(3) thereof to "review, approve, disapprove, or ratify from time to time, all basic policy and guidelines. . ." of the ARBA. This Part 606 constitutes ARBA basic policy and guidelines for the commemorative licensing program.

Pursuant to provisions of Pub. L. 93-179, as indicated above, the American Revolution Bicentennial Administration (ARBA) is adding Part 606, The Official Commemorative Licensing Program, to 36 CFR Chapter VI as set forth below.

Although these regulations are currently in effect, written comments from interested parties will be considered and where appropriate amendments made to these regulations as the American Revolution Bicentennial Board may determine. All comments received will be available for public inspection at the ARBA, 2401 E Street NW., Room 7240, Washington, D.C. 20276.

JOHN W. WARNER,
Administrator.

JULY 28, 1975.

Part 606 is added as set forth below:

Sec.
606.100 Officially recognized commemoratives.
606.101 Non-exclusive licenses.
606.102 Place of manufacture and quality.
606.103 Royalties and licenses.
606.104 Excluded products.
606.105 Initial product areas and categories.

AUTHORITY: Pub. L. 93-179.

§ 606.100 Officially recognized commemoratives.

The ARBA will not officially endorse products. Rather, it will authorize the use of the official American Revolution Bicentennial symbol as described in Part 605, 36 CFR Chapter VI (40 FR 29539, July 14, 1975) through a license agreement for use in product design or packaging with the words "Officially Recognized Commemorative of the American Revolution Bicentennial Administration."

§ 606.101 Non-exclusive licenses.

In order to provide equitable opportunity for participation, it generally will be ARBA policy to issue non-exclusive licenses. However, exclusive licenses may be issued in exceptional instances. The product must be determined to be commemorative in nature and/or educational as it relates to our Nation's heritage, the present commemoration of the Bicentennial, and our future.

§ 606.102 Place of manufacture and quality.

(a) The product must be made in the United States of America, its territories and possessions within the meaning of Federal Trade Commission "Made in USA" designation guidelines. Any exceptions to this policy must be approved by the ARBA.

(b) The product must meet high standards of quality and safety and meet all applicable industry standards, laws and regulations. The ARBA will have final determination of design and product promotion. In general, products must be available nationwide and subject to a pricing structure which will enable a wide range of income levels to make purchases.

§ 606.103 Royalties and licenses.

(a) A non-refundable advance against future royalties will normally be required from the licensee.

(b) The product license will expire April 30, 1977 with no residual rights to the manufacturer. Products manufactured on or before April 30, 1977 may be sold subsequent to such date subject to payment of applicable royalty to ARBA or its successor organization.

(c) The ARBA generally will not license limited editions by quantity of product but may, where appropriate, authorize a limited term of availability similar to the marketing format for the ARBA Commemorative Medals, authorized by the Congress of the United States, and the Philatelic-Numismatic Combinations (PNCs).

§ 606.104 Excluded products.

As implied under Pub. L. 93-179, the ARBA has the discretion to exclude product areas from the licensing program. For example, no license will be issued for consumables such as alcoholic beverages, tobacco, fresh or processed food products, and personal hygiene toiletries.

§ 606.105 Initial product areas and categories.

Licensed items may initially be limited to the following few product areas or items:

—Flags (sale restricted to Bicentennial Communities and Organizations)
—Calendars
—Craft Items
—Needlepoint Kits
—Jewelry
—Decals (pressure sensitive markings)
—Furniture
—Embroidered Cloth Patch
—China and Crystal
—Silverware and Pewter
—Wearing Apparel, limited to a few items like scarves, neckties, belts, etc.
—Maps and National Guidebooks
—Bookcovers and Bookmarks
—Toys
—Games and Puzzles
—License Plates
—Greeting Cards
—Desk Sets and Paper Weights
—Buttons
—Coin Displays

—Stamp Displays
—School Rings and Yearbooks
—Playing Cards
—Liberty Bell Reproductions
—Educational or Commemorative Premium Campaigns where the end result is the free or low-cost dissemination of Bicentennial information or keepsake materials to the general public.

[FR Doc.75-20163 Filed 8-1-75;8:45 am]

Title 40—Protection of Environment

CHAPTER I—ENVIRONMENTAL PROTECTION AGENCY

SUBCHAPTER E—PESTICIDE PROGRAMS

[FRL 409-8; PP 5E1565/R39]

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

2-[[4-chloro-6-(ethylamino)-s-triazin-2-yl]amino]-2-methylpropionitrile

On June 18, 1975, the Environmental Protection Agency (EPA) published in the FEDERAL REGISTER (40 FR 25688), a notice of proposed rulemaking to increase the established tolerance for residues of the herbicide 2-[[-chloro-6-(ethylamino) - *s* - triazin - 2 - yl]amino] - 2 - methylpropionitrile in or on the raw agricultural commodities corn fodder and forage from 0.05 to 0.2 part per million. This notice of proposed rulemaking was published in response to a petition (PP 5E1565) submitted to the EPA 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 Witchweed Laboratory, Animal and Plant Health Inspection Service, Plant Protection and Quarantine Programs, U.S. Department of Agriculture, Whiteville NC 24872.

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 September 3, 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 should specify both 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 August 4, 1975, Part 180, Subpart C, § 180.307 is amended as set forth below.

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

Dated: July 29, 1975.

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

Part 180, Subpart C, is amended by revising § 180.307 to include a tolerance of 0.2 part per million in or on corn fodder and forage, thereby increasing the current tolerance for corn fodder and forage from 0.05 to 0.2 part per million. This section is amended to read as follows.

§ 180.307 2-[[4-Chloro-6-(ethylamino)-s-triazin-2-yl] amino]-2-methylpropionitrile; tolerances for residues.

Tolerances are established for residues of the heribicde 2-[[4-chloro-6-ethylamino) - *s* -triazin-2-yl]amino]-2-methylpropionitrile in or on raw agricultural commodities as follows:

0.2 part per million in or on corn fodder and forage.

0.05 part per million (negligible residue) in or on fresh corn including sweet corn (kernels plus cob with husk removed), corn grain, and sorghum fodder, forage, and grain.

[FR Doc.75-20117 Filed 8-1-75;8:45 am]

[FRL 410-1; PP4F1521/R40]

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

Propargite

On August 13, 1974, notice was given (39 FR 29049) that Uniroyal Chemical Company, Division of Uniroyal Inc., Amity Rd., Bethany CT 06525, had filed a pesticide petition (PP4F1521) with the Environmental Protection Agency (EPA). This petition proposed that 40 CFR 180.259 be amended to increase the established tolerance for residues of the insecticide propargite (2-(*p-tert*-butylphenoxy)-cyclohexyl 2-propynyl sulfite) in or on corn fodder and forage from 2 parts per million (ppm) to 10 ppm.

The data submitted in the petition and other relevant material have been evaluated, and it was concluded that the existing tolerance for corn fodder and forage at 2 ppm should be revoked and a tolerance for field corn fodder and forage at 10 ppm be established. Existing tolerances for residues of propargite in meat, milk, poultry, and eggs are adequate to cover these higher residues on corn fodder and forage. The increased tolerance will protect the public health.

Any person adversely affected by this regulation may on or before September 3, 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 August 4, 1975, Part 180, Subpart C, § 180.259, is amended as set forth below.

(Section 408(d)(1) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 346a(d)(1)))

Dated: July 29, 1975.

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

Section 180.259 is amended by 1) revising the paragraph "10 parts per million . . ." to include field corn fodder and forage, and 2) deleting the paragraph "2 parts per million in or on corn fodder and forage" as follows:

§ 180.259 Propargite; tolerances for residues.

* * * * *

10 parts per million in or on cranberries, field corn fodder and forage, and grapes.

* * * * *

[FR Doc.75-20118 Filed 8-1-75;8:45 am]

Title 41—Public Contracts, Property Management

CHAPTER 9—ENERGY RESEARCH AND DEVELOPMENT ADMINISTRATION

[ERDA-PR Temporary Regulation No. 11]

PART 9-7—CONTRACT CLAUSES

PART 9-15—CONTRACT COST PRINCIPLES AND PROCEDURES

ERDA Cost Principles

Correction

In FR Doc. 75-19655, appearing at page 31766, in the issue for Tuesday, July 29, 1975, the effective date in the effective date paragraph should read "July 29, 1975".

Title 47—Telecommunications

CHAPTER I—FEDERAL COMMUNICATIONS COMMISSION

PART 2—FREQUENCY ALLOCATIONS AND RADIO TREATY MATTERS; GENERAL RULES AND REGULATIONS

Certificated Equipment for Identification Requirements

JULY 24, 1975.

Section 2.1045 of the recently adopted procedural rules for equipment authorization requires that on and after September 1, 1975, each piece of certificated equipment carry a label containing specific information.

This Notice is intended to clarify these requirements and answer the many inquiries that have been received asking what will satisfy these requirements.

The specific identification requirements for each certificated equipment are set out in the rules governing its operation. Where the rules require identification as set out in Subpart J of Part 2 (The Procedural Rules), the device must be identified by a trade name and model number. After September 1, 1975, § 2.1045 requires that the trade name and model number appear on a single label attached to the receiver.

The stricter requirements apply to equipment for which an application for certification was filed on and after September 1, 1975. The label on equipment that was certificated before September 1, 1975, need not be changed from that

shown in the application for certification.

After September 1, 1975, the trade name must appear on the label. If a name appears elsewhere on the equipment, it must be identical to that on the label. One exception is permitted. If a part of the manufacturer's or vendor's name is used as the trade name, the full name may be used on the label and the partial name may be used elsewhere on the equipment. For example: Radio Devices Electric Co. on the label; RD on the front of the receiver.

In addition to the trade name, if desired, the manufacturer's or vendor's name may also appear on the label provided it is preceded by a term such as "Sold by", "Distributed by", "Manufactured by" etc. In no case may the equipment be marked so that it appears to have more than one trade name.

Pet Names, Special Names and Marks for Sales Purposes. The Commission has been made aware that manufacturers or vendors, in addition to a trade name, marked pet names or other marks and names on their equipment for marketing purposes. One method of meeting the new requirements would be to join the pet name with what was once the trade name forming a new identifier which would be the trade name. For example: Former trade name "ROSE"; special mark "XR–100"; New trade name "ROSE XR–100".

For consumer equipment the label must carry the words "MODEL NO." followed by the identifier specified in the application for certification as being the model number. A different model number or an identifier which appears to be a model number (i.e. any number on the front or any number preceded by the word "model"), may not be carried on the equipment. Other numbers on the label or on the receiver must be clearly separate and distinct from the model number. The words "MODEL NO." may be preceded by the term "FCC DATA" to facilitate recognition of the identifying number used by the FCC. However, use of this term does not permit contradictory or confusing labeling elsewhere.

For communications equipment the label must carry the words "FCC RECEIVER DATA" followed by the identifier specified in the application for certification as being the model number. The word RECEIVER may be abbreviated as RCVR or RX. With regard to other numbers carried on the receiver or on the label, the same requirements apply as those discussed above for consumer equipment.

The new rules will be strictly enforced. Questions concerning specific identification schemes should be directed to:

Federal Communications Commission
Office of Chief Engineer
Laboratory Division
P.O. Box 40
Laurel, Maryland 20810
Telephone: (301) 953 9850

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

[FR Doc.75–20212 Filed 8–1–75;8:45 am]

[FCC 75–870]

PART 91—INDUSTRIAL RADIO SERVICES

1. The Interdepartment Radio Advisory Committee (IRAC) has requested that the frequency 40.68 MHz be deleted from Part 91 of the Commission's Rules.

2. The frequency 40.68 MHz is available in the Power, Petroleum, Forestry Products, Special Industrial, and Business Radio Services for transmitting hydrological and meteorological data. However use of the frequency is limited to stations located in the States of Pennsylvania and West Virginia and then only on a secondary basis to Government operations. The frequency has been available to licensees in these services since 1958; nevertheless, there is no one currently using the channel. Anyone needing to transmit hydrological data uses the more reliable VHF and UHF frequencies available for that purpose.

3. We have carefully reviewed this request and, in view of the limited possible use of the channel and the fact that there appears to be no apparent need for the frequency, we feel that the public interest will be served by granting the request. The associated limitation, the one limiting the frequency to the States of Pennsylvania and West Virginia, is also deleted.

4. Because there are no existing non-Government operations on this frequency which could be affected by the above-mentioned rule amendments, the prior notice, public comments, and effective date procedures of 5 U.S.C. 533 are unnecessary.

5. Accordingly, IT IS ORDERED, pursuant to the authority contained in Sections 4(i) and 303(r) of the Communications Act of 1934, as amended, that, effective August 18, 1975 Sections 91.254, 91.304, 91.354, 91.504 and 91.554 of the Commission's Rules are AMENDED as shown below. IT IS FURTHER ORDERED That this proceeding is terminated.

(Secs. 4, 303, 48 Stat., as amended, 1066, 1082; 47 U.S.C. 154, 503)

Adopted: July 22, 1975.

Released: August 1, 1975.

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

Part 91 of Chapter I of Title 47 of the Code of Federal Regulations is amended as follows:

1. In § 91.254(a) table 40.68 MHz is deleted, and par. (b) limitation (5) is deleted and reserved to read as follows:

§ 91.254 Frequencies available.

(a) * * *

Frequency or band (megahertz)	Class of station	Limitations
*	* * *	*
37.86	Base or mobile	2
47.70	do	2
*	* * *	*

2. In § 91.304(a) table 40.68 MHz is deleted, and par. (b) limitation (3) deleted and reserved to read as follows:

§ 91.304 Frequencies available.

(a) * * *

Frequency or band (megahertz)	Class of station	Limitations
*	* * *	*
33.38	Base or mobile	
48.56	do	
*	* * *	*

3. In § 91.354(a) table 40.68 MHz is deleted, and par (b) limitation (3) is deleted and reserved to read as follows:

§ 91.354 Frequencies available.

(a) * * *

Frequency or band (megahertz)	Class of station	Limitations
*	* * *	*
37.88	Base or mobile	
48.56	do	11
*	* * *	*

4. In § 91.504(a) table 40.68 MHz is deleted, and par (b) limitation (5) is deleted and reserved to read as follows:

§ 91.504 Frequencies available.

(a) * * *

Frequency or band (megahertz)	Class of station(s)	General reference	Limitations
*	* * *	*	
35.86	Base or mobile	Permanent use	11
43.02	do	General use	
*	* * *	*	

5. In § 91.554(a) table 40.68 MHz is deleted, and par. (b) limitation (5) is deleted and reserved to read as follows:

§ 91.554 Frequencies available.

(a) * * *

Frequency or band (megahertz)	Class of station(s)	General reference	Limitations
*	* * *	*	
35.98	Base or mobile	General use	
42.06	do	Permanent use	10, 11
*	* * *	*	

[FR Doc.75–20205 Filed 8–1–75;8:45 am]

Title 4—Accounts

CHAPTER III—COST ACCOUNTING STANDARDS BOARD

PART 351—BASIC REQUIREMENTS

PART 403—ALLOCATION OF HOME OFFICE EXPENSES TO SEGMENTS

Filing Requirements and Contract Awards

The purpose of this publication by the Cost Accounting Standards Board is to modify Part 351, Basic Requirements, of its rules and regulations and Part 403, Allocation of Home Office Expenses to Segments. A proposed modification to Part 351 was published in the FEDERAL REGISTER of April 3, 1975 (40 FR 14942).

Twenty-seven sets of comments were received in response to that publication. After considering those comments, the most significant of which are discussed below, the Board is today publishing an amendment to its rules relative to the requirement for the submission of Disclosure Statements by defense contractors and subcontractors.

1. *Fiscal Year Coverage.* The Board's April 3 proposal provided that any company which, together with its subsidiaries, received more than $10 million in prime contracts subject to Cost Accounting Standards in Government fiscal years 1974 or 1975 would be required to file Disclosure Statements. Board regulations now require the filing of Disclosure Statements on the basis of prime contracts awarded in fiscal years 1971, 1972 or 1973. There were no objections voiced by commentators to the inclusion of fiscal years 1974 and 1975 in the filing requirement. Accordingly, the amendments being published today require that companies who exceeded the threshold amounts in either of those fiscal years will be required to file Disclosure Statements.

2. *Effective Date.* The Board's proposal established July 1, 1975, as the effective date for the requirement to include awards made in fiscal years 1974 and 1975. Most commentators pointed out that in view of the short time permitted between submission of comments on the proposal and the July 1 date, any company which met the new requirement would not have sufficient time to file a satisfactory Disclosure Statement to permit receipt of a covered contract. The Board agrees, and accordingly, the amendments being published today establish an effective date of January 1, 1976, for the new requirement. Thus, any company which, together with its subsidiaries, received more than $10 million in prime contract awards subject to Cost Accounting Standards in Government fiscal years 1974 or 1975 must submit a Disclosure Statement in order to receive a covered national defense contract after January 1, 1976.

The April 3 proposal also provided for including subcontract awards in the computation to determine if a company meets the requirement for the filing of Disclosure Statements, beginning with Federal fiscal year 1976. The proposal stated that companies which met the threshold in fiscal year 1976 would be required to file Disclosure Statements as of July 1, 1976. In view of the need for a company to determine whether or not it met the filing requirement and then have sufficient time in which to prepare a satisfactory Disclosure Statement, the effective date for filing a Disclosure Statement on the basis of fiscal year 1976 data has been changed to March 31, 1977. For fiscal years subsequent to 1976, companies will be required to file Disclosure Statements as a condition of receiving a contract by March 31 following the end of the fiscal year in which the threshold is met. This should permit contractors to make their eligibility determination in sufficient time to allow preparation of acceptable Disclosure Statements.

3. *Inclusion of Subcontracts.* The Board's proposal required that beginning with Federal fiscal year 1976 (July 1, 1975–June 30, 1976) companies would be required to include, in addition to prime contract awards, the value of subcontract awards received subject to Cost Accounting Standards in their computation to determine if they must file Disclosure Statements. Beginning with that fiscal year and for all subsequent fiscal years, the Board's proposal stated that any company which, together with its subsidiaries, received more than $10 million in prime contract awards and subcontract awards subject to Cost Accounting Standards would be required to file Disclosure Statements.

Some commentators questioned how the value of awards was to be considered in determining if a company met the threshold. The $10 million figure is to include both prime contract awards and subcontract awards and may, in fact, be met by companies receiving only subcontracts subject to Standards. There was no intention that companies must have received one or more prime contracts in order to be required to file a Disclosure Statement. The determination of whether or not a company has $10 million in awards subject to Cost Accounting Standards must include both prime contracts and subcontracts.

A number of commentators objected to the inclusion of subcontract awards in a requirement for filing Disclosure Statements. They argued that in many cases they do not have sufficient information to determine whether a subcontract is subject to Standards. Some commentators stated that in many cases prime contractors pass through to subcontractors all Standard Government contract clauses whether or not they are required to be included in the subcontract. They allege that, in some cases, when the prime contractors are contacted to determine specifically whether or not a subcontract which contains the Cost Accounting Standards Clause is, in fact, subject to Standards, the prime contractor states that it is not. Because of this, the commentators claim they would be required to establish an elaborate information-gathering system to assure that they properly identify every subcontract subject to Standards.

The argument about the adequacy of information concerning coverage of subcontracts has been made to the Board on a number of occasions. In October 1973, when the Board published an earlier revision to the Disclosure Statement filing requirement, it advised contractors that they may be required to determine the dollar value of defense subcontract awards subject to CAS, and encouraged them to begin to identify and accumulate the value of subcontract awards separately. Many contractors are in fact effectively identifying subcontracts subject to Standards. These facts persuade the Board that identification of covered subcontracts is feasible, although the Board recognizes that some firms may have to clarify their information exchange procedures with the prime contractors with whom they do business.

The Board believes that the inclusion of the amount of subcontract awards in the Disclosure Statement filing requirement is appropriate because subcontracts, unless specifically exempt, are legally subject to the Board's Standards, rules and regulations. Accordingly, the amendments being published today provide for the inclusion of subcontract awards subject to Standards in the determination made by a company as to whether or not it must file a Disclosure Statement. This requirement is effective with Government fiscal year 1976 and applies to all subsequent fiscal years.

4. *Change in Fiscal Year Period.* Several commentators noted that the Federal Government is changing the dates of its fiscal year following Federal fiscal year 1976. The new fiscal year period will be from October 1 through the following September 30. The period July 1, 1976, thru September 30, 1976, will be known as Federal fiscal period 197T. These commentators asked whether or not contracts awarded in that period should be included in some way with a normal fiscal year's contract awards. The Board feels that it is not desirable to upset the regular twelve-month fiscal year computation period and accordingly has concluded that contracts awarded in that three-month period need not be included by companies in determining the value of contract awards received in fiscal year 1976 or any subsequent fiscal year.

5. *Previously Announced Filing Requirements.* The Board's proposal included a requirement that any company which has submitted or was required to submit a Disclosure Statement to the Government under the previously announced filing requirements by virtue of having received a covered contract shall remain subject to those requirements so long as it has any contract subject to Cost Accounting Standards. The proposal also required that Disclosure Statements from those companies on file with the Government must be maintained in current form by those companies. There were virtually no comments received on this requirement. The amendments being published today contain that requirement as set out in the April 3 proposal.

6. *Applicability of CAS 403.* A number of commentators noted that the April 3 proposal deleted paragraph 351.41 of the Board's regulations. This paragraph restated the requirement that only companies that met the Disclosure Statement filing requirement for Federal fiscal year 1971 were required to comply with CAS 403, *Allocation of Home Office Expenses to Segments.* These commentators asked that the Board's position be clarified as to whether or not any current revision to the Disclosure Statement requirement also changed the coverage of CAS 403. It was not the Board's intention to broaden the coverage of CAS 403 at this time. The possibility of extending the coverage of that Standard is the subject of a separate study currently underway. To make

the Board's intention wholly clear, section 403.70 of CAS 403 is being revised to state explicitly rather than by cross reference the continuing coverage of that Standard. This revision has no substantive significance whatever, but instead merely sets out specifically what was and continues to be the exemption from that Standard, which was before today accomplished by reference to section 351.40 of the Board's Basic Requirements. Contractors and subcontractors which together with their subsidiaries did not receive net awards of negotiated national defense prime contracts during Federal fiscal year 1971 totaling more than $30 million continue to be exempt from Standard 403.

7. *Amendments to Disclosure Statements.* The Board's April 3 proposal also included revised procedures for handling changes to the Disclosure Statement. Contractors would be required to submit only the Disclosure Statement pages on which changes have been made. All commentators supported these revised procedures, and they are being published today as part of the Board's regulations.

The Board's April 3 proposal also included a provision enabling procurement agencies to issue regulations prescribing criteria under which a contractor may be required to submit a complete, updated Disclosure Statement. A number of commentators expressed concern over this provision. They felt that procuring agencies perhaps would issue regulations that were not consistent with the Board's intention and for this reason they urged that the Board prescribe criteria under which procurement agencies could make such a request.

The Board appreciates the concern expressed by the commentators. It would appear, however, that agencies would have a need for a complete, updated Disclosure Statement only where the number of amended pages submitted is so great that review of a Disclosure Statement would obviously be an excessively cumbersome process. The Board urges agencies to consider these views when adopting their criteria for submittal of a complete, updated Disclosure Statement. The Board has concluded that it should not itself set criteria for this particular requirement.

8. *Computation of Dollar Amount of Contract Awards.* A number of commentators asked that the Board clarify its intent as to which contracts should be included in the computation of the dollar amounts. The Board feels that covered contracts awarded in any fiscal year in which the computation is being made should be included. This would mean that for all of fiscal year 1974, negotiated defense prime contracts in excess of $100,000 would be included by a company in determining if it met the requirement to file a Disclosure Statement.

For the first six months of fiscal year 1975 all covered contracts in excess of $100,000 would be included in the figure for that fiscal year. For the balance of fiscal year 1975 only those awards which are subject to Standards would be included. This means that if a company was not performing under a covered contract exceeding $500,000 at January 1, 1975, and did not receive an award exceeding that amount in the last six months of the fiscal year, then only the covered contracts received in the first six months would be included. Only those companies which received an award of $500,000 or more in the last six months of the year would add up their covered contracts, including those subsequently awarded in amounts of $100,000 or more, to arrive at the total amount awarded in that period, to be added to the total for the first six months.

Beginning with Federal fiscal year 1976 only companies which receive at least one award exceeding $500,000 either as a prime contract or subcontract subject to Standards will be required to include the value of awards received to determine if they must file a Disclosure Statement. In essence, it is the Board's intention that contracts subject to Cost Accounting Standards shall be included in the computation to determine if the filing requirement has been met by a company for fiscal year 1974 and all subsequent fiscal years.

9. *Summary of Disclosure Statement Filing Requirements.* The Board has amended the requirement for filing Disclosure Statements a number of times. As a convenience to those affected by CAS, there follows a tabulation showing these requirements.

Fiscal period	Government contracts to be included in computation	Amount (million)	Effective date
Fiscal year 1971	Net negotiated prime defense contracts	$30	Oct. 1, 1972.
Fiscal year 1972, 1973	Defense prime contracts of the type subject to CAS	10	Jan. 1, 1974.
Fiscal year 1974, 1975	Defense prime contracts subject to CAS	10	Jan. 1, 1976.
Fiscal year 1976	Defense prime contracts and subcontracts subject to CAS.	10	Mar. 31, 1977.
Following years	Defense prime contracts and subcontracts subject to CAS.	10	Mar. 31 following fiscal year.

10. *Modification.* The modifications being adopted today are limited to those areas in which the Board considers clarification or changes warranted at the present time. From time to time the Board may announce further changes in the criteria for applicability of the disclosure requirement.

The following modifications to Part 351 of the Board's regulations are being made, effective August 1, 1975, in view of the foregoing.

1. In § 351.40 delete paragraph (a) and add new paragraphs (e) and (f) and delete § 351.41 as follows:

§ 351.40 Filing requirement.

(a) [Removed]

* * * * *

(e) Any company which, together with its subsidiaries, received net awards of negotiated national defense prime contracts subject to Cost Accounting Standards totaling more than $10 million in Federal fiscal year 1974 or 1975, must submit a completed Disclosure Statement.

(f) Any company which, together with its subsidiaries, received net awards of negotiated national defense prime contracts and subcontracts subject to Cost Accounting Standards totaling more than $10 million in Federal fiscal year 1976, or which receives such awards in any subsequent Federal fiscal year, must submit a completed Disclosure Statement by March 31 of the year following the Federal fiscal year in which the threshold was met.

§ 351.41 [Removed]

2. Section 351.50 is amended by revising paragraphs (a) and (c) and adding paragraph (d) as follows:

§ 351.50 Contract awards.

(a) Effective January 1, 1976, no relevant Federal agency shall award any national defense contract subject to this regulation to any contractor required to submit a Disclosure Statement under § 351.40, unless such submission has been made or post award submission has been authorized pursuant to § 331.60.

* * * * *

(c) Any company which has submitted a Disclosure Statement to the Government under previously effective filing requirements shall remain subject to this section so long as it has any contract subject to Cost Accounting Standards.

(d) Any company which was obligated to submit a Disclosure Statement to the Government under previously effective filing requirements by virtue of having received a covered contract shall be subject to this section so long as it has any contract subject to Cost Accounting Standards.

3. Section 351.120 is amended by revising paragraph (d) and adding paragraph (e) as follows:

§ 351.120 Amendment to Disclosure Statement.

* * * * *

(d) Amendment shall be submitted to the same offices, including the Cost Accounting Standards Board, to which submission would have to be made were an original Disclosure Statement being filed. Revised responses for Items 1.4.0 through 1.7.0, 8.1.0 or 8.2.0 must be submitted at the beginning of the contractor's fiscal year only if the response to an item in the Disclosure Statement on file requires a change. If the contractor's sales were such that it would check the same boxes in the Disclosure Statement, resubmission of responses concerning these particular items is not required.

(e) For each revision of the Disclosure Statement (addition, change or deletion), only the pages containing such revision shall be resubmitted. Each resubmission shall include a new cover sheet and a signed certification. In the first line of Item 0.4 of the cover sheet, companies shall enter the date of the revision. On the next line of Item 0.4 the date of the last cover sheet that was submitted shall be entered. The numbers of the pages

being revised and submitted with the cover sheet shall be entered immediately above the certification. The upper right corner of each revised page being submitted shall be marked "Revised" and dated with the date shown in the first line of Item 0.4. Companies shall enter in the right margin of each page, an asterisk (*) alongside each line containing a revision. For continuation sheets, asterisks may be used in the right margin to identify revised material. Agencies may prescribe criteria under which submission of a complete, updated Disclosure Statement will be required.

4. Section 403.70 is revised to read as follows:

§ 403.70 Exemptions.

Any contractor or subcontractor which together with its subsidiaries did not receive net awards of negotiated national defense prime contracts during Federal fiscal year 1971 (July 1, 1970, through June 30, 1971) totaling more than $30 million is exempt from this Standard.

(84 Stat. 796, sec. 103 (50 U.S.C. App. 2168))

ARTHUR SCHOENHAUT,
Executive Secretary.

[FR Doc.75-20332 Filed 8-1-75;8:45 am]

Title 21—Food and Drugs

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

[Docket No. 75N-0001]

ADMINISTRATIVE PRACTICES AND PROCEDURES

Stay of Regulations

The Commissioner of Food and Drugs is staying until further notice the regulations on administrative practices and procedures published in the FEDERAL REGISTER of May 27, 1975 (40 FR 22950).

On July 23, 1975, the American College of Neuropsychopharmacology brought suit in the United States District Court for the District of Columbia seeking to invalidate the regulations on the ground that they were issued without notice of proposed rule making. At a hearing before the Honorable John H. Pratt, United States District Judge, on July 24, 1975, the Food and Drug Administration agreed, pursuant to request of the Court, to delay the effectiveness of the regulations pending a decision on the plaintiff's motion for a preliminary injunction. In a notice published in the FEDERAL REGISTER of July 28, 1975 (40 FR 31605), the Commissioner stayed the effectiveness of the regulations until August 4, 1975.

On July 31, 1975, the Court issued Findings of Fact and Conclusions of Law, and a Final Order and Judgment permanently enjoining issuance of the regulations until after compliance with the conditions set forth therein. The Commissioner will issue, for publication in the FEDERAL REGISTER in the near future, the terms of the foregoing documents.

Therefore, the Commissioner is hereby staying the effectiveness of the regulations until further notice.

Dated: July 31, 1975.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.75-20389 Filed 8-1-75;9:59 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

Customs Service

[19 CFR Part 10]

INSTRUMENTS OF INTERNATIONAL TRAFFIC

Use of United States Containers Admitted as Instruments of International Traffic in Local United States Traffic

Notice is hereby given that under the authority of R.S. 251, as amended (19 U.S.C. 66), section 14, 67 Stat. 516, as amended (19 U.S.C. 1322), 77A Stat. 14 (19 U.S.C. 1202 (General Headnote 11, Tariff Schedules of the United States)), and section 624, 46 Stat. 759 (19 U.S.C. 1624), it is proposed to amend paragraph (d) of § 10.41a of the Customs Regulations (19 CFR 10.41a(d)) to provide that containers of United States origin which have not been increased in value or improved in condition by any process of manufacture or other means while abroad and which are released upon arrival in the United States as instruments of international traffic are not subject to entry and the payment of duty if they are thereafter withdrawn from use in international traffic for use in local traffic within the United States.

Under § 10.41a(d), if an instrument of international traffic of United States or foreign origin is diverted to point-to-point local traffic in the United States or is otherwise withdrawn in the United States from use as an instrument of international traffic, it becomes subject to entry and the payment of applicable duty. It has been determined that the provisions of § 10.41a(d) are unduly restrictive insofar as they subject United States containers released as instruments of international traffic to the same limitations on use in United States local traffic that apply to foreign containers so released. The proposed amendments to § 10.41a will necessarily require an amendment of the Bond for the Control of Certain Instruments of International Traffic, Customs Form 7587, to provide that containers of United States origin are not subject to entry and the payment of duty if they are withdrawn from use in international traffic after release under § 1041a.

Accordingly, it is proposed to amend paragraph (d) of § 10.41a of the Customs Regulations (19 CFR 10.41a(d)) to read as follows:

§ 10.41a Lift vans, cargo vans, shipping tanks, skids, pallets, and similar instruments of international traffic; repair components.

* * * * *

(d) If an instrument of foreign origin, or of United States origin which has been increased in value or improved in condition by a process of manufacture or other means while abroad, is released under this section and is subsequently diverted to point-to-point local traffic within the United States, or is otherwise withdrawn in the United States from its use as an instrument of international traffic, it becomes subject to entry and the payment of any applicable duties. An instrument of United States origin which has not been increased in value or improved in condition by a process of manufacture or other means while abroad and which is released under this section shall not be subject to entry or the payment of duty if it is so diverted or otherwise withdrawn.

* * * * *

Data, views, or arguments with respect to the foregoing proposal may be addressed to the Commissioner of Customs, Attention: Regulations Division, Washington, D.C. 20229. To insure consideration of such communications, they must be received not later than September 3, 1975.

Written material or suggestions submitted will be available for public inspection in accordance with § 103.8(b) of the Customs Regulations (19 CFR 103.8(b)), at the Regulations Division, Headquarters, United States Customs Service, Washington, D.C., during regular business hours.

[SEAL] G. R. DICKERSON,
Acting Commissioner of Customs.

Approved: July 24, 1975.

DAVID R. MACDONALD,
Assistant Secretary of the Treasury.

[FR Doc.75-20215 Filed 8-1-75;8:45 am]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 1099]

[Docket No. AO-183-A32]

MILK IN THE PADUCAH, KENTUCKY, MARKETING AREA

Decision on Proposed Amendments to Marketing Agreement [1] and to Order

A public hearing was held upon proposed amendments to the marketing agreement and the order regulating the handling of milk in the Paducah, Kentucky, marketing area. The hearing was held, pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice (7 CFR Part 900), at Paducah, Kentucky, on April 3, 1975, pursuant to notice thereof issued on March 21, 1975 (40 FR 13220).

Upon the basis of the evidence introduced at the hearing and the record thereof, the Associate Administrator, on June 13, 1975, filed with the Hearing Clerk, United States Department of Agriculture, his recommended decision containing notice of the opportunity to file written exceptions thereto.

The material issues, findings and conclusions, rulings, and general findings of the recommended decision are hereby approved and adopted and are set forth in full herein, subject to the following modifications:

1. Under "1. Point of pricing diverted milk.", a paragraph is added immediately following the seventh paragraph, and the last paragraph is changed.

2. Under "2. Modification of "takeout-pay back" plan.", a paragraph is added immediately following the 13th paragraph, the 14th paragraph is changed, and four paragraphs are added following the last paragraph.

The material issues on the record relate to:

1. Point of pricing diverted milk.
2. Modification of "takeout-pay back" plan.
3. Need for emergency action.

FINDINGS AND CONCLUSIONS

The following findings and conclusions on the material issues are based on evidence presented at the hearing and the record thereof:

1. *Point of pricing diverted milk.* The order should be amended to price producer milk diverted from a pool plant at the location of the nonpool plant to which it is delivered. Under the terms of the order milk may be diverted only to nonpool plants and diverted milk is priced at the location of the pool plant from which diverted.

The major cooperative in the market proposed that diverted milk be priced at the location of the plant where it is actually received, as adopted in this decision. The cooperative contended the present provision provides a means of exploiting the Paducah order pool by the attachment of milk to the market that is not in fact associated with it and that is generally delivered to distant plants in the area where such milk is produced. Such milk would receive a blend price reflecting its value f.o.b. Paducah.

[1] Filed as part of the original document.

In actual practice, milk from certain dairy farmers in southwestern Minnesota, which is delivered to a pool plant in the marketing area during part of the month, is diverted as producer milk to a southwestern Minnesota plant during the remainder of the month. The proponent cooperatiive held that it is inappropriate to apply the f.o.b. marketing area price to milk moved directly from the Minnesota farms on which produced to the nearby southwestern Minnesota plant.

(The Paducah order location adjustment, which is applicable to producer milk at pool plants more than 40 miles from the nearest County Courthouse in the marketing area, reduces the Class I and uniform prices at such plants by 7.5 cents plus 1.5 cents for each additional 10 miles beyond 50 miles.)

At the hearing a second cooperative proposed that milk diverted to nonpool plants within 100 miles of the nearest County Courthouse in the marketing area be priced at the plant from which diverted. However, milk diverted to plants beyond 100 miles would be priced at the plant of physical receipt. The proponent cooperative held that manufacturing plants located within the 100 miles distance can reasonably accommodate the necessary reserve associated with the Paducah market.

The present pricing of diverted milk was adopted when the order was initially promulgated and the market's milk supply was totally from local producers. No significant pricing difference would have resulted if diverted milk at that time had been priced at the location of the plant of physical receipt. However, because some producer milk now may originate at great distance from the market, the point of pricing of diverted milk can have significant impact with respect to the distribution of returns to producers.

When producer milk is received at a nonpool plant as diverted milk, its location value is the same as milk delivered by producers to a pool plant at the same location. Pricing milk at the location of the pool plant from which diverted tends to subsidize, at the expense of producers generally, the more distant producers whose milk is diverted to distant manufacturing plants rather than delivered to the market. This is because the distant producers receive the f.o.b. market uniform price on milk that is not moved to the market and on which the full cost of farm to market hauling has not been incurred.

A cooperative excepted to the recommended decision's pricing diverted milk at the plant to which diverted. The cooperative proposed at the hearing that if the point of pricing diverted milk were changed, such change should not apply to milk diverted to plants within 100 miles of the nearest county courthouse in the marketing area. Since the recommended decision did not so provide, an exception was taken to its denial.

The order's location adjustments recognize the greater value of producer milk f.o.b. plants in the marketing area as compared to its value at other locations. In view of this, it would be inconsistent to continue to price milk at the location of the pool plant from which diverted when actually delivered to a nonpool plant where a different price based on the location adjustment would be applicable to a pool plant at the same location. This is applicable whether the plant to which milk is diverted is less than 100 miles, or at a distant location, from a designated basing point.

2. *Modification of "takeout-pay back" plan.* The order's takeout-pay back plan (commonly referred to as the Louisville plan) should not be changed.

A Louisville plan has been effective in the Paducah order continuously since May 1, 1966. The plan is intended to provide an incentive for an even milk supply throughout the year.

The Louisville plan in the Paducah order provides for retaining in the producer-settlement fund an amount representing 50 cents per hundredweight on the value of producer milk delivered during the months of April through July. One-fourth of the money thus withheld is distributed to producers on their deliveries during each of the following months of October through January. The 50-cent per hundredweight reduction in the April–July uniform prices is reflected in the higher uniform prices in the pay back months.

A proposal to modify the Louisville plan was made by a cooperative representing a substantial majority of the producers on the market. As proposed, if any milk of a producer was pooled under another order in the takeout months, he would not share in the pay back for his October–January deliveries unless at least 20 days of his production had been physically received at a Paducah order pool plant in each of the preceding takeout months. Thus a producer without the required deliveries in the takeout months would receive during the pay back months a price equal to the uniform price less the pay back rate for such month.

Proponent contended that its proposal would close a loophole whereby dairy farmers who are not regular suppliers of the market unwarrantedly share in the pay back monies. Milk of dairy farmers that is delivered to a pool plant of another order and transferred to a Paducah order pool plant, is not, of course, subject to the takeout under the Paducah order. These dairy farmers, according to the cooperative, by delivering milk from their farms directly to a Paducah order pool plant in the pay back months, could share in the pay back monies without having participated in the Louisville plan in the takeout months.

Testimony by a cooperative in opposition to the proposal to modify the Louisville plan contended that any such modification would not be consistent with the provisions of the Act, which authorizes Louisville plans.

Further, the cooperative presented at the hearing a formal motion for denial and dismissal of the proposal. The Administrative Law Judge referred this motion to the Secretary for consideration at the time he considered the record and disposition thereof. Since the proposal is denied herein, no purpose would be served by taking further action on the motion.

At the hearing, the cooperative opposing the proposed modification requested that the Louisville plan be suspended from the Paducah order. In connection therewith, the cooperative referred to its February 27, 1975, telegram to the Department requesting suspension of the Louisville plans in the Paducah, Southern Illinois, St. Louis-Ozarks, and Louisville-Lexington-Evansville orders. The Department's March 24 response denied the requested suspensions on the basis that there was no general support for that action among producers who would be affected by it. The letter also indicated that most producers supplying the Paducah market favor continuation of the Louisville plan.

The record evidence showed no changed conditions since the March 24 letter to support a different conclusion.

In addition to opposing modification of the Louisville plan and requesting its removal from the Paducah order, the cooperative proposed at the hearing that such plan be replaced with a base-excess plan.

The hearing notice contained no proposal to remove the Louisville plan from the order or to replace it with a base-excess plan. It would be inappropriate to consider the adoption of a base-excess plan to replace the Louisville plan without giving proper notice to all interested parties. Accordingly, no action is taken on the basis of the record on the proposal to adopt a base-excess plan.

The cooperative further requested that if it was determined that the notice of hearing does not permit consideration of adopting a base-excess plan, the hearing be reopened under appropriate notice to consider a base-excess plan.

No useful purpose would be served by delaying this procedure by reopening of the hearing to consider a base-excess plan. The request to reopen the hearing record to permit consideration of a base-excess plan is therefore denied.

The same cooperative excepted to the recommended decision's denial of its proposal to eliminate the Louisville plan and replace it with a base-excess plan. It also excepted to the denial of its request to reopen the hearing for further consideration of that proposal.

A proposal to eliminate the Louisville plan and adopt a base-excess plan in the Paducah order may be submitted under the usual procedure for submitting hearing proposals. If such a proposal is submitted, it will be given appropriate consideration.

A Louisville plan does not affect handlers' costs or change the aggregate amount of money they pay for producer milk for the year. The plan does alter producer returns during both the takeout and pay back months. In this regard it has the identical impact that would result from seasonal pricing and is intended to serve the identical purpose.

The money retained in a producer-settlement fund in the takeout months under the Louisville plan is not an obligation to any producer on the basis of his deliveries to the market in these months. The money thus accumulated in the producer-settlement fund is for the purpose of encouraging the delivery of milk to the market in the pay back months of seasonally low production by increasing returns to producers for their deliveries in these months.

Under a marketwide pool order, such as Paducah, the Act requires that all producers be paid the same uniform prices for their deliveries subject only to certain specified adjustments. The cooperative's proposal to modify the Louisville plan would reduce the uniform prices payable to producers in the pay back months by the applicable pay back rate. That is, if any milk of a producer was pooled under another order in the takeout months, he would not share in the pay back for his October–January deliveries unless at least 20 days of his production in each of the 4 preceding takeout months had been delivered to a Paducah order pool plant.

It cannot be concluded that the intent of the Act would be effectuated by paying a producer less than the order's uniform price in the pay back months on the basis of the marketing of his production in the preceding takeout months as described above. To adopt the cooperative's proposal in this regard would be inconsistent with the purpose for including a Louisville plan in the order.

Proponent cooperative's exceptions argue that the present Louisville plan provides an incentive to shift milk between orders to take advantage of the "pay back". The cooperative contended that a dairy farmer whose milk was pooled under another order in the takeout months should be precluded from sharing in the Louisville plan distribution in the following pay back months.

As an alternative to its proposal to modify the Louisville plan, the cooperative proposed to exclude from the "producer" definition a dairy farmer who delivered any milk to a pool plant in October through January if his milk was pooled in an order without a "takeout-pay back" plan in the preceding April through July.

As a basis for its exception, the cooperative cited the Chicago Regional order provision which provides that a dairy farmer who was a producer in the "pay back" months under an order with a Louisville plan would not be a producer with respect to his production received at a Chicago order pool plant in the following January through July.

The Chicago order provision precludes the pooling of milk in the flush production months if during the preceding short production season the dairy farmer who produced it was a producer under an order with a Louisville plan. This is different from the cooperative's proposal which, under certain conditions, would preclude a dairy farmer from pooling under the Paducah order during the short-production season. This is when supplies are generally lowest relative to the fluid needs of the market. Thus, the cooperative's alternate proposal would be inconsistent with the need for encouraging the delivery of adequate milk supplies during the months when production is normally low. The proposal therefore should not be adopted.

3. *Need for emergency action.* The notice of hearing provided for taking evidence to determine whether emergency marketing conditions exist that would warrant omission of a recommended decision on the proposals (1) to price diverted milk at the location of the nonpool plant to which diverted and (2) to modify the "takeout-pay back" plan. At the hearing, proponent urged prompt action on the proposal to price diverted milk at the location of the nonpool plant to which diverted. However, no testimony was presented to justify omission of the recommended decision and the opportunity to file exceptions thereto. The proposal for taking emergency action is therefore denied.

Rulings on Proposed Findings and Conclusions

Briefs and proposed findings and conclusions were filed on behalf of certain interested parties. These briefs, proposed findings and conclusions and the evidence in the record were considered in making the findings and conclusions set forth above. To the extent that the suggested findings and conclusions filed by interested parties are inconsistent with the findings and conclusions set forth herein, the requests to make such findings or reach such conclusions are denied for the reasons previously stated in this decision.

General Findings

The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) The tentative marketing agreement and the order, as hereby proposed to be amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(b) The parity prices of milk as determined pursuant to section 2 of the Act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the marketing area, and the minimum prices specified in the tentative marketing agreement and the order, as hereby proposed to be amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(c) The tentative marketing agreement and the order, as hereby proposed to be amended, will regulate the handling of milk in the same manner as, and will be applicable only to persons in the respective classes of industrial and commercial activity specified in, a marketing agreement upon which a hearing has been held.

Rulings on Exceptions

In arriving at the findings and conclusions, and the regulatory provisions of this decision, each of the exceptions received was carefully and fully considered in conjunction with the record evidence. To the extent that the findings and conclusions, and the regulatory provisions of this decision are at variance with any of the exceptions, such exceptions are hereby overruled for the reasons previously stated in this decision.

Marketing Agreement and Order

Annexed hereto and made a part hereof are two documents, a MARKETING AGREEMENT regulating the handling of milk, and an ORDER amending the order regulating the handling of milk in the Paducah, Kentucky, marketing area, which have been decided upon as the detailed and appropriate means of effectuating the foregoing conclusions.

It is hereby ordered, That this entire decision, except the attached marketing agreement, be published in the FEDERAL REGISTER. The regulatory provisions of the marketing agreement are identical with those contained in the order as hereby proposed to be amended by the attached order which is published with this decision.

Determination of Producer Approval and Representative Period

May 1975 is hereby determined to be the representative period for the purpose of ascertaining whether the issuance of the order, as amended and as hereby proposed to be amended, regulating the handling of milk in the Paducah, Kentucky, marketing area is approved or favored by producers, as defined under the terms of the order (as amended and as hereby proposed to be amended), who during such representative period were engaged in the production of milk for sale within the aforesaid marketing area.

Signed at Washington, D.C., on: July 30, 1975.

RICHARD L. FELTNER,
Assistant Secretary.

[FR Doc.75-20248 Filed 8-1-75;8:45 am]

Animal and Plant Health Inspection Service

[9 CFR Parts 101, 113]

VIRUSES, SERUMS, TOXINS, AND ANALOGOUS PRODUCTS

Proposed Rulemaking

● Purpose. To correct the language for scientific accuracy and clarity. ●

Notice is hereby given in accordance with the provisions contained in section 553 of Title 5, United States Code, that it is proposed to amend certain of the regulations relating to viruses, serums, toxins, and analogous products, in Parts 101 and 113 of Title 9, Code of Federal

Regulations issued pursuant to the provisions of the Virus-Serum-Toxin Act of March 4, 1913 (21 U.S.C. 151–158).

These amendments reword the definitions of "Batch of primary cells" and "Cell line" for scientific accuracy by deleting the word "explanted" from each. They add a definition for the word "Log" to clarify the meaning of the regulations in which the term is used.

These amendments restrict submission of samples to support Outline of Production changes until requested by Veterinary Services. They reword § 113.5(a) to specify that required tests are those in the filed Outline of Production or Standard Requirements.

These amendments make an editorial change in § 113.6(a) to clarify the meaning and also to conform with terminology used in the definition of Standard Requirements in § 101.5(a). They reword § 113.6(b) to emphasize the necessity of considering all test results and to emphasize the importance of unsatisfactory test results.

1. § 101.5 is amended by adding a new paragraph (b) to read:

§ 101.5 Testing terminology.

* * * * *

(b) *Log.* Logarithm computed to the base of 10.

* * * * *

2. § 101.6 is amended by revising paragraphs (a) and (b) to read:

§ 101.6 Cell cultures.

* * * * *

(a) *Batches of primary cells.* A pool of original cells derived from normal tissue up to and including the 10th subculture.

(b) *Cell line.* A pool of cells which are 11 or more subcultures from the tissue of origin.

* * * * *

3. § 113.3 is amended by revising paragraph (b)(8) to read:

§ 113.3 Sampling of biological products.

* * * * *

(b) * * *

(8) *Prelicensing and Outline of Production changes.* Samples needed to support a license application or a change in the Outline of Production for a licensed product shall be submitted upon request from Veterinary Services. Such samples shall be double the number prescribed in this section for such product.

* * * * *

4. § 113.5 is amended by revising paragraph (a) to read:

§ 113.5 General testing.

(a) No biological product shall be released prior to the completion of tests prescribed in a filed Outline of Production or Standard Requirements for the product to establish the product to be pure, safe, potent, and efficacious.

* * * * *

5. § 113.6 is amended by revising paragraphs (a) and (b) to read:

§ 113.6 Veterinary services testing.

* * * * *

(a) The Deputy Administrator is authorized to cause a biological product, manufactured in the United States or imported into the United States, to be examined and tested for purity, safety, potency, or efficacy; in which case, the licensee or permittee shall withhold such product from the market until a determination has been made.

(b) The results of each test conducted by the licensee and Veterinary Services shall be considered in evaluating a product unless otherwise provided for in this Part. A serial or subserial which has been found unsatisfactory by a required test prescribed in a filed Outline of Production or Standard Requirement for the product is not in compliance with the regulations and shall not be released for market.

Interested parties are invited to submit written data, views, or arguments regarding the proposed regulations to Deputy Administrator, Veterinary Services, Animal and Plant Health Inspection Service, U.S. Department of Agriculture, Room 828–A, Federal Building, Hyattsville, Maryland 20782. All comments received on or before September 8, 1975 will be considered.

All written submissions made pursuant to this notice will be made available for public inspection at the above address, 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)).

Done at Washington, D.C., this 30th day of July 1975.

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

[FR Doc.75-20249 Filed 8-1-75;8:45 am]

[9 CFR Part 113]

VIRUSES, SERUMS, TOXINS, AND ANALOGOUS PRODUCTS

Extension of Time To Submit Written Data, Views, or Arguments

Notice is hereby given in accordance with the provisions contained in section 553 of Title 5, United States Code, that the time for filing data, views, and arguments with respect to the proposed amendments to the regulations relating to viruses, serums, toxins, and analogous products in 9 CFR Part 113, as published in the FEDERAL REGISTER on June 5, 1975 (40 FR 14556) is extended to October 3, 1975 (37 Stat. 832–833; 21 U.S.C. 151–158).

Because of the newness of the requirements contained in the proposal, unexpected variations in the test results have occurred and additional time has been requested by industry to conduct more of the tests before making their comments.

Interested parties are invited to submit written data, views, or arguments regarding the proposed regulations to Deputy Administrator, Veterinary Services, Animal and Plant Health Inspection Service, U.S. Department of Agriculture, Room 828–A, Federal Building, Hyattsville, Maryland 20782. All comments received on or before October 3, 1975, will be considered.

All written submissions made pursuant to this notice will be made available for public inspection at the above address, 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)).

Done at Washington, D.C., this 30th day of July, 1975.

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

[FR Doc.75-20250 Filed 8-1-75;8:45 am]

[9 CFR Part 113]

VIRUSES, SERUMS, TOXINS, AND ANALOGOUS PRODUCTS

Proposed Rulemaking

● **Purpose. To provide two new Standard Requirements for biological products.** ●

Notice is hereby given in accordance with the provisions contained in section 553 of Title 5, United States Code, that it is proposed to amend certain of the regulations relating to viruses, serums, toxins, and analogous products in Part 113 of Title 9, Code of Federal Regulations issued pursuant to the provisions of the Virus-Serum-Toxin Act of March 4, 1913 (21 U.S.C. 151–158).

The Master Seed Virus concept of testing viral vaccines for potency has been applied to such vaccines as rapidly as the procedures have been developed. This concept employs the use of a proven Master Seed Virus in the preparation of a vaccine and subsequent serial to serial evaluation for potency limited to virus titrations. This procedure eliminates the need for testing each serial for potency in expensive test animals.

These proposed amendments would change the requirements in § 113.137 to the Master Seed Virus testing procedure for Distemper Vaccine-Mink and would add a new section to Part 113 to provide a similar test procedure for Measles vaccine used in dogs.

Each word in the headings for § 113.137 and § 113.167 are to be capitalized.

1. § 113.137 is revised to read as follows:

§ 113.137 Distemper Vaccine—Mink.

Distemper Vaccine—Mink shall be prepared from virus-bearing cell culture fluids. Only Master Seed Virus which has been established as pure, safe, and immunogenic shall be used for preparing the production seed virus for vaccine production. All serials of vaccine shall be prepared from the first through the fifth passage from the Master Seed Virus.

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

(b) The lot of Master Seed Virus shall be tested for extraneous viruses as follows:

(1) To detect virulent canine distemper virus, each of two distemper susceptible mink shall be inoculated with 1 ml. of the Master Seed Virus and observed each day for 21 days. If undesirable reactions occur in either mink, the lot of Master Seed Virus is unsatisfactory.

(2) Master Seed Virus propagated in chicken embryos shall be tested for pathogens by the chicken embryo test prescribed in § 113.37. If found unsatisfactory, the Master Seed Virus shall not be used.

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

(1) Twenty-five distemper susceptible mink shall be used as test animals (20 vaccinates and five controls). Blood samples shall be drawn from these animals and individual serum samples tested. The mink shall be considered susceptible if the results are negative at a 1:2 final serum dilution in a varying serum-constant virus neutralization test with less than 500 ID_{50} of canine distemper virus.

(2) A geometric mean titer of the dried vaccine produced from the highest passage of the Master Seed Virus shall be established before the immunogenicity test is conducted. Twenty mink shall be vaccinated with a predetermined quantiy of vaccine virus and the remaining five mink held as unvaccinated controls. To confirm the dosage calculations, five replicate virus titrations shall be conducted on a sample of the vaccine virus dilution used.

(3) At least twenty-one days postinjection, the immunity of each of the vaccinates and the controls shall be challenged with the same size dose of virulent distemper virus and observed each day for 21 days.

(i) If at least four of the five controls do not die or show severe signs of distemper, the test is inconclusive and may be repeated.

(ii) If at least 19 of the 20 vaccinates do not survive without showing clinical signs of distemper during the observation period, the Master Seed Virus is unsatisfactory.

(4) The Master Seed Virus shall be retested for immunogenicity in 3 years and each 5 years thereafter unless use of the lot previously tested is discontinued. Only five vaccinates and five controls need to be used in the retest; *Provided*, That, five of five vaccinates and at least four of the controls shall meet the criteria prescribed in paragraph (c) (3) of this section.

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

(d) Test requirements for release: Each serial and subserial shall meet the general requirements prescribed in § 113.135 and the requirements in this paragraph. Final container samples of completed product shall be tested. Any serial or subserial found unsatisfactory by a prescribed test shall not be released.

(1) *Safety Tests.* (i) The mouse safety test prescribed in § 113.33(a) shall be conducted.

(ii) *Mink safety test.* Each of 2 mink shall be vaccinated with the equivalent of 10 doses of vaccine rehydrated with sterile diluent and administered in the manner recommended on the label. The mink shall be observed each day for 21 days. If unfavorable reactions attributable to the product occur in either of the mink during the observation period, the serial or subserial is unsatisfactory. If unfavorable reactions which are not attributable to the product occur, the test shall be declared inconclusive and may be repeated: Provided, That if the test is not repeated, the serial or subserial shall be declared unsatisfactory.

(2) *Potency Test.* An in vitro potency test shall be conducted. To be eligible for release, each serial and subserial shall have a virus titer sufficiently greater than the titer of vaccine virus used in the immunogenicity test prescribed in paragraph (c) of this section to assure that, when tested at any time within the expiration period, each serial and subserial shall have a virus titer $10^{0.7}$ greater than that used in such immunogenicity test when tested by the method used in paragraph (c) (2) of this section.

2. Part 113 is amended by the addition of a new § 113.167 to read as follows:

§ 113.167 Measles Vaccine.

Measles Vaccine shall be prepared from virus-bearing cell culture fluids. Only Master Seed Virus which has been established as pure, safe, and immunogenic shall be used for preparing the production seed virus for vaccine production. All serials of vaccine shall be prepared from the first through the fifth passage from the Master Seed virus.

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

(b) The lot of Master Seed Virus shall be tested for other viral agents as follows:

(1) To detect virulent canine distemper virus, each of two canine distemper susceptible ferrets shall be injected with a sample of the Master Seed Virus equivalent to the amount of virus to be used in one dog dose and observed each day for 21 days. If undesirable reactions occur in either ferret, the lot of Master Seed Virus is unsatisfactory.

(2) To detect infectious canine hepatitis virus, each of two infectious canine hepatitis susceptible dogs or foxes shall be injected with 0.05 ml of the Master Seed Virus into the anterior chamber of one eye and examined each day for 14 days for corneal opacity. If the eyes do not remain clear, the Master Seed Virus is unsatisfactory.

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

(1) Twenty-five dogs, less than 12 weeks of age and free of measles antibody, shall be used as test animals (20 vaccinates and five controls). Blood samples shall be drawn from these animals and individual serum samples tested. The dogs shall be considered susceptible if the results are negative at a 1:2 final serum dilution in a varying serum-constant virus neutralization test with less than 500 ID_{50} of measles virus.

(2) A geometric mean titer of the dried vaccine produced from the highest passage of the Master Seed Virus shall be established before the immunogenicity test is conducted. Twenty dogs shall be vaccinated with a predetermined quantity of vaccine virus and the remaining five dogs held as unvaccinated controls. To confirm the dosage calculations, five replicate virus titrations shall be conducted on a sample of the vaccine virus dilution used.

(3) On the day of challenge, serum samples shall be obtained from each vaccinate and individually tested for antibody against canine distemper virus. For a valid test, each vaccinate shall be negative at a 1:4 final serum dilution in varying serum-constant virus neutralization test using less than 500 ID_{50} of canine distemper virus.

(4) At least 21 days postinoculation, the immunity of the vaccinates and controls shall be challenged by exposure to a uniform dose of aerosolized virulent canine distemper virus. All test dogs shall be observed daily for 21 days postchallenge.

(i) If at least 4 of the 5 controls do not die or show signs of distemper, including a temperature of 104.0° F or higher and at least 15 percent weight loss, the test is inconclusive and may be repeated.

(ii) If at least 19 of the 20 vaccinates do not survive without showing a temperature of 104.0° F or higher and a weight loss exceeding 15 percent after day 8 postchallenge, the Master Seed Virus is unsatisfactory.

(5) When approved in advance by Veterinary Services, a sequential test procedure may be used in lieu of the 20 dog requirement. A beta value of 0.05 and a tolerance level of 0.78 shall be required.

(6) The Master Seed Virus shall be retested for immunogenicity in 3 years and each 5 years thereafter unless use of the lot previously tested is discontinued. Only five vaccinates and five controls need to be used in the retest; *Provided*, That, five of five vaccinates and at least four of the controls shall meet the criteria prescribed in this section.

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

(d) Test requirements for release: Each serial and subserial shall meet the gen-

eral requirements prescribed in § 113.135 and the requirements in this paragraph. Final container samples of completed product shall be tested. Any serial or subserial found unsatisfactory be a prescribed test shall not be released.

(1) *Safety tests.* The dog safety test prescribed in § 113.40 and the mouse safety test prescribed in § 113.33(a) shall be conducted.

(2) *Potency test.* An in vitro potency test shall be conducted. To be eligible for release, each serial and subserial shall have a virus titer sufficiently greater than the titer of the vaccine virus used in the immunogenicity test prescribed in paragraph (c) of this section to assure that, when tested at any time within the expiration period, each serial and subserial shall have a virus titer $10^{0.7}$ greater than that used in such immunogenicity test but not less than $10^{1.3}$ ID_{50} per dose when tested by the method used in paragraph (c)(2) of this section.

Interested parties are invited to submit written data, views, or arguments regarding the proposed regulations to Deputy Administrator, Veterinary Services, Animal and Plant Health Inspection Service, U.S. Department of Agriculture, Room 828–A, Federal Building, Hyattsville, Maryland 20782. All comments received on or before October 6, 1975, will be considered.

All written submissions made pursuant to this notice will be made available for public inspection at the above address, 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)).

Done at Washington, DC, this 30th day of July 1975.

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

[FR Doc.75-20251 Filed 8-1-75;8:45 am]

Office of the Secretary

[7 CFR Part 1]

PRIVACY ACT OF 1974: IMPLEMENTATION

Notice of Proposed Rulemaking

Notice is hereby given that the Department of Agriculture (USDA) proposes to amend 7 CFR Part 1 by adding Subpart G to implement the provisions of the Privacy Act of 1974 (5 U.S.C. 552a) with regard to systems of records maintained by agencies of USDA.

These regulations set forth the procedures whereby individuals can request information about, access to, or amendment of, records pertaining to them which are contained in a system of records maintained by an agency of USDA. They also set forth the procedures agencies of USDA are to follow in processing these requests. USDA is currently considering which systems of records among those it maintains are to be exempted pursuant to 5 U.S.C. 552a (j) and (k). Sections 1.222 and 1.223 of these regulations will be issued at a later date with an opportunity for public comment.

Interested persons may submit written comments on these proposed regulations to: Director, Research and Operations Division, Office of the General Counsel, U.S. Department of Agriculture, Washington, D.C. 20250, on or before August 20, 1975. All comments submitted will be available for public inspection during regular business hours in Room 2321 of the South Building, USDA.

These regulations are proposed under the authority of 5 U.S.C. 301, 552a.

In consideration of the foregoing, it is proposed to amend Part 1 of 7 CFR by adding a Subpart G as follows:

Subpart G—Privacy Act Regulations

Sec.
1.110 Purpose and scope.
1.111 Definitions.
1.112 Procedures for requests pertaining to individual records in a record system.
1.113 Times, places, and requirements for identification of individuals making requests.
1.114 Disclosure of requested information to individuals.
1.115 Special procedures: medical records.
1.116 Request for correction or amendment to record.
1.117 Agency review of request for correction or amendment of record.
1.118 Appeal of initial adverse agency determination on correction or amendment.
1.119 Disclosure of record to person other than the individual to whom it pertains.
1.120 Fees.
1.121 Penalties
1.122 General Exemptions [Reserved]
1.123 Specific Exemptions [Reserved]

AUTHORITY: 5 U.S.C. 552a.

Subpart G—Privacy Act Regulations

§ 1.110 Purpose and scope.

This subpart contains the regulations of the U.S. Department of Agriculture (USDA) implementing the Privacy Act of 1974 (5 U.S.C. 552a). It sets forth the basic responsibilities of each agency of USDA with regard to USDA's compliance with the requirements of the Act, and offers guidance to members of the public who wish to exercise any of the rights established by the Act with regard to records maintained by an agency of USDA.

§ 1.111 Definitions.

For purposes of this subpart the terms "individual," "maintain," "record," "system of records," "statistical record," and "routine use" shall have the meanings set forth in 5 U.S.C. 552a(a). The term "agency" shall mean an agency of USDA, unless otherwise indicated.

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

(a) Any person who wishes to be notified if a system of records maintained by an agency contains any record pertaining to him, or to request access to such records, shall submit a written request in accordance with the instructions set forth in the system notice for that system of records. This request shall include:

(1) The name of the individual making the request;

(2) The name of the system of records (as set forth in the system notice to which the request relates);

(3) Any other information specified in the system notice; and

(4) When the request is one for access, a statement as to whether the requester desires to make a personal inspection of the records, or be supplied with copies by mail.

(b) Any person whose request under paragraph (a) of this section is denied may appeal that denial to the head of the agency which maintains the system of records to which the request relates.

(c) In the event that an appeal under paragraph (b) of this section is denied, the requester may bring a civil action in federal district court to seek review of the denial.

§ 1.113 Times, places, and requirements for identification of individuals making requests.

(a) If a person submitting a request for access under § 1.112 has asked that an agency authorize a personal inspection of records pertaining to him, and the agency has granted that request, the requester shall present himself at the time and place specified in the agency's response or arrange another, mutually convenient, time with the appropriate agency official.

(b) Prior to inspection of the records, the requester shall present sufficient identification (e.g., driver's license, employee identification card, social security card, credit cards) to establish that he is the individual to whom the records pertain. If the requester is unable to provide such identification, he shall complete and sign in the presence of an agency official a signed statement asserting his identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another individual under false pretenses is a misdemeanor punishable by fine up to $5,000. No identification shall be required, however, when the records are ones whose disclosure is required by 5 U.S.C. 552.

(c) Any person who has requested access to records about him via personal inspection, and who wishes to have another person or persons accompany him during this inspection, shall submit a written statement authorizing disclosure of the record in their presence.

(d) Any person having made a personal inspection of records pertaining to him may request the agency to provide him copies of those records or any portion thereof. Each agency shall grant such requests but may charge fees in accordance with § 1.120.

(e) If a person submitting a request for access under § 1.112 wishes to be supplied with copies of the records by mail, he shall include with his request sufficient data for the agency to verify his identity. If the sensitivity of the records warrant it, however, the agency to which the request is directed may require the requester to submit a signed, notarized statement indicating that he

is the individual to whom the records pertain and stipulating he understands that knowingly or willfully seeking or obtaining access to records about another individual under false pretenses is a misdemeanor punishable by fine up to $5,000. No identification shall be required, however, when the records are ones whose disclosure is required by 5 U.S.C. 552. If the agency to which this request is directed determines to grant the requested access, it may charge fees in accordance with § 1.120 before making the necessary copies.

§ 1.114 Disclosure of requested information to individuals.

(a) Any agency which receives a request or appeal under § 1.112 should acknowledge the request or appeal within 10 days of its receipt (excluding Saturdays, Sundays, and legal public holidays). Wherever practicable, the acknowledgement should indicate whether or not access will be granted and, if so, when and where. When access is to be granted, the agency should provide the access within 30 days of receipt of the request or appeal (excluding Saturdays, Sundays and legal public holidays) unless, for good cause shown, it is unable to do so. If the agency is unable to meet this deadline, it shall inform the requester of this fact, the reasons for its inability to do so, and an estimate of the date on which access will be granted.

(b) Nothing in 5 U.S.C. 552a or this subpart shall be interpreted to require that a person making a request under § 1.112 be granted access to the physical record itself. The form in which a record is kept (e.g., on magnetic tape), or the content of the record (e.g., a record indexed under the name of the requester may contain records which are not about the requester) may require that the record be edited or translated in some manner. Neither of these procedures may be utilized, however, to withhold information in a record about the requester.

(c) No agency shall deny any request under § 1.112 for information concerning the existence of records about the requester in any system of records it maintains, or deny any request for access to records about the requester in any system of records it maintains, unless that system is exempted from the requirements of 5 U.S.C. 552a(d) in § 1.123.

(d) If an agency receives a request pursuant to § 1.112(a) for access to records in a system of records it maintains which is so exempted, the system manager shall determine if the exemption is to be asserted. If he determines to deny the request, he shall inform the requester of that determination, the reason for the determination, and the title and address of the agency head to whom the denial can be appealed.

(e) If the head of an agency determines that an appeal pursuant to § 1.112(b) is to be denied, he shall inform the requester of that determination, the reason therefor, and his right under 5 U.S.C. 552a(g) to seek judicial review of the denial in federal district court.

(f) Nothing in 5 U.S.C. 552a or this subpart shall allow an individual access to any information compiled in reasonable anticipation of a civil action or proceeding.

§ 1.115 Special procedures: medical records.

In the event an agency receives a request pursuant to § 1.112 for access to medical records (including psychological records) whose disclosure it determines would be harmful to the individual to whom they relate, it may refuse to disclose the records directly to the requester but shall transmit them to a doctor designated by that individual.

§ 1.116 Request for correction or amendment to record.

(a) Any person who wishes to request correction or amendment of any record pertaining to him contained in a system of records maintained by an agency shall submit that request in writing in accordance with the instructions set forth in the system notice for that system of records. This request shall include:

(1) The name of the individual making the request;

(2) The name of the system of records (as set forth in the system notice to which the request relates);

(3) A description of the nature (e.g., modification, addition or deletion) and substance of the correction or amendment requested; and

(4) Any other information specified in the system notice.

(b) Any person submitting a request pursuant to paragraph (a) of this section shall include sufficient information in support of that request to allow the agency to which it is addressed to apply the standards set forth in 5 U.S.C. 552(e)(1) and (5).

(c) Any person whose request under paragraph (a) of this section is denied may appeal that denial to the head of the agency which maintains the system of records to which the request relates.

(d) In the event that an appeal under paragraph (c) of this section is denied, the requester may bring a civil action in federal district court to seek review of the denial.

§ 1.117 Agency review of request for correction or amendment of record.

(a) Any agency which receives a request for amendment or correction under § 1.116 shall acknowledge that request within 10 days of its receipt (excluding Saturdays, Sundays and legal public holidays). It shall also promptly, either:

(1) Make any correction, deletion or addition with regard to any portion of a record which the requester believes is not accurate, relevant, timely or complete; or

(2) Inform the requester of its refusal to amend the record in accordance with his request; the reason for the refusal; the procedures whereby he can appeal the refusal to the head of the agency; and the title and business address of that official. If the agency informs the requester of its determination within the 10-day deadline, a separate acknowledgement is not required.

(b) If an agency is unable to comply with either paragraphs (a)(1) or (2) of this section within 30 days of its receipt of a request for correction or amendment, (excluding Saturdays, Sundays and legal public holidays), it should inform the requester of that fact, the reasons therefor, and the approximate date on which a determination will be reached.

(c) In conducting its review of a request for correction or amendment, each agency shall be guided by the requirements of 5 U.S.C. 552a(e)(1) and (5).

(d) If an agency determines to grant all or any portion of a request for correction or amendment, it shall:

(1) Advise the individual of that determination;

(2) Make the requested correction or amendment; and

(3) Inform any person or agency outside USDA to whom the record has been disclosed, and where an accounting of that disclosure is maintained in accordance with 5 U.S.C. 552a(c), of the occurrence and substance of the correction or amendments.

(e) If an agency determines not to grant all or any portion of a request for correction or amendment, it shall:

(1) Comply with paragraph (d) of this section with regard to any correction or amendment which is made;

(2) Advise the requester of its determination and the reasons therefor;

(3) Inform the requester that he may appeal this determination to the head of the agency which maintains the system of records; and

(4) Describe the procedures for making such an appeal, including the title and business address of the official to whom the appeal is to be addressed.

(f) In the event that an agency receives a notice of correction or amendment to information in a record contained in a system of records which it maintains, it shall comply with paragraphs (d)(2) and (3) of this section in the same manner as if it had made the correction or amendment itself.

§ 1.118 Appeal of initial adverse agency determination on correction or amendment.

(a) Any person whose request for correction or amendment under § 1.116 is denied, and who wishes to appeal that denial, shall address such appeal to the head of the agency which maintains the system of records to which the request relates, in accordance with the procedures set forth in the agency's initial denial of the request.

(b) The head of each agency shall make a final determination with regard to an appeal submitted under paragraph (a) of this section not later than 30 days (excluding Saturdays, Sundays, and legal public holidays) from the date on which the individual requests a review, unless, for good cause shown, the head of the agency extends this 30-day period and so notifies the requester, together with an estimate of the date on which a final determination will be made. Such extension should be utilized only in exceptional circumstances and should not normally ex-

ceed 30 days. The delegation of authority set forth in this paragraph may not be redelegated.

(c) In conducting his review of an appeal submitted under paragraph (a) of this section, the head of an agency shall be guided by the requirements of 5 U.S.C. 552a(e) (1) and (5).

(d) If the head of an agency determines to grant all or any portion of an appeal submitted under paragraph (a) of this section, he shall inform the requester and the agency shall comply with the procedures set forth in § 1.117(d)(2) and (d)(3).

(e) If the head of an agency determines in accordance with paragraph (c) of this section not to grant all or any portion of an appeal submitted under paragraph (a) of this section, he shall inform the requester:

(1) Of this determination and the reasons therefore;

(2) Of the requester's right to file a concise statement of his reasons for disagreeing with the agency's decision;

(3) Of the procedures for filing such a statement of disagreement;

(4) That such statements of disagreements will be made available to anyone to whom the record is subsequently disclosed, together with (if the agency deems it appropriate) a brief statement by the agency summarizing its reasons for refusing to amend the record;

(5) That prior recipients of the disputed record will be provided with a copy of the statement of disagreement, together with (if the agency deems it appropriate) a brief statement of the agency's reasons for refusing to amend the record, to the extent that an accounting of disclosures is maintained under 5 U.S.C. 552a(c); and

(6) Of the requester's right to seek judicial review of the agency's determination in accordance with 5 U.S.C. 552a(g). The agency shall insure that any statements of disagreement submitted by a requester are handled in accordance with paragraphs (e) (4) and (5) of this section.

§ 1.119 Disclosure of record to person other than the individual to whom it pertains.

No agency shall disclose any record which is contained in a system of records it maintains, by any means of communication to any person, or to another agency outside USDA, except pursuant to a written request by, or with the prior written consent of, the individual to whom the record pertains, unless the disclosure is authorized by one or more provisions of 5 U.S.C. 552a(b).

§ 1.120 Fees.

Any agency which provides copies of records pursuant to a request under this subpart may charge fees for the direct costs of producing such copies in accordance with Appendix A to Subpart A of this Part. No agency, however, shall charge any fee for searches necessary to locate records. Nor shall an agency charge any fees for copies or searches, when the requester sought to make a personal inspection but was provided copies instead at the discretion of the agency.

§ 1.121 Penalties.

The criminal penalties which have been established for violations of the Privacy Act of 1974 are set forth in 5 U.S.C. 552a(i). These penalties are applicable to any officer or employee of an agency who commits any of the enumerated acts. These penalties also apply to contractors and employees of such contractors who enter into contracts with an agency of USDA on or after September 27, 1975, and who are considered to be employees of the agency within the meaning of 5 U.S.C. 552a(m).

§ 1.122 General exemptions. [Reserved]

§ 1.123 Specific exemptions. [Reserved]

Dated: July 30, 1975.

EARL L. BUTZ,
Secretary.

[FR Doc.75-20164 Filed 8-1-75;8:45 am]

DEPARTMENT OF TRANSPORTATION

Coast Guard

[46 CFR Part 146]

HAZARDOUS MATERIALS REGULATIONS

Proposed Exemption Procedures

CROSS REFERENCE: For a document relating to hazardous materials, see Department of Transportation, Materials Transportation Bureau, [49 CFR Part 107 and 170], 75-20264, infra.

Federal Aviation Administration

[14 CFR Part 71]

[Airspace Docket No. 75-SO-75]

VOR FEDERAL AIRWAY

Proposed Extension

The Federal Aviation Administration (FAA) is considering an amendment to Part 71 of the Federal Aviation Regulations that would extend V-139 from Wilmington, N.C., direct to Florence, S.C.

Interested persons may participate in the proposed rule making by submitting such written data, views, or arguments as they may desire. Communications should identify the airspace docket number and be submitted in triplicate to the Director, Southern Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, P.O. Box 20636, Atlanta, Ga. 30320. All communications received on or before September 3, 1975, will be considered before action is taken on the proposed amendment. The proposal contained in this notice may be changed in the light of comments received.

An official docket will be available for examination by interested persons at the Federal Aviation Administration, Office of the Chief Counsel, Attention: Rules Docket, 800 Independence Avenue SW., Washington, D.C. 20591. An informal docket also will be available for examination at the office of the Regional Air Traffic Division Chief.

An average of eight IFR operations per day use the direct route between Wilmington and Florence. Designating this route as an airway would reduce flight plan filing time and controller/pilot coordination workload.

This amendment is proposed under the authority of Sec. 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348(a)) and Sec. 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Washington, D.C., on July 29, 1975.

WILLIAM E. BROADWATER,
Acting Chief, Airspace and Air Traffic Rules Division.

[FR Doc.75-20138 Filed 8-1-75;8:45 am]

[14 CFR Part 103]

HAZARDOUS MATERIALS REGULATIONS

Proposed Exemption Procedures

CROSS REFERENCE: For a document relating to hazardous materials, see Department of Transportation, Materials Transportation Bureau, [49 CFR Parts 107 and 170], 75-20264, infra.

Materials Transportation Bureau

[49 CFR Parts 107, 170]

[Docket No. HM-127; Notice No. 75-7]

HAZARDOUS MATERIALS REGULATIONS

Proposed Exemption Procedures

The purpose of this notice is to propose an amendment to Title 49, Code of Federal Regulations, to establish a new Part 107 "Procedures" and place therein a new Subpart A "Exemptions". Future subparts to be included in Part 107 would cover sanctions, registration, and pre-exemption matters. The regulations now being proposed would prescribe procedures to be followed in applying for and the processing of applications for exemptions from the Materials Transportation Bureau's regulations governing the transportation of hazardous materials which, except for bulk transportation by water and certain ships' supplies, govern the movement of such materials by any mode of transportation.

Section 107 of Pub. L. 93-633, enacted in January 1975, sets up certain procedural requirements for granting of administrative relief from the regulations controlling the transportation of hazardous materials to be issued under section 105 of that law. Under § 107, applicants must establish on the basis of a safety analysis to be submitted by them as part of their application that a level of safety will be achieved which will (1) be equal to or higher than that reached by following the regulations, or (2) if there is no existing level of safety, be consistent with the public interest and the policy of Pub. L. 93-633. Unless it is shown that an emergency requires otherwise, each application is to be made the subject of

a Federal Register notice and made available for public inspection and comment before action is taken to grant or deny it. The maximum period for an exemption is two years. Any application for renewal must be processed in the same manner as an original application.

An exemption, as that term is used in section 107 and in the proposed regulations, includes all forms of administrative relief from the requirements of the substantive regulations. Until July 7, 1975, when the authority to issue such relief was centralized in the Materials Transportation Bureau, it was granted by one or a combination of four of the Department of Transportation's operating administrations (U.S. Coast Guard, Federal Aviation Administration, Federal Railroad Administration, or Federal Highway Administration) under various labels including waiver, exemption, deviation and special permit. Moreover, the relief was requested, processed and granted or denied under multiple procedural schemes. (See 14 CFR 11.25, 14 CFR 103.5, 46 CFR 146.02-25 and 49 CFR 170.13.) For example, a person seeking relief from a regulation in 14 CFR Part 103 pertaining to air commerce could (1) petition the Federal Aviation Administration for an exemption under 14 CFR 11.25, (2) apply to the Federal Aviation Administrator (or in an emergency to a Flight Standards District Office) for authority for deviation, or (3) petition the Hazardous Materials Regulations Board (consisting of representatives of the four operating administrations) for a special permit for a waiver or exemption. The proposed regulations would be the exclusive body of procedures for all such future administrative relief actions.

The proposed regulations would describe in general terms, what must be included in applications for exemptions and specify that all applications are to be filed with the Bureau's Office of Hazardous Materials Operations. Except in those situations in which an applicant asserts that an existing emergency requires priority processing, applications would have to be filed at least 120 days before the proposed effective date. When an applicant asserts that an existing emergency requires priority processing, and supplies supporting facts and reasons, he would have the choice of applying in the normal fashion by written submission or he could apply by telephone with a follow-up written filing within 15 days.

Upon receipt of an application it would be reviewed for completeness and docketed if complete or returned to the applicant if incomplete. If it is asserted by the applicant that there is an existing emergency, an immediate examination of the supporting facts and reasons would be conducted and a determination made as to whether or not an emergency justifying priority processing did in fact exist. If determined that it did not exist, the applicant would be so notified and the application would be processed on a routine basis. If determined that an emergency did exist, the application would be processed on a priority basis in which case the usual public proceeding (FEDERAL REGISTER notice and opportunity for public comments) could be omitted.

The bases upon which determinations of existing emergencies would be made are set forth in proposed § 107.9.

Renewal applications would be submitted in the same manner as original applications and would be required to meet the same requirements. Under the proposed regulations the Bureau would publish a notice of each application in the FEDERAL REGISTER (probably a weekly or bi-weekly compilation in digest form) and afford an opportunity to comment. If the application is granted, notice of the grant would also be published.

No public hearing, argument or other formal proceeding would be held on an application before its disposition. Any interested person could, upon written request, appear before an appropriate official of the Bureau to discuss an application or its denial. Applications, including their related safety analyses, and public comments would be available for inspection in the Bureau's public docket room.

An exemption would be terminated upon a determination, after notice to the holder, that it was no longer consistent with the public interest; that it is no longer needed because of a change in the regulations; or that it was granted on the basis of false, fraudulent or misleading representation or information. Likewise, an exemption could be suspended upon a determination that it was not being exercised in accordance with its terms or that new information requires it to be amended to adequately protect life and property.

The proposed effective date is October 16, 1975.

Interested persons are invited to submit views and comments on the proposal. A public hearing will be held for that purpose at 9:30 a.m. on August 26, 1975, in the third floor auditorium of Federal Office Building 10A (commonly referred to as the FAA Building) located at 800 Independence Avenue SW., Washington, D.C. Interested persons not desiring to present oral presentations are invited to submit their comments in writing. Comments should refer to the docket number and be submitted to: Docket Section, Materials Transportation Bureau, U.S. Department of Transportation, Trans Point Building, Washington, D.C. 20590. All comments received before the close of business on September 12, 1975, will be considered, and will be available in the docket for examination both before and after the closing date. Comments received after the closing date and too late for consideration will be treated as suggestions for future rule making.

In consideration of the foregoing it is proposed to amend the Code of Federal Regulations as follows:

1. In Title 14, Code of Federal Regulations, revoke § 103.5.

2. In Title 46, Code of Federal Regulations, amend § 142.02-25 by (1) adding the words "Except as provided in paragraph (f) of this section," at the beginning of paragraph (a), and (2) adding a new paragraph (f) to read as follows:

(f) Petitions for exemptions or any other form of administrative relief from any requirement of this Part 146 shall be prepared and submitted to the Director, Office of Hazardous Materials Operations in accordance with 49 CFR Part 107.

§§ 170.13 and 170.15 [Revoked]

3. In Title 49, Code of Federal Regulations, revoke §§ 170.13 and 170.15.

4. In Subchapter B of Chapter I of Subtitle B of Title 49, Code of Federal Regulations, establish a new Part 107 and establish therein a new Subpart A as set forth below.

PART 107—PROCEDURES

Subpart A—Exemptions

Sec.
107.1 Scope.
107.3 Purpose.
107.5 Applications for exemption.
107.7 Administrative review of applications.
107.9 Determination of existing emergency.
107.11 Processing of applications.
107.13 Withdrawal of applications.
107.15 Termination of exemptions.
107.17 Availability for public inspection.

AUTHORITY: Sec. 107, Pub. L. 93-633, 88 Stat. 2158 49 U.S.C. 1806); 18 U.S.C. 831-835; R.S. 4472(11) (46 U.S.C. 170(11)); sec. 601 (c), Pub. L. 85-726, 72 Stat. 775 (49 U.S.C. 1421(c), (49 CFR 1.64 (f)-(h)).

Subpart A—Exemptions

§ 107.1 Scope.

This part prescribes procedures governing exemptions from regulations governing the transportation of hazardous materials.

§ 107.3 Purpose.

The purpose of this part is to provide a means by which persons who are subject to the requirements of this subchapter, Subchapter C of this chapter, 14 CFR Part 103, or 46 CFR Part 64 or Part 146 may obtain administrative relief therefrom on the basis of equivalent levels of safety or levels of safety consistent with the public interest and the policy of the Hazardous Materials Transportation Act.

§ 107.5 Applications for exemption.

(a) Any person who is subject to the requirements of this subchapter, Subchapter C of this chapter, 14 CFR Part 103, or 46 CFR Part 146 may apply to the Director, Office of Hazardous Materials Operations (OHMO), for an exemption from those requirements.

(b) Except as provided in paragraph (d) of this section, each application filed under this section for an exemption or the renewal of an exemption must—

(1) Be submitted in triplicate to: Office of Hazardous Materials Operations, U.S. Department of Transportation, Washington, D.C. 20590;

(2) Set forth the text or substance of the regulation from which the exemption is sought;

(3) State the name, address, and telephone number of the applicant;

(4) Include a detailed description of the proposal, including when appropriate, drawings, plans, calculations, procedures, test results, previous exemptions, approvals or permits, a list of specification

containers, if any, to be used, a list of modified specification containers, if any, to be used, and a description of the modifications, and any other supporting information;

(5) State the chemical name, common name, hazard classification, form, quantity, properties, and characteristics of the material covered by the proposal, including composition and percentage (specified by volume or weight) of each chemical, if a solution or mixture;

(6) Describe all relevant shipping or accident experience;

(7) Specify the proposed mode of transportation, and any special transportation controls which the applicant considers necessary or appropriate to compensate for any increased risks that are likely to result if the exemption is granted;

(8) Specify the proposed duration or describe the proposed schedule of events for which the exemption is sought;

(9) State why the applicant believes the proposal will achieve a level of safety which—

(i) Is at least equal to that specified in the regulation from which the exemption is sought, or

(ii) If the regulations do not contain a specified level of safety, will be consistent with the public interest and will adequately protect against the risks to life and property which are inherent in the transportation of hazardous materials in commerce;

(10) Specify any part of the information and data submitted which the applicant requests be withheld from public disclosure and the reason for the request; and

(11) If the applicant wants the application to be given priority treatment on the basis of an existing emergency, set forth the supporting facts and reasons.

(c) To permit timely consideration, an application which does not seek priority treatment on the basis of an existing emergency, must be submitted at least 120 days before the requested effective date.

(d) An application which seeks priority treatment on the basis of an existing emergency may be initiated by telephone. However, it must include all of the supporting information otherwise required by paragraph (b)(2) through (11) of this section and must be confirmed by the submission of a written application within 15 days thereafter.

§ 107.7 Administrative review of applications.

(a) The Director, OHMO, reviews each application for an exemption or renewal of an exemption to determine whether it is complete and conforms with the requirements of this part. Except as provided in paragraph (b) of this section, this determination will be made within 30 days of the receipt of the application. If it is not returned to the applicant at the end of that period, it will be processed as provided in § 107.11. If an application is returned, the applicant will be informed in what respects the application is incomplete.

(b) If the Director, OHMO, determines that an emergency exists and that the application is complete, it will be processed on a priority basis in which case the Director may waive the provisions for notice and opportunity for public comment. If the Director, OHMO, cannot determine that an emergency exists, he notifies the applicant immediately and the application, if otherwise complete, is processed on a routine basis.

§ 107.9 Determination of existing emergency.

(a) The Director, OHMO, shall determine that an emergency exists if, on the basis of information submitted in the application and his own investigation, he finds that—

(1) Existing conditions require the hazardous material concerned to be transported in commerce for the protection of life or property (other than the hazardous material to be transported); and

(2) The protection of life or property to be provided by the hazardous material would not be possible if the application is processed on a routine basis.

(b) The Director, OHMO, may determine that an emergency exists if, on the basis of information submitted in the application, he finds that—

(1) Existing conditions require the hazardous material concerned to be transported in commerce to prevent or minimize serious economic loss; and

(2) The prevention or minimizing of serious economic loss to be provided by the hazardous material would not be possible if the application is processed on a routine basis;

(c) In determining what constitutes serious economic loss under paragraph (b) of this section, the Director, OHMO, considers the nature and extent of the expected loss.

§ 107.11 Processing of applications.

(a) After an application for an exemption or renewal of an exemption is determined to be complete, the Director, OHMO, dockets the application and publishes a notice in the FEDERAL REGISTER affording an opportunity for interested persons to comment. All comments received before the close of the comment period are considered before final action is taken on an application.

(b) No public hearing, argument, or other formal proceeding is held directly on an application filed under this part before its disposition under this section. However, during the processing of an application the Director, OHMO, may require the applicant to supply additional information.

(c) Any interested person may, upon written request, appear informally before an appropriate official of the Office of Hazardous Materials Operations to discuss an application for exemption or the action taken in response to an application.

(d) If the Director, OHMO, determines that the application does not contain adequate justification, he denies it and notifies the applicant in writing. He also publishes in the FEDERAL REGISTER a notice of the denial.

(e) If the Director, OHMO, determines that the application contains adequate justification, he grants it subject to such terms as he considers necessary, and notifies the applicant in writing. He also publishes in the FEDERAL REGISTER a notice of the grant.

(f) If the Director, OHMO, determines that an application concerns a matter of such general applicability and future effect as to warrant being made the subject of rule making, he may initiate rule making under Part 102 of this chapter in addition to or in lieu of granting or denying the application.

§ 107.13 Withdrawal of applications.

(a) An applicant may withdraw an application at any time prior to it being finally determined. When an application is withdrawn after publication of the notice of application in the FEDERAL REGISTER, the Director, OHMO, publishes a notice of withdrawal in the FEDERAL REGISTER.

(b) Withdrawal of an application does not authorize the removal of any related records from the dockets or files of the Office of Hazardous Materials Operations.

§ 107.15 Termination of exemptions.

(a) An exemption terminates according to its terms but not later than two years after the date of issuance unless terminated sooner pursuant to paragraph (b) of this section.

(b) The Director, OHMO, may suspend an exemption if he determines that—

(1) An activity under the exemption is not being performed in accordance with the terms of the exemption; or

(2) On the basis of information not available at the time it was granted, an amendment to the terms of the exemption is necessary to adequately protect against risks to life and property.

(c) The Director, OHMO, terminates an exemption if he determines that—

(1) The exemption is no longer consistent with the public interest;

(2) The exemption is no longer necessary because of an amendment to the regulations; or

(3) The exemption was granted on the basis of false, fraudulent, or misleading representations or information.

(d) Unless the Director, OHMO, believes that immediate suspension or termination is necessary to abate the risk of an imminent hazard, he notifies the holder in writing and provides the holder an opportunity to show why the exemption should not be suspended or terminated, before he suspends or terminates an exemption under paragraph (b) or (c) of this section.

§ 107.17 Availability for public inspection.

(a) Information relevant to an application under this part, including the application and supporting data, memoranda of informal meetings held with the applicant or any other interested

person under § 107.11(c), and the grant or denial of the application, is available for public inspection, except as specified in paragraph (b) of this section, at the Office of Hazardous Materials Operations, Trans Point Building, 2100 2nd Street SW., Washington, D.C. 20590. Copies of available information may be obtained, as provided in Part 7 of this title.

(b) Information made available for inspection shall not include materials not relevant to the petition that are to be withheld from the public in accordance with section 552(b) of Title 5, United States Code.

Issued in Washington, D.C., on July 30, 1975.

ALAN I. ROBERTS,
Director, Office of Hazardous Materials Operations.

[FR Doc.75-20264 Filed 8-1-75;8:45 am]

GENERAL SERVICES ADMINISTRATION

Automated Data and Telecommunications Service

[41 CFR Part 101-32]

PROCUREMENT DOCUMENTS FOR ADP SYSTEMS

Proposed Amendment to Federal Property Management Regulations

Notice is hereby given in accordance with the provisions of the Federal Property and Administrative Services Act of 1949, as amended (40 U.S.C. 486(c)), that the General Services Administration (GSA) is considering amending 41 CFR Part 101-32, Government-wide Automated Data Management Services.

The proposed amendment prescribes the use of the "Solicitation Document for ADP Systems" and the "General Instructions to Offerors Governing Proposal Preparation." These two documents, when combined, form the basis of the Request for Proposal (RFP). The guidance for their use is set forth in the document entitled "Guidance to Federal Agencies on the Preparation of Specifications, Selection, and Acquisition of Automatic Data Processing Systems." These documents were developed by GSA in coordination with other Federal agencies and the ADP industry. Government-wide use of these documents should result in a shorter ADP sytems procurement cycle and should permit optimum use of procurement personnel resources.

Federal agencies are authorized to use these documents on a voluntary basis during the comment reconciliation period and for a period thereafter. The codified amendment will be effective 6 months after publication in the FEDERAL REGISTER. The "Solicitation Document for ADP Systems" and the "General Instructions to Offerors Governing Proposal Preparation" are to be used for all negotiated, competitive ADP systems procurements by Federal agencies where their RFP is scheduled for release 90 days subsequent to that 6-month period.

Anyone wishing to submit comments may write to the General Services Administration (CP), Washington, D.C. 20405, on or before October 3, 1975.

NOTE: The documents referred to in this proposed amendment are filed as part of the original document.

T. D. PUCKORIUS,
Commissioner, Automated Data and Telecommunications Service.

As proposed, the amendment to the regulations would read as follows:

PART 101-32—GOVERNMENT-WIDE AUTOMATED DATA MANAGEMENT SERVICES

The table of contents for Part 101-32 is amended by the following new entries:

101-32.410 Procurement documents for ADP systems.
101-32.410-1 Use of procurement documents.
101-32.410-2 Availability of procurement documents.
101-32.410-3 GSA assistance.

Subpart 101-32.4—Procurement and Contracting

Sections 101-32.410 through 101-32.410-3 are added as follows:

§ 101-32.410 Procurement documents for ADP systems.

The following procurement documents shall be used for all negotiated, competitive ADP systems procurements and should be used to the maximum practicable extent for all other negotiated, competitive ADP equipment procurements. An ADP system is the total complement of individual machines and operating software that operates as an integrated group.

(a) The "Guidance to Federal Agencies on the Preparation of Specifications, Selection, and Acquisition of Automated Data Processing Systems" provides guidance to Federal agencies on the use of the solicitation document;

(b) The "General Instructions to Offerors Governing Proposal Preparation" contains the solicitation conditions, required format for proposals, and instructions on completion of price tables; and

(c) The "Solicitation Document for ADP Systems" sets forth the standard contract format and clauses required for ADP system procurements.

§ 101-32.410-1 Use of procurement documents.

The "Solicitation Document for ADP Systems" and the "General Instructions to Offerors Governing Proposal Preparation," when combined, form the basis of the Request for Proposal. The guidance for their use is as follows:

(a) The "Solicitation Document for ADP Systems" provides the flexibility needed to accommodate the unique requirements of each ADP system procurement. Section I of the document entitled "Guidance to Federal Agencies on the Preparation of Specifications, Selection, and Acquisition of Automatic Data Processing Systems" sets forth the procedures for using this solicitation document. These procedures were designed to achieve the optimum degree of uniformity among ADP systems solicitations issued by Federal agencies.

(b) The "General Instructions to Offerors Governing Proposal Preparation" prescribes the solicitation instructions, conditions, and proposal format. Usually, this document would not be revised. If, however, there is an instance in which these instructions must be changed, the agency must indicate each such change in a cover letter to the solicitation. To assist GSA in making this a more viable and useful document, a copy of the change(s) and the rationale therefor shall be forwarded to GSA.

§ 101-32.410-2 Availability of procurement documents.

The agency shall use the current edition of the procurement documents for each ADP system procurement. GSA will furnish copies of the current editions, but the agency is responsible for reproducing sufficient copies to meet its requirements. To ensure that the most recent information is available for use in each procurement, agency procurement personnel should contact GSA to verify that they have the most recent change(s).

§ 101-32.410-3 GSA assistance.

The agency shall contact the General Services Administration (CDP), Washington, D.C. 20405 (telephone: 202 343-3137), to submit revisions or changes, to request waivers, or to request any other information pertaining to the procurement documents.

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

[FR Doc.75-20142 Filed 8-1-75;8:45 am]

ENVIRONMENTAL PROTECTION AGENCY

[FRL 410-4]

[40 CFR Part 52]

PENNSYLVANIA IMPLEMENTATION PLAN

Proposed Revision

On May 15, 1975, the Commonwealth of Pennsylvania submitted to the Regional Administrator a proposal requesting that an amendment to Title 3, Air Management Code 3-207 of the Philadelphia Code be approved as a revision to the Pennsylvania Implementation Plan for the attainment and maintenance of national ambient air quality standards. The amendment delays the 0.3% sulfur-in-fuel restriction to October 1, 1975. This restriction had been scheduled for March 31, 1975, as approved in the FEDERAL REGISTER (40 FR 14595). The City of Philadelphia has justified this request for the following reasons:

(1) To provide additional time to review the present sulfur dioxide control strategy.

(2) To more accurately define the relationships between emissions and observed air quality.

(3) To provide a clearer indication of requirements to achieve and maintain standards.

The Commonwealth of Pennsylvania submitted proof that a public hearing with adequate public notice was held on February 18, 1975, for the purpose of reviewing the proposed revision, pursuant to 40 CFR Part 51, Requirements for Preparation, Adoption and Submittal of State Implementation Plans.

This notice is to advise the public of receipt of this proposal, and to request public comment. Only those comments received on or before September 3, 1975, will be considered.

The Administrator's decision to approve or disapprove this request by the Commonwealth of Pennsylvania will be based on whether or not it meets the requirements of Section 110(a)(2)(A)–(H) of the Clean Air Act and the requirements of 40 CFR Part 51.

Copies of the proposed revision are available for public inspection during normal business hours at the Offices of:

(1) The Environmental Protection Agency, Region III, Curtis Building, Second Floor, Sixth and Walnut Streets, Philadelphia, Pennsylvania 19106.

(2) Philadelphia Air Management Services, 4320 Wissahickon Avenue, Philadelphia, Pennsylvania 19129.

(3) Pennsylvania Department of Environmental Resources, Third and Locust Streets, Harrisburg, Pennsylvania 17120.

(4) Freedom of Information Center, EPA, 401 M Street SW., Washington, D.C. 20460.

All comments should be addressed to Howard Heim, Chief, Air Planning Branch, Division of Air and Hazardous Materials, EPA–Region III, Curtis Building, Sixth and Walnut Streets, Philadelphia, Pennsylvania, 19106, (ATT:AH003 Pa).

(42 U.S.C. 1857 c–5)

Dated: July 22, 1975.

DANIEL J. SNYDER, III,
Regional Administrator, Region 2.

[FR Doc.75–20119 Filed 8–1–75;8:45 am]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 73]

[Docket No. 19720; RM–1915, etc.]

FM BROADCAST STATIONS

Table of Assignments; Miss.

In the matter of amendment of § 73.202(b), Table of Assignments, FM Broadcast Stations. (Tupelo and Baldwyn, Mississippi, Docket No. 19720, RM–1915, RM–2369, RM–2412.

1. The Commission has before it the Petition for Reconsideration filed on October 10, 1973, by Town 'N' Country Broadcasting Company ("TNC"). TNC seeks reconsideration of our September 11, 1973, Report and Order in which we denied its proposal to assign Channel 240A to Tupelo, Mississippi, as its second FM assignment. In seeking reconsideration, TNC alleges that the Commission failed to give it due process because it took into account a letter from the Baldwyn, Mississippi, mayor which was submitted after the cut-off date for filing counterproposals in this docket. In refusing then to make the assignment to Tupelo, we noted that doing so would have precluded Baldwyn from having any future local FM service.

2. TNC also requests a correction of the Report and Order with respect to the statement concerning Tupelo's broadcast services. TNC is correct in noting the error which will be taken into account in the resolution of the Further Notice we here are issuing. We agree that Tupelo received local aural service from 3 AM stations (1 of which was a daytime-only service) and 1 FM station (Channel 253) but that no AM station was under construction.

3. TNC filed a supplement to its petition for reconsideration on May 7, 1974. Section 405 of the Communications Act states that petitions for reconsideration of an Order must be filed within 30 days and Section 1.106(f) of the Rules and Regulations applies this 30-day filing period to supplements to such petitions. Since the supplement was not filed within this mandated period, and no showing to support the acceptance of this late filed material was made, we shall dismiss this supplemental filing.

4. In TNC's petition it asserts that our taking cognizance of a letter submitted, after our cut-off date, by the mayor of Baldwyn, Mississippi, had the effect of depriving it of due process. The letter stated that there was interest in use of the channel at Baldwyn and that the Commission should not foreclose that community's only chance for local broadcast service. We do not agree that this action had such an effect or that it was violative of our cut-off procedure. As we stated in our Memorandum Opinion and Order in Anamosa/Iowa City, Iowa, 46 F.C.C. 2d 520 (1974):

"Unless procedural requirements are observed, we would face difficulties in exercising our regulatory responsibilities, hardly a situation to benefit the public." (at 521)

Without the cut-off procedure, the rule making process could be severely hampered. Nontheless, it must be recognized that we were not dealing with the cut-off as such, since no counterproposal was before us. Nor, of course, did we act in reliance on the submission and assign Channel 240A to Baldwyn. Rather, our decision to withhold a Tupelo assignment for a short period was on the basis of the preclusionary effect of making the proposed Tupelo assignment. It has been long recognized that providing first local FM service to a community is a most important public interest goal.[1] Since FM channels are a limited resource, we require that petitioners for FM assignments to communities (other than first assignments to small communities not located near large population centers) submit preclusion studies. Such studies are expected to show whether the co-channel and 6 adjacent channels will be precluded from future use in communities in surrounding areas.[2]

5. On occasion in the past we have denied requests to amend the FM Table of Assignments if granting the request would prevent a community, then without a local aural service, from being assigned a first FM channel in the future. In this case, we simply acted to defer, not refuse, a second Tupelo assignment so the possibility of a Baldwyn assignment could be examined if a petitioner stepped forward within a reasonable time. Failing this we indicated a readiness to again consider the Tupelo proposal by itself. This was sufficient reason for delay even if the letter from Baldwyn's mayor did not set forth the "special circumstances" or "overwhelming need" required to permit reliance upon a late-filed counterproposal, Anamosa/Iowa City, Iowa, 46 F.C.C. 2d 520, 522 (1974).

6. Now that a Baldwyn proposal is before us, no purpose would be served by a complete denial of the subject petition.[3] Instead, we can grant it to the extent of reopening the proceeding, thus permitting a comparison to be made on the proposed use of Channel 240A. Because of their location, the channel could only be used at one community, not both. Moreover, they are too far apart for the provisions of the 10-mile rule to permit the assignment to be made at Tupelo and the 307(b) choice left to a hearing between it and Baldwyn.

7. Tupelo (pop. 20,471), the seat of Lee County (pop. 46,148), is located in northeastern Mississippi, approximately 95 miles southeast of Memphis, Tennessee. Baldwyn (pop. 2,366), located on the border of Lee and Prentiss Counties (pop. 20,133), is approximately 17 miles northnortheast of Tupelo. Local broadcast service at Tupelo is provided by a VHF television station, three AM stations—WELO, WTUP, and TNC's station, WJLJ—and FM Station WELO–FM (Channel 253). Baldwyn currently receives no local aural service. Both petitioners have adduced evidence demonstrating that Tupelo and Baldwyn have sufficient amounts of economic activity to justify a second and a first FM assignment, respectively.

8. With respect to the petitions' technical feasibility, the channel may be assigned to either community without affecting any existing FM assignment. Adoption of either proposal would cause only co-channel preclusion. Baldwyn is the only community of significant size located in the area which does not have local aural service. The engineering statements submitted by both petitioners indicate that the requested channel is the only commercial channel available for that area. The transmitter site for a station operating on Channel 240A at

[1] See the Further Notice of Proposed Rule Making in Docket 14185, adopted July 25, 1962 (FCC 62–867), and incorporated by reference in para. 25 of the Third Report, Memorandum Opinion and Order (40 F.C.C. 747, 758 (1968)).

[2] Additional FM Assignments, 8 F.C.C. 2d 79 (1967).

[3] Finally, we cannot agree that the failure to file a Baldwyn proposal in 6 months is a bar to later filing. Rather, that was only a grace period after which Tupelo could re-file.

Tupelo, however, would have to be located 5 miles northwest of that community. Intermixture of classes of channels would occur at Tupelo if Channel 240A were assigned to that community.

9. The resolution of these conflicting proposals will be determined by weighing the public interest considerations posed in each. We therefore invite discussion on the intermixture and preclusion issues mentioned in this *Notice* and other issues which might be useful for the Commission to consider.

10. Therefore the following alternative amendments to the Table of Assignments, Section 73.202(b) of the Commission's Rules and Regulations, are proposed:

City	Channel No.	
	Present	Proposed
Tupelo, Miss.	253	240A, 253
or		
Baldwyn, Miss.		240A

11. The Commission's authority to institute rule making proceedings; showings required; cut-off procedures; and filing requirements are set forth below and are incorporated into this Notice of Proposed Rule Making.

12. Interested parties may file comments on or before August 21, 1975, and reply comments on or before September 1, 1975.

13. It is ordered that the subject petition for reconsideration is granted to the extent indicated and in all other respects is denied.

Adopted: July 23, 1975.

Released: August 1, 1975.

FEDERAL COMMUNICATIONS COMMISSION,[4]

[SEAL] VINCENT J. MULLINS,
Secretary.

1. Pursuant to authority found in sections 4(i), 5(d)(1), 303 (g) and (r), and 307(b) of the Communications Act of 1934, as amended, and § 0.281(b)(6) of the Commission's Rules, it is proposed to amend the FM Table of Assignments, § 73.202(b) of the Commission's Rules and Regulations, as set forth in this notice of proposed rule making.

2. *Showings required.* Comments are invited on the proposal(s) discussed in this notice of proposed rule making. Proponent(s) will be expected to answer whatever questions are presented in initial comments. The proponent of a proposed assignment is also expected to file comments even if it only resubmits or incorporates by reference its former pleadings. It should also restate its present intention to apply for the channel if it is assigned, and, if authorized, to build the station promptly. Failure to file may lead to denial of the request.

3. *Cut-off procedures.* The following procedures will govern the consideration of filings in this proceeding.

(a) Counterproposals advanced in this proceeding itself will be considered, if advanced in initial comments, so that parties may comment on them in reply comments. They will not be considered if advanced in reply comments. (See § 1.420(d) of Commission Rules.)

(b) With respect to petitions for rule making which conflict with the proposal(s) in this Notice, they will be considered as comments in the proceeding, and Public Notice to this effect will be given as long as they are filed before the date for filing initial comments herein. If filed later than that, they will not be considered in connection with the decision in this docket.

4. *Comments and reply comments; service.* Pursuant to applicable procedures set out in §§ 1.415 and 1.420 of the Commission's rules and regulations, interested parties may file comments and reply comments on or before the dates set forth in this notice of proposed rule making. All submissions by parties to this proceeding or persons acting on behalf of such parties must be made in written comments, reply comments, or other appropriate pleadings. Comments shall be served on the petitioner by the person filing the comments. Reply comments shall be served on the person(s) who filed comments to which the reply is directed. Such comments and reply comments shall be accompanied by a certificate of service. (See § 1.420 (a), (b) and (c) of the Commission rules.)

5. *Number of copies.* In accordance with the provisions of § 1.419 of the Commission's rules and regulations, an original and fourteen copies of all comments, reply comments, pleadings, briefs, or other documents shall be furnished the Commission.

6. *Public inspection of filings.* All filing made in this proceeding will be available for examination by interested parties during regular business hours in the Commission's Public Reference Room at its headquarters, 1919 M Street, NW., Washington, D.C.

[FR Doc.75-20206 Filed 8-1-75;8:45 am]

[4] Commissioners Wiley, Chairman Reid and Robinson dissenting.

[47 CFR Part 73]

[Docket No. 20521]

CORPORATE OWNERSHIP REPORTING AND DISCLOSURE BY BROADCAST LICENSEES

Order Extending Time for Filing Comments and Reply Comments

1. On July 22, 1975, Cox Broadcasting Corporation, Gannett Co., Inc., Plough Broadcasting Company, Inc., and Twentieth Century-Fox Film Corporation (hereafter "Cox, et al.") filed a motion for extension of time in which to file comments and reply comments in the above-captioned proceeding. The Notice of Proposed Rule Making was adopted on June 11, 1975, and publication was made in the Federal Register on June 24, 1975, 40 Fed. Reg. 26543. The dates for filing comments and reply comment are presently August 11 and August 26, 1975, respectively.

2. The basis of the request by Cox, et al. is that the proposed changes in reporting requirements of certain publicly-held corporations require close analysis of the proposals by responsible officials of the reporting entities, as well as close consultations between counsel and the corporate officials, in order to prepare meaningful comments. It is contended that the coordination problem is more difficult due to previous business and vacation plans ordinarily arising during the summer months.

3. We recognize that the proposals require detailed study and coordination with corporate officials and with other investment organizations. We further recognize that this process is somewhat complicated by vacation plans. Thus, we find that the public interest would be served by a grant of the motion, and we will extend the time for periods requested. However, the Commission, because of the necessity for final action in this area, hopes to conclude the process in the next few months, and we do not contemplate granting any further extensions in this proceeding.

4. *Accordingly, it is ordered,* That the motion for extension of time filed by Cox, et al. is granted; and the dates for filing comments and reply comments are extended to and including September 11 and September 26, 1975, respectively.

5. This action is taken pursuant to authority found in sections 4(i), 5(d)(1), and 303(r) of the Communications Act of 1934, as amended, and §§ 0.281 and 1.46 of the Commission's Rules.

ADOPTED: July 25, 1975.

RELEASED: July 29, 1975.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] WALLACE E. JOHNSON,
Chief, Broadcast Bureau.

[FR Doc.75-20207 Filed 8-1-75;8:45 am]

FEDERAL POWER COMMISSION

[18 CFR Part 35]

[Docket No. RM75-29]

FUEL ADJUSTMENT PROVISIONS IN FPC RATE SCHEDULE

Extension of Time

JULY 28, 1975.

On July 14, 1975, July 16, 1975, July 17, 1975, July 21, 1975, and July 22, 1975, Consumers Power Company, Virginia Electric and Power Company, Cincinnati Gas and Electric Company, the National Coal Association and Public Service Company of New Mexico filed motions to extend the time for filing comments fixed by notice issued June 17, 1975, in the above-designated matter.

Notice is hereby given that the date for filing comments in the above matter is extended to and including September 2, 1975 and the date for filing reply comments is extended to and including October 6, 1975.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-20235 Filed 8-1-75;8:45 am]

FEDERAL TRADE COMMISSION

[16 CFR Part 439]

CELLULAR PLASTICS PRODUCTS

Correction

In FR Doc. 75-19093 appearing on page 30842 of the issue for Wednesday, July 23, 1975, in the center column, paragraph § 439.1(a), in the fifth line, the figure § 439.2(a) is corrected to read § 439.2(b); and on page 30843, the left-hand column, Note 2, paragraph (3), line 3, the notation ASTM D286 is corrected to read ASTM E286.

Dated: July 30, 1975.

CHARLES A. TOBIN,
Secretary.

[FR Doc.75-20268 Filed 8-1-75;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

Customs Service

[T.D. 75-199]

UNMACHINED CASTINGS FOR HOSE COUPLINGS

Country of Origin Marking; Notice of Decision

The following is a decision recently promulgated by the United States Customs Service through its Office of Regulations and Rulings.

T.D. 75-199 *Unmachined castings for hose couplings.*—The Customs Service has been asked to review the ruling issued by its letter dated May 18, 1970 (363.2), and abstracted as T.D. 70-143 (2), regarding the country of origin marking of certain hose couplings of malleable iron imported as unmachined castings, and processed into finished hose couplings in the United States.

The hose couplings are described as two lug universal hose couplings or universal air couplings. They are imported as unmachined castings, and processed after importation by being machined at the end where the two coupling lugs appear, drilled with two safety pin holes at the same end, threaded with internal threads at the opposite end, cadmium plated, and assembled with a rubber gasket to provide a tight seal when two couplings are joined together.

The Customs Service ruled in its letter of May 18, 1970 (363.2) that the processing of the unmachined castings would not result in the manufacture of a new and different article, or such a substantial transformation of the imported castings as to render the processor the "ultimate purchaser" of the castings, within the meaning of 19 U.S.C. 1304(a).

Subsequently, the United States Customs Court issued its decision in the case of *Midwood Industries, Inc.* v. *United States*, 64 Cust. Ct. 499, C.D. 4026 (1970), holding that the processor in the United States was the "ultimate purchaser," for the purposes of 19 U.S.C. 1304(a), of certain steel forgings which were processed after importation into finished welding fittings and flanges.

The Customs Service is of the opinion that the principle of the decision in the case of *Midwood Industries, Inc.* v. *United States* is applicable to the unmachined hose coupling castings in question. Although the castings are made as close to the dimensions of ultimate finished form as possible, they must be further processed by the substantial manufacturing operations described above in order to transform them into goods which are of use to the final consumer.

Accordingly, the "ultimate purchaser" of the unmachined castings is deemed to be the processor who transforms them into finished hose couplings. Headquarters letter dated May 18, 1970 (ORR Ruling 680-70, August 31, 1970) and T.D. 70-143(2) are hereby superseded. (704822)

[SEAL] LEONARD LEHMAN,
Assistant Commissioner, Regulations and Rulings.

[FR Doc.75-20217 Filed 8-1-75;8:45 am]

Office of the Secretary

SUPPLEMENT TO DEPARTMENT CIRCULAR

Public Debt Series—No. 23-75

JULY 30, 1975.

The Secretary of the Treasury announced on July 29, 1975, that the interest rate on the notes described in Department Circular—Public Debt Series—No. 23-75, dated July 24, 1975, will be 7⅞ percent per annum. Accordingly, the notes are hereby redesignated 7⅞ percent Treasury Notes of Series F-1978. Interest on the notes will be payable at the rate of 7⅞ percent per annun..

DAVID MOSSO,
Fiscal Assistant Secretary.

[FR Doc.75-20269 Filed 8-1-75;8:45 am]

DEPARTMENT OF DEFENSE

Defense Intelligence Agency

REPORTS ON THE CLOSED MEETING

Public Availability

Pursuant to the provisions of the Federal Advisory Committee Act, Title 5, United States Code, App. I. (Public Law 92-463), and OMB Circular A-63 of March 27, 1974, the Defense Intelligence Agency Scientific Advisory Committee and Defense Intelligence School Board of Visitors which held closed meetings through December 31, 1974, have prepared summary reports on the activities of those meetings. Copies of these reports have been filed and are available for public inspection at two locations:

The Library of Congress, Room 256, Main Building, 10 First Street, S.E., Washington, D.C.

Directorate for Freedom of Information, Office of the Assistant Secretary of Defense (PA), Room 2C757, the Pentagon, Washington, D.C. 20301.

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

JULY 30, 1975.

[FR Doc.75-20243 Filed 8-1-75;8:45 am]

Office of the Secretary

DEFENSE SCIENCE BOARD TASK FORCE ON "ELECTRONIC TEST EQUIPMENT"

Notice of Advisory Committee Meeting

Pursuant to the provisions of Public Law 92-463, notice is hereby given that the Defense Science Board Task Force on "Electronic Test Equipment" will meet in open session on 16 and 17 September 1975 in the Casa de la Vista Building, Naval Station Treasure Island, San Francisco, California.

A visit is planned to the Alameda Naval Air Station on 16 September. Bus transportation will be provided between Treasure Island and Alameda, departing Treasure Island at 8:30 a.m. and returning to Treasure Island no later than 6:00 p.m.

The Task Force meeting on 17 September at Treasure Island will commence at 9:00 a.m.

The mission of the Defense Science Board is to advise the Secretary of Defense and Director of Defense Research and Engineering on overall research and engineering and to provide long-range guidance in these areas to the Department of Defense.

The primary responsibility of the Task Force is to examine the greater use of the Department of Defense of privately-developed, commercially-available, off-the-shelf electronic test equipment, including modifications thereof, with the goal of achieving economy and reliability benefits for the several Armed Services and to recommend policies and procedures which will maximize these benefits.

This will be the sixth meeting of the Task Force. The planned agenda will cover three general areas:

1. Procurement.
2. Logistics.
3. Applications, Requirements and Equipment.

The detailed discussions and investigations into these general areas will be conducted by working groups made up of designated Task Force members of

their designated representatives and selected Task Force observers. Each working group will formulate proposals related to its general area of responsibility corresponding to one of the three specified above. The working group proposals as approved by the Task Force will form the basis for the ultimate Task Force recommendations.

Persons wishing to attend are advised that a reasonable quantity of seating for observers will be available on a first-come, first-seated basis. No specific arrangements or notification of desire to attend is necessary.

The Executive Secretary for the Task Force is Mr. Rudolph J. Sgro, OASD (I&L) WS, Room 2A318, Pentagon, Washington, D.C. 20301.

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

JULY 30, 1975.

[FR Doc.75-20242 Filed 8-1-75;8:45 am]

DDR&E HIGH ENERGY LASER REVIEW GROUP (HELRG)

Notice of Closed Meetings

Pursuant to the provisions of Section 10 of Appendix I, Title 5, United States Code, notice is hereby given that closed meetings of the DDR&E High Energy Laser Review Group will be held on Tuesday and Wednesday, September 9 and 10, 1975, in Lexington, Massachusetts.

The subject matter of the meetings is classified in accordance with subparagraph (1) of Section 552(b) of Title 5 of the U.S. Code.

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

JULY 30, 1975.

[FR Doc.75-20241 Filed 8-1-75;8:45 am]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

ALASKA STATE MULTIPLE USE ADVISORY BOARD

Notice of Meeting

Notice is hereby given that the Alaska State Multiple Use Advisory Board will hold business meetings on September 3 and September 5, 1975, and participate in a field trip September 4, 1975. Business meetings will be held in the East Gold Room of the Traveller's Inn in Fairbanks, Alaska. The September 3 business meeting will begin at 1:00 p.m. and last until 5:00 p.m.; discussion on the field trip is planned on the first day. On September 4, the board and selected Bureau of Land Management staff will travel from Fairbanks north along the trans-Alaska pipeline route in the utility corridor, to see first-hand, the Bureau's options in landuse management in the utility corridor. The September 5 business meeting will begin at 8:00 a.m. and last until 12:00 noon. Utility corridor management will be discussed and the board may, at its option, make resolutions concerning this topic.

The business meetings will be open to the public insofar as seating is available. Time will be available for brief statements from members of the public, but those wishing to make an oral statement must inform the Board Chairman in writing, prior to the meeting of the board. Any interested person may file a written statement with the board for its consideration. Written statements or requests to give oral statements should be submitted to State Advisory Board Chairman, % State Director, Bureau of Land Management, 555 Cordova Street, Anchorage, Alaska 99501.

CURTIS V. MCVEE,
State Director.

[FR Doc.75-19179 Filed 8-1-75;8:45 am]

Fish and Wildlife Service

ENDANGERED SPECIES PERMIT

Notice of Receipt of Addendum to Application

On November 13, 1974, a notice was published in the FEDERAL REGISTER (39 FR 40044-48) that an application had been filed with the Fish and Wildlife Service, U.S. Department of the Interior, by the Patuxent Wildlife Research Center, Laurel, Maryland, for a permit relative to studies of endangered species.

On December 23, 1974, a notice was published in the FEDERAL REGISTER (39 FR 44258) that all reference to Manatee, West Indian (Florida), *Trichechus manatus*, was deleted from that application.

Notice is hereby given that the following additional information relative to Patuxent Center's endangered species application has been received.

JUNE 16, 1975.

To: Chief, Division of Law Enforcement, Fish and Wildlife Service.
From: Acting Director, Patuxent Wildlife Research Center.
Subject: Endangered Species Permit (FWS/LW PRT 8-86-C).

Your letter of March 17, 1975, requested additional information relative to the Patuxent Center's endangered species permit application.

I hope that the information contained in the attachment is sufficiently detailed to satisfy the permit application requirements.

HARRY M. OHLENDORF,

Attachment

ENDANGERED SPECIES PERMIT INFORMATION
ENDANGERED WILDLIFE RESEARCH PROGRAM
PATUXENT WILDLIFE RESEARCH CENTER

Biologists and technicians in the Endangered Wildlife Research Program at the Patuxent Center near Laurel, Maryland, are carrying out research and propagation in varying intensity with approximately 46 endangered species of vertebrates. These studies vary from intensive and long-term monographic investigations to merely observational efforts as opportunities permit. Because of the paucity of available information on most species listed, all activities are continuing beyond FY 1976 unless otherwise noted.

The purpose of the research is to obtain information regarding each endangered species, and its habitat, that can be utilized in management efforts to prevent its extinction and, hopefully, return it to safer numbers. Studies will include the determination of status and distribution, behavior under various conditions and at all seasons of the year, competing or predator species with which the endangered forms must cope, and actually or potentially negative factors that could adversely affect essential habitat. Except where specifically listed, there is no intention to capture specimens for propagation or study in confinement, transplant or otherwise manipulate wild populations, or to collect live animals for museum specimen use, food habits study, or other terminal uses. Attempts to photograph and record sounds of endangered wildlife will be made only where such efforts can be made without apparent handicap or other adverse effects to the subject; it will only be accomplished by experienced personnel who in many cases are currently the most knowledgeable authorities on the species in question, and who are best able to avoid undue disturbance to the species. Such photography and sound recording will be for the purpose of documenting behavior, plumage and pelage patterns, and other physical and ethological characteristics of each species for its more complete understanding and management. No animals will, however, be captured for this purpose; photography and sound recordings will be made opportunistically when and where they can be safely accomplished.

Specimens found in obvious distress and unlikely to survive in the wild without assistance will be captured, confined, and treated until sufficiently recovered to be released. Upon recovery, animals will be returned to the point of capture, or if local conditions make release there unwise, to another location within their known historic range where they are most likely to survive. Any skin, skeleton, various organs, or related material from specimens found dead, or which die while in confinement, will be transferred to the National Fish and Wildlife Laboratory, Smithsonian Institution, Washington, D.C., for incorporation into its collections.

Endangered species stock brought into or produced in confinement for research and propagation purposes will be subjects of behavioral, nutritional, physiological, and pathological studies of non-terminal character; closely related but more abundant (non-endangered) species serve as surrogate or test subjects wherever terminal risks are involved. For purposes of maintaining pedigrees, conducting routine studies (for the purpose of developing behavioral, nutritional, physiological, or pathological catalogues of norms), and monitoring health of animals in confinement or caring for injuries, it may be necessary to include the drawing of blood, the taking of fecal and urine specimens, banding, wing-tagging, color-marking, administering anesthetics, performing corrective or repair surgery, confining ailing animals, and quarantine of incoming stock. All stock destined for transfer from Patuxent for release to the wild or for other purposes is examined by the staff veterinarian to assure good health and freedom from disease. Transfers of living stock are routinely made by air express or air freight, and recipients are notified by telephone of waybill numbers and carrier identity, flight number, and anticipated date and hour of arrival. Shipments of rarest or most perishable stock are usually accompanied by a staff member.

Descriptions of research activities concerned with the individual species, except for most forest birds of Hawaii (which are most effectively treated as a single group), follow:

1) Puerto Rican Boa (*Epicrates inornatus*): Attention to this species is primarily observational and photographic, as opportunities permit, including the recording of sightings by Puerto Rican residents and the collecting and preserving of any specimens found dead from various causes.

2) Hawaiian Dark-rumped Petrel (*Pterodroma phaeopygia sandwichensis*):

Although no intensive research is now being devoted to this species, observations on its status and distribution are being made by Program biologists on the islands of Hawaii and Maui as opportunities permit. Occasionally, when live specimens may be attracted to lights, it is necessary to capture them and immediately release them so they can become airborne if they are uninjured. Injured individuals may be retained until they recover, are measured and banded, parasites (if any) have been removed, and the petrel can safely be released.

3) Hawaiian Duck (*Anas wyvilliana*): No research is primarily directed toward this species, but opportunistic observations are made of its numbers and distribution at every opportunity to aid in its management.

4) Aleutian Canada Goose (*Branta canadensis leucopareia*): A productive gaggle of this endangered race of Canada goose has been established at the Patuxent Center to produce offspring that are being used to reestablish breeding populations within its former range in the outer Aleutian Islands. Goslings were obtained in 1963 and 1973 from Buldir Island, the only island where this goose remained as a breeder following its extirpation from all other formerly occupied islands. Current breeders at Patuxent consist of these birds and their offspring. Breeding pairs are held in pens approximately 30 by 60 feet supplied with running water, food shelters, and natural plant growth for nesting cover. Non-breeders and birds destined for release to the wild are maintained in large enclosures averaging more than 1000 square feet per bird. Sufficient stock is being assembled with which to produce approximately 100 releasible birds per year, to be sent to Alaska as one-, two-, or three-year-olds, preferably on islands from which introduced foxes, the principal local predator, have been removed. Aleutian Canada geese surplus to the needs of the program have, in the past, been provided on loan to qualified cooperators, the offspring of which have been utilized for research, education, and display purposes, but the use of these birds for the reestablishment of wild populations will continue to have first priority. Periodically, about every fifth year, starting in 1975, not more than 20 additional goslings would be obtained from the Buldir Island population, estimated now to be 600 to 800 geese, to maintain genetic diversity among the Patuxent breeding population. Such recruitment is necessary to avoid transplanting any stock beyond the second generation of confined birds. This would amount to a removal of only about 3 percent one year in five and should impose no undue drain on the productivity or survival of the wild population. The complement of 20 breeding pairs and about 20 replacement birds in varying stages of maturity will form the production unit at Patuxent, and also provides insurance against extinction of the wild population which now is apparently restricted to Buldir Island during the breeding season, and is found on Castle Rock Island and vicinity along the northern coast of California during late winter and early spring.

5) Hawaiian Goose (*Branta sandvicensis*): A small nucleus of this species has been kept at the Patuxent Center to produce birds for use in experimental efforts to develop wild release procedures in the Hawaii Volcanoes National Park. Any produced stock surplus to this need is made available in descending priority, for research and education at public institutions such as universities and zoos, for research by private organizations and individuals, and for display by private organizations and individuals. Three adult pairs comprise the productive unit that produces from 10 to 20 offspring annually. The eggs are removed as they are laid and then artificially incubated. The original two breeding pairs were obtained from the Hawaii Division of Fish and Game's Pohakuloa Game Farm. Replacements from Pohakuloa will be requested only upon death of any of these birds, and only after release needs have been fulfilled. The breeders are held during the breeding season (December–February) in enclosures equipped with electrically heated shelters. The breeding pairs are moved into other pens during the rest of the year to allow renovation and cleansing of the breeding enclosures in the interim. No other research is contemplated with this species, though the unit, along with other captive populations elsewhere in the United States and in England, provide a measure of species' survival insurance in case the wild population suffers a catastrophic decline.

6) Andean Condor (*Vultur gryphus*): In 1966, prior to the time that the Andean condor became classified as an endangered species, nine were captured in Argentina and shipped to the Patuxent Center for preliminary studies to obtain information of potential value to California condor management in case propagation of the latter ever becomes necessary. Because of a disparate sex ratio, and incompatibility among some of the condors, trades were arranged with zoos and three adult and one subadult pair now are on hand in flight pens measuring 40' x 40' x 17' high, equipped with perches, sheltered roosts, simulated "caves," and a flowing water supply. One condor chick was hatched and reared in 1973, and the three adult pairs nested in 1975. Offspring will be utilized to test condor release procedures in South America as young condors produced at Patuxent approach maturity; such release procedures could have potential value for application with California condors. Andean condors are long-lived and, barring unexpected losses at Patuxent, it is doubted that additional stock will be needed from South America for this program.

7) California Condor (*Gymnogyps californianus*): A biologist has been stationed in Ojai, California, by the Patuxent Center since January 1965 to study the California condor in the wild. He is attempting to determine their status, distribution, productivity, and factors affecting their productivity and survival. These studies require continuing observations of condors in the Sespe Condor Sanctuary and general vicinity as well as elsewhere throughout the condor's range, including a small population reported to still persist in Baja California. Productivity surveys require nest visitation to determine the fates of eggs or nestlings. The visits are made one to three months after hatching to avoid chilling of eggs or interference with feeding of the newly hatched condor chick. An annual condor survey is made in mid-autumn to attempt to obtain an accurate index to the wild population, thus far without success. This survey is supervised by the California Department of Fish and Game and is accomplished by observers located at scattered vantage points counting and aging condors seen during a two-day period and, by the use of two-way radios, attempting to avoid duplication in the counts of a total population now believed to range between 50 and 60 birds. None of the current research appears to be adversely affecting the California condor. One condor captured in the late 1960's following abandonment by the parents, is currently housed in the Los Angeles Zoo. There are no current plans for taking any additional Andean or California condors into captivity for research or propagation.

8) American Peregrine Falcon (*Falco peregrinus anatum*): The Patuxent Center's biologist at the Arizona Field Station in Tucson expects to participate in a general survey of eyries in Arizona to determine occupancy by peregrines. There is no intention to visit active nests, if any are found, or to handle any eggs or nestlings, capture or band adults, or in other ways interfere directly with the wild peregrine or its welfare. It is not known whether any active eyries still exist in Arizona but management of this species, including protection, requires more information on its present status and distribution. No stock will be taken into captivity, and no peregrine falcons are currently maintained by the Endangered Wildlife Research Program at Patuxent, nor is the acquisition of any anticipated in the foreseeable future.

9) Hawaiian Hawk (*Buteo solitarius*): No intensive research upon this species is envisioned in the foreseeable future. As other assignments permit, records will be kept of field observations and any nests encountered will be checked and the remains of unhatched eggs or dead nestlings will be collected for pesticidal residue analysis or determination of eggshell thickness. Remains of prey items and parasites at the nest will also be collected and identified.

10) Masked Bobwhite Quail (*Colinus virginianus ridgwayi*): The masked bobwhite apparently disappeared about 1900 from southern Arizona due to range deterioration resulting from drought and overgrazing. Production of from 500 to 1,000 young quail annually is being obtained from a total of 57 birds obtained in 1968 and 1969 from north-central Sonora, Mexico, and from their offspring used as replacement breeders. An 1800-acre research area has been set aside under a 5- to 7-year lease developed with the State of Arizona where range management practices, including deferment of grazing, are allowing regrowth of vegetative cover believed necessary for survival and reproduction of the quail. A Patuxent biologist stationed at Tucson, Arizona, has been studying this quail and certain other endangered species since 1967 in order to document their continuing status and distribution, and to determine habitat requirements and other characteristics which affect their survival and reproduction. These studies consist of observations of quail in the wild, periodic call counts and brood censuses, capturing and banding, collection of droppings for food habits analysis, the examination of cactus wren and verdin nests for feather evidence to quail presence, and the playing of quail calls to elicit responses for inventory purposes. Plant collections are being made to allow comparisons of the currently used Mexican habitats with the release sites in Arizona, and to reveal any management needed to increase comparability of the two ecological situations.

Nutritional and physiological studies at the Patuxent Center to develop captive production procedures for masked bobwhites have utilized eastern bobwhites as the test species. For protection in winter, young and adult masked bobwhites at the Patuxent Center are held in an unheated building with a concrete floor containing approximately 10 elevated holding pens. The pens measure 6 feet by 9 feet by 18 inches high, divided lengthwise into two compartments each containing a shelter measuring 3 feet square which is heated for very young birds, if necessary. Each of the two compartments of the pens can accommodate 20 masked bobwhites, the size of a large covey. The quail stock is moved to the breeding facil-

ities in late April where they remain until late November, egg-laying taking place from late May through early September. The breeding pen complex allows deployment of breeding groups of birds usually consisting of two males and three or four females per compartment in a screened area equipped with clock-controlled overhead lights. Eggs are gathered daily, held in refrigerated storage and turned twice daily for up to two weeks, and then incubated in electric incubators. Egg production terminates each year when the artificial light source is turned off.

Stock produced by the Patuxent population of masked bobwhites is shipped to Arizona as eggs, day-old chicks, or older birds for release under a variety of experimental situations in order to find the most effective method. Among those expected to be tested during the next 12 months are direct releases of captive reared, mature-plumaged birds; the gentle release of captive-produced day-old chicks fostered by sterilized Texas bobwhite cocks or bantam hens; and the substitution of masked bobwhite eggs produced at Patuxent for clutches of local, wild, native, non-endangered quail species. Conditioning procedures for stock prior to their release to the wild will include exposure to simulated predator attack by the use of manned raptors to prepare them for encounters with accipiter hawks, and the use of dogs to develop fear of coyotes, badgers, and other terrestrial predators. By these methods it is hoped that a self-sustaining population of this quail can be reestablished in the Altar Valley of southern Arizona which will reduce prospects of masked bobwhite extinction. It is estimated that a combined total of at least 500 Patuxent-produced eggs, day-old chicks, and older birds, will be utilized annually in these reintroduction efforts.

To maintain the genetic diversity of the masked bobwhite breeding stock, it will be necessary to obtain additional wild-captured birds in Mexico some years. Such birds will only be obtained when the wild population can tolerate such removals and when quarantine regulations permit their importation. Current Asiatic Newcastle Disease restrictions prevent such importations so no procurement of birds in Mexico is proposed for this year. When these restrictions are lifted, and when the status of the wild masked bobwhite population permits, the trapping and shipment to Patuxent of a number of birds not to exceed five percent of the wild population will be proposed for the enrichment of the Patuxent breeding population.

11) Hawaiian Coot (*Fulica americana alai*) and Hawaiian Gallinule (*Gallinula chloropus sandvicensis*): Studies by three Patuxent biologists of these two wetland species consist only of observations and annual counts to determine their continuing status and distribution. No animals are to be taken from the wild. Information from these studies is provided for selecting land acquisition sites and for other management efforts towards their preservation.

12) Mississippi Sandhill Crane (*Grus Canadensis pulla*): During the past several years, single eggs have been removed from two-egg clutches of this newly described, endangered race of crane in southeastern Mississippi to develop a productive nucleus flock. The eggs are gathered by a USFWS biologist and shipped air express to the Patuxent Center in an insulated container using methods that have resulted in 90 to 95 percent hatchability of greater and Florida sandhill crane eggs.

At Patuxent, the eggs are immersed in a disinfectant and then placed in an incubator where they are held until pipping by the embryo is audible, at which time they are placed in a hatching compartment. They ordinarily hatch in 24 to 36 hours, and about 12 hours later are placed in oval enclosures with starter dilet, water, and infra-red lamps for supplementary heat. At about six weeks of age, the chicks are moved to an intermediate enclosure where they remain until late fall. They are then moved to another enclosure where they will stay until they are two years old and are ready to cope with adult cranes and to select a mate.

Number of eggs of this subspecies shipped annually from Mississippi will not exceed six, but usually is from two to four. Hatchability of eggs in wild nests has been much lower than with other races of sandhill cranes. The U.S. Fish and Wildlife Service is now attempting to acquire land upon which to develop a Mississippi sandhill crane sanctuary and stock produced at Patuxent will become available with which to strengthen the wild population now numbering less than 50, and which seems incapable of increasing without additional help. The eggs will continue to be taken each year so long as there is no apparent adverse effect upon the wild population, and until restoration efforts are successful in increasing their numbers to levels considered safe by the Mississippi Sandhill Crane Recovery Team.

Except for monitoring their health and gathering information on their physiological characteristics, no research at Patuxent upon the Mississippi sandhill crane is anticipated—it is purely a propagation program. All sandhill crane research at this location involves only the more abundant greater, Florida, and lesser sandhill cranes. Sandhill cranes are held in spacious quarters averaging about 4,000 square feet for breeding pairs and in community pens varying from 2 to 8 acres for holding from 20 to 30 younger cranes. As with other confined populations of endangered species, this Mississippi sandhill crane gene pool will provide an alternative to extinction if the wild population were to suffer a natural catastrophe. Six years of egg-taking have had no apparent detrimental effect upon the wild population.

13) Whooping Crane (*Grus americana*): The whooping crane is one of the most endangered North American birds and for the past 35 years its wild population has increased so slowly, less than one bird per year, that there is concern for its continued genetic vitality. Five years of research with sandhill cranes revealed that one egg could be removed from each clutch of two eggs with negligible loss of productivity and survival. Egg-taking was, therefore, commenced in 1967 in Wood Buffalo National Park in 1967 and repeated in 1968, 1969, 1971, and 1974 for the purpose of assembling a population of 15 to 20 breeding pairs in confinement at the Patuxent Center. An effort is being made to obtain representation in this confined population of offspring from every nesting pair in Wood Buffalo National Park so as to preserve as much of the existing gene pool as possible. Since breeding pairs in the Park appear to exhibit perennial fidelity to specific nest sites, it is possible to establish the pedigree for future breeding purposes of cranes hatched from eggs brought to Patuxent.

The eggs are taken from wild nests by a Canadian Wildlife Service biologist. He transfers them to a U.S. Fish and Wildlife Service biologist who waits in a helicopter and who places them in an insulated, hot water bottle-warmed suitcase in which temperatures are maintained between 95 and 99 degrees Fahrenheit for the return to Fort Smith, NWT, Canada. There the eggs remain stored in an electric incubator for one to three days pending the flight by a Canadian Wildlife Service-leased airplane to Maryland. Oxygen is provided from the aircraft's supply while aloft to compensate for deficiency in the compartment atmosphere pressurized to simulate about 4,000 feet above sea level.

At Patuxent, the eggs are dipped in an iodine disinfectant solution to reduce the possibility of bacterial contamination and they are then placed in an incubator to complete the 30-day incubation period. At the onset of pipping, each egg is moved to a hatching compartment and, about 18 to 24 hours after hatching, the chick is placed in a brooding area having temperatures under an infra-red lamp of 96 degrees F. at chick level.

Food and clean water are provided *ad libitum*. At the age of approximately six weeks, the chicks are moved outdoors to an intermediate enclosure for a gentle exposure to pathogens and conditioning to the weather. At 6 months, the chicks are moved into a community enclosure where they remain for 2 or 3 years until they show indications of mate selection. Obvious pairs are then moved into visually isolated breeding enclosures where they remain indefinitely. Any eggs laid by the pairs are picked up immediately and artificially incubated so that the birds will lay additional eggs. Stock so produced will be utilized in the development of additional wild breeding population units to increase the security of the species.

Hatching success among eggs brought to Patuxent has been 84 percent, and 62 percent of 21 whooping cranes at Patuxent includes 19 obtained through the egg transfer program. Enclosures occupied by whooping cranes at Patuxent average more than twice the size of those utilized by sandhill cranes. Three other whooping cranes, all males, are located at zoos, including two at the Audubon Park Zoo in New Orleans and one at the San Antonio Zoo in Texas.

14) California Clapper Rail (*Rallus longirostris obsoletus*) and Light-footed Clapper Rail (*R. l. levipes*): Studies of these two endangered rails consist primarily of surveys of their numbers and distribution along the southern coast of California and Baja California. Field work involves visiting salt-marsh habitats along the coast and, through the use of recorded rail calls, eliciting responses from any rails present. This method has also been employed with Yuma Clapper Rails on the Lower Colorado River and appears to be the safest and most effective method of counting this secretive species during the breeding season. Some counts are also made at high tide when water levels render the rails more conspicuous. No adverse effects of these census methods on rail populations have been detected. The purpose of counting rails is to keep track of their continuing status and to determine which habitats are of greatest importance to them so that management action can be taken to preserve those marshes.

15) Yuma Clapper Rail (*R. e. yumanensis*): Except for participation in periodic status surveys involving the use of taped recordings and sightings, and providing advice regarding research approaches to the solution of problems in its management, this Program does not contemplate any studies involving the handling or disturbance of this clapper rail.

16) Hawaiian Stilt (*Himantopus h. knudseni*): Biologists of the Endangered Wildlife Research Program based in Hawaii will cooperate with the USFWS's Endangered Species Coordinator in surface and air status surveys to determine numbers and distribution of this stilt and, in accordance with study plans of the Coordinator approved by USFWS, to capture and colormark or band stilts to detect and determine the extent of interisland movements for management purposes.

17) California Least Tern (*Sterna albifrons browni*): Status and distribution studies will

consist of the direct observation of terns and nesting areas to delineate essential properties required for its preservation, along with the determination of deleterious factors requiring management attention. Banding of preflight birds to determine longevity and mobility will be carried out as opportunities permit. Such banding has no known adverse effect on tern behavior or survival.

18) Puerto Rican Plain Pigeon (*Columba inornata wetmorei*): Participation in a Commonwealth-funded project to determine the status, distribution and productivity of this pigeon will be engaged in as other assignments permit. No actual trapping or handling of plain pigeons by the Program's biologist is contemplated.

19) Puerto Rican Parrot (*Amazona vittata*): The total wild population of this parrot, now exclusively limited to the Luquillo Forest, was estimated to be between 14 and 16 in January 1975. Causes of the decline from at least 200 reportedly observed in the early 1960's are not known with certainty. However, since current studies were begun in 1968, when about 25 parrots still remained in the Luquillo Forest, the decline continued until only 14 birds were actually known to be present in January 1975. Because no other management alternative to their extinction was evident in an area already under control of the U.S. Forest Service, the USFWS and USFS have jointly developed an aviary in the Luquillo Forest for parrot research and propagation with the goal of producing stock with which to bolster or restore populations in the wild. It was learned that wild nests had had an extremely low success rate, usually with only one or two chicks being fledged per year from all nests during the study, an insufficient number to offset mortality.

In 1973, four eggs were removed from two parrot nests, leaving an egg in each nest, and substituting artificial eggs for those taken. The four eggs were hatched in an incubator and four young were reared. One of the two eggs remaining in wild nests disappeared, presumably taken by a predator, and the other egg was hatched and the young was reared. When the latter was near fledgling it was taken to the aviary for the development of a captive population to be used for the production of stock to be released to the wild. In 1974, only two pairs mated and fledged young. One nest, subject to flooding, contained two eggs which were removed and mechanically incubated, artificial eggs being substituted in the wild nest. One of the eggs hatched and was returned to the nest where it was reared and fledged by the wild pair. The second pair laid four eggs, two of which were hatched, reared, and placed in the aviary for parrot production.

This spring, 1975, 10 eggs were removed from 4 wild nests, leaving 1 egg in each of 2 nests. Eight of the 9 hatched are surviving; two are being retained for the confined population, and six have been returned to the wild nests and readily adopted by the parent birds. By this technique, the principal threat of predation by pearly-eyed thrashers and rats can be avoided during the highly vulnerable incubation period. Meanwhile, the captive flock has grown to 9, and now contains offspring of all known wild breeding pairs of Puerto Rican parrots. The hatching of most parrot eggs most years with electric incubators, the return of most of the chicks to parental nests, and the development of a captive population to produce stock with which to bolster the small remnant of this species which still persists in the wild, are believed to be the main remaining alternatives to their extinction.

For FY 1976, ecological and life history studies will continue, consisting of intensive observations at the nest sites of the remaining parrot population, repair of nest cavities when they become uninhabitable, continued erection of artificial structures to attract parrots to safer nesting situations, removal of all eggs from wild nests and the substitution of artificial eggs, and the return of approximately two-thirds of the hatched chicks to nests for brooding and other care by wild parents. None of the research will be terminal in nature, and preliminary results provide the first basis for cautious optimism that the species can be saved.

20) Hawaiian Crow (*Corvus tropicus*): The total wild population of this species appears to be not more than 100 individuals, though remoteness and relative inaccessibility of much of the country inhabited by the crows, and a limited research staff, make an accurate estimate of their status impossible at this time. No sustained research by Patuxent personnel upon Hawaiian crows is anticipated in 1975, although some information on status and distribution undoubtedly will result from observations made during other assignments. This would include counting the birds and taking note of their distribution and behavior, as well as salvaging any found sick or injured that appear unlikely to survive. Such birds, and three crows previously salvaged and now recovered and in confinement at Park Headquarters of Hawaii Volcanoes National Park, will be turned over to an appropriate authorized facility for future care. None of the anticipated research, which could include the opportunistic banding of fledglings, is expected to result in the death of any crows, but should enhance management efforts in their behalf.

21) Endangered Hawaii forest birds, including Akiapolaau (*Hemignathus wilsoni*), Crested Honeycreeper (*Palmeria dolei*), Hawaii Akepa (*Loxops c. coccinnea*), Kauai Akialoa (*Hemignathus procerus*), Maui Parrotbill (*Pseudonestor xanthorphrys*), Maui Akepa (*Loxops c. ochraceu*), Molokai Creeper (*Loxops maculata flammea*), Oahu Creeper (*Loxops m. maculata*), Ou (*Psittirostra psittacea*), Palila (*Psittirostra bailleui*), Laysan and Nihoa Finches (*Psittirostra cantans*), Kauai and Maui Nukupuus (*Hemignathus lucidus*), large Kauai Thrush (*Phaeornis obscurus myadestina*), Molokai Thrush (*Phaeornis o. rutha*), small Kauai Thrush (*Phaeornis palmeri*), and Nihoa Millerbird (*Acrocephalus kingi*): Relatively little information is available regarding the status and distribution of most of these inconspicuous forest-type birds. Most of them have rather low volume vocalizations. Some have been seen only once or twice, or not at all, in recent years. Census procedures have been developed for few of them, particularly those found on the Hawaiian Leeward Islands which comprise the Hawaiian Islands National Wildlife Refuge. Three biologists of this Program are engaged in studies to determine the status and distribution of endangered Hawaiian birds, and to develop census procedures. Mist-netting to allow identification, banding, and the removal and identification of parasites of these species are integral but non-terminal segments of these studies.

22) Cape Sable Sparrow (*Ammospiza maritima mirabilis*) and Dusky Seaside Sparrow (*A. m. nigrescens*): A study of the former is in progress by the National Park Service; research on the latter by a biologist of this Program is terminating on June 30, 1975. Future Program activities will be limited to censuses and observations of birds.

23) Hawaiian hoary bat (*Lasiurus cinereus semotus*), Morro Bay kangaroo rat (*Dipodomys heermanni morroensis*), and salt marsh harvest mouse (*Reithrodontomys raviventris*): No specific study of these three species is in prospect. They will, however, be counted and observed as opportunities permit so that this information can be made available for management use. No capturing, tagging, handling, or intentional disturbance is anticipated.

24) Black-footed ferret (*Mustela nigripes*): The native ferrets are one of the least seen and most poorly known of North American mammals. Because of their habits of living in prairie dog towns and their rare appearance on the surface of the ground, little is known regarding their actual numbers, distribution, underground habits, reproductive cycle, motility and home range, and daily activities. Little purposeful management for their benefit is, therefore, possible. Control of prairie dogs and certain other rodents and predators by landowners should only be undertaken with proper safeguards for the black-footed ferret. There is, however, no positive method of determining the presence of ferrets in prairie dog towns, short of seeing them, prior to or during animal control operations, nor is it possible to determine the size of a refuge that would be adequate to protect a self-sustaining population of this species.

Field studies are in progress to attempt to determine status and distribution and to describe the life history and ecology of the black-footed ferret. An important handicap to progress has been the inability to detect ferret presence, to know when they have departed from a specific prairie dog town, or to determine where they have gone. The development of a safe harness which will carry a radio transmitter capable of penetrating 10 to 20 feet of mineral soil will be necessary to allow the detection and monitoring of ferret presence and behavior. Testing of harnesses and radio transmitter devices cannot safely be done with ferrets in the wild, but until such monitoring methods are available, returns on the biologist's time spent afield will continue to decline.

Five black-footed ferrets, 3 males and 2 females, are being maintained in confinement at the Patuxent Center. Principal research activities associated with these animals are attempts to breed them, to determine their physiological norms and reproductive cycle, and to produce offspring which can be utilized in reestablishing self-sufficient ferret populations in the wild. The research is non-terminal in nature, such activities being reserved for other related, but more abundant species, such as the Siberian polecat (*Mustela eversmanni*) or European polecat (*M. putorious*). Permission from the State of South Dakota has been received to live-trap one additional female black-footed ferret for study at Patuxent. This animal will preferably be taken from private lands where prairie dog control is being accomplished by the landowner and there is a substantial degree of risk of loss of the ferret. All other ferrets located in prairie dog towns where the landowner is determined to carry out control or eradication measures will be trapped and moved to prairie dog towns on other private or public lands where protection from prairie dog control is assured.

Black-footed ferrets destined for propagation and other studies at the Patuxent Center are live-trapped under State permit, held for at least two weeks in quarantine in the state where captured, then flown to Maryland, accompanied by a biologist. Upon arrival at Patuxent, each ferret is given a complete examination, administered killed vaccine distemper shots which had been begun in the state of origin, treated for external and internal parasites, retained in quarantine under scrutiny of the staff veterinarian an additional 30 days and, if found healthy and free of disease and parasites, is moved to the ferret research building. No terminal research or experimentation deemed detrimental to any of the ferrets brought into cap-

tivity will be attempted; studies will be primarily observational. Studies with any substantial risk to the animal will be carried out only with exotic mustelid species. Any final testing of harnessing methods for radiotelemetry studies with black-footed ferrets will only by accomplished with animals that are kept under continual visual surveillance, and the harness will be removed immediately if difficulties are encountered. All confined specimens will be permanently marked with a distinctive number on the inner side of the hind leg by the use of a tattooing device, and special efforts will be made to avoid inbreeding, particularly parent-offspring or sibling matings. The ultimate effect of the study of confined animals will be to provide information essential to their management in the wild, and to eventually furnish stock for the restoration of ferret populations in formerly occupied habitats. The identification of specific locations of black-footed ferrets in the wild has been deliberately avoided to reduce the adverse effects of visitor intrusion that could be expected if actual locations become known.

25) Eastern timber wolf (*Canis lupus lycaon*): The principal remaining U.S. population of the eastern timber wolf is located in northern Minnesota. Information needed for its effective management requires continuing the ecological, behavioral, and physiological studies in the Great Lakes region by the U.S. Fish and Wildlife Service and its contractors, collaborators, and associates. To obtain this information, it will be necessary to live-trap, anesthetize, draw blood samples, ear-tag, radio-tag, examine, weigh, track, observe from the ground and from the air, automatically monitor dens, simulate howling, photograph, examine wolf kills, translocate wolves, and in other ways intensively study them to obtain primary and supplementary information. Numbers of wolves involved will be from about 30 to 70 each year, and accidental losses of individuals will be very rare. The species will be benefited by more enlightened management which requires intensive ecological and behavioral information on factors regulating populations, survival, natality, territoriality, dispersal, prey relations, and food habits. Ordinarily wolves will be taken from the wild only from areas where they may cause livestock depredation problems and will be housed at the Minnesota State Zoo or other qualified holding facilities; their removal is expected to have negligible effect on the wild populations.

26) Key deer (*Odocoileus virginianus clavium*): No intensive studies of the key deer are planned, but observations will be made by a program biologist when in Key deer-occupied areas on other assignments. No disturbance or adverse effect upon the wild population is anticipated.

ENDANGERED SPECIES PERMIT INFORMATION ENVIRONMENTAL POLLUTION PROGRAM PATUXENT WILDLIFE RESEARCH CENTER

Biologists and chemists in the Environmental Pollution Program at Patuxent are currently involved in research projects that deal directly with three species of birds that are endangered. These species are the Southern Bald Eagle (*Haliaectus leucocephalus leucocephalus*), Brown Pelican (*Pelecanus occidentalis*), and Arctic Peregrine Falcon (*Falco peregrinus tundrius*). Details of these research studies follow.

Brown Pelican: Populations of brown pelicans have been studied in detail since 1971 at the Cape Romain National Wildlife Refuge in South Carolina. The work is a joint project with the Cape Romain Refuge through the Atlanta Office. The primary objectives of the study are 1) To assess the populations, behavior and reproductive status of the brown pelican and associated bird species at the Cape Romain Refuge and nearby areas in South Carolina, and to gather as much data as possible on the brown pelican colonies in North Carolina and Louisiana; 2) To inventory and assess the kinds and degrees of organochlorine pesticide contamination in estuarine birds, their eggs and their food; and 3) To integrate these findings into an evaluative appraisal of the pollution ecology of the Cape Romain Refuge and surrounding areas. 1975 is the final year of this 5-year study.

During 1975, 50 brown pelican eggs will be collected from each of two colonies at the Cape Romain Refuge (total: 100 eggs). Contents of eggs will be analyzed for organochlorine pesticides, and shell thickness measurements will be taken. In addition, up to 12 pelicans found dead will be saved and autopsied to determine cause of death. Exact number will depend upon how many are encountered in the field. Carcass samples will be analyzed for organochlorine pesticides, and livers will be analyzed for heavy metals.

Collection of eggs will result in the death of the developing embryo. No nestlings, juvenile, or adult birds are to be sacrificed.

Studies on the relationship between organochlorine compounds, particularly DDE, and pelicans have been instrumental in the evaluation of the detrimental effects of toxic chemicals on wild birds. The almost total reproductive failure of the pelican colonies in Southern California was attributed to the detrimental effects of DDT and its metabolites. This problem generated public awareness of the effects of these chemicals upon avian reproduction and damage to the environment in general. Data gained from field studies of pelicans in relation to environmental pollutants contributed to the case against DDT. Since the ban on DDT declines in DDT metabolites have been monitored in Pelican eggs. Continuing studies will help pinpoint other chemicals that are potentially harmful to pelicans and other species as well. Data gained from these studies will have long-range beneficial effects on pelican populations.

Eggs only will be taken from the pelican colonies at the Cape Romain National Wildlife Refuge.

No animals are to be maintained in captivity.

Collection of 50 eggs from two colonies will have a negligible effect on the status of the brown pelican in South Carolina.

Peregrine Falcon: The purpose of this study is to develop a small captive colony of peregrines that can potentially supply birds for experimental studies demonstrating the detrimental effects of environmental pollutants to the species. Attempts at propagation will continue during FY76, FY77, and FY78. Initial application should cover only propagation. We intend to use only offspring of the current stock in studies with environmental pollutants. Application by amendment can be made for experimental studies when that stage is reached (FY78).

Eleven adult birds (five miles and six females) are involved in the study.

This research involves propagation only and will not result in the death of the animals.

Our efforts at propagation will add to the general knowledge of breeding captive peregrines. A broad base of expertise in this area is important when considering the possibility of reintroduction into the wild of eggs or young from captive stock. If the peregrines are successfully bred at Patuxent, the offspring will eventually be used in studies of environmental contaminants. The knowledge gained can only enhance the survival of the species. The adverse effects of organochlorine pesticides, particularly DDT, on reproduction have contributed to declines of peregrines in North America and elsewhere. Peregrines occupy the upper trophic levels of their food chains and, hence, accumulate elevated amounts of persistent environmental pollutants. Moreover, the species appears to be unusually sensitive to organochlorine pesticides. Experimental studies may eventually be conducted to elucidate the effects of kinds and levels of chemicals that are hazardous to the species survival and/or reproductive success.

No additional animals are to be taken from the wild.

All animals are housed at the Patuxent Wildlife Research Center, Laurel, Maryland. Two pairs are in indoor pens that measure 20(L)x10(W)x12(H) feet. The remaining birds are in outdoor pens that measure 36(L)x72(W)x18(H) feet. All pens are equipped with perches, nesting ledges, feeding platforms and water pans.

The study will have no detrimental effect on the wild population. Knowledge gained from propagation and studies with environmental pollutants will benefit the wild population.

Bald Eagle: Research on the bald eagle is conducted under four separate research projects:

1) *Pesticide and other pollutant residues in bald eagle eggs:* The objective of this project is to compare the pollutant residues in eggs of bald eagles from various areas in the United States and to relate these to residues shown to be harmful in field or experimental studies of other species of birds of prey.

The primary activity with southern bald eagles under this project is the collection of non-viable bald eagle eggs from the Chesapeake Bay bald eagle population. Only eggs that have definitely been abandoned or have been incubated well beyond the normal incubation period of 35 days would be collected. The eggs will be processed and the following information obtained: 1) shell thickness; 2) stage of embryonic development; and 3) length and breadth of egg (used to estimate egg volume). The contents of eggs will be saved for chemical analysis of organochlorine insecticides and polychlorinated biphenyls. The results of the analysis of each egg would be used to determine the probable impact of the residues found on reproductive success at each nest sampled and (to a lesser degree) on the entire population. A total of one or more non-viable eggs from ten different nests in the Chesapeake Bay area would be needed to provide the desired information.

The research should not result in the death of any southern bald eagles or their young, and there should be no effect on wild populations.

Information on nests with eggs that have been abandoned and/or have definitely been incubated well beyond the normal incubation period would be provided by:

Mr. Jackson Abbott, 8501 Doter Drive, Alexandria, Virginia 22308.

Mr. Frederic R. Scott, 115 Kennondale Lane, Richmond, Virginia 23226.

If excessive residues are found in the eggs from some nests, they could indicate a source of the pollutant(s), which if found and stopped could enhance the survival of the species. Adults at such nests could be encouraged to use cleaner alternate food sources.

2) *Mortality factors, diseases, parasites, and trends of pesticides and other pollutants in bald eagles:* Bald eagles found dead or moribund are collected by Federal, State, and private cooperators and shipped to this laboratory for necropsy and pesticide analysis. The objectives of the study are 1) to determine the identities and quantities of pesticides and other environmental contaminants in bald eagles found dead, and to determine changes in contamination in succeeding years; and 2) to determine mortality factors, diseases, and parasites of the bald eagle. The necropsy procedures very somewhat from the traditional procedures used in poultry diagnostic and veterinary research laboratories because of the subsequent organochlorine pesticide analysis. The carcass remainders, liver, brain and kidney are saved and frozen for later chemical analysis. Helminth parasites are saved for later identification, and all bacterial isolates are identified by the investigator or are submitted to outside laboratories for identification.

This is a continuing study. No termination date has been established.

There is no way to predict how many eagles will be encountered dead or moribund by cooperators in the field. During 1974, 56 bald eagles were necropsied, and tissues of 35 were analyzed for organochlorine pesticides and other environmental pollutants.

All animals are either dead or near death when received. No live birds are to be sacrificed.

This work is important in the evaluation of the causes of bald eagle population declines that have occurred during past years. Knowledge of the effects of pesticides or other pollutants upon survival and reproduction of eagles is an important contribution to our understanding of population declines. Results from chemical analysis of eagle tissues allow us to identify harmful chemicals and pinpoint problem areas in regard to environmental pollution.

No live healthy animals are to be taken from the wild. Only eagles found dead or moribund are received.

There will be no detrimental effect on the wild population. Knowledge gained from these studies on mortality factors and toxic chemicals affecting eagles will be of long-term benefit to the eagle population and the environment in general.

3) *Breeding and care of captive bald eagles for pollution research:* The primary objectives of this project are: 1) to develop and maintain a group of bald eagles for use in experiments to determine the effects of environmental pollutants, and to improve maintenance techniques; and 2) to breed bald eagles in captivity and determine the factors responsible and/or necessary for their reproductive success.

At the present time we have about nine southern bald eagles in captivity. It is impossible to provide the exact number because of the overlap in size between northern and southern bald eagles, especially between northern males and southern females. This situation is complicated because of the difficulty in accurately sexing all of the eagles on hand. In addition to the above we have four captive produced northern x southern immature bald eagles plus two eggs and one eaglet as of 7 April.

We have no plans for systematically removing southern bald eagles from the wild, although we wish to be able to accept eagles that are incapable of surviving in the wild due to injuries or being hand-reared by humans. We also wish to be able to accept newly injured or sick southern bald eagles for treatment and if feasible, eventual release back into the wild.

Some southern bald eagles under this project will be utilized for propagational purposes. One southern female is already a part of a successfully breeding pair. That pair is housed in a flight cage 36x72x18 feet high, which is equipped with perches, nest platform, feeding blocks and a water pan. Her mate is a northern bird.

As many as two additional southern pairs (mostly crippled birds unable to fly) may be used in future years for additional captive breeding studies. Initial attempts at captive breeding with these pairs would probably be conducted in pens 20x50x6 feet high. Smaller pens might be used providing the disposition and welfare of the birds warranted their use. Artificial insemination and artificial incubation might be used in ths work.

The research on captive breeding could eventually result in captive produced fertile eggs or nestlings that could be placed in suitable nests in the wild to augment wild production of young, thus enhancing survival of the species.

All captive eagles are given a diet of whole fish (commercially obtained), laboratory rodents, and a commercial bird of prey diet.

The work under this project should not result in death of the birds.

There would be no adverse effects on the wild population.

Southern bald eagles not suitable for release or not needed for captive breeding would probably ultimately be transferred to projects such as that mentioned under 4 below.

(4) *Effects and persistence of dieldrin in captive bald eagles:* The objectives of this project are: (1) to determine the loss rate of dieldrin in bald eagles; and (2) to determine the relationships between plasma enzyme activity and dieldrin residues in bald eagles.

We are concerned with the loss rate of dieldrin because ten percent of the bald eagles found in the wild in the United States during the period 1964–72 that have been analyzed were suspected to have died of dieldrin poisoning. The incidence of dieldrin poisoning was especially high for the states of Maryland, Virginia, South Carolina, and Florida, where 47 percent of the specimens analyzed probably died of dieldrin poisoning.

It is not known if dieldrin is unusually toxic to bald eagles, if they are unable to metabolize and/or excrete it as rapidly as other species of birds, or if they are susceptible to dieldrin poisoning merely because of their position in food chains and the degree of exposure to the toxicant. Black ducks will be used as a comparative species.

A maximum of five southern bald eagles will be used in this project. All are crippled and unable to fly or survive in the wild. They are thought to be of minimal value in the captive breeding project. A total of six bald eagles (not all southerns) will be given a single oral dose of dieldrin at a level thought to be sublethal. Additional eagles, both northern and southern, will serve as controls. Blood samples will be taken just prior to dosage and at intervals following dosage. The samples (about 10 cc from each bird at each sampling interval) will be analyzed for plasma enzyme activity, hemoglobin, hematocrit, and residues of organochlorines including dieldrin. The loss rate of dieldrin will be determined in each eagle and will be compared to that found in the black ducks. The dosed birds will be sacrificed at the end of the study, which may last as long as two years.

Information on the loss rate of dieldrin in bald eagles could suggest ways of reducing the frequency of dieldrin poisoning in wild bald eagles, thus enhancing their survival.

The eagles will be housed in pens 20x50x6 feet high with a perch, water pan and feeding block, and will be fed the same types of food as stated above.

There will be no adverse effect on wild populations.

General Provision: Occasionally, over-age eggs or carcasses of endangered species are encountered in the field. In past years, such egg or carcass samples have been analyzed for organochlorine pesticides and/or other environmental pollutants. Analyses for environmental pollutants are important for identifying chemicals that may potentially have a detrimental effect upon the species' survival or reproduction. Results will suggest whether chemicals have contributed to the demise and current status of the species.

We would like to be able to continue analyzing endangered species, either over-age eggs or tissues from animals found dead, for environmental pollutants. It is not possible to estimate how many specimens will be encountered in the field.

Documents and other information submitted in connection with this addendum to the application are available for public inspection during normal business hours at the Service's office in Suite 600, 1612 K Street NW., Washington, D.C.

Interested persons may comment on this addendum to the application by submitting written data, views, or arguments, preferably in triplicate, to the Director (FWS/LE), U.S. Fish and Wildlife Service, Post Office Box 19183, Washington, D.C. 20036. All relevant comments received within 30 days of the date of publication will be considered.

Dated: July 28, 1975.

C. R. BAVIN,
Chief, Division of Law Enforcement, U.S. Fish and Wildlife Service.

[FR Doc.75-20267 Filed 8-1-75;8:45 am]

DEPARTMENT OF AGRICULTURE

Forest Service

TIMBER MANAGEMENT PLAN REVISIONS, BIGHORN NATIONAL FOREST

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 Timber Management Plan Revisions for the Bighorn National Forest. The Forest Service Report number is USDA–FS–R2–FES (Adm) FY–75–07.

The environmental statement concerns a proposal to revise the 1962 (Rev.) Timber Management Plan for the Bighorn National Forest in northern Wyoming. Such Plans are required to regulate the flow of timber products from National Forest lands.

The draft environmental statement was transmitted to CEQ on January 7, 1975.

This final environmental statement was transmitted to CEQ on July 28, 1975.

Copies are available for inspection during regular working hours at the following locations:

USDA, Forest Service, So. Agriculture Bldg., Room 3230, 12th St. & Independence Ave., SW., Washington, D.C. 20250.
USDA, Forest Service, 11177 West 8th Avenue, P.O. Box 25127, Denver, Colorado 80225.
USDA, Forest Service, Bighorn National Forest, Columbus Building, P.O. Box 2046, Sheridan, Wyoming 82801.

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.

Dated: July 28, 1975.

CLAYTON B. PIERCE,
Director, Multiple Use and Environmental Quality Coordination.

[FR Doc.75-20175 Filed 8-1-75;8:45 am]

Rural Electrification Administration

COLORADO-UTE ELECTRIC ASSOCIATION, INC.

Final Environmental Impact Statement

Notice is hereby given that the Rural Electrification Administration has prepared a Final Environmental Impact Statement in accordance with Section 102(2)(C) of the National Environmental Policy Act of 1969, in connection with a loan application from Colorado-Ute Electric Association, Inc., P.O. Box 1149, Montrose, Colorado 81401. The statement covers approximately 98 miles of 230 kV transmission line from Boone, Pueblo County, Colorado, to Lamar, Prowers County, Colorado; approximately 2.5 mile section of 115 kV tie line in Pueblo County, Colorado, between the proposed Boone Substation and the existing Midway-LaJunta 115 kV line; approximately 13 miles of new 115 kV transmission line in Prowers County, Colorado, from Lamar, Colorado, to South Lamar, Colorado; a new 100 MVA, 230–115 kV substation at Boone; a new 100 MVA, 230–115 kV substation at Lamar and a new 115 kV switching bay in the existing South Lamar Substation.

Additional information may be secured on request, submitted to Mr. Richard F. Richter, Assistant Administrator—Electric, Rural Electrification Administration, U.S. Department of Agriculture, Washington, D.C. 20250. The Final Environmental Impact Statement may be examined during regular business hours at the office of REA in the South Agriculture Building, 12th Street and Independence Avenue, S.W., Washington, D.C., Room 4310, or at the borrower address indicated above.

Final REA action with respect to this matter (including any release of funds) may be taken after thirty (30) days, but only after REA has reached satisfactory conclusions with respect to its environmental effects and after procedural requirements set forth in the National Environmental Policy Act of 1969, have been met.

Dated at Washington, D.C., this 23rd day of July, 1975.

DAVID H. ASKEGAARD,
Acting Administrator, Rural Electrification Administration.

[FR Doc.75-20253 Filed 8-1-75;8:45 am]

Soil Conservation Service

BAY CREEK WATERSHED, ILLINOIS

Availability of Negative Declaration

Pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969; part 1500.6(e) of the Council on Environmental Quality Guidelines (38 FR 20550) August 1, 1973; and part 650.8(b)(3) of the Soil Conservation Service Guidelines (39 FR 19651) June 3, 1974; the Soil Conservation Service, U.S. Department of Agriculture, gives notice that an environmental impact statement is not being prepared for the Bay Creek Watershed project, Johnson, Pope, and Massac Counties, Illinois.

The environmental assessment of this federal action indicates that the project will not create significant adverse local, regional, or national impacts on the environment and that no significant controversy is associated with it. As a result of these findings, Mr. Daniel E. Holmes, State Conservationist, Soil Conservation Service, USDA, 200 West Church Street, Champaign, Illinois 61820, has determined that the preparation and review of an environmental impact statement is not needed for this project.

The project concerns a plan for watershed protection and flood prevention. The remaining planned works of improvements, as described in the negative declaration, include conservation land treatment supplemented by a floodwater retarding structure.

The environmental assessment file is available for inspection during regular working hours at the following location:

Soil Conservation Service, USDA, 200 West Church Street, Champaign, Illinois 61820.

Requests for single copies of the negative declaration should be sent to the above address.

No administrative action on implementation of this proposal will be taken until 15 days after the date of this notice.

(Catalog of Federal Domestic-Assistance Program No. 10.904, National Archives Reference Service)

Dated: July 28, 1975.

WILLIAM B. DAVEY,
Deputy Administrator for Water Resources, Soil Conservation Service.

[FR Doc.75-20178 Filed 8-1-75;8:45 am]

RABON CREEK WATERSHED PROJECT, SOUTH CAROLINA

Availability of Final Environmental Impact Statement

Pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969; Part 1500 of the Council on Environmental Quality Guidelines (38 FR 20550, August 1, 1973); and Part 650 of the Soil Conservation Service Guidelines (39 FR 19650, June 3, 1974); the Soil Conservation Service, U.S. Department of Agriculture, has prepared a final environmental impact statement (EIS) for the Rabon Creek Watershed Project, Greenville and Laurens Counties, South Carolina, USDA-SCS-EIS-WS-(ADM)-74-28(F).

The EIS concerns a plan for watershed protection, flood prevention, municipal and industrial water supply, and recreation. The planned works of improvement provide for conservation land treatment, two single-purpose floodwater retarding structures, and one multiple-purpose structure for flood prevention, municipal and industrial water supply and recreation.

The final EIS has been filed with the Council on Environmental Quality.

A limited supply is available at the following location to fill single copy requests:

Soil Conservation Service, USDA, One Greystone West, 240 Stoneridge Drive, Columbia, South Carolina 29210.

(Catalog of Federal Domestic Assistance Program No. 10.904, National Archives Reference Services.)

Dated: July 23, 1975.

WILLIAM B. DAVEY,
Deputy Administrator for Water Resources, Soil Conservation Service.

[FR Doc.75-20176 Filed 8-1-75;8:45 am]

BLAKE STREET FLOOD PREVENTION RC&D MEASURE, MAINE

Availability of Negative Declaration

Pursuant to Section 102(2)(c) of the National Environmental Policy Act of 1969; part 1500.6(e) of the Council of Environmental Quality Guidelines (38 FR 20550) August 1, 1973; and part 650.8(b)(3) of the Soil Conservation Service Guidelines (39 FR 19651) June 3, 1974; the Soil Conservation Service, U.S. Department of Agriculture, gives notice that an Environmental Impact Statement is not being prepared for the Presque Isle-Blake Street Flood Prevention RC&D Measure, City of Presque Isle, Aroostook County, Maine.

The Environmental Assessment of this federal action indicates that the measure will not create significant adverse local, regional, or national impacts on the environment and that no significant controversy is associated with the measure. As a result of these findings, Mr. Warwick M. Tinsley, Jr., State Conservationist, Soil Conservation Service, USDA Office Building, University of Maine, Orono, Maine 04473, has determined that the preparation and review of an Environmental Impact Statement is not needed for this measure.

The measure concerns a plan for watershed protection, flood prevention, and erosion control on a small unnamed tributary of Presque Isle Stream in the City of Presque Isle, Maine. The planned works of improvement include a surface water collection and disposal system plus seeding of a 30-acre critical sediment source.

The Environmental Assessment file is available for inspection during regular working hours at the following location:

Soil Conservation Service, USDA Office Building, Orono, Maine 04473.

The Negative Declaration is available for single copy requests at the above address.

No administrative action on implementation of the proposal will be taken until 15 days after the date of this notice.

Dated: July 23, 1975.

(Catalog of Federal Domestic Assistance Program No. 10.901, National Archives Reference Services.)

VICTOR H. BARRY, Jr.,
Deputy Administrator for Field Services, Soil Conservation Service.

[FR Doc.75-20177 Filed 8-1-75;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[Docket No. 75N-0169; DESI 740; NDA 4-038, etc.]

DIETHYLSTILBESTROL AND CLOSELY RELATED CONGENERS

Drugs for Human Use; Drug Efficacy Study Implementation; Amended Notice

A notice (DESI 740; Docket No. FDC-D-664 (now Docket No. 75N-0169)) was published in the FEDERAL REGISTER of November 10, 1971 (36 FR 21537) and subsequently amended on September 26, 1973 (38 FR 26824) and February 26, 1975 (40 FR 8242) concerning, among other things, the labeling conditions for diethylstilbestrol and related drug products. The products are used in treatment of estrogen deficiency or other disease conditions. Because of a statistically significant association between maternal ingestion during pregnancy of diethylstilbestrol and the occurrence of vaginal carcinoma in the offspring, the labeling of all such products has previously been required to state that their use in pregnancy is contraindicated. An additional warning is now being required concerning the possible development of vaginal adenosis in postpubertal girls whose mothers received diethylstilbestrol during pregnancy.

Reports in the medical literature indicate an association between the use of diethylstilbestrol and the occurrence of vaginal adenosis in postpubertal girls and young women whose mothers received diethylstilbestrol during their pregnancy. Herbst, A. L., et al: American Journal of Obstetrics and Gynecology 40:287, 1972; Herbst, A. L., et al: American Journal of Obstetrics and Gynecology 118:607, 1974; Herbst, A. L., et al: New England Journal of Medicine 292: 334, 1975; Stafl, A., Mattingly, R. F., Foley, D. V., et al.: Obstetrics and Gynecology 43:118-128, 1974; and Sherman, A. I., et al: Obstetrics and Gynecology 44:531, 1974. Copies of these references 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 and may be seen Monday through Friday from 9 a.m. to 4 p.m., eastern standard or daylight saving time, whichever is effective at the time, except on Federal legal holidays.

The Commissioner of Food and Drugs concludes that this association should be brought to the attention of physicians. Accordingly, it is required that the physicians package insert for preparations containing diethylstilbestrol or closely related congeners (including dienestrol, hexestrol, benzestrol, and promethestrol) include the following in the Warning section:

"Vaginal adenosis has been reported in 30% to 90% of postpubertal girls and young women whose mothers received diethylstilbestrol or a closely related congener during pregnancy. This condition was found most frequently in those cases where DES had been given in early pregnancy (first 12 weeks). The significance of this finding with respect to potential for development of vaginal adenocarcinoma is unknown. Periodic examination of such patients is recommended."

Appropriate revision of labeling to add the above statement shall be made on or before October 3, 1975 or at the next printing of the labeling, whichever occurs first.

This notice is issued pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (secs. 502, 505, 52 Stat. 1050-1053, as amended; 21 U.S.C. 352, 355) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.1).

Dated: July 29, 1975.

SHERWIN GARDNER,
Acting Commissioner of Food and Drugs.

[FR Doc.75-20171 Filed 8-1-75;8:45 am]

Office of Education

ADVISORY COMMITTEE ON ACCREDITATION AND INSTITUTIONAL ELIGIBILITY

Cancellation of Public Meeting

Notice is hereby given that the August 6-8, 1975, meeting of the Advisory Committee on Accreditation and Institutional Eligibility, notice of which appeared in the FEDERAL REGISTER on July 17, 1975, 40 FR 30149-30150, has been cancelled.

Signed at Washington, D.C., on July 25, 1975.

JOHN R. PROFFITT,
Director, Accreditation and Institutional Eligibility Staff, Office of Education.

[FR Doc.75-20186 Filed 8-1-75;8:45 am]

Office of the Secretary

REVIEW PANEL ON NEW DRUG REGULATION

Meeting

Notice is hereby given, pursuant to Public Law 92-463, that the Review Panel on New Drug Regulation, established pursuant to 42 U.S.C. 217 a. by the Secretary, Department of Health, Education, and Welfare, on February 21, 1975, will meet on Monday, August 18, 1975, at 9:15 a.m. and Tuesday, August 19, 1975, at 8:30 a.m. in Room 5051 of the Department of Health, Education, and Welfare's North Building, 330 Independence Avenue, S.W., Washington, D.C. The Review Panel will consider matters pertaining to its study of existing policies and procedures for the regulation of new drugs by the Food and Drug Administration.

The meeting is open to the public.

Further information on the Review Panel may be obtained from Dr. Lionel M. Bernstein, Executive Secretary, Review Panel on New Drug Regulation, Room 4617, HEW North Building, 330 Independence Avenue, S.W., Washington, D.C. 20201, telephone (202) 245-7510.

Dated: July 28, 1975.

LIONEL M. BERNSTEIN, M.D.,
Executive Secretary, Review Panel on New Drug Regulation.

[FR Doc.75-20218 Filed 8-1-75;8:45 am]

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Federal Disaster Assistance Administration

[FDAA-478-DR; NFD-279]

ILLINOIS

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 25, 1975, the President declared a major disaster as follows:

I have determined that the damage in certain areas of the State of Illinois resulting from a tornado which occurred on July 23, 1975, is of sufficient severity and magnitude to warrant a major disaster declaration under Public Law 93-288. I therefore declare that such a major disaster exists in the State of Illinois.

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 Illinois to have been adversely affected by this declared major disaster:

The County of: Fulton

(Catalog of Federal Domestic Assistance No. 14.701 Disaster Assistance.)

Dated: July 28, 1975.

THOMAS P. DUNNE,
Administrator, Federal Disaster Assistance Administration.

[FR Doc.75-20167 Filed 8-1-75;8:45 am]

[FDAA-472-DR; NFD-280]

MONTANA

Amendment to Notice of Major Disaster

Notice of Major Disaster for the State of Montana, dated June 28, 1975, and amended July 8, 1975, is hereby further 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:

Broadwater Powell

(Catalog of Federal Domestic Assistance No. 14.701, Disaster Assistance.)

Dated: July 25, 1975.

WILLIAM E. CROCKETT,
Acting Administrator, Federal Disaster Assistance Administration.

[FR Doc.75-20168 Filed 8-1-75;8:45 am]

Office of Interstate Land Sales Registration

[Docket No. N-75-403]

MILLION DOLLAR LAKES

Notice of Hearing

In the matter of Million Dollar Lakes, OILSR No. 0-2591-01-15 (A-D), Docket No. 75-94-IS.

Pursuant to 15 U.S.C. 1706(d) and 24 CFR 1720.160(d), notice is hereby given that:

1. Resort Developers, Inc., Martin M. Davis, Sr., President, its officers and agents, hereinafter referred to as "Respondent," being subject to the provisions of the Interstate Land Sales Full Disclosure Act (Pub. Law 90-448) (15 U.S.C. 1701 et seq.), received a Notice of Proceedings and Opportunity for Hearing issued June 30, 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 Million Dollar Lakes, located in Tuscaloosa County, Alabama, contain untrue statements of material fact or omit to state material facts required to be stated therein or necessary to make the statements therein not misleading.

2. The Respondent filed an Answer received July 18, 1975, in response to the Notice of Proceedings and Opportunity for Hearing.

3. In said Answer the Respondent requested a hearing on the allegations contained in the Notice of Proceedings and Opportunity for Hearing.

4. Therefore, pursuant to the provisions of 15 U.S.C. 1706(d) and 24 CFR 1720.160(d), IT IS HEREBY ORDERED that a public hearing for the purpose of taking evidence on the questions set forth in the Notice of Proceedings and Opportunity for Hearing will be held before Judge James W. Mast, in Room 7146, Department of HUD, 451 7th Street, S.W., Washington, D.C., on September 2, 1975, at 10:00 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 August 19, 1975.

6. The Respondent is HEREBY NOTIFIED that failure to appear at the above scheduled hearing shall be deemed a default and the proceedings shall be determined against Respondent, the allegations of which shall be deemed to be true, and an ORDER Suspending the Statement of Record, herein identified, shall be issued pursuant to 24 CFR 1710.45(b)(1).

This Notice shall be served upon the Respondent forthwith pursuant to 24 CFR 1720.440.

Dated: July 29, 1975.

JAMES W. MAST,
Administrative Law Judge.

[FR Doc.75-20169 Filed 8-1-75;8:45 am]

[Docket No. N-75-404]

SWAN POINT

Notice of Hearing

In the matter of Swan Point, OILSR No. 0-2037-24-34, Docket No. 75-102-IS.

Pursuant to 15 U.S.C. 1706(d) and 24 CFR 1720.160(d), notice is hereby given that:

1. United States Steel Corporation, Inc., Edgar B. Speer, President, its officers and agents, hereinafter referred to as "Respondent," being subject to the provisions of the Interstate Land Sales Full Disclosure Act (Pub. Law 90-448) (15 U.S.C. 1701 et seq.), received a Notice of Proceedings and Opportunity for Hearing issued June 30, 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 Swan Point, located in Charles County, Maryland, contain untrue statements of material fact or omit to state material facts required to be stated therein or necessary to make the statements therein not misleading.

2. The Respondent filed an Answer received July 17, 1975, in response to the Notice of Proceedings and Opportunity for Hearing.

3. In said Answer the Respondent requested a hearing on the allegations contained in the Notice of Proceedings and Opportunity for Hearing.

4. Therefore, pursuant to the provisions of 15 U.S.C. 1706(d) and 24 CFR 1720.160(d), *it is hereby ordered*, that a public hearing for the purpose of taking evidence on the questions set forth in the Notice of Proceedings and Opportunity for Hearing will be held before Judge James W. Mast, in Room 7146, Department of HUD, 451 7th Street, S.W., Washington, D.C., on August 21, 1975, at 10:00 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 August 7, 1975.

6. The Respondent is hereby notified that failure to appear at the above scheduled hearing shall be deemed a default and the proceedings shall be determined against Respondent, the allegations of which shall be deemed to be true, and an Order Suspending the Statement of Record, herein identified, shall be issued pursuant to 24 CFR 1710.45(b)(1).

This Notice shall be served upon the Respondent forthwith pursuant to 24 CFR 1720.440.

Dated: July 25, 1975.

JAMES W. MAST,
Administrative Law Judge.

[FR Doc.75-20170 Filed 8-1-75;8:45 am]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

FAA AIR TRAFFIC CONTROL TOWER

Notice of Commissioning

Notice is hereby given that on September 16, 1975, the Airport Traffic Control Tower at the Williamson County Airport, Marion, Illinois, will be commissioned as an FAA facility. This information will be reflected in the FAA Organizational Statement the next time it is issued.

Communications to the tower should be as follows:

Federal Aviation Administration, Airport Traffic Control Tower, Fourth Floor, Williamson County Airport, Marion, Illinois 62959.

Issued in Des Plaines, Illinois, on July 28, 1975.

JOHN M. CYROCKI,
Director, Great Lakes Region.

[FR Doc.75-20139 Filed 8-1-75;8:45 am]

CIVIL AERONAUTICS BOARD

ADVISORY COMMITTEE ON PROCEDURAL REFORMS

Meeting

JULY 30, 1975.

Notice is hereby given in accordance with the Federal Advisory Committee Act that a meeting of the Civil Aeronautics Board Advisory Committee on Procedural Reforms will be held at 9:30 a.m. on Saturday, August 23, 1975, in Room 1027 of the Universal Building, 1825 Connecticut Avenue, N.W., Washington, D.C.

The Advisory Committee was established to study the procedural aspects of Civil Aeronautics Board regulation, and to recommend changes designed to reduce cost and delay.

The members of the Advisory Committee are:

Elroy H. Wolff, Chairman	Bert W. Rein
Richard J. Barber	Reuben B. Robertson, III
Emory N. Ellis, Jr.	J. Kerwin Rooney
Marvin H. Kosters	Kelly Rueck
Monte Lazarus	Walter D. Scott
Richard S. Maurer	Jerrold Scoutt, Jr.
Adrian M. McDonough	Robert B. Shapiro
Gerard R. Moran	James Lawrence Smith
Paul S. Quinn	John M. Steadman
	Frank M. Wozencraft

The committee will discuss the scope of its work, define specific problem areas for further examination, and organize task forces for investigation of those areas. At the close of the general meeting, organizational sessions may be held by the various task forces.

The meeting will be open to the public. Any member of the public may file written statements concerning the matters to be discussed. Oral presentations should be requested in advance.

Persons wishing further information, or wishing to make written or oral presentations should contact Edmund W. Kitch, Executive Director, Civil Aeronautics Board Advisory Committee on Procedural Reforms, Civil Aeronautics Board, Washington, D.C. 20428, telephone 202-382-7747.

Minutes of the meeting will be available for public inspection by September 6, 1975, in Room 727 of the Universal Building, 1825 Connecticut Avenue, N.W., Washington, D.C.

[SEAL] EDWIN Z. HOLLAND,
Secretary,
Civil Aeronautics Board.

[FR Doc.75-20194 Filed 8-1-75;8:45 am]

[Docket No. 24869]

BAGGAGE ALLOWANCE TARIFF RULES IN OVERSEAS AND FOREIGN AIR TRANSPORTATION

Notice of Oral Argument

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that oral argument in this proceeding is assigned to be held before the Board on September 24, 1975, at 10:00 a.m. (local time), in Room 1027, Universal Building, 1825 Connecticut Avenue, N.W., Washington, D.C.

Dated at Washington, D.C., July 29, 1975.

[SEAL] ROBERT L. PARK,
Chief Administrative Law Judge.

[FR Doc.75-20196 Filed 8-1-75;8:45 am]

[Docket No. 28068]

SERVICE TO HARLINGEN CASE

Prehearing Conference

Notice is hereby given that a prehearing conference in the above-entitled matter is assigned to be held on September 25, 1975, at 10:00 a.m. (local time), in Room 726, Universal Building, 1825 Connecticut Avenue, NW., Washington, D.C., before Administrative Law Judge William H. Dapper.

In order to facilitate the conduct of the conference, parties are instructed to submit one copy to each party and four copies to the Judge of (1) proposed statement of issues; (2) proposed stipulations; (3) requests for information; (4) statements of positions of parties; and (5) proposed procedural dates. The Bureau of Operating Rights will circulate its material on or before September 5, 1975, and the other parties on or before September 15, 1975. The submissions of the other parties shall be limited to points on which they differ with the Bureau of Operating Rights, and shall follow the numbering and lettering used by the Bureau to facilitate cross-referencing.

Dated at Washington, D.C., July 29, 1975.

[SEAL] ROBERT L. PARK,
Chief Administrative Law Judge.

[FR Doc.75-20195 Filed 8-1-75;8:45 am]

[Docket 26494; Agreement C.A.B. 25294; Order 75-7-138]

INTERNATIONAL AIR TRANSPORT ASSOCIATION

Order Relating to Passenger Fares

Issued under delegated authority July 29, 1975.

An agreement has been filed with the Board pursuant to section 412(a) of the Federal Aviation Act of 1958 (the Act) and Part 261 of the Board's Economic Regulations between various air carriers, foreign air carriers and other carriers embodied in the resolutions of Traffic Conference 2 of the International Air Transport Association (IATA). The agreement, adopted by mail vote, has been assigned the above C.A.B. agreement number.

The agreement would increase all TC2 basic, normal and special fares to/from Denmark, Norway and Sweden (including fares within Scandinavia) by U.K. £1.00 o.w. and U.K.£2.00 r.t. to compensate for increased charges imposed by the Scandinavian Governments during the last three months. The fares are combinable with fares to/from U.S. points and thus have indirect application in air transportation as defined by the Act.

Pursuant to authority duly delegated by the Board in the Board's Regulations 14 CFR 385.14, it is not found that resolution 200(Mail 251)005z, incorporated in Agreement C.A.B. 25294 as indicated, and which has indirect application in air transportation as defined by the Act, is adverse to the public interest or in violation of the Act.

Accordingly, IT IS ORDERED THAT:

Agreement C.A.B. 25294 be and hereby is approved.

Persons entitled to petition the Board for review of this order pursuant to the Board's Regulations, 14 CFR 385.50, may file such petitions within ten days after the date of service of this order.

This order shall be effective and become the action of the Civil Aeronautics Board upon expiration of the above period, unless within such period a petition for review thereof is filed or the Board gives notice that it will review this order on its own motion.

This order will be published in the FEDERAL REGISTER.

JAMES L. DEEGAN,
Chief, Passenger and Cargo Rates Division Bureau of Economics.

[SEAL] EDWIN Z. HOLLAND,
Secretary.

[FR Doc.75-20198 Filed 8-1-75;8:45 am]

[Docket 27075; Order 75-7-146]

PITTSBURGH-ATLANTA-JAMAICA CASE

Order To Show Cause

Adopted by the Civil Aeronautics Board at its office in Washington, D.C. on the 30th day of July, 1975.

By a motion filed June 4, 1975, Eastern Air Lines, requests that the Board issue an order directing all interested persons to show cause why Eastern's application for a certificate amendment at issue in the *Pittsburgh-Atlanta-Jamaica Case*, Docket 27075[1] should not be granted without a hearing. Eastern's application seeks an amendment of Condition 5 for Route 5 which, *inter alia*, requires all flights serving Pittsburgh and Atlanta to originate or terminate at Toronto, Canada. If Eastern's certificate application were approved, this condition would not apply to flights serving Kingston or Montego Bay, Jamaica, thereby permitting Eastern to operate Pittsburgh-Jamaica turnaround service, via Atlanta.

In support of its motion for a show cause order, Eastern states that grant of its application will have a minimal impact on United Air Lines, the unrestricted incumbent nonstop carrier in the Pittsburgh-Atlanta market, since the Board would merely be substituting a long-haul restriction on the southern end of a Pittsburgh-Atlanta flight (Jamaica) for a long-haul restriction on the northern end (Toronto). Eastern further alleges that eliminating the Toronto long-haul restriction for Pittsburgh-Atlanta-Jamaica flights will have no appreciable impact on the Toronto-Pittsburgh or Toronto-Atlanta markets since these markets will continue to receive the ample service currently provided. Denial of the application, however, would force Eastern to add a fourth Pittsburgh-Toronto nonstop flight, service which is unnecessary in light of Eastern's recent

[1] The Pittsburgh-Atlanta-Jamaica Case was instituted by the Board in Order 75-2-33, dated February 6, 1975. The prehearing conference has been held by Administrative Law Judge Burton S. Kolko and information responses have been submitted by both Eastern and the Bureau of Operating Rights. Since the instant motion was filed before Eastern's direct exhibits were due, the judge suspended all further hearing steps pending final action on the motion.

load factors in this market. The addition of another Toronto-Pittsburgh flight would also require Eastern to incur substantial operating expenses. Eastern claims the Toronto-Jamaica market will not be affected by grant of this application inasmuch as Air Canada and Air Jamaica already offer nonstop and one-stop service in this market, service which is clearly superior to the two-stop authority of Eastern. Finally, Eastern points out that United, the only carrier to intervene in the *Pittsburgh-Atlanta-Jamaica Case*, has indicated that it has no objection to the grant of Eastern's application by the show cause process.

Upon consideration of Eastern's motion and all the relevant facts, we tentatively conclude that the public convenience and necessity require the grant of Eastern's application for certificate amendment in Docket 27075 so as to authorize Eastern to operate Pittsburgh-Jamaica turnaround service via Atlanta. In support of our tentative conclusion, we tentatively find that amendment of Eastern's certificate, as requested, will afford that carrier increased operating flexibility without any significant impact on any other carrier. As Eastern states in its motion, requiring a Pittsburgh-Atlanta flight to serve Jamaica will serve the same purpose as the present long-haul restriction in Condition 5 for Route 5 which requires such flights to serve Toronto. Moreover, there is already ample service in the Toronto-south markets and the additional service which Eastern would be required to provide if its application were denied is clearly not needed. Furthermore, the only carrier who might possibly be affected by Board approval of this certificate application, United, has stated that it has no objection to the grant of the application.

Interested persons will be given thirty days following the date of adoption of this order to show cause why the tentative findings and conclusions set forth herein should not be made final. We expect such persons to support their objections, if any, with detailed answers, specifically setting forth the tentative findings and conclusions to which objection is taken. Such objections should be accompanied by arguments of fact or law and should be supported by legal precedent or detailed economic analysis. If any evidentiary hearing is requested, the objector should state in detail why such a hearing is considered necessary and what relevant and material facts he would expect to establish through such a hearing that cannot be established in written pleadings. General, vague, or unsupported objections will not be entertained.

Accordingly, it is ordered, That:

1. All interested parties are directed to show cause why the Board should not issue an order making final the tentative findings and conclusions stated herein, amending Condition 5 of Eastern's certificate for Route 5 to read as follows:

"(5) Flights scheduled to serve (a) Buffalo, N.Y., shall originate or terminate at Toronto, Canada; or (b) Pittsburgh, Pa., and a point on route 5 pursuant to the authority granted in segment 3, shall originate or terminate at Toronto, Canada: *Provided, however*, that this condition shall not apply to turnaround flights between Pittsburgh, Pa. and Jamaica, via Atlanta, Ga.;"

2. Any interested person having objection to the issuance of an order making final the proposed findings or conclusions set forth herein shall, within 30 days after the date of adoption of this order, file with the Board and serve upon all persons listed in paragraph 5, a statement of objections together with a summary of testimony, statistical data, and other evidence expected to be relied upon to support the stated objections; [2]

3. If timely and properly supported objections are filed, full consideration will be accorded the matters and issues raised by the objections before further action is taken by the Board;

4. In the event no objections are filed, all further procedural steps will be deemed to have been waived and the Board may proceed to enter an order in accordance with the tentative findings and conclusions set forth herein, including termination of the hearing set in Order 75-2-33; and

5. A copy of this order shall be served upon Eastern Air Lines, Inc.; United Air Lines, Inc.; the Mayor of Atlanta, Ga.; the County of Allegheny, Pa.; and the Pittsburgh Airport Advisory Committee.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board:

[SEAL] EDWIN Z. HOLLAND,
Secretary.

[FR Doc.75-20201 Filed 8-1-75;8:45 am]

[Docket 27164, 28122; Order 75-7-141]

SHREVEPORT CHAMBER OF COMMERCE AND SHREVEPORT AIRPORT AUTHORITY

Nonstop Proceedings

Adopted by the Civil Aeronautics Board at its office in Washington, D.C. on the 29th day of July, 1975.

Petition of Shreveport Chamber of Commerce and Shreveport Airport Authority for amendment of the certificate of public convenience and necessity for Route 82, The Shreveport-Dallas nonstop proceeding.

On November 11, 1974, the Shreveport Chamber of Commerce and the Shreveport Airport Authority (Shreveport Parties) filed a petition requesting the amendment of the certificate held by Texas International Airlines (TXI) so as to authorize the carrier to provide nonstop service between Shreveport and Dallas/Ft. Worth.[1] Concurrently, the Shreveport Parties filed a petition requesting the Board to issue an order directing interested persons to show cause why the application should not be granted.

In support of its petition, the Shreveport Parties claim that despite increases in Shreveport-Dallas traffic from 1968 through 1973, Delta Air Lines, the incumbent nonstop carrier in the market, has reduced the number of flights and available seats in the market. The Shreveport Parties assert that Delta's service is deficient in both the local Shreveport-Dallas/Ft. Worth market and beyond markets. In the local market, the Shreveport Parties allege that there are significant gaps in Delta's peak time service which could be filled by TXI. In beyond markets, Shreveport states that service to points south and west of Dallas-Ft. Worth is almost entirely connecting service, and that removing TXI's stop restriction in the Shreveport-Dallas/Ft. Worth market might permit the carrier to provide new through-plane service to points such as San Antonio, Austin, Albuquerque, and Los Angeles.

Delta filed an answer in opposition to Shreveport's petition, claiming that the Shreveport Parties have neither shown nor even alleged that competitive nonstop service in the Shreveport-Dallas/Ft. Worth market is required by the public convenience and necessity. Delta asserts that its service in the market has been more than adequate, with eight well-spaced nonstop round-trip flights per day offering jet service during the morning, noon, and evening periods of peak demand.[2] Delta claims that the 58 percent average load factor experienced on these flights is clearly reasonable for such a short-haul market, and that its flights operated with more than sufficient empty seats to accommodate additional traffic. Because of Delta's present service and the size of the market, the carrier argues that the Shreveport-Dallas/Ft. Worth market cannot support a second nonstop carrier. Finally, Delta argues that TXI has yet to exploit its existing one-stop authority in the market,[3] and that grant of competitive nonstop service here would be inconsistent with the Board's recent decision in the *Service to Richmond Case*, Order 74-9-89.

TXI has filed an answer in support of the Shreveport Parties' petition, in which the carrier essentially reiterates the arguments of the Shreveport Parties concerning the need for competitive nonstop service. TXI proposes to provide two daily nonstop round trips in the Shreveport-Dallas/Ft. Worth market, with single-plane service beyond Dallas to Albuquerque and Los Angeles to the west

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[2] All motions and/or petitions for reconsideration shall be filed within the period allowed for filing objections and no further such motions, requests, or petitions for reconsideration of this order will be entertained.

[1] Condition 4 of TXI's certificate for Route 82 requires that TXI make one intermediate stop on all flights between Shreveport and Dallas-Ft. Worth.

[2] In addition, Delta offers an early morning flight to Shreveport.

[3] TXI presently offers one daily two-stop flight from Shreveport to Dallas/Ft. Worth; it has discontinued its one one-stop and one two-stop flight per day from Dallas/Ft. Worth to Shreveport. All of these flights utilize Convair-600 aircraft. See OAG April 1, 1975.

and San Antonio, Laredo, and McAllen to the south. The carrier claims these flights would fill in significant gaps in Delta's present schedule,[4] and would provide first single-plane service to the more than 30,000 true O&D passengers in the Shreveport-Albuquerque/Los Angeles/San Antonio markets. TXI has forecast that these services will produce a profit, after allowance for tax and return on investment, of $289,190 in 1976, and that the excess profits on these subsidy-ineligible routes would result in a reduction in future subsidy payments to the carrier.

Delta filed a motion for leave to file an unauthorized document,[5] together with a reply to TXI's answer. Delta reiterates its claim that TXI presently has authority to operate the beyond services it proposes in its answer without any new route authority, and that if Delta's service in the local market were deficient as alleged, then there is no reason why TXI could not operate as one-stop flights the two nonstop flights it proposes, thereby obtaining almost the same local and beyond benefits as claimed for the proposed nonstop service. Additionally, Delta challenges the financial viability of TXI's proposed nonstop operation, claiming that TXI's traffic forecast is overly optimstic, and TXI's cost estimates fail to take into account the effects of spiraling inflation.

Subsequently, the Shreveport Parties filed a motion for leave to file an unauthorized document,[6] together with a reply to Delta's reply. Shreveport challenges Delta's assertion that TXI presently has all the authority it needs to provide the service Shreveport desires, claiming that realities of traffic flow would make such TXI services uneconomic unless the stop restriction is removed.

Upon consideration of the pleadings and all the relevant facts, we have decided in view of Delta's objection to deny Shreveport's petition for a show cause order. We will, however, set down for hearing Shreveport's request for amendment of TXI's certificate to provide new nonstop service in the Shreveport-Dallas/Ft. Worth market.

In addition, we have determined that the proceeding instituted herein is by its very nature not one which could lead to a "major Federal action significantly affecting the quality of the environment" within the meaning of section 102(2)(C) of the National Environmental Policy Act of 1969 (NEPA). In a case such as the instant one, all prospective environmental effects, direct and secondary, proceed in the first instance from changes in aircraft schedules and levels of service. Our conclusion in regard to the environment is largely based, therefore, upon our finding that there are unlikely to be environmentally significant changes in such schedules and service levels should additional nonstop service be authorized. In its answer to the Shreveport application in Docket 27164, TXI proposes a service pattern in the market of two daily nonstop round trips with DC-9 aircraft, thereby raising the level of nonstop jet service in the market from eight to ten daily round trips. In view of the size of the market (about 100,000 on-line O&D passengers in 1973) and the level of existing service, it is unlikely that any other potential applicant for new Shreveport-Dallas/Ft. Worth nonstop authority would propose significantly more service. Such a service change must be considered in the context of the overall level of traffic at Dallas-Ft. Worth and Shreveport. Dallas-Ft. Worth is a large hub which in 1972 handled 109,000 jet aircraft departures, or roughly 300 jet aircraft departures per day. Although much smaller than Dallas-Ft. Worth, the Shreveport airport handled over 13,000 jet aircraft departures in 1972, or more than 35 jet departures per day.[7] In either case, the addition of two more daily jet departures, as proposed by TXI, would result in a relatively insignificant increase in jet operations at the respective airports. Therefore, it is unreasonable to conclude on the face of the matter that authorization of new nonstop service in the Shreveport-Dallas/Ft. Worth market will lead to more than very minor environmental changes.

Accordingly, we are not directing our staff to undertake the preparation of an environmental assessment. Our conclusion herein is not intended to foreclose any party from presenting evidence (subject to the usual evidentiary rules in force in C.A.B. proceedings) or from making arguments with respect to relevant environmental issues. Nor is our conclusion intended to foreclose our consideration of environmental impacts resulting from the contemplated licensing action which, although of a lesser magnitude than those required to trigger the NEPA procedures, might nonetheless be relevant to our decision.

Accordingly, it is ordered that:

1. A proceeding to be known as the *Shreveport-Dallas Nonstop Proceeding*, Docket 28122, be and it hereby is instituted and shall be set down for hearing before and Administrative Law Judge of the Board at a time and place hereafter designated;

2. The proceeding instituted by paragraph 1, above, shall include consideration of the following issues:

a. Do the public convenience and necessity require the certification of an air carrier or air carriers to engage in additional nonstop air transportation between Shreveport, Louisiana, and Dallas-Fort Worth, Texas?

b. If the answer to (a) is in the affirmative, which air carrier(s) should be authorized to engage in such service?

c. What conditions, if any, should be placed on the operation of such carrier(s)?

3. The request of the Shreveport Chamber of Commerce and Shreveport Airport Authority in Docket 27164 be and it hereby is consolidated with the proceeding instituted by paragraph 1 above;

4. The petition of the Shreveport Chamber of Commerce and Shreveport Airport Authority for issuance of a show cause order be and it hereby is denied;

5. The motions of Delta Air Lines, Inc. and the Shreveport Chamber of Commerce and Shreveport Airport Authority for leave to file unauthorized documents be and they hereby are granted; and

6. Applications, motions to consolidate, and petitions for reconsideration of this order shall be filed twenty days from the service date of this order and answers thereto shall be filed ten days thereafter.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board:

[SEAL] EDWIN Z. HOLLAND,
Secretary.

[FR Doc.75-20199 Filed 8-1-75;8:45 am]

[Docket 28125; Order 75-7-142]

TRANSPORTES AEREOS BENIANOS, S.A.

Statement of Tentative Findings and Conclusions and Order To Show Cause

Adopted by the Civil Aeronautics Board at its office in Washington, D.C. on the 30th day of July, 1975.

Transportes Aereos Benianos, S.A. (TABSA), a Bolivian air carrier, holds a foreign air carrier permit[1] authorizing: (a) foreign air transportation with respect to property and mail between a point or points in Bolivia, the intermediate points Lima, Peru; Guayaquil, Ecuador; and Panama City, Panama; and the terminal point Miami, Florida; and (b) the performance of off-route charter trips in foreign air transportation pursuant to Part 212 of the Board's Economic Regulations.

The Board has determined that TABSA has ceased its operations to the United States pursuant to its foreign air carrier permit. Despite the existence of a shell organization in La Paz, the carrier owns no aircraft of its own and its foreign air carrier permit is effectively dormant. So long as the permit is left outstanding, there exists the possibility that it could be the object of misuse by unauthorized parties.

In view of the foregoing, the Board finds that it is in the public interest to cancel the foreign air carrier permit held by TABSA.

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[4] In the westbound direction, TXI proposes to inaugurate a 9:40 a.m. Shreveport departure scheduled between Delta's present 7:43 a.m. and 10:55 a.m. departures. In the afternoon TXI would operate a 5:10 p.m. departure between Delta's 3:14 p.m. and 6:36 p.m. departures. In the eastbound direction, TXI proposes to fill in other spots in Delta's midday and late afternoon schedules.

[5] We will grant Delta's motion.

[6] We will grant the motion for leave to file.

[7] C.A.B. *Airport Activity Statistics* for the 12 months ended December 31, 1972. Although these figures represent airport activity prior to the energy crisis in the fall of 1973, current airline schedules show a total of 36 daily nonstop jet arrivals at Shreveport (OAG, April 15, 1975), or roughly the same level as indicated by the 1972 Airport Activity Statistics.

[1] Order E-25697, approved September 18, 1967.

Accordingly, it is ordered that:

1. All interested persons are hereby directed to show cause why the Board should not issue an order making final the tentative findings and conclusions stated herein, and which would, subject to the approval of the President, cancel the foreign air carrier permit held by Transportes Aereos Benianos, S.A. (TABSA), issued pursuant to Order E-25697;

2. Any interested person having objection to the issuance, without hearing, of an order making final the tentative findings and conclusions stated herein shall file a statement of objections supported by evidence within 20 days of service of this order. If an evidentiary hearing is requested, the objector should state in detail why such hearing is considered necessary and what relevant and material facts he would expect to establish through such hearing which cannot be established in written pleadings;

3. If timely and properly supported objections are filed, further consideration will be accorded the matters and issues raised by the objections before further action is taken by the Board; *Provided*, that the Board may proceed to enter an order in accordance with the tentative findings and conclusions herein if it determines that there are no factual issues presented that warrant the holding of an evidentiary hearing; [2]

4. In the event no objections are filed, all further procedural steps will be deemed to have been waived, and the Board may proceed to enter an order in accordance with the tentative findings and conclusions set forth herein; and

5. Copies of this order shall be served upon Transportes Aereos Benianos, S.A. (TABSA) and the Ambassador of Bolivia in Washington, D.C.

This order will be published in the FEDERAL REGISTER and will be transmitted to the President.

By the Civil Aeronautics Board:

[SEAL] EDWIN Z. HOLLAND,
Secretary.

[FR Doc.75-20200 Filed 8-1-75;8:45 am]

[Docket No. 27693]

WORLD AIRWAYS, INC.

Certificate Application for Transcontinental Scheduled Authority; Notice of Oral Argument

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that oral argument in this proceeding is assigned to be held before the Board on September 17, 1975, at 10:00 a.m. (local time), in Room 1027, Universal Building, 1825 Connecticut Avenue NW., Washington, D.C.

[2] Since provision is made for the filing of objections to this order, petitions for reconsideration will not be entertained.

Dated at Washington, D.C., July 29, 1975.

[SEAL] ROBERT L. PARK,
Chief Administrative Law Judge.

[FR Doc.75-20197 Filed 8-1-75;8:45 am]

[Docket No. 27161; Order 75-7-15]

TEXAS INTERNATIONAL AIRLINES, INC.

Route Realignment Request

Correction

In FR Doc. 75-17818, appearing at page 29319 in the issue for Friday, July 11, 1975, make the following change: The fourth from last entry in column two of the table on page 29326 should read "1-stop".

[Doc. 26494; Agreement C.A.B. 25206; R-1 through R-3; Order 75-7-10]

INTERNATIONAL AIR TRANSPORT ASSOCIATION

Agreement Relating to Passenger Fares

Correction

In FR Doc. 18084, appearing at page 29331 in the issue for Friday, July 11, 1975, make the following changes:

1. Immediately above the first paragraph on page 29331, insert a statement reading, "Issued under delegated authority."

2. In the last column of the second table on page 29332, insert the figure "2".

[Docket 25290; Agreement C.A.B. 25221; R-1 through R-2; Order 75-7-35]

INTERNATIONAL AIR TRANSPORT ASSOCIATION

Agreement Relating to Specific Commodity Rates

Correction

In FR Doc. 75-18085, appearing on page 29331 in the issue for Friday, July 11, 1975, make the following change:

Immediately above the first paragraph, insert a statement reading, "Issued under delegated authority."

CIVIL SERVICE COMMISSION

DEPARTMENT OF DEFENSE

Grant of Authority To Make Noncareer Executive Assignment

Under authority of section 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission authorizes the Department of Defense to fill by noncareer executive assignment in the excepted service the position of Deputy Director of Defense Research and Engineering (Policy and Planning), ODD (Policy and Planning), ODDR&E, Office of the Secretary of Defense.

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

[FR Doc.75-20156 Filed 8-1-75;8:45 am]

DEPARTMENT OF DEFENSE

Revocation of Authority To Make Noncareer Executive Assignment

Under authority of section 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission revokes the authority of the Department of Defense to fill by noncareer executive assignment in the excepted service the position of Assistant to the Secretary of Defense for Strategic Arms Limitation Talks, Immediate Office of the Secretary, Office of the Secretary of Defense.

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

[FR Doc.75-20153 Filed 8-1-75;8:45 am]

DEPARTMENT OF JUSTICE

Revocation of Authority To Make Noncareer Executive Assignment

Under authority of section 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission revokes the authority of the Department of Justice to fill by noncareer executive assignment in the expected service the position of Deputy Assistant Attorney General, Office of Assistant Attorney General, Tax Division.

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

[FR Doc. 75-20154, Filed 8-1-75; 8:45 am]

SMALL BUSINESS ADMINISTRATION

Title Change in Noncareer Executive Assignment

By notice of January 31, 1975, F.R. Doc. 74-2626 the Civil Service Commission authorized the Small Business Administration to fill by noncareer executive assignment the position of Assistant Administrator for Minority Enterprise. This is notice that the title of this position is now being changed to Associate Administrator for Minority Small Business.

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

[FR Doc.75-20157 Filed 8-1-75;8:45 am]

SPECIAL ACTION OFFICE FOR DRUG ABUSE PREVENTION

Revocation of Authority To Make Noncareer Executive Assignment

Under authority of section 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission revokes the authority of the Special Action Office for Drug Abuse Prevention to fill by noncareer

executive assignment in the excepted service the position of General Counsel, Office of the General Counsel.

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

[FR Doc.75-20155 Filed 8-1-75;8:45 am]

ENERGY RESEARCH AND DEVELOPMENT ADMINISTRATION

[ERDA-1542]

U.S. NUCLEAR POWER EXPORT ACTIVITIES

Availability of Draft Environmental Statement

Notice is hereby given that a Draft Environmental Statement, "U.S. Nuclear Power Export Activities" (ERDA-1542), was issued August 1, 1975, pursuant to the Energy Research and Development Administration's (ERDA) regulations for implementation of the National Environmental Policy Act of 1969.

Copies of the Draft Statement are being distributed for review and comment to Federal agencies and to organizations and individuals that have expressed an interest in U.S. nuclear power export activities. Copies of the Draft Statement are available for public inspection in the ERDA's Public Document Room at 1717 H Street NW., Washington, D.C.; Albuquerque Operations Office, Kirtland Air Force Base East, Albuquerque, New Mexico; Chicago Operations Office, 9800 South Cass Avenue, Argonne, Illinois; Idaho Operations Office, 550 Second Street, Idaho Falls, Idaho; Nevada Operations Office, 2753 South Highland Drive, Las Vegas, Nevada; Oak Ridge Operations Office, Federal Building, Oak Ridge, Tennessee; Richland Operations Office, Federal Building, Richland, Washington; San Francisco Operations Office, 1333 Broadway, Oakland, California; and Savannah River Operations Office, Savannah River Plant, Aiken, South Carolina.

Comments and views concerning the Draft Statement are requested from other interested agencies, organizations and individuals. Single copies of the Draft Environmental Statement will be furnished for review and comment upon request addressed to W. H. Pennington, Office of the Assistant Administrator for Environment and Safety, Mail Station E-201, U.S. Energy Research and Development Administration, Washington, D.C. 20545, (301) 973-4241. Comments should be sent to the same address.

In accordance with guidelines from the Council on Environmental Quality, agencies and members of the public submitting comments on the draft environmental statement should endeavor to make their comments as specific, substantive, and factual as possible without undue attention to matters of form in the impact statement. It would assist in the review of comments if the comments were organized in a manner consistent with the structure of the draft statement. Emphasis should be placed on the assessment of the environmental impacts of nuclear power export activities, and the acceptability of those impacts on the quality of the environment, particularly as contrasted with the impacts of reasonable alternatives. Commenting entities may recommend modifications and/or new alternatives that will enhance environmental quality and avoid or minimize adverse environmental impacts

Copies of comments on the Draft Environmental Statement will be placed in the above referenced Document Rooms and will be considered in the preparation of the Final Environmental Statement if received at ERDA by September 22, 1975.

Dated at Germantown, Maryland, this 1 day of August 1975.

For the Energy Research and Development Administration.

JAMES L. LIVERMAN,
Assistant Administrator for Environment and Safety.

[FR Doc.75-20368 Filed 8-1-75;9:09 am]

ENVIRONMENTAL PROTECTION AGENCY

[FRL 410-5]

AREAWIDE WASTE TREATMENT MANAGEMENT PLANNING APPROVALS

Area and Agency Designations

Pursuant to Section 208 of the Federal Water Pollution Control Act Amendments of 1972, notice is hereby given of approvals of designation of areawide waste treatment management planning areas and agencies for the period June 1, 1975 thru July 1, 1975.

The following area agency designations have been approved:

Lakes Region, New Hampshire (Lakes Region Planning Commission, Humiston Building, Box 302, Meredith, New Hampshire 03253).

Ocean County, New Jersey (Ocean County Board of Chosen Freeholders, Court House Square, Toms River, New Jersey 08753).

Westchester, New York (Westchester County Government, Environmental Coordinating Agency-Environmental Advisory Council, c/o Westchester County Department of Planning, 910 County Office Building, White Plains, New York 10601).

Erie-Niagara, New York (Erie-Niagara Regional Planning Board, 2085 Baseline Road, Grant Island, New York 10742).

Beaufort, South Carolina (Lowcountry Regional Planning Council, P.O. Box 98, Yemassee, South Carolina 29945).

Medford, Oregon (Rogue Valley Council of Governments, 33 N. Central, Suite 211, Medford, Oregon 97501).

Bay City, Michigan (East Central Michigan Regional Planning and Development Commission, 1003 Woodside Avenue, Essexville, Michigan 48732).

Snohomish, Washington (Snohomish County Metropolitan Municipal Corporation, c/o Snohomish County Board of Commissioners, Snohomish County Administration Building, Everett, Washington 98201.

Jackson Hole, Wyoming (Teton County Section 208 Planning Agency, P.O. Box 1727, Jackson, Wyoming 83001).

Kingsport-Bristol, Tennessee (First Tennessee-Virginia Development District, 1110 Seminole Drive, P.O. Box 2779 E.T.S.U., Johnson City, Tennessee 37601).

New York City, New York (New York City Environmental Protection Administration, Municipal Building, Room 2455, New York, New York 10007).

Elmira-Corning, New York (Southern Tier Central Regional Planning and Development Board, 53½ Bridge Street, Corning, New York 14830).

Syracuse, New York (Central New York Regional Planning and Development Board, 321 East Water Street, Syracuse, New York 13202).

Gallatin, Montana (Gallatin County Commissioners, Gallatin County Courthouse, Bozeman, Montana 59715).

Joplin, Missouri (Ozark Gateway Regional Planning Commission, 303 East Third, P.O. Box 1355, Joplin, Missouri 64801).

Baltimore, Maryland (Regional Planning Council, 701 St. Paul Street, Baltimore, Maryland 21202).

Muskegon, Michigan (West Michigan Shoreline Regional Development Commission, Torrent House, 315 W. Webster Avenue, Muskegon, Michigan 49440).

Grand Rapids, Michigan (West Michigan Regional Planning Commission, 1204 People's Building, 60 Monroe at Ionia, Grand Rapids, Michigan 49502).

Lansing, Michigan (Tri-County Regional Planning Commission, 2722 E. Michigan Avenue, P.O. Box 2066, Lansing, Michigan 48912).

Polk County, Florida (Central Florida Regional Planning Council, P.O. Box 2089, Bartow, Florida 33830).

Reno, Nevada (Washoe Council of Governments, 417 Forest Street, Reno, Nevada 89502).

Charleston, South Carolina (Berkeley, Charleston, Dorchester Regional Planning Council, No. 2 Courthouse Square, County Office Building, Charleston, South Carolina 29401).

Green Bay, Wisconsin (Fox Valley Water Quality Planning Agency, 1919 North Lake Street, Neenah, Wisconsin 54956).

Waccamaw, South Carolina (Waccamaw Regional Planning Council, 1001 Front Street, Georgetown, South Carolina 29440).

Carson River, Nevada (Carson River Basin Council of Governments, P.O. Box 1927, Carson City, Nevada 89701).

Terre Haute, Indiana (West Central Indiana Economic Development District, P.O. Box 627, 700 Wabash Avenue, Terre Haute, Indiana 47808).

Charleston, West Virginia (B-C-K-P Regional Intergovernment Council, 410 Kanawha Boulevard, East Charleston, West Virginia 25301).

Tucson, Arizona (Pima Association of Governments, 405 Transamerica Building, Tucson, Arizona 85701).

Corpus Christi, Texas (Coastal Bend Council of Governments, International Airport, Corpus Christi, Texas 78410).

Lower Rio Grande, Texas (Lower Rio Grande Valley Development Council, First National Bank Building, Suite 207, McAllen, Texas 78501).

Kansas City, Kansas (Mid-America Regional Council, 20 West 9th Street, Kansas City, Missouri 64105).

Ventura, California (Ventura Regional County Sanitation District, P.O. Box AB, 181 South Ast Street, Ventura, California 93001).

Clark County, Nevada (Clark County Board of Count Commissioners, Clark County Courthouse, 200 East Carson Avenue, Las Vegas, Nevada 89101).

Philadelphia, Pennsylvania (Delaware Valley Regional Planning Commission, Penn Towers Building, 1819 John F. Kennedy Boulevard, Philadelphia, Pennsylvania 19103).

San Diego, California (Comprehensive Planning Organization of San Diego, County,

Suite 524, 3rd Avenue, Security Pacific Plaza, San Diego, California 92101).

Monterey, California (Association of Monterey Bay Area Governments, 1011 Cass Street, P.O. Box 190, Monterey, California 93940).

San Francisco, California (Association of Bay Area Governments, Claremont Hotel, Berkeley, California 94705).

Guam (Guam Environmental Protection Agency, P.O. Box 2999, Agana, Guam 96910).

Pittsburgh, Pennsylvania (Southwestern Pennsylvania Regional Planning Commission, 564 Forbes Avenue, Pittsburgh, Pennsylvania 15219).

Asheville, North Carolina (Land-of-Sky Regional Council of Governments, 755 Merriman Avenue, P.O. Box 2175, Asheville, North Carolina 28802).

Southern Illinois (Greater Egypt Regional Planning and Development Commission, P.O. Box 3160, 608 East College, Carbondale, Illinois 62901).

Texarkana, Texas (Arkansas, Texas Council of Governments, P.O. Box 5307, Texarkana, Texas 75501).

Providence, Rhode Island (Rhode Island Statewide Planning Program, 265 Melrose Street, Providence, Rhode Island 02907).

JAMES L. AGEE,
Assistant Administrator for Water and Hazardous Materials.

JULY 29, 1975.

[FR Doc.75-20260 Filed 8-1-75;8:45 am]

[PP5G1645/T4; FRL 410-8]

CROSS-LINKED POLYUREA TYPE ENCAPSULATING MATERIAL

Establishment of Temporary Exemption From the Requirement of a Tolerance

On June 19, 1975, Stauffer Chemical Co., 1200 S. 47th St., Richmond CA 94804, submitted a pesticide petition (PP 5G1645) to the Environmental Protection Agency (EPA). This petition requested establishment of a temporary exemption from the requirement of a tolerance for residues of the cross-linked polyurea type encapsulating material, formed by the reaction of toluene diisocyanate and polymethylene polyphenylisocyanate, when used as an inert encapsulating material in connection with the herbicide S-ethyl diisobutylthiocarbamate applied to growing corn (field and sweet) in an experimental use program. This temporary exemption would permit the marketing of corn treated in accordance with such experimental use permit.

The data submitted in the petition and other relevant material have been evaluated. This temporary exemption from the requirement of a tolerance will protect the public health. Therefore, the temporary exemption is being established on the condition that the encapsulated herbicide be used in accordance with the experimental use permit being issued concurrently under the Federal Insecticide, Fungicide, and Rodenticide Act which provides for distribution under the Stauffer Chemical Co. name and with the following provisions:

1. The total amount of the encapsulated herbicide to be used must not exceed the quantity authorized by the experimental use permit.

2. Stauffer Chemical Co. will immediately notify the EPA of any findings from the experimental use that have a bearing on safety. The company will also keep records of production, distribution, and performance and on request make the records available to any authorized officer or employee of the EPA or Food and Drug Administration.

This temporary exemption from the requirement of a tolerance expires December 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 the provisions of the experimental use permit and temporary exemption.

(Section 408(j) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 346a(j))).

Dated: July 29, 1975.

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

[FR Doc.75-20261 Filed 8-1-75;8:45 am]

[OPP-50021; FRL 411-2]

MICHIGAN STATE UNIVERSITY

Issuance of Experimental Use Permit

Pursuant to section 5 of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended (86 Stat. 973; 7 U.S.C. 136), an experimental use permit has been issue to Michigan State University, East Lansing, Michigan 48824. Such permit is in accordance with, and subject to, the provisions of 40 CFR Part 172; Part 172 was published in the Federal Register on April 30, 1975 (40 FR 18780), and defines EPA procedures with respect to the use of pesticides for experimental purposes.

This experimental use permit (No. 26590-EUP-1) allows the use of 200 grams of Ethephon (2-chloroethyl) phosphonic acid) on cherries. A total of 0.4 acres is involved; the program is authorized only in Michigan. The experimental use permit is effective from July 16, 1975, to December 31, 1975.

Interested parties wishing to review the experimental use permit are referred to Room E-315, Registration Division (WH-567), Office of Pesticide Programs, EPA, 401 M St., S.W., Washington, D.C. 20460. It is suggested that such interested persons call 202/755-4851 before visiting the EPA Headquarters Office, so that the appropriate permit may be made conveniently available for review purposes. These files will be available for inspection from 8:30 am.. to 4:00 p.m. Monday through Friday.

Dated: July 30, 1975.

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

[FR Doc.75-20262 Filed 8-1-75;8:45 am]

[OPP-50020; FRL 411-3]

AIR PRODUCTS & CHEMICALS, INC.

Issuance of Experimental Use Permit

Pursuant to section 5 of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended (86 Stat. 973; 7 U.S.C. 136), an experimental use permit has been issued to Air Products & Chemicals, Inc., Emmaus, Pennsylvania 18043. Such permit is in accordance with, and subject to, the provisions of 40 CFR Part 172; Part 172 was published in the Federal Register on April 30, 1975 (40 FR 18780), and defines EPA procedures with respect to the use of pesticides for experimental purposes.

This experimental use permit (No. 28472-EUP-1) allows the use of 985 pounds of ethylene on sugar beets. A total of 92 acres are involved; the program is authorized only in Colorado, Kansas, Minnesota, Nebraska, and Wyoming. The experimental use permit is effective from July 10, 1975, to July 10, 1976.

Interested parties wishing to review the experimental use permit are referred to Room E-315, Registration Division (WH-567), Office of Pesticide Programs, EPA, 401 M St., S.W., Washington, D.C. 20460. It is suggested that such interested persons call 202/755-4851 before visiting the EPA Headquarters Office, so that the appropriate permit may be made conveniently available for review purposes. These files will be available for inspection from 8:30 a.m. to 4:00 p.m. Monday through Friday.

Dated: July 30, 1975.

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

[FR Doc.75-20263 Filed 8-1-75;8:45 am]

FEDERAL COMMUNICATIONS COMMISSION

[Report No. 764]

COMMON CARRIER SERVICES INFORMATION [1]

Domestic Public Radio Services Applications Accepted for Filing [2]

JULY 28, 1975.

Pursuant to §§ 1.227(b)(3) and 21.30(b) of the Commission's rules, an application, in order to be considered with any domestic public radio services application appearing on the attached list, must be substantially complete and

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[1] All applications listed in the appendix are subject to further consideration and review and may be returned and/or dismissed if not found to be in accordance with the Commission's Rules, regulations and other requirements.

[2] The above alternative cut-off rules apply to those applications listed in the appendix as having been accepted in Domestic Public Land Mobile Radio, Rural Radio, Point-to-Point Microwave Radio and Local Television Transmission Services (Part 21 of the Rules).

tendered for filing by whichever date is earlier: (a) the close of business one business day preceding the day on which the Commission takes action on the previously filed application; or (b) within 60 days after the date of the public notice listing the first prior filed application (with which subsequent applications are in conflict) as having been accepted for filing. An application which is subsequently amended by a major change will be considered to be a newly filed application. It is to be noted that the cut-off dates are set forth in the alternative—applications will be entitled to consideration with those listed in the appendix if filed by the end of the 60 day period, only if the Commission has not acted upon the application by that time pursuant to the first alternative earlier date. The mutual exclusivity rights of a new application are governed by the earliest action with respect to any one of the earlier filed conflicting applications.

The attention of any party in interest desiring to file pleadings pursuant to Section 309 of the Communications Act of 1934, as amended, concerning any domestic public radio services application accepted for filing, is directed to § 21.27 of the Commission's Rules for provisions governing the time for filing and other requirements relating to such pleadings.

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

APPLICATIONS ACCEPTED FOR FILING

JULY 28, 1975.

DOMESTIC PUBLIC LAND MOBILE RADIO SERVICE

20105–CD–P–76, Frank C. Escue d/b/as TELPAGE (RESUBMITTED), C.P. for a new 1-way station to operate on 152.24 MHz. located Approx. 5 miles west of Bowling Green, Kentucky.

20106–CD–P–76, Pacific Northwest Bell Telephone Company (KWH336), C.P. for additional auxiliary test facilities to operate on 459.70 MHz located west 501 Second Avenue, Spokane, Washington.

20107–CD–P–(2)–76, Eagle Aviation, Inc. (NEW), C.P. for a new station to operate on 454.125 and 454.175 MHz located at Television Road, 1000 North Trolly Lane Road, Aiken, South Carolina.

20108–CD–P–76, AAA Anserphone, Inc.—Jackson (KRH663), C.P. to relocate facilities operating on 152.21 MHz located 1 mile NE of Rts. 80 and 61 Intersection, Vicksburg, Mississippi.

20109–CD–P–76, Autofone, Inc. (NEW), C.P. for a new one-way station to operate on 158.70 MHz to be located On Highway 56, 3.2 miles South of Swainsboro, Georgia.

Major amendment

655–C2–P–(5)–72, Ram Broadcasting of Mass., Inc. (KCC263), Boston, Massachusetts, Change location of proposed 152.12 MHz base station to location described as 10 York Avenue, Randolph, Massachusetts. Delete request for 152.09 and 454.30 MHz facilities proposed at locations #4 and 5. All other particulars to remain as reported on PN #557 dated August 16, 1971.

614–C2–P–(2)–72, Ram Broadcasting of Mass., Inc. (KCC483), Ram Broadcasting of Mass., Inc. Boston, Massachusetts, Add 454.30 MHz facilities at new location described as 10 York Avenue, Randolph, Mass., All other particulars to remain as reported on PN dated August 4, 1971.

Correction

21834–CD–P–(4)–75, Michigan Bell Telephone Company (KQA811), Lansing, Michigan. Correct PN to read Major amendment to change frequencies 152.69 MHz from base and Standby to 152.60 MHz All other particulars to remain as reported on PN #761 dated July 7, 1975.

20081–CD–P–(8)–76, Imperial Comm., Corp. (KMA262), Correct PN to read C.P. to change antenna system operating on 2165 MHz at Loc. #3: 110 West C. Street, San Diego, Calif., change antenna system operating on 152.18 MHz; relocate facilities operating on 454.05 MHz; additional facilities to operate on 152.09, 152.15, 152.03, and 152.12 MHz, Base and 2175 MHz, Repeater at Loc. #4: Mount Woodson, 20 miles NNE of San Diego, California.

108–CF–ML–76, The Siskiyou Telephone Company (KMZ81), Main Street, Fort Jones, California. Lat. 41°36'26" N., Long. 122°50'23" W. Mod. of License to change antenna system and frequency 6215V MHz to 2114.0H MHz toward Gunsight Peak, California on azimuth 19°57'; change 6215V MHz to 6375.2V MHz toward Etna, California via Passive Reflector on corrected azimuth 191°58'; replace transmitters and change power.

109–CF–ML–76, Same (KMZ83), Gunsight Peak, 9.5 miles North of Fort Jones, California. Lat. 41°44'14" N., Long. 122°46'36" W. Mod. of License to change antenna system and frequency 6315H MHz to 2164.0H MHz toward Fort Jones, California on corrected azimuth of 199°59'; replace transmitters and change power.

110–CF–ML–76, Same (KMZ87), Slater Butte, 4.77 miles NNE of Happy Camp, California. Lat. 41°51'29" N., Long. 123°21'08" W. Mod. of License to change antenna system and frequencies 6215V MHz to 6345.5H MHz toward Happy Camp, California on azimuth 194°37', and 2114.0H MHz to 6226.9H MHz toward Somes Bar, California via Passive Reflector on corrected azimuth 132°53'; replace transmitters and change power.

111–CF–ML–76, Same (KMZ84), Wagner Way, Etna, California. Lat. 41°27'22" N., Long. 122°53'42" W. Mod. of License to change frequency 6315V MHz to 5974.8V MHz toward Fort Jones, California on corrected azimuth 133°19'; replace transmitters and change power.

112–CF–ML–76, Same (KMZ85), Near State Hwy. #96, Happy Camp, California. Lat. 41°47'28" N., Long. 123°22'32" W. Mod. of License to change frequency 6315V MHz to 6004.5H MHz toward Slater Butte, California on corrected azimuth 14°36'; replace transmitters and change power.

113–CF–ML–76, Same (KPP99), 0.5 mile NE of Ukonom Ranger Station, Somes Bar, California. Lat. 41°23'29" N., Long. 123°29'02" W. Mod. of License to change antenna system, size of passive reflector and frequency 2164.0H MHz to 6034.2H MHz toward Slater Butte, California via Passive Reflector on corrected azimuth of 19°38'; replace transmitters and change power.

114–CF–P–76, The Ohio Bell Telephone Company (KQO26), 100 Erieview Plaza, Cleveland, Ohio. Lat. 41°30'19" N., Long. 81°41'20" W. C.P. to change antenna system, alarm system, transmitters, power and protection ratio; change frequencies 6271.4, 6390.0, 10715, and 10955 MHz to 3770.0H, 3850.0H, and 4170.0H MHz toward Twinsburg, Ohio on azimuth 141°22'.

115–CF–P–76, Same (KQO25), 1.5 miles SW of Twinsburg, Ohio. Lat. 41°17'53" N., Long. 81°28'10" W. C.P. to change antenna system, alarm system, transmitters, power and protection ratio; change frequencies 6019.3, 6137.9, 11405, and 11645 MHz to 3730.0H, 3810.0H, and 4130.0H MHz toward Cleveland, Ohio on azimuth 321°30'.

116–CF–P–76, The Ohio Bell Telephone Company (KQO38), 401 Cleveland Avenue, Canton, Ohio. Lat. 40°48'04" N., Long. 81°22'35" W. C.P. to change protection ratio and add frequency 6352.9V MHz toward Navarre, Ohio on azimuth 224°11'.

117–CF–P–76, Same (KQN68), 2 miles ESE of Navarre, Ohio. Lat. 40°42'57" N., Long. 81°29'07" W. C.P. to change protection ratio and add frequency 6100.9V MHz toward Canton, Ohio on azimuth 44°07'.

124–CF–P–76, Coastal Utilities, Inc. (New), 0.36 mile NW of Fleming, Georgia. Lat. 31°53'00" N., Long. 81°25'52" W. C.P. for a new station on frequencies 10775.0V MHz toward a new station at Richmond Hill, Georgia on azimuth 56°59', and 10975.0V MHz toward a new station at Hinesville, Georgia on azimuth 253°34'.

125–CF–P–76, Same (New), Ryon Avenue, Hinesville, Georgia. Lat. 31°50'30" N., Long. 81°35'46" W. C.P. for a new station on frequency 11385.0V MHz toward a new station at Fleming, Georgia on azimuth 73°28'.

126–CF–P–76, Same (New), Bryan Neck Road, Richmond Hill, Georgia. Lat. 31°56'58" N., Long. 81°18'42" W. C.P. for a new station on frequency 11665.0V MHz toward a new station at Fleming, Georgia on azimuth 237°03'.

139–CF–P–76, The Ohio Bell Telephone Company (KQN84), on Monday Creek Twp. Rd. 232, 2.5 miles N. 62° W. of Maxville, Ohio. Lat. 39°38'04" N., Long. 82°22'33" W. C.P. to add frequency 6404.8V MHz toward Logan, Ohio on azimuth 193°29'.

140–CF–P–76, Same (KQN77), Twp. Rd. 113, 2.8 miles SW of Carroll, Ohio. Lat. 39°46'15" N., Long. 82°44'25" W. C.P. to add frequency 6098.5H MHz toward Maxville, Ohio on azimuth 115°43'.

141–CF–P–76, Same (KVI38), 111 North Fourth Street, Columbus, Ohio. Lat. 39°57'54" N., Long. 82°59'51" W. C.P. to add frequency 6397.4V MHz toward Carroll, Ohio on azimuth 134°20'.

88–CF–MP–75, Southern Pacific Communications Company (WLJ88), 2.5 miles Northwest of Granville, Massachusetts. Lat. 42°05'41" N., Long. 72°53'36" W. Mod. C.P. to change point of communication from Hartford, Connecticut to East Hartford, Connecticut on new frequency 6034.2H on azimuth 152°16'.

89–CF–MP–75, Same (WAH562), Founders Plaza Bldg., 183 Prestige Park Road, East Hartford, Connecticut. Lat. 41°45'51" N., Long. 72°39'41" W. Mod. C.P. to add 6286.2V MHz towards Granville, Massachusetts on azimuth 332°25', and to change antenna location from Hartford, Connecticut to Founders Plaza Building.

[FR Doc.75–20213 Filed 8–1–75;8:45 am]

RADIO COMMON CARRIER AND RADIO COMMON CARRIER AND TELEPHONE INTERCONNECTION MEETINGS

Revised Schedule

JULY 25, 1975.

The Commission's Common Carrier Bureau has revised the schedule of meetings previously announced concerning interconnection between the Wireline telephone companies and the Radio Common Carriers, which furnish two-way radiotelephone and one-way signaling service to the public. At the July 22 meeting the Common Carrier Bureau's staff and the representatives of the tele-

phone and Radio Common Carrier industries agreed to cancel certain previously scheduled meetings and add new dates for meetings. Accordingly, the meetings previously scheduled for Monday, July 28, Tuesday, July 29, Wednesday, July 30, and Monday, August 4, have all been cancelled. Additional meetings have been scheduled for Monday, August 25, and Tuesday, August 26. The schedule of meetings is now as follows:

Tuesday, August 5.
Wednesday, August 6.
Monday, August 25.
Tuesday, August 26.

The meeting will be held in Room 8210, 2025 M Street, N.W., Washington, D.C. The August 5 meeting will begin at 9 A.M. The starting time for each of the other meetings will be determined at the close of the preceding meeting.

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

[FR Doc.75-20214 Filed 8-1-75;8:45 am]

AMERICAN TELEPHONE AND TELEGRAPH CO.

[Docket No. 20288; FCC 75-872]

Memorandum Opinion and Order Modifying Issues

In the matter of American Telephone and Telegraph Company. Investigation into the lawfulness of Tariff F.C.C. No. 267, offering a Dataphone Digital Service among five cities.

1. The presiding Administrative Law Judge in the above-captioned proceeding has certified to us two modifications of the procedures for conduct of the hearing which he believes are required in order to complete the proceeding without prejudicing the parties of denying them due process. He has indicated in a Memorandum Opinion and Order released June 20, 1975, FCC 75M-1116, (39 FR 45317) that the nature of certain of the interrogatories has necessitated numerous extensions of time for responses beyond the 20 days specified in our December 16, 1974 designation Order, 50 F.C.C. 2d 501.

2. As the termination of the hearing approaches, the presiding Judge states, the failure to grant additional extensions of time for the filing of proposed findings of fact and conclusions of law will prejudice the parties, and it appears to him that it is necessary to grant a further round of interrogatories after the expiration of the time specified in our December Order for the filing of interrogatories. Accordingly, he asks that he be authorized, upon good cause shown, to permit such an additional round of interrogatories. He further requests permission to adjust the dates for the filing of proposed findings and reply findings as may be appropriate in the light of any extensions granted for the filing of interrogatories and responses thereto.

3. While we agree with the presiding Judge that the requested extensions are necessary to avoid prejudice to parties to this case, we are disappointed that the procedures prescribed in our December Order have not expedited conclusion of this proceeding as we had anticipated. We had hoped that the use of evidentiary-type oral proceeding as a supplement to written interrogatories would reduce the total number of interrgotories by permitting clarification of difficult points through the traditional oral hearing process. Unfortunately, the use of oral argument was generally limited to resolution of disputes regarding the interrogatories themselves. Additionally, when we establish the twenty-day period for responses, we had anticipated that extensions of time would be the exception rather than the rule and that the parties would assist by allowing time for preparation of responses before filing further rounds of interrogatories.

4. Under the circumstances presented by the presiding Judge, we believe we have no choice but to permit him to grant the parties a further round of interrogatories and such extensions of time for the filing of proposed findings and replies as he finds are required to avoid prejudice. However, in granting any such extensions of time, the presiding Judge should bear in mind our continued desire to complete this proceeding at the earliest possible date. To that end, we would hope that the presiding Judge will be able to render his initial decision no later than thirty days from the filing of reply findings.

5. Accordingly, IT IS ORDERED, That the procedures specified in the above-captioned proceeding ARE MODIFIED as indicated in paragraph 4 above.

Adopted: July 22, 1975.

Released: July 29, 1975.

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

[FR Doc.75-20208 Filed 8-1-75;8:45 am]

[Docket No. 20543; File No. BR-2308; FCC 75-818]

NORJUD BROADCASTING, INC.

Order Designating Application for Hearing on Stated Issues

In re application of Norjud Broadcasting, Incorporated, McMinnville, Oregon, for renewal of license for Radio Station KMCM.

1. The Commission has before it for consideration: (a) the captioned application; and (b) its inquiries into the operation of radio station KMCM, McMinnville, Oregon.

2. Information before the Commission raises serious questions as to whether the applicant possesses the qualifications to be or to remain a licensee of the Commission. In view of these questions, we are unable to find that a grant of the captioned renewal application would serve the public interest, convenience and necessity, and must, therefore, designate the application for hearing.

3. Accordingly, IT IS ORDERED, That pursuant to Section 309(e) of the Communications Act of 1934, as amended, the application IS DESIGNATED FOR HEARING, at a time and place to be specified in a subsequent Order, upon the following issues:

(a) To determine whether, and, if so, the extent to which the applicant broadcast personal attacks and thereafter failed to meet its obligations as a licensee with respect to Section 73.123(a) of the Commission's Rules and Regulations.

(b) To determine whether, and, if so, the extent to which the applicant broadcast political editorials and thereafter, failed to meet its obligations as a licensee with respect to Section 73.123(c) of the Commission's Rules.

(c) To determine whether, and, if so, the extent to which the applicant having offered legally qualified candidates for public office an opportunity to respond personally to political editorials, thereafter engaged in censorship over the material intended to be broadcast by such candidates in violation of 47 U.S.C. 315 (a) and Section 73.120(b) of the Commission's Rules.

(d) To determine whether, and, if so, the extent to which the applicant engaged in conduct which discriminated between candidates in its practices, regulations, facilities or services for or in connection with the services required to be rendered in permitting legally qualified candidates for public office to respond to the applicant's political editorials, or in its practices related thereto otherwise subjected any such legally qualified candidate for public office to any prejudice or disadvantage in violation of Section 73.120(c)(2) of the Commission's Rules.

(e) To determine whether, and, if so, the extent to which the applicant has tape-recorded telephone conversations with individuals, not employees of the applicant, and thereafter broadcast said conversations or portions thereof without informing those individuals that it was the licensee's intention to broadcast the conversations of portions thereof in violation of Section 73.1206 of the Commission's Rules.

(f) To determine whether the applicant, or any of its officers, directors, shareholders, or employees made misrepresentations to, or has been lacking in candor with the Commission.

(g) To determine, in light of the evidence adduced under the preceding issues in (a) through (f), *supra*, whether the licensee has the requisite qualifications to be or to remain a licensee of the Commission and whether a grant of the application would serve the public interest, convenience and necessity.

4. IT IS FURTHER ORDERED, That the Chief of the Broadcast Bureau shall serve upon the captioned applicant, within thirty (30) days of the release of this document, a Bill of Particulars with respect to the issues specified in (a) through (f), *supra*.

5. IT IS FURTHER ORDERED, That the Broadcast Bureau proceed with the initial presentation of evidence with respect to the issues specified in (a) through (f), *supra*, and that the applicant then proceed with its evidence and have the burden of establishing that it possesses the requisite qualifications to

be and to remain a licensee of the Commission and that a grant of its application would serve the public interest, convenience and necessity.

6. IT IS FURTHER ORDERED, That to avail itself of the opportunity to be heard, the applicant, pursuant to Section 1.221(c) of the Commission's Rules, in person or by attorney, shall, within twenty (20) days of the mailing of this Order, file with the Commission, in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issue specified in this Order.

7. IT IS FURTHER ORDERED, That the applicant herein, pursuant to Section 311(a)(2) of the Communications Act of 1934, as amended, and Section 1.594 of the Commission's Rules, shall give notice of the hearing within the time and in the manner prescribed in such Rule and shall advise the Commission thereof as required by Section 1.594 (g) of the Rules.

8. IT IS FURTHER ORDERED, That the Secretary of the Commission shall send a copy of this Order by Certified Mail—Return Receipt Requested to Norjud Broadcasting, Incorporated.

ADOPTED: July 8, 1975.

RELEASED: July 28, 1975.

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

[FR Doc.75-20209 Filed 8-1-75;8:45 am]

[Docket No. 20477; File Nos. BR-261 and BRH-4; FCC 75R-275]

RUST COMMUNICATIONS GROUP, INC.

Memorandum Opinion and Order Enlarging Issues

In re Applications of Rust Communications Group, Inc., for renewal of license of Stations WHAM and WHFM (FM) Rochester, New York.

1. By Memorandum Opinion and Order, FCC 75-537, released May 22, 1975, published at 40 FR 22882, the Commission designated the renewal application of Rust Communications Group, Inc. (Rust) for hearing on issues relating to the licensee's ascertainment of community needs, its public affairs and other non-entertainment programming, and its equal employment opportunity policies. Now before the Review Board is petition to enlarge issues, filed June 11, 1975, by Rust, seeking the addition of a meritorious programming issue.[1] The Broadcast Bureau, in its comments, does not oppose petitioner's request; however, the Bureau asserts that Rust's showing under the meritorious programming issue must be limited to the period between May 22, 1969 (the date the last renewals of WHAM and WHFM were granted) and May 1, 1972, when, according to the Bureau, petitioner first learned that its licenses were in jeopardy.[2] Action for a Better Community (Action) opposes the addition of a meritorious programming issue on the grounds that the issues in this proceeding allegedly involve discrimination against minorities in Rust's service area which, Action contends, "is a form of moral turpitude which cannot and should not be mitigated by other programs."

2. The Review Board will add a meritorious programming issue. In so doing, we see no restriction in the application of the mitigating effect, if any, of the evidence adduced pursuant to such an issue to any of the existing issues.[3] The showing the licensee is allowed to make is generally limited to programming instituted before the licensee received notice that the Commission was contemplating action against it. *Chronicle Broadcasting Co.*, 18 FCC 2d 120, 16 RR 2d 494 (1969) and *Midwest Radio-TV*, 18 FCC 2d 1011, 16 RR 2d 987 (1969). However, since a determination of when such notice was actually received should be made by the Presiding Judge in the first instance, the Board will not attempt to resolve this question. See *Chesapeake-Portsmouth Broadcasting Corp.*, 42 FCC 2d 1030, 28 RR 2d 703 (1973). Finally, we note that the parties are free to argue the weight which should be accorded the evidence adduced under the issue. *Oil Shale Broadcasting Company*, FCC 75R-192, —— FCC ——, 33 RR 2d 1227; *Cosmopolitan Broadcasting Corp.*, 39 FCC 2d 698, 26 RR 2d 1172 (1973).

3. ACCORDINGLY, IT IS ORDERED, That the petition to enlarge issues, filed June 11, 1975, by Rust Communications Group, Inc. IS GRANTED; and

4. IT IS FURTHER ORDERED, That the issues in this proceeding ARE ENLARGED by the addition of the following issue:

To determine whether the programming of Stations WHAM and WHFM (FM) has been meritorious, particularly with regard to public service programs.

5. IT IS FURTHER ORDERED, That the burdens of proceeding with the introduction of evidence and proof under the issue added herein SHALL BE on Rust Communications Group, Inc.

Adopted: July 23, 1975.

Released: July 25, 1975.

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

[FR Doc.75-20210 Filed 8-1-75;8:45 am]

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[1] Also before the Board are the following related pleadings: (a) Broadcast Bureau's comments, filed June 23, 1975; (b) opposition, filed June 24, 1975, by Action for a Better Community; and (c) reply, filed July 1, 1975, by Rust.

[2] The Bureau asserts that on May 1, 1972, Metro Act of Rochester, Inc. and Action for a Better Community, parties to this proceeding, filed a "Formal Complaint" and a "Petition to Deny and to Intervene," respectively, against Rust.

[3] With respect to Action's contention, we believe the only issues in this proceeding that could arguably involve moral turpitude are the equal employment opportunity issues, and, in our view, those issues do not necessarily involve the element of culpable conduct which renders consideration of past programming inappropriate.

[FCC 75-863]

BOARD OF COMMISSIONERS

Establishment

1. To assure the continuity of Commission operations from the 2nd through the 31st of August, 1975, we are hereby establishing a Board of Commissioners, to function during that period whenever a quorum of the Commission is not present and able to act.

2. Authority for this action is contained in Section 5(d) of the Communications Act, 47 U.S.C. 155(d). Subject to the provisions of Section 5(d), the Board shall have the authority of a Board established under Section 0.212 of the Rules and Regulations, 47 CFR 0.212.

3. In view of the foregoing, it is hereby Ordered, effective August 2, 1975, that a Board of Commissioners, composed of all Commissioners present and able to act, is established to function from August 2-31 in accordance with the provisions of this Order when a quorum of Commissioners is not present.

Adopted: July 22, 1975.

Released: July 25, 1975.

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

[FR Doc.75-20211 Filed 8-1-75;8:45 am]

FEDERAL HOME LOAN BANK BOARD

[H. C. #195]

FRANKLIN FINANCIAL CORP.

Receipt of Application for Permission To Acquire Control

JULY 29, 1975.

Notice is hereby given that the Federal Savings and Loan Insurance Corporation has received an application from Franklin Financial Corporation, Reno, Nevada, a newly formed corporation, for approval of acquisition of control of the Franklin Savings Association, Ottawa, Kansas, an insured institution, under the provisions of Section 408(e) of the National Housing Act, as amended (12 U.S.C. 1730a(e)), and Section 584.4(b) of the Regulations for Savings and Loan Holding Companies (12 CFR 584.4(b)). Comments on the proposed acquisition should be submitted to the Director, Holding Companies Section, Office of Examinations and Supervision, Federal Home Loan Bank Board, 320 First Street, N.W., Washington, D.C. 20552, on or before September 3, 1975.

J. J. FINN,
Secretary,
Federal Home Loan Bank Board.

[FR Doc.75-20707 Filed 8-1-75;8:45 am]

[H. C. #197]

GENERAL OHIO SAVINGS AND LOAN CORP.

Receipt of Application for Permission To Acquire Control

JULY 29, 1975.

Notice is hereby given that the Federal Savings and Loan Insurance Corporation has received an application from General Ohio Savings and Loan Corporation, Findlay, Ohio, a multiple savings and loan holding company, for approval of acquisition of control of the Athens County Savings and Loan Company, Athens, Ohio, an insured institution, under the provisions of Section 408(e) of the National Housing Act, as amended (12 U.S.C. 1730a(e)) and Section 584.4 of the Regulations for Savings and Loan Holding Companies, said acquisition to be effected through an exchange of the common stock of the Athens County Savings and Loan Company for common stock and Series B Preferred Stock of General Ohio Savings and Loan Company. Comments on the proposed acquisition should be submitted to the Director, Holding Companies Section, Office of Examinations and Supervision, Federal Home Loan Bank Board, Washington, D.C. 20552, on or before September 3, 1975.

J. J. FINN,
Secretary,
Federal Home Loan Bank Board.

[FR Doc.75-20204 Filed 8-1-75;8:45 am]

[H.C. #196]

RICHTER/ROBB & CO.

Receipt of Application for Permission To Acquire Control

JULY 29, 1975.

Notice is hereby given that the Federal Savings and Loan Insurance Corporation has received an application from Richter/Robb & Co., Denver, Colorado, for permission to acquire and retain control of Sheridan Savings and Loan Association, Denver, Colorado, an insured institution, under the provisions of Section 408(e) of the National Housing Act, as amended (12 U.S.C. 1730a(e)), and Section 584.4 of the Regulations for Savings and Loan Holding Companies, said acquisition to be effected by an exchange of the association's capital stock for the capital stock of the applicant. Comments on the proposed acquisition should be submitted to the Director, Holding Companies Section, Office of Examinations and Supervision, Federal Home Loan Bank Board, Washington, D.C. 20552, on or before September 3, 1975.

J. J. FINN,
Secretary,
Federal Home Loan Bank Board.

[FR Doc.75-20203 Filed 8-1-75;8:45 am]

FEDERAL MARITIME COMMISSION

ALABAMA STATE DOCKS DEPARTMENT AND HUNTSVILLE RIVER TERMINAL

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, N.W., 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 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.

ALABAMA STATE DOCKS DEPARTMENT AND HUNTSVILLE RIVER TERMINAL

Notice of Agreement Filed by:

C. D. Haig, Jr., General Traffic Manager, Alabama State Docks Department, P.O. Box 1588, Mobile, Alabama 36601.

Agreement No. T-3124, between Alabama State Docks Department (Docks) and Huntsville River Terminal (Huntsville), provides for the lease of the Huntsville State Dock located on the Tennessee River. Huntsville agrees to undertake the management and operation of the facility under the direction, management and control of the State of Alabama through Docks. The term of the lease is 10 years with options to renew.

As compensation, Docks will collect from Huntsville (a) base rental of $900 a month for the use of the leased warehouse and office (b) guaranteed minimum premises rental of $300 a month for the use of the leased premises. Huntsville is to operate the facility on a nondiscriminatory public basis, with all charges assessed against the public subject to Dock's approval.

By Order of the Federal Maritime Commission.

Dated: July 29, 1975.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.75-20265 Filed 8-1-75;8:45 am]

PORT OF SEATTLE AND BLACK BALL TRANSPORT, INC.

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, N.W., 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, within 20 days after publication of this notice in the FEDERAL REGISTER. 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:

H. H. Wittren, Manager, Waterfront Real Estate, Port of Seattle, P.O. Box 1209, Seattle, Washington 98111.

Agreement No. T-2906-1, between Port of Seattle (Port) and Black Ball Transport, Inc., (Black Ball), modifies the basic agreement providing for the lease by Port to Black Ball of a transit shed area at Pier 30, which is used for the storage of paper and related warehouse purposes. The purpose of the modification is to: (1) increase the monthly rental and (2) increase the lease deposit.

By Order of the Federal Maritime Commission.

Dated: July 29, 1975.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.75-20266 Filed 8-1-75;8:45 am]

FEDERAL POWER COMMISSION

[Docket No. RP74-94-3]

ARKANSAS LOUISIANA GAS CO.

Notice of Petition for Interim Relief Pendente Lite

JULY 28, 1975.

Take notice that on June 27, 1975, the City of Winfield, Kansas (Petitioner) filed in Docket No. RP74-94-3 a petition pursuant to Section 1.7 of the Commission's Rules of Practice and Procedure requesting interim relief *pendente lite* pertaining to its request concerning the shifting of gas volumes between petitioner's two municipal electric generating plants which are served by Arkansas Louisiana Gas Company (Arkla).

On March 31, 1975, Petitioner filed with the Commission a petition for the transfer of natural gas in which it requested that it be allowed to transfer volumes of gas currently being delivered to Winfield's less efficient electric generating plant (Plant No. 1) to its more efficient electric generating plant (Plant No. 2). Petitioner stated that this would lead to a more efficient use of natural gas without causing any increase in its total gas allotment from Arkla.

Petitioner has a maximum daily entitlement of 3,000 Mcf at each generation plant. Petitioner asserts that if it is permitted to utilize volumes in its more efficient plant which are currently used in its less efficient plant, it can generate more electricity using similar volumes of gas or in some instances use less gas than if both plants were to utilize gas. Petitioner requests that the Commission grant relief in the form of permitting the shifting of volumes from one plant to another *pendente lite* so that it can make more efficient use of its natural gas purchases during the summer period of peak demand.

The instant petition for interim relief, requesting transfer of volumes *pendente lite*, reiterates Petitioner's previously expressed position that the granting of this relief not affect its Priority 4 status under Arkla's currently effective curtailment plan.

Any person desiring to be heard or to make any protest or answer to said petition should on or before August 11, 1975, file with the Federal Power Commission, Washington, D.C. 20426, a protest or answer in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.9 or 1.10). All answers or protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make them a party to the proceeding. In addition, further notice should be taken that hearings on the March 31, 1975, petition filed by Petitioner seeking permanent, as opposed to interim, relief, have been concluded and are awaiting briefing and decision.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-20220 Filed 8-1-75;8:45 am]

[Docket No. ER76-18]

CENTRAL ILLINOIS PUBLIC SERVICE CO.

Notice of Filing of Supplemental Rate Schedule

JULY 29, 1975.

Take notice that on July 23, 1975, the Central Illinois Public Service Company (Central Illinois) tendered for filing a supplemental Rate Schedule W-2[1] to be applicable to service provided the City of Newton (Newton) on and after June 1, 1975, pursuant to an Agreement[2] between Newton and Central Illinois. Central Illinois states that Rate Schedule W-2 was accepted for filing by the Commission, to become effective June 1, 1975, in Docket No. E-9415. Central Illinois also states that the filing accepted in E-9415 provided that Rate Schedule W-2 was to be applicable to service provided to municipalities upon expiration of the effective period for the rates and charges specified in the various agreements on file with the Commission, and that the Agreement between Central Illinois and Newton does not provide any rates and charges for service beyond May 21, 1975.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before August 13, 1975. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-20221 Filed 8-1-75;8:45 am]

[Project No. 2144]

CITY OF SEATTLE

Application for Change in Land Rights

JULY 29, 1975.

Public notice is hereby given that an application was filed on May 23, 1975, under the Federal Power Act (16 U.S.C. §§ 791a-825r) by the City of Seattle, Department of Lighting (City) (Correspondence to: Mr. Gordon Vickery, Superintendent, City of Seattle, Department of Lighting, 1015 Third Avenue, Seattle, Washington 98104, and Honorable Jack Crampton, Mayor, Town of Metaline, Metaline, Washington 99152) for a change in land rights for the constructed Boundary Project No. 2144, located on the Pend Oreille River in Pend Oreille County, Washington.

City, Licensee for the Boundary Project No. 2144, requests permission to grant an easement to the Town of Metaline for construction of a recreation area at the project. The recreation area would consist of a public swimming area and marina area at the mouth of Linton Creek. Facilities would also include camping and picnic areas, restroom facilities, a playground area, and parking areas.

Any person desiring to be heard or to make any protest with reference to said application should on or before September 15, 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 of § 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules. The application is on file with the Commission and is available for public inspection.

Take further notice that, pursuant to the authority contained in and conferred upon the Federal Power Commission by Sections 308 and 309 of the Federal Power Act (16 U.S.C. § 825g, § 825h) and the Commission's Rules of Practice and Procedure, specifically Section 1.32(b) (18 CFR § 1.32(b)), as amended by Order No. 518, a hearing may be held without further notice before the Commission on this application if no issue of substance is raised by any request to be heard, protest or petition filed subsequent to this notice within the time required herein and if the applicant or initial pleader requests that the shortened procedure of Section 1.32(b) be used. If an issue of substance is so raised or applicant or initial pleader fails to request the shortened procedure, further notice of hearing will be given.

Under the shortened procedure herein provided for, unless otherwise advised, it will be unnecessary for applicant or initial pleader to appear or be represented at the hearing before the Commission.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-20222 Filed 8-1-75;8:45 am]

[Docket No. RP75-99]

COLUMBIA GAS TRANSMISSION CORP.

Order Establishing Hearing Procedures and Granting Interventions

JULY 29, 1975.

On May 8, 1975, Columbia Gas Transmission Corporation (Columbia), pursuant to Section 154.38(d)(5)(a) of the Commission's Regulations, filed a request

[1] Designated as FPC Electric Tariff Original Volume No. 2.

[2] On file with the Federal Power Commission and designated as FPC Rate Schedule 39 and Supplemental No. 1 thereto.

for advance Commission approval for accounting and rate treatment of expenditures to be made in a program Columbia states is in the nature of research and development. Columbia proposes to undertake this program for the purpose of determining reservoir and production characteristics achieved through the application of existing and new stimulation techniques on gas shales of the Upper and Middle Devonian Age Formations in the Appalachian Basin. More specifically, Columbia states that the questions to which Columbia is addressing itself in this research and development program are "whether commercial amounts of gas can be recovered, the method to be employed and the resultant cost thereof." Columbia estimates that, based upon 1975 cost levels, the proposed experimental test program will cost $8,500,000 over a 36-month period. Columbia further requests the earliest possible approval for this project so that Columbia can use the technology developed from this experiment in the Appalachian and other areas.

The filing was noticed on May 15, 1975, with comments due on or before May 29, 1975. Petitions to Intervene were received from the parties listed in Appendix A. A Notice of Intervention was received from the Public Service Commission of the State of New York wherein a hearing was requested concerning the instant filing.

Our review of Columbia's request indicates that the proposed project may not be in the nature of research and development. Accordingly, we shall establish hearing procedures to determine the propriety of granting or denying Columbia's request for accounting and rate approval of its proposed project. In light of the urgency cited in Columbia's request, we shall establish an expedited procedural schedule.

The Commission finds:

Good cause exists to set the issues raised by Columbia's request for rate and accounting treatment for its proposed R&D project as hereinafter provided.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly Sections 4, 5, and 8 thereof, and the Commission's Regulations under the Natural Gas Act, a public hearing shall be held in a hearing room of the Federal Power Commission, Washington, D.C. 20426, concerning the reasonableness and appropriateness of granting Columbia's request for advance approval of rate and accounting treatment for the proposed project set forth in its May 8, 1975, filing.

(B) On or before August 8, 1975, Columbia shall present its direct case in this proceeding. The Commission Staff or any intervenors shall serve prepared testimony and exhibits on August 22, 1975. Any rebuttal evidence by Columbia shall be served on or before September 3, 1975. The public hearing herein ordered shall convene on September 16, 1975, at 10:00 A.M. Initial briefs shall be filed on October 3, 1975, and reply briefs shall be filed on October 15, 1975. The Initial Decision shall be issued on or before October 31, 1975.

(C) A Presiding Administrative Law Judge to be designated by the Chief Administrative Law Judge for that purpose (See Delegation of Authority, 18 CFR 3.5(d)), shall preside at the hearing in this proceeding, shall prescribe relevant procedural matters not herein provided, and shall control this proceeding in accordance with the policies expressed in the Commission's Rules of Practice and Procedure.

(D) The petitioners listed in Appendix A are hereby permitted to intervene in these proceedings, subject to the Rules and Regulations of the Commission: *Provided, however*, that the participation of such intervenors shall be limited to matters affecting rights and interests specifically set forth in the respective petitions to intervene and *Provided, further*, that the admission of such intervenors shall not be construed as recognition that they or any of them might be aggrieved because of any order or orders issued by the Commission in these proceedings.

(E) The Secretary shall cause prompt publication of this order to be made in the FEDERAL REGISTER.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Secretary.

APPENDIX A—COLUMBIA GAS TRANSMISSION CORPORATION, DOCKET NO. RP75-99

PETITIONS TO INTERVENE

New York State Electric & Gas Corporation
The City of Columbus, Ohio
Columbia Gas of Kentucky, Inc.
Columbia Gas of Maryland, Inc.
Columbia Gas of New York, Inc.
Columbia Gas of Ohio, Inc.
Columbia Gas of Pennsylvania, Inc.
Columbia Gas of Virginia, Inc.
Columbia Gas of West Virginia, Inc.
Washington Gas Light Company

[FR Doc.75-20223 Filed 8-1-74;8:45 am]

[Docket No. E-9532]

ELECTRIC AND WATER PLANT BOARD VS. KENTUCKY UTILITIES CO.

Filing of Complaint

JULY 29, 1795.

Pursuant to Section 2.1(a)(1)(I) of the Commission's Regulations, notice is hereby issued of the filing of a complaint by the Electric and Water Plant Board of the City of Frankfort, Kentucky and the City of Falmouth, Kentucky (Cities) in the above-captioned docket.

Cities alleges that Kentucky Utilities Company (KU) is billing them pursuant to fuel adjustment clause which is not in compliance with Section 35.14 of the Commission's Regulations. Cities is requesting the Commission to refund illegal overcharges and to restrict to the legally filed rate the operation of the fuel adjustment clause in KU's rate schedule FPC Nos. 69 and 85 under which KU provides wholesale for resale service to the Cities.

We are forwarding a copy of this complaint to KU, which shall have 30 days to answer it in writing. Upon receipt of the answer to this complaint, the Commission will take such additional action as may be necessary.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Sections 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 August 25, 1975. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-20224 Filed 8-1-75;8:45 am]

[Project No. 2183]

GRAND RIVER DAM AUTHORITY

Application for Approval of Change in Land Rights

JULY 29, 1975.

Public notice is hereby given that an application for approval of sale of project lands was filed on June 2, 1975, under the Federal Power Act (16 U.S.C. §§ 791a–825r) by Grand River Dam Authority (GRDA) (Correspondence to: Mr. Richard W. Lock, General Manager, Grand River Dam Authority, P.O. Drawer G, Vinita, Oklahoma 74301) for its Markham Ferry Project No. 2183, located in Mayes and Craig Counties, Oklahoma, near the City of Pryor on the Grand River, a navigable waterway of the United States.

GRDA seeks Commission approval of the proposed sale of a tract of land within the project boundary to a private individual. The 1.141-acre tract of land is located in the following described subdivision: Indian Meridian, T. 23 N., R. 20 E., Section 25, NW¼NE¼SE¼, Mayes County, Oklahoma.

The individual, who wishes to purchase the above-described tract within the project boundary, has constructed three homes thereon without the knowledge or consent of GRDA, according to the application. The construction of the homes has not been approved by the Federal Power Commission.

Any person desiring to be heard or to make any protest with reference to said application should on or before September 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 C.F.R. § 1.8 or § 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will

not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules. The application is on file with the Commission and is available for public inspection.

Take further notice that, pursuant to the authority contained in and conferred upon the Federal Power Commission by Sections 308 and 309 of the Federal Power Act (16 U.S.C. § 825g, § 825h) and the Commission's Rules of Practice and Procedure, specifically Section 1.32(b) (18 CFR § 1.32(b)), as amended by Order No. 518, a hearing may be held without further notice before the Commission on this application if no issue of substance is raised by any request to be heard, protest or petition filed subsequent to this notice within the time required herein and if the applicant or initial pleader requests that the shortened procedure of Section 1.32(b) be used. If an issue of substance is so raised or applicant or initial pleader fails to request the shortened procedure, further notice of hearing will be given.

Under the shortened procedure herein provided for, unless otherwise advised, it will be unnecessary for applicant or initial pleader to appear or be represented at the hearing before the Commission.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-20225 Filed 8-1-75;8:45 am]

GAS EXPLORATION, DEVELOPMENT AND PRODUCTION

[Docket Nos. R-411 and RM74-4]

Order Making Certain Producers Respondents to This Investigation and Establishing Comment Dates

Issued JULY 29, 1975.

On April 28, 1975, we issued an order in the above referenced proceeding which, *inter alia* indicated that by further order the Commission would set dates for initial and reply comments on the data gathered by the pipelines from the respective producers to whom the advance payments were made. The responses have been compiled and are available for inspection in the Commission's Office of Public Information, 825 North Capitol Street N.E., Washington, D.C. 20426, during regular business hours.

The April 28, 1975, order also indicated that we would make all producers respondents to this proceeding who had received advance payments (as determined by the data compiled and filed by the pipeliner). Attached [1] is a list of such producers and we hereby order that such producers be made respondents to this proceeding.

Moreover, all producer-respondents and pipeline-respondents to this proceeding shall, within the time set below for the filing of initial comments, file responses as required by the April 28, 1975, order.

All parties filing initial comments shall file such comments on or before August 20, 1975. All parties filing responding comments shall file such comments on or before September 20, 1975.

The Secretary shall cause prompt publication of this order to be made in the FEDERAL REGISTER.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Secretary.

[1] Filed as part of the original document.

[FR Doc.75-20236 Filed 8-1-75;8:45 am]

[Docket No. E-8843]

HOLYOKE WATER POWER CO. AND HOLYOKE POWER AND ELECTRIC CO.

Further Extension of Procedural Dates

JULY 29, 1975.

On July 14, 1975, Chicopee Electric Light Department filed a motion to extend the procedural dates fixed by order issued August 9, 1974, as most recently modified by notice issued June 17, 1975, in the above-designated matter. The motion states that the parties have been notified and have no objection.

Upon consideration, notice is hereby given that the procedural dates in the above matter are modified as follows:

Service of Intervenor, Testimony, September 22, 1975.
Service of Company, Rebuttal, October 1, 1975.
Hearing, October 13, 1975 (10:00 a.m. EST).

By direction of the Commission.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-20226 Filed 8-1-75;8:45 am.]

[Docket No. CP70-289]

INTER-CITY MINNESOTA PIPELINES, LTD., INC.

Petition To Amend Orders

JULY 29, 1975.

Take notice that on July 16, 1975, Inter-City Minnesota Pipelines, Ltd., Inc. (Inter-City) filed a petition with the Federal Power Commission (the Commission) to amend its import authorization under Section 3 of the Natural Gas Act issued in the above-entitled proceeding to authorize the continued importation of natural gas at Sprague, Manitoba at a new rate of $1.40 per MMBTU effective August 1, 1975, and at $1.60 per MMBTU effective November 1, 1975, and at a rate of $1.30 per MMBTU for gas imported at Fort Francis, Ontario. Inter-City's petition recites that on May 21, 1975, the Canadian National Energy Board amended its export authorizations to increase the price of Canadian natural gas exported to the United States as set forth above. The petition concludes that if Inter City's import authorization is not amended prior to August 1, 1975, Inter-City will be faced with the termination of its natural gas supply from Canada and the loss of its Canadian supplies would result in a substantial curtailment of its markets.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8 and 1.10). All such petitions or protests should be filed on or before August 15, 1975. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-20227 Filed 8-1-75;8:45 am]

[Docket Nos. CP70-22 and RP73-102; (PGA 75-4)]

MICHIGAN WISCONSIN PIPE LINE CO.

Order Accepting for Filing and Making Effective Without Suspension Proposed Rate Increase, Amending Import Authorizations, Granting Interventions and Granting Waiver

JULY 29, 1975.

On May 15, 1975, Michigan Wisconsin Pipe Line Company (Mich-Wisc), filed a petition to amend its import authorization to permit it to continue the importation of natural gas from Canada at increased prices. Mich-Wisc's petition is predicated on the fact that on May 5, 1975, the Canadian government announced that export licenses would be amended to provide that the export price for natural gas would be increased to $1.40 per MMBtu (Canadian) effective August 1, 1975, and to $1.60 per MMBtu (Canadian) effective November 1, 1975. Mich-Wisc purchases gas from TransCanada Pipelines Limited and from two importers of Canadian gas, Midwestern Gas Transmission Company and Great Lakes Gas Transmission Company.

Notice of Mich-Wisc's petition to amend its import authorization was issued on May 22, 1975, with protests and petitions to intervene due on or before June 17, 1975. Petitions to intervene were filed by Madison Gas and Electric Company, Michigan Consolidated Gas Company, North Central Public Service Company, TransCanada Pipelines Limited, Wisconsin Gas Company, Wisconsin Michigan Power Company, Wisconsin Natural Gas Company, and Wisconsin Public Service Corporation. No petitioner has expressed opposition to Mich-Wisc's petition.

Examination of Mich-Wisc's gling in-

Examination of Mich-Wisc's filing indicates that the company has no available alternative supply of natural gas to replace the volumes imported from Canada. Upon review, we find that continua-

tion of importation under the increased prices would be consistent with the public interest, subject, however, to the condition that any further increase in the price Mich-Wisc is required to pay will require further amendment to its import authorizations.

In addition to its petition to amend its import authorizations, Mich-Wisc, on June 10, 1975, tendered for filing, at Docket No. RP73-102 (PGA 75-4), a proposed adjustment in its rates[1] to flow through the increase in its cost of purchased gas attributable to the $1.40 per MMBtu (Canadian) price to become effective August 1, 1975. The estimated annual effect of this increase will approximate $47.2 million. Mich-Wisc requests waiver of Part 154 of the Regulations to permit the filing to be made effective on August 1, 1975.

Notice of Mich-Wisc's proposed PGA change was issued on June 17, 1975, with protests and petitions to intervene due on or before July 4, 1975. A petition to intervene was filed by Wisconsin Michigan Power Company and Wisconsin Natural Gas Company.

Our review of Mich-Wisc's proposed increase indicates that it should be permitted to reflect the increase in its cost of purchased gas attributable to the $1.40 per MMBtu (Canadian) price effective as of August 1, 1975.

The Commission finds:

(1) Mich-Wisc's authorizations for the importation of natural gas from TransCanada should be amended to permit Mich-Wisc to continue such importation at a price of $1.40 per MMBtu (Canadian), effective August 1, 1975, and $1.60 per MMBtu (Canadian), effective November 1, 1975, as hereinafter ordered, as such importation has been shown to be consistent with the public interest.

(2) It is necessary and proper in the public interest that Mich-Wisc's proposed rate increase should be accepted for filing, to be placed into effect as of August 1, 1975.

(3) Good cause exists to grant waiver of Part 154 of the Regulations to allow Mich-Wisc's rate increase application to be placed into effect on August 1, 1975.

(4) Good cause exists to permit the intervention of the above-mentioned petitioners at those dockets in which their petitions were filed.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly Section 3 thereof, Mich-Wisc's import authorizations for importation of natural gas from TransCanada is hereby amended to permit Mich-Wisc to import natural gas at the price of $1.40 per MMBtu (Canadian) effective August 1, 1975, and $1.60 per MMBtu (Canadian) effective November 1, 1975, as hereinafter ordered and conditioned.

(B) Mich-Wisc's proposed PGA increase filing of June 10, 1975, set forth as Second Substitute Ninth Revised Sheet No. 57 to FPC Gas Tariff First Revised Volume No. 27F, is hereby accepted for filing as of August 1, 1975, to be placed into effect on August 1, 1975, and Part 154 of the Regulations is hereby waived.

(C) Any further change in the price Mich-Wisc is to pay for the importation of Canadian gas will require further amendment to its import authorization.

(D) The above-mentioned petitioners to intervene are hereby permitted to intervene at those dockets in which their respective petitions were filed subject to the Rules and Regulations of the Commission; *provided, however,* that the participation of such intervenors shall be limited to matters affecting the rights and interests specifically set forth in the respective petitions to intervene; and *provided, further,* that the admission of such intervenors shall not be construed as recognition that they or any of them might be aggrieved because of any order or orders issued by the Commission in this proceeding.

(E) The Secretary shall cause prompt publication of this order in the FEDERAL REGISTER.

By the Commission.

[SEAL] KENNETH F. PLUMB, *Secretary.*

[FR Doc.75-20228 Filed 8-1-75;8:45 am]

[1] Second Substitute Ninth Revised Sheet No. 27F.

[Docket Nos. G-18314, etc.]

MIDWESTERN GAS TRANSMISSION CO.

Order Amending Import Authorizations and Granting Interventions

JULY 29, 1975.

On May 19, 1975 Midwestern Gas Transmission Company (Midwestern), filed a petition to amend its import authorizations to permit it to continue the importation of natural gas from Canada at increased prices. Midwestern's petition is predicated on the fact that on May 5, 1975, the Canadian government announced that export licenses would be amended to provide that the export price for natural gas would be increased to $1.40 per MMBtu (Canadian) effective August 1, 1975, and to $1.60 per MMBtu (Canadian) effective November 1, 1975. Midwestern purchases gas from TransCanada Pipelines Limited under three contracts covered by Licenses GL-1, GL-18, and GL-37, and resells the gas in its Northern System.

Notice of Midwestern's petition to amend its import authorizations was issued on May 23, 1975, with protests and petitions to intervene due on or before June 6, 1975. Petitions to intervene were filed by Michigan Consolidated Gas Company, Wisconsin Public Service Corporation, North Central Public Service Company, Wisconsin Gas Company, Northern States Power Company of Minnesota and Northern States Power Company of Wisconsin. No petitioner has expressed opposition to Great Lakes' petition. The Northern States companies request that this Commission take whatever action is necessary to protect their supply of Canadian gas at the lowest reasonable rate.

Examination of Midwestern's filing indicates that the company has no available alternative supply of natural gas to replace the volumes imported from Canada. Upon review, we find that continuation of importation under the increased prices would be consistent with the public interest, subject, however, to the condition that any further increase in the price Midwestern is required to pay will require further amendment to its import authorizations.

The Commission finds:

(1) Midwestern's authorizations for the importation of natural gas from TransCanada should be amended to permit Midwestern to continue such importation at a price of $1.40 per MMBtu (Canadian), effective August 1, 1975, and $1.60 per MMBtu (Canadian), effective November 1, 1975, as hereinafter ordered, as such importation has been shown to be consistent with the public interest.

(2) Good cause exists to permit the intervention of the above-mentioned petitioners at those dockets in which their petitions were filed.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly Section 3 thereof, Midwestern's import authorizations for importation of natural gas from Trans-Canada is hereby amended to permit Midwestern to import natural gas at the price of $1.40 per MMBtu, (Canadian) effective August 1, 1975, and $1.60 per MMBtu, (Canadian) effective November 1, 1975, as hereinafter ordered and conditioned.

(B) The above-mentioned petitioners to intervene are hereby permitted to intervene at those dockets in which their respective petitions were filed subject to the Rules and Regulations of the Commission; *Provided, however,* that the participation of such intervenors shall be limited to matters affecting the rights and interests specifically set forth in the respective petitions to intervene; and *Provided, further* that the admission of such intevenors shall not be construed as recognition that they or any of them might be aggrieved because of any order or orders issued by the Commission in this proceeding.

(C) The Secretary shall cause prompt publication of this order to be made in the FEDERAL REGISTER.

By the Commission.

[SEAL] KENNETH F. PLUMB, *Secretary.*

[FR Doc.75-20229 Filed 8-1-75;8:45 am]

[Docket Nos. CP75-340, CP75-341, CP75-342, and RP72-154, PGA75-5]

NORTHWEST PIPELINE CORP.

Order Accepting for Filing and Making Effective Without Suspension Proposed Rate Increase, Amending Import Authorizations, Granting Interventions Granting Waiver, and Consolidating Proceeding

JULY 28, 1975.

On May 15, 1975 Northwest Pipeline Corporation (Northwest), filed a petition to amend its import authorizations to permit it to continue the im-

portation of natural gas from Canada at increased prices. Northwest's petition is predicated on the fact that on May 5, 1975, the Canadian government announced that export licenses would be amended to provide that the export price for natural gas would be increased to $1.40 per MMBtu (Canadian) effective August 1, 1975, and to $1.60 per MMBtu (Canadian) effective November 1, 1975. Northwest purchases gas from Westcoast Transmission Company Limited at Sumas, Washington and Kingsgate, British Columbia. Such importation accounts for most of Northwest's annual gas supply.

Notice of Northwest's petition to amend its import authorizations was issued on May 22, 1975, with protests and petitions to intervene due on or before June 17, 1975. Petitions to intervene were filed by Cascade Natural Gas Corporation, Colorado Interstate Gas Company, Intermountain Gas Company, Mountain Fuel Supply Company, Northwest Natural Gas Company, and the Washington Utilities and Transportation Commission. No petitioner has expressed opposition to Northwest's petition.

Examination of Northwest's filing indicates that the company has no available alternative supply of natural gas to replace the volumes imported from Canada. Upon review, we find that continuation of importation under the increased prices would be consistent with the public interest, subject, however, to the condition that any further increase in the price Northwest is required to pay will require further amendment to its import authorizations.

In addition to its petition to amend its import authorizations, Northwest, on May 15, 1975, tendered for filing, at Docket No. RP72-154 (PGA75-5), a proposed adjustment in its rates[1] to flow through the increase in its cost of purchased gas attributable to the $1.40 per MMBtu (Canadian) price to become effective August 1, 1975. The estimated annual effect of this increase will approximate 115.9 million. Northwest requests waiver of applicable Commission Regulations so as to permit an August 1, 1975 effective date.

Notice of Northwest's proposed PGA changes was issued on May 17, 1975, with protests and petitions to intervene due on or before June 5, 1975. Petitions to intervene were filed by Cascade Natural Gas Corporation, Northwest Natural Gas Company and the Washington Water Power Company. No petitioner expresses opposition to Northwest's rate increase application.

On May 16, 1975, Northwest filed a motion requesting consolidation for purposes of decision of the PGA increase proceedings with those relating to its application for amendments to its import authorization. Northwest also requests expedition in our rendering of a decision. For purposes of these two applications, we shall grant these requests.

[1] Eighth Revised sheet No. 10 to FPC Gas Tariff, Original Volume No. 1.

Our review of Northwest's proposed increase indicates that it should be permitted to reflect the increase in its cost of purchased gas attributable to the $1.40 per MMBtu (Canadian) price effective as of August 1, 1975.

The Commission finds:

(1) Northwest's authorizations for the importation of natural gas from Canada should be amended to permit Northwest to continue such importation at a price of $1.40 per MMBtu (Canadian), effective August 1, 1975, and $1.60 per MMBtu (Canadian), effective November 1, 1975, as hereinafter ordered, as such importation has been shown to be consistent with the public interest.

(2) Good cause exists to grant Northwest's request to consolidate its PGA rate increase application proceedings with those relating to its application for amendment of import authorizations for purposes of rendering a decision and to expedite the rendering of such decision.

(3) It is necessary and proper in the public interest that Northwest's proposed rate increase should be accepted for filing, to be placed into effect as of August 1, 1975.

(4) Good cause exists to grant waiver of those Regulations necessary to allow Northwest's rate increase application to be placed into effect as of August 1, 1975.

(5) Good cause exists to permit the intervention of the above-mentioned petitioners at those dockets in which their petitions were filed.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly Section 3 thereof, Northwest's import authorizations for importation of natural gas from Canada are hereby amended to permit Northwest to import natural gas at the price of $1.40 per MMBtu, (Canadian), effective August 1, 1975, and $1.60 per MMBtu, (Canadian) effective November 1, 1975, as hereinafter ordered and conditioned.

(B) Northwest's request to consolidate and expedite the subject proceeding is hereby granted.

(C) Northwest's proposed PGA increase filing of May 15, 1975 set forth as Eight Revised Sheet No. 10 to FPC Gas Tariff Original Volume No. 1, is hereby accepted for filing as of August 1, 1975, to be placed into effect on August 1, 1975, and waiver of the Commission's Regulations to allow such effective date is hereby granted.

(D) Any further change in the price Northwest is to pay for the importation of Canadian gas will require further amendment of its import authorization.

(E) The above-mentioned petitioners to intervene are hereby permitted to intervene at those dockets in which their respective petitions were filed subject to the Rules and Regulations of the Commission; *provided, however,* that the participation of such intervenors shall be limited to matters affecting the rights and interests specifically set forth in the respective petitions to intervene; and *provided, further,* that the admission of such intervenors shall not be construed as recognition that they or any of them might be aggrieved because of any order or orders issued by the Commission in this proceeding.

(G) The Secretary shall cause prompt publication of this order in the FEDERAL REGISTER.

By the Commission.

[SEAL] KENNETH F. PLUMB, *Secretary.*

[FR Doc.75-20230 Filed 8-1-75;8:45 am]

[Docket Nos. G-9279; G-20270]

PAN AMERICAN PETROLEUM CORPORATION, ET AL.

Order Directing Release of Refunds

JULY 29, 1975.

On December 2, 1974, as amended on January 31, 1975, Columbia Gas Transmission Corporation (Columbia) as successor to United Fuel Gas Company (United Fuel), filed in the above-referenced dockets a petition requesting the Commission to order the release of certain refund monies being retained by Pan American Petroleum Corporation (Pan American).

Notice of Columbia's petition was issued on December 16, 1974, providing for protests or petitions to intervene to be filed on or before December 23, 1974. No protests, petitions to intervene or other comments have been received in response to the notice.

The refunds here in question arise from the Commission's order issued on Docket No. G-9279 on April 13, 1966, (35 FPC 502), approving a rate settlement encompassing 257 of Pan American's then-effective FPC gas rate schedules. On September 11, 1969, (38 FPC 586), the Commission ordered the partial release of refunds in accordance with the above settlement. Pan American was directed to refund $5,610,142.77 to United Fuel in Docket No. G-9279, but was directed to retain the balance of $2,572,229.77, representing payments for gas purchased by United Fuel under Pan American rate schedules which became effective subsequent to June 1, 1961. These amounts were required to be retained because United Fuel had not agreed to flow them through to its jurisdictional customers. The Commission stated that these funds ". . . will be dealt with in separate proceedings concerning the claims of the respective customers that they are entitled to retain such amounts . . ." (38 FPC 588). Pan American was directed to pay interest on the retained refunds at the rate of 5½ percent per annum from May 20, 1966 until the date of payment.

Columbia bases its claim of entitlement to the refunds in question on the terms of United Fuel's Commission-approved rate settlement in Docket No. G-20270. Article II(2) of the approved Stipulation and Agreement provides, in pertinent part, that "United shall not be required in this docket to pass on any refunds it may receive from suppliers as a

result of the final determination of gas purchase increases which became effective after June 1, 1961, and which are not reflected in United's rates in this docket, No. G-20270." Pan American's rate increases which became effective subsequent to June 1, 1961, and which give rise to the refunds here at issue, were in fact not reflected in United's rates during the applicable refund period.

It follows from the foregoing that Columbia is entitled to retain the refunds plus accrued interest under the terms of the above-mentioned rate settlement agreement, and Columbia's petition seeking the release of these refunds will accordingly be granted.

The Commission orders:

(A) Pan American Petroleum Corporation is hereby directed to disburse to Columbia, within 30 days from the date of this order, the sum of $2,572, 229.77, together with interest thereon at the rate of 5½ percent per annum for the period May 20, 1966, until the date of payment.

(B) The Secretary shall cause prompt publication of this order in the FEDERAL REGISTER.

By the Commission.

[SEAL] KENNETH F. PLUMB, *Secretary.*

[FR Doc.75-20231 Filed 8-1-75;8:45 am]

[Docket No. E-8224; Opinion No. 730-A]

SIERRA PACIFIC POWER CO.

Opinion and Order Granting Rehearing in Part and Reopening the Record

JULY 16, 1975.

On May 15, 1975, the Commission issued Opinion No. 730 which resolved numerous issues related to the May 22, 1973, wholesale rate increase filing of Sierra Pacific Power Company (Sierra). Then on June 16, 1975, intervenors Truckee-Donner Public Utility District, California and the City of Fallon, Nevada (T-D and Fallon) applied for rehearing of Opinion No. 730, though only as to the Commission's rate of return determination.

In establishing a fair rate of return in Opinion No. 730 the Commission accepted the 12.50% return on common equity provided in the initial decision but increased the overall rate of return from the 8.6% set in the initial decision to 8.9%.[1] In affirming the 12.5% return on common equity the Commission found the following: (1) 12.5% return is sufficient to insure Sierra's financial integrity; therefore, Sierra's higher proposal is excessive. (2) Staff's lower proposal appears reasonable when compared to the utility averages employed for the 1972 test year; however, post-1972, beyond-the-record financial data[2] demonstrates that Sierra needs a 12.5% return on equity. (3) There is prior Commission precedent for looking beyond the record for financial data, when, as here, the rate filing does not encompass a "locked-in" period. (4) In particular 1973 data was gleaned from the Commission's *A Study of the Electric Utility Industry*, while 1974 data came from *Moody's Public Utility*. (5) This same beyond-the-record data was employed in updating Sierra's capital structure and embedded cost of long-term debt, which had increased over that in the record, resulting in a higher overall rate of return of 8.9%.

T-D and Fallon contend that only Staff's rate of return recommendation is supported by the record, arguing primarily that the Commission has no legal authority to consider material not included in the record. It advances several supporting rationale: (1) This beyond-the-record financial data neither existed before the close of the record nor was in the contemplation of the parties during the hearing. As a result, this data was not subjected to the essential scrutiny of cross-examination. (2) The parties had stipulated to the capital structure and embedded cost of debt, and this stipulation, pursuant to Section 1.18 of the Commission's Rules of Practice and Procedure, should control the hearing unless good cause exists to modify it. (3) They attempt to distinguish the prior Commission precedent relied upon in Opinion No. 730,[3] to-wit: no approved stipulations were present; the rationale of those cases, that use of post-test year embedded costs of debt would prevent repeated rate filings, is no longer applicable for such filings are more frequent today, as indicated by the new two-year period for amortizing rate case expenses approved in Opinion No. 730; and the beyond-the-record data in those cases was not employed to increase the return on common equity, as it was in the present case. (4) The parties have allegedly been denied their right to a fair hearing as is mandated by section 205(e) of the Federal Power Act and Due Process.[4]

We find that T-D and Fallon's application for rehearing in part justifies modification of Opinion No. 730; therefore, we grant rehearing for the limited purpose of reopening the record in order to provide a hearing to test the credibility of the beyond-the-record financial data[5] relied upon by the Commission in establishing rate of return. In all other respects, however, the Commission's use of beyond-the-record financial data in Opinion No. 730 is reaffirmed.

The foundation for this approach to rate of return determination is our holdings in *Union Electric* and *Algonquin Gas*, *supra* Note 3. In both opinions the Commission utilized the utilities' most recent capital structure and embedded cost of debt, even though this was subsequent to the test year, the closing of the record, and the issuance of the initial decision. The following factors were instrumental in these holdings: (1) Such post-test year additional financing was "no longer either future or speculative." (2) It has already occurred and is of "public knowledge." (3) To ignore actual beyond-the-record debt issues would be "self defeating regulatory policy" for it would stimulate frequent successive filings having an unstabilizing price impact. (4) Capitalization costs should be an exception to the normal requirement of synchronized revenues, expenses and investment because they differ from other costs (i.e., construction, labor, equipment, and fuel), which change in predictable directions and are offset by predictable changes in efficiency, technology and market growth. "Interest rates and other security yields have tended to rise and fall rather sporadically and often unexpectedly over time without equally visible and convincing evidence of offsetting cost trends."

The treatment of capital costs in *Union* and *Algonquin* is, in terms of regulatory policy, a rational and sound divergence from the traditional requirement that all evidence be subject to hearing and cross-examination. Although this approach is a dramatic departure from traditional rate case procedure, the unrealistic and greatly askewed results caused by ignoring this subsequent capital activity precipitated this Commission action. These opinions directly support the increase of the overall rate of return from 8.6% to 8.9% due to the change in capital structure and embedded cost of debt from March 31, 1973, the date used in the stipulation, to December 31, 1974. While these opinions were expanded upon when the Commission considered 1973 and 1974 financial data (realized return on common equity, price/earnings ratio and market/book ratio) in arriving at a return on common equity, the previously enumerated rationale of *Union* and *Algonquin* also applies to equity financing.

T-D and Fallon's reliance upon the approved stipulation as to capital structure is not determinative. The Commission is not necessarily precluded from going beyond the stipulation. Good cause has been shown to not rely completely on this stipulation which the Commission was aware of in Opinion No. 730.[6] This

[1] See table below.

	Return on equity (percent)	Overall return (percent)
Staff	11.75	8.34
Sierra	13.63	9.0
Initial decision	12.5	8.6
Opinion No. 730	12.5	8.9

[2] In particular the Commission considered Sierra's end of 1974 capital structure and embedded costs of debt, as well as Sierra's realized return on common equity, price/earnings ratio and market/book ratio for 1973 and 1974.

[3] *Union Electric Company*, Opinion No. 609, 47 FPC 144, 155 (1972); and *Algonquin Gas Transmission Company*, Opinion No. 571; 43 FPC 53, 60 (1970).

[4] *U.S.* v. *Florida East Coast Railroad Company*, 410 U.S. 224, 245 (1973); and *Morgan* v. *U.S.*, 304 U.S. 1, 18-19 (1937).

[5] *Supra*, Note 2.

data, which is of public knowledge and is not speculative, should be considered so as to reflect the actual up-to-date financial condition of Sierra, thereby not unnecessarily stimulating another rate filing.

It should be emphasized that the financial data gleaned from the financial reporting services and Sierra's annual report in Opinion No. 730 possesses independent reliability which further justifies use of this beyond-the-record evidence: Sierra is motivated to not report an artificially pessimistic financial picture (which would tend to increase the rate of return allowed by the Commission) since investors in the capital market rely upon these services and Sierra's annual report, which means that false reporting of financial troubles would only serve to increase Sierra's capital costs.

In spite of these justifications the use of beyond-the-record financial data in Opinion No. 730 to set a rate of return may conflict with procedural Due Process guaranteed by the Fifth Amendment. To begin with, Due Process clearly applies to adjudicatory administrative proceedings,[7] and it requires that agency findings be based upon record evidence. This is not, however, an absolute rule: "the mere fact that the determining body has looked beyond the record proper does not invalidate its action unless substantial prejudice is shown to result."[8] For example, in certain situations agency consideration of a beyond-the-record regulated company's report filed with the agency has been approved.[9] The financial data at issue here does not, however, seem to fit this exemption from the Due Process hearing requirement.

In order to retain the salutary regulatory effect of considering this beyond-the-record data but at the same time affording all parties a fair hearing we are going to reopen the record to permit any party to impeach the reliability and credibility of this data. A hearing will be convened before an Administrative Law Judge, who will thereafter certify the record of that hearing to the Commission so that it may reassess the financial data employed. The following beyond-the-record material was considered by the Commission and may be subjected to both cross-examination and rebuttal evidence:

(1) Sierra's capital structure and embedded costs of long term debt and preferred stock as of December 31, 1974 were supplied by Sierra upon Commission request and are also essentially reiterated in Sierra's 1974 annual report:

	Amount	Ratio	Cost factor	Weighted component
	Dollars	*Percent*	*Percent*	*Percent*
Long-term debt	130,360,491	57.23	7.26	4.15
Preferred stock	24,025,000	10.55	6.79	.72
Common equity	73,380,226	32.22		
Total	227,765,717	100.00		

(2) Sierra's 1974 return on common equity of 11.53% was ascertained by the Commission from the following calculation using common equity data found in Sierra's annual report:

$$\frac{\$8{,}463{,}000 \text{ (Net income for common equity)}}{\$73{,}380{,}000 \text{ (Common equity)}} = 11.53\%$$

(3) In arriving at Sierra's 1974 price/earnings ratio of 6 the Commission first of all derived the average market price from the price range as reported in Standard and Poor's *Listed Stock Reports* and employed the earnings per average share as found in both Sierra's annual report and Standard and Poor's:

$$\frac{\$9.75 \text{ (Average market price per share, computed from a 1974 high of } 11\tfrac{1}{8} \text{ and a low of } 7\tfrac{7}{8})}{\$1.60 \text{ (Earnings per average share)}} = 6$$

(4) In arriving at Sierra's 1974 market/book ratio of .70 the Commission took the above-derived average market price, as well as computing the average book value per share from data found in Sierra's annual report:

$$\frac{\$9.75 \text{ (Average market price per share)}}{\$13.88 \text{ (Average book value per share, as calculated by dividing Sierra's common equity of } \$73{,}380{,}000 \text{ by the average number of outstanding shares of common stock, } 5{,}288{,}351)} = .70$$

(5) Sierra's 1973 return on common equity, price/earnings ratio, and market/book ratio were all taken directly from *A Study of the Electric Utility Industry*, Appendix G, page 3, line 33, prepared by the Division of Finance and Statistics, Office of Accounting and Finance, Federal Power Commission in September 1974.

The reopening of the record shall be limited to consideration of the aforementioned items. Inquiry into the computations made and the base data employed will be permitted, but no other matters shall be entertained. The Commission hopes that the parties will be able to complete this reopening by use of interrogatories answered under oath, although a hearing will be established.

The Commission foresees that the major focus of any party participating in the reopening will be upon Sierra's agent who is responsible for the financial data appearing in its annual reporting and provided to the financial reporting services. This agent should be in attendance at the hearing for purposes of cross-examination.

The Commission further finds:

T–D and Fallon's June 16, 1975, application for rehearing of Opinion No. 730 presents a ground for rehearing which warrants a modification in Opinion No. 730 to the extent that the record should be reopened for the limited purpose of permitting examination of the beyond-the-record financial data considered by the Commission in establishing a rate of return for Sierra.

The Commission orders:

(A) T–D and Fallon's June 16, 1975, application for rehearing of Opinion No. 730 is hereby granted in part.

(B) The record in this proceeding is hereby reopened for the limited purpose of and solely to the extent that the previously enumerated financial data may be subjected to cross-examination and rebuttal evidence going to its reliability and credibility.

(C) A public hearing for this reopening shall be commenced if necessary August 18, 1975, at 10:00 a.m. in a hearing room of the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426.

(D) An Administrative Law Judge to be designated by the Chief Administrative Law Judge for that purpose (see Delegation of Authority, 18 C.F.R. § 3.5d) shall preside over this reopening of the record.

(E) Any interested party shall file and serve any evidence on or before August 11, 1975.

(F) The Presiding Administrative Law Judge shall certify to the Commission all written evidence and the record of the hearing at the close of the hearing.

By the Commission.

[SEAL] KENNETH F. PLUMB, *Secretary.*

[FR Doc.75-20232 Filed 8-1-75;8:45 am]

[Docket No. CI75-277]

J. G. STONE

Order Setting Hearing Date and Prescribing Procedure

JULY 29, 1975.

On October 31, 1974, J. G. Stone (Stone) filed in Docket No. CI75-277 an application pursuant to Section 7(b) of the Natural Gas Act for permission and approval to abandon the sale of natural gas to United Gas Pipeline Company (United) from certain acreage in the Keeran Field, Victoria County, Texas, R. R. District No. 2 (Texas Gulf Coast Area).

[6] "There is no dispute concerning either Sierra's capital structure or the embedded cost of debt and preferred stock." Opinion No. 730, *supra*, slip op. at 3.

[7] *Ohio Bell Telephone Company* v. *Public Utilities Commission of Ohio*, 301 U.S. 292, 304 (1937).

[8] *U.S.* v. *Pierce Auto Freight Lines, Inc.*, 327 U.S. 515, 530 (1946).

[9] *Market Street Railway Company* v. *Railroad Commission of California*, 324 U.S. 548, 562 (1945); and *Wisconsin* v. *F.P.C.*, 201 F.2d 183, 186 (D.C. Cir. 1952), *cert. denied*, 345 U.S. 934 (1953).

Stone requests abandonment authorization for a sale of gas to United covered under a contract dated January 8, 1941—Sun Oil Company's (Sun), the predecessor's, FPC Gas Rate Schedule No. 293. By agreement dated October 17, 1971, United has agreed to the cancellation of the subject contract, inasmuch as no gas has been delivered from the subject properties to United since May 17, 1962.

By letter dated March 14, 1975, in reply to the Staff's inquiry, Stone advised that when the field declined to the point where Sun intended to plug and abandon the subject wells because it was not economically feasible to continue operations, he acquired the properties for salvage value. Before plugging the wells, Stone, together with a few other individuals, decided to risk completing "wildcat" sands in the existing wells. The group's efforts resulted in the production of a small amount of shallow gas from oil sands. Stone presumes that Sun's expert geologists, engineers and other personnel felt that these small sands were not worth producing or else Sun would not have sold the properties to Stone for salvage value. Upon receipt of abandonment authorization, Stone contemplates negotiating with local companies to sell whatever residue gas he has available rather than having to plug the small sands and lose the gas.

An alternative in a situation such as that faced by Stone is to submit a request for special relief pursuant to Section 2.76 of the Commission's General Policy and Interpretations (18 CFR 2.76), which permits independent producers to apply for relief from area rates with respect to sales of natural gas from reservoirs where reduced pressures, the need for reconditioning or deeper drilling make further production uneconomical at existing prices. Section 2.76 provides that applicants for relief under such policy shall establish economic justification for their request, including information on additional costs, the unit price which would justify the additional expenditure and the amount of gas to be recovered and sold in the interstate market.

The Commission finds:

It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the issues in this proceeding be scheduled for hearing in accordance with the procedures set forth below.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly Sections 7 and 15 thereof, the Commission's Rules of Practice and Procedure, and the Regulations under the Natural Gas Act, a public hearing shall be held on September 9, 1975, at 10:00 a.m. (EDT) in a hearing room of the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, concerning the issue of whether the available supply of natural gas is depleted to the extent that the continuance of service is unwarranted, or that the present or future public convenience or necessity permit such abandonment.

(B) On or before August 25, 1975, Stone and any supporting party shall file with the Commission and serve upon all parties, including Commission Staff, their testimony and exhibits in support of their positions.

(C) An Administrative Law Judge to be designated by the Chief Administrative Law Judge—See Delegation of Authority, 18 CFR 3.5(d)—shall preside at, and control this proceeding in accordance with the policies expressed in the Commission's Rules of Practice and Procedure and the purposes expressed in this order.

By the Commission.

[SEAL] KENNETH F. PLUMB, *Secretary.*

[FR Doc.75-20233 Filed 8-1-75;8:45 am]

[Docket No. ID-1462]

B. JOHN YEAGER

Supplemental Application

JULY 28, 1975.

Take notice that on July 10, 1975, B. John Yeager (Applicant) filed a supplemental application with the Federal Power Commission. Pursuant to Section 305(b) of the Federal Power Act, Applicant seeks authority to hold the following positions:

Chairman of the Board, The Cincinnati Gas & Electric Company, Public Utility.

Chairman of the Board, The Union Light, Heat and Power Company, Public Utility.

The Cincinnati Gas & Electric Company (Cincinnati Gas) whose principal place of business is located in Cincinnati, Ohio, and is engaged in electric production, distribution and gas distribution.

The Union Light, Heat and Power Company (Union Light) whose principal place of business is located in Covington, Kentucky is engaged in electric and gas distribution.

Any person desiring to be heard or to make any protest with reference to said application should on or before August 18, 1975 file with the Federal Power Commission, Washington, D.C. 20426, petitions or protests in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's Rules. The application is on file with the Commission and available for public inspection.

KENNETH F. PLUMB, *Secretary.*

[FR Doc.75-20234 Filed 8-1-75;8:45 am]

[Rate Schedule Nos. 53, etc.]

GENERAL AMERICAN OIL CO. OF TEXAS, ET AL.

Rate Change Filings

JULY 29, 1975.

Take notice that the producers listed in the Appendix attached hereto have filed proposed increased rates to the applicable new gas national ceiling based on the interpretation of vintaging concepts set forth by the Commission in its Opinion No. 699-H, issued December 4, 1974. Pursuant to Opinion No. 699-H the rates, if accepted, will become effective as of the date of filing.

The information relevant to each of these sales is listed in the Appendix.

Any person desiring to be heard or to make any protest with reference to said filings should on or before August 15, 1975, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). A protest will not serve to make the protestant a party to the proceeding. Any party wishing to become a party to a proceeding must file a petition to intervene in accordance with the Commission's Rules.

KENNETH F. PLUMB, *Secretary.*

Appendix

Filing date	Producer	Rate schedule No.	Buyer	Area
July 17, 1975	General American Oil Co. of Texas, Meadows Bldg., Dallas, Tex. 75206.	53	Mississippi River Transmission Corp.	Other Southwest.
July 21, 1975	TransOcean Oil, Inc., 1st City East Bldg., Houston, Tex. 77002.	4	Tennessee Gas Pipeline Co.	Texas Gulf Coast.
Do	Gulf Oil Corp., P.O. Box 1589, Tulsa, Okla. 74102.	79	Texas Gas Transmission Corp.	South Louisiana.

[FR Doc.75-20237 Filed 8-1-75;8:45 am]

[Docket No. E-9206]

McDOWELL COUNTY CONSUMERS COUNCIL, INC., ET AL.

Order Instituting Investigation and Establishing Procedures

In the matter of McDowell County Consumers Council, Inc. v. American Electric Power Company, *et al.*, American Electric Power Service Corporation, Appalachian Power Company, Central Appalachian Coal Company, Cedar Coal Company, Central Coal Company, Central Operating Company, Kanawha Valley Power Company, Southern Appalachian Coal Company, West Virginia Power Company, Franklin Real Estate Company, Indiana Franklin Realty, Inc., Indiana & Michigan Electric Company, Indiana & Michigan Power Company, Kentucky Power Company, Kingsport Power Company, Ohio Power Company, Beech Bottom Power Company, Inc., Southern Ohio Coal Company, Cardinal Operating Company, Central Operating Company, Central Ohio Coal Company, Windsor Power House Coal Company, Ohio Electric Company, Ohio Valley Electric Corp., Indiana-Kentucky Electric Corporation, Twin Branch Railroad Company, Wheeling Electric Company, Michigan Power Company, Michigan Gas Exploration Company, Michigan Electric Power Company.

JULY 29, 1975.

On January 16, 1975, we issued a Notice of Filing of Complaint in this docket. In the notice we stated that we had received a letter dated October 25, 1974, which we would treat as a complaint in the above-captioned docket concerning certain practices of Appalachian Power Company (APCO) which may be contrary to the Federal Power Act. The letter signed by an attorney for the Appalachian Research and Defense Fund, Inc. was forwarded to this Commission by letter dated November 6, 1974, by the office of the Subcommittee on Budget, Management and Expenditure of the Senate Committee on Government Operations.

We forwarded a copy of the complaint to APCO on January 16, 1975 and required an answer within thirty days. On February 18, 1975, APCO filed a motion to dismiss the complaint. By order issued March 17, 1975, we denied APCO's motion to dismiss and ordered APCO to answer the complaint. On April 30, 1975, APCO filed its answer to the complaint and renewed its motion to dismiss. McDowell County Consumer Council, Inc. filed a response to the motion to dismiss on May 30, 1975.

In response to the Notice of Complaint three other parties have filed comments and requests to participate in any investigation which we may order. These parties are Richmond Power and Light of the City of Richmond, Indiana (RP&L), Environmental Action Foundation (EAF), and the State of Michigan (Michigan). We shall treat all these responses as petitions to intervene and grant them. All of the petitioners noted that APCO is a subsidiary of American Electric Power Company (AEP) and each urged that any investigation be broadened in scope to encompass the activities of the entire AEP system. RP&L and Michigan expressed direct concern with the practices of the AEP subsidiary Indiana & Michigan Electric Company (I&M). RP&L requests a prehearing conference to define the scope of any investigation and set procedures for discovery.

The original complaint raised questions concerning the pricing of APCO's affiliate produced coal for the purposes of implementing the fuel adjustment clause applied to retail consumers; the purchasing by APCO of coal on the spot market at prices above the cost of affiliate produced coal at a time when such affiliate produced coal was being sold to I&M, the shifting of coal between or among AEP subsidiaries; the conducting of an advertising campaign by AEP concerning strip mining regulation and Clean Air Act standards; and the purchasing and bargaining for coal contracts generally. In connection with the last question, the complaint noted the disparity between the terms of AEP contracts for Western coal and Eastern coal and the possibility of abuse arising over differing sulphur concentrations in coal.

In its motion to dismiss and answer to the complaint APCO questioned the standing of the McDowell County Consumers Council, Inc. (McDowell) to lodge a complaint with this Commission. APCO noted that questions concerning the implementation of the fuel adjustment clause in use for retail consumers are beyond the jurisdiction of this Commission, and that in any event, APCO has been following the orders of the West Virginia Public Service Commission in implementing the retail fuel adjustment clause. APCO also contends that the pricing of coal purchased from affiliates is regulated by the Securities and Exchange Commission (SEC). Further, APCO denied any wrongdoing in the purchasing, contracting for, or shifting of coal among its affiliates.

With respect to APCO's questioning of the standing of McDowell to lodge a complaint, McDowell has answered that it is an organization designed to protect the consumers of McDowell County, West Virginia. Many consumers in McDowell County are served by wholesale customers[1] of APCO. These consumers are directly affected by the actions and practices of APCO. We find that an organization which represents these consumers has standing to file a complaint.

With respect to the allegations concerning APCO's retail fuel adjustment clause, we find that this Commission is without authority to remedy abuses related to retail fuel adjustment clauses because this is a matter subject to state jurisdiction. This Commission has jurisdiction over AEP affiliates' wholesale fuel adjustment clauses and is exercising that authority in the investigation we herein undertake. Accordingly, we shall not investigate the operation of retail fuel adjustment clauses in this proceeding. With respect to the allegations concerning AEP's advertising policies, practices and expenditures, we find it appropriate to include such a part of the investigation herein instituted, provided, however, that the investigation into AEP advertising be limited to matters affecting the coal procurement practices and policies of AEP and its affiliates.[2]

APCO contends that the prices charged for coal by affiliated companies is subject to the regulation of the SEC. The investigation herein instituted is for the purpose of fulfilling this Commission's statutory obligation as expressed in Sections 202, 205, 206, 301, 306, 307 and 309 of the Federal Power Act which are in no way repugnant to the exercise of any authority which the SEC may choose to assert under its statute.

APCO's answer however is not sufficient to lay to rest the basic allegations concerning its coal-related policies, practices and procedures. There are contradictory statements in the various pleadings as to cost of coal purchased from nonaffiliated sources.[3] The question of the prudence of APCO's purchases cannot be settled on the basis of the pleadings. Moreover, a review of the complainant's pleadings indicate that an investigation of the entire AEP system as it relates to coal is required. APCO is but a single member of a large complex system of interconnected companies which operate as a single integrated operating system. In order to understand the operations of any affiliated company, such as APCO, it is obvious that the structure of the AEP system and the relationship between the affiliates in the system will have to be examined as each relates to coal. Accordingly, we shall make AEP and the operating companies within its system respondents in this proceeding. In order that this investigation be limited to the items heretofore specified, we shall confine the examination of the structure of and relationships in the AEP system to questions related to coal purchasing, shifting, and production, the wholesale fuel adjustment clauses, and advertising policies, practices and expenditures as they relate to coal procurement and use.

Accordingly, an investigation shall be instituted concerning the following:

(A) The reasonableness and prudence of AEP's and its affiliate's coal purchase policies and practices as well as all factors influencing or affecting the delivered price of coal including but not limited to:

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[1] Kimball Light and Water Company and Elkhorn Public Service Company.

[2] Advertising practices of APCO as well as other AEP affiliates unrelated to coal procurement policies, practices and expenditures may be subject to review in individual rate proceedings involving the affiliates.

[3] See APCO Answer filed April 30, 1975, at pages 12–13, McDowell Response, filed May 30, 1975, at page 5, APCO amendment and answer filed June 13, 1975.

(1) the price paid for non-affiliate produced coal
(2) the price paid for affiliate produced coal
(3) the relation of prices paid for affiliate produced coal to cost of producing the coal
(4) the contracts for coal which have been executed and the circumstances and policy related to their execution
(5) the conditions, policies, and practices which determine whether coal is purchased on the spot market, under long term contract, or from affiliates
(6) the conditions, policies, and practices which determine whether coal is purchased in the Eastern or Western markets.
(7) the conditions, policies and practices which determine whether and to what degree coal is shifted from one AEP affiliate to another
(8) the reasonableness and prudence of such shifts from one affiliate to another
(B) The manner in which AEP and its affiliates implement their wholesale fuel adjustment clauses.
(C) The relationships betwen AEP's advertising expenditures and the system's policies and practices with respect to coal.

In order to expedite this investigation we shall order a pre-hearing conference at which a Presiding Administrative Law Judge shall set further procedural dates, establish procedures for expeditious discovery of the relevant facts, and receive the views of the parties on such other matters as affect the conduct of the investigation herein ordered.

The Commission finds:

(1) Good cause exists to enter upon an investigation of certain practices and policies of the AEP system.
(2) Good cause exists to grant RP&L's, EAF's and Michigan's petitions to intervene.
(3) Good cause exists to designate those parties listed in Appendix I as party respondents.

The Commission orders:

(A) Pursuant to Sections 205, 206, 301, 306, 307, and 309 of the Federal Power Act we hereby institute and enter upon an investigation into the complaint of the McDowell County Consumer Council, Inc. The investigation herein ordered shall concern:
(A) The reasonableness and prudence of AEP's and its affiliate's coal purchase policies and practices as well as all factors influencing or affecting the delivered price of coal including but not limited to:
(1) the price paid for non-affiliate produced coal
(2) the price paid for affiliate produced coal
(3) the relation of prices paid for affiliate produced coal to cost of producing the coal
(4) the contracts for coal which have been executed and the circumstances and policy related to their execution [4]
(5) the conditions, policies, and practices which determine whether coal is purchased on the spot market, under long term contract, or from affiliates
(6) the conditions, policies, practices which determine whether coal is purchased in the Eastern or Western markets
(7) the conditions, policies and practices which determine whether and to what degree coal is shifted from one AEP affiliate to another
(8) the reasonableness and prudence of such shifts from one affiliate to another
(B) The manner in which AEP and its affiliates implement their wholesale fuel adjustment clauses.
(C) The relationships between AEP's advertising expenditures and the system's policies and practices with respect to coal.
(B) A prehearing conference shall be held at 10:00 A.M., August 26, 1975, for the purposes of setting further procedural dates, establishing procedures for expeditious discovery of the relevant facts, and receiving the views of the parties on the such other matters as affect the conduct of the investigation herein ordered.
(C) A Presiding Administrative Law Judge to be designated by the Chief Administrative Law Judge for that purpose (See Delegation of Authority, 18 CFR 3.5(d)), shall preside at the pre-hearing conference and at the later hearings, shall prescribe relevant procedural matters not herein provided, and shall control this proceeding in accordance with the policies and limitations expressed in this order.
(D) The above-named petitioners are hereby permitted to intervene in these proceedings subject to the rules and regulations of the Commission; *Provided, however,* that participation of such intervenors shall be limited to matters affecting asserted rights and interests as specifically set forth in the petition to intervene; and *Provided, further,* that the admission of such intervenors shall not be construed as recognition by the Commission that they might be aggrieved because of any order or orders of the Commission entered in this proceeding.
(E) The parties listed in Appendix I are hereby designated party respondents.
(F) The Secretary shall cause prompt publication of this order to be made in the FEDERAL REGISTER.

By the Commission.

[SEAL] KENNETH F. PLUMB, *Secretary.*

[4] The coal contracts subject to this investigation shall include all coal contracts whether or not required to be submitted pursuant to Commission Order No. 517.

APPENDIX I

NAME OF COMPANY

American Electric Power Company, American Electric Power Service Corporation, Appalachian Power Company, Central Appalachian Coal Company, Cedar Coal Company, Central Coal Company, Central Operating Company, Kanawha Valley Power Company, Southern Appalachian Coal Company, West Virginia Power Company, Franklin Real Estate Company, Indiana Franklin Realty, Inc., Indiana & Michigan Electric Company, Indiana & Michigan Power Company, Kentucky Power Company, Kingsport Power Company, Ohio Power Company, Beech Bottom Power Company, Inc., Southern Ohio Coal Company, Cardinal Operating Company, Central Coal Company, Central Operating Company, Central Ohio Coal Company, Windsor Power House Coal Company, Ohio Electric Company, Ohio Valley Electric Corporation, Indiana-Kentucky Electric Corporation, Twin Branch Railroad Company, Wheeling Electric Company, Michigan Power Company, Michigan Gas Exploration Company, Michigan Electric Power Company.

[FR Doc.75-20240 Filed 8-1-75;8:45 am]

FEDERAL RESERVE SYSTEM

CENTRAL BANCORPORATION, INC.

Order Approving Acquisition

The Central Bancorporation, Inc., Cincinnati, Ohio, a bank holding company within the meaning of the Bank Holding Company Act, has applied for the Board's approval, under section 4(c)(8) of the Act and § 225.4(b)(2) of the Board's Regulation Y, to acquire all of the voting shares of The Shawnee Life Insurance Company, Phoenix, Arizona ("Shawnee"), a company that will engage *de novo* in the activity of reinsuring credit life and credit accident and health insuranee issued to borrowers in connection with extensions of consumer credit by subsidiaries of Applicant. Such activity has been determined by the Board to be closely related to banking (12 C.F.R. § 225.4(a)(10)).

Notice of the application, affording opportunity for interested persons to submit comments and views on the public interest factors, has been duly published (40 Federal Register 23544). The time for filing comments and views has expired, and the Board has considered all comments received in the light of the public interest factors set forth in section 4(c)(8) of the Act (12 U.S.C. § 1843(c)(8)).

Applicant, the ninth largest banking organization in Ohio, controls eight banks with aggregate deposits of approximately $986 million, representing 3.4 per cent of the total deposits in commercial banks in the State.[1]

[1] All banking data are as of December 31, 1974, and reflect holding company formations and acquisitions approved by the Board through June 30, 1975.

Shawnee will engage *de novo* in the activity of acting as reinsurer of credit life and credit accident and health insurance directly related to extensions of consumer credit by Applicant's present and future subsidiaries. Credit life and credit accident and health insurance is generally made available by banks and other lenders and is designed to assure repayment of a loan in the event of death or disability of the borrower. Since Applicant proposes to engage *de novo* in this activity, consummation of the proposal would not have any significant adverse effects on existing or potential competition in any relevant area.

Applicant has stated that, in the event of approval of its proposal, Shawnee would offer various types of credit insurance at rates below those permitted under State law. In particular, Shawnee would offer credit life insurance at a premium rate 4 percent below the statutory maximum and, if credit disability insurance is reinsured, credit disability insurance at a premium rate 5 percent below the statutory maximum. In addition, Shawnee would extend the maximum age for purchasing credit life insurance to the borrower's 66th birthday. Presently, Applicant's subsidiaries' customers can only purchase from Applicant or its subsidiaries credit life insurance prior to their 65th birthday and at the statutory maximum rates.

The Board regards Applicant's proposed premium rate reductions and increase in policy coverage as procompetitive and in the public interest and expects that such rate reductions and increase in policy coverage will be instituted immediately upon Shawnee's commencement of credit insurance underwriting.

Based upon the foregoing and other considerations reflected in the record, the Board has determined, in accordance with the provisions of section 4(c)(8), that consummation of this proposal can reasonably be expected to produce benefits to the public that outweigh possible adverse effects. Accordingly, the application is hereby approved. This determination is subject to the conditions set forth in section 225.4(c) of Regulation Y and to the Board's authority to require such modification or termination of the activities of a holding company or any of its subsidiaries as the Board finds necessary to assure compliance with the provisions and purposes of the Act and the Board's regulations and orders issued thereunder, or to prevent evasion thereof.

The transaction shall be made not later than three months after the effective date of this Order, unless such period is extended for good cause by the Board or by the Federal Reserve Bank of Cleveland, pursuant to authority hereby delegated.

By order of the Board of Governors,[1] effective July 25, 1975.

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

[FR Doc.75-20179 Filed 8-1-75;8:45 am]

FEDERATED CAPITAL CORP.

Proposal To Engage in Underwriting of Credit-Related Insurance

Federated Capital Corporation, Houston, Texas, has applied, pursuant to § 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.4(b)(2) of the Board's Regulation Y, for permission to engage in the activities of underwriting, as a Texas insurer, credit life and credit accident and health insurance for Applicant's banking system through Financial Protection Insurance Company of Texas, Houston, Texas, a proposed new company. Notices of the application were published between June 19 and June 26, 1975, inclusive, in newspapers of general circulation in the following locations: Austin, Houston, San Antonio, Corpus Christi, and New Braunfels, Texas.

Applicant states that the proposed subsidiary would engage in those activities at the aforementioned locations in Texas. Such activities have been specified by the Board in § 225.4(a) of Regulation Y as permissible for bank holding companies, subject to Board approval of individual proposals in accordance with the procedures of § 225.4(b).

Interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question should be accompanied by a statement summarizing the evidence the person requesting the hearing proposes to submit or to elicit at the hearing and a statement of the reasons why this matter should not be resolved without a hearing.

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Dallas.

Any views or requests for hearing should be submitted in writing and received by the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, not later than August 27, 1975.

[1] Voting for this action: Governors Holland, Wallich, Coldwell and Jackson. Absent and not voting: Chairman Burns and Governors Mitchell and Bucher.

Board of Governors of the Federal Reserve System, July 25, 1975.

[SEAL] GRIFFITH L. GARWOOD,
Assistant Secretary of the Board.

[FR Doc.75-20180 Filed 8-1-75;8:45 am]

NORTHWEST BANCORPORATION

Order for Hearing

On March 21, 1975, the Board of Governors of the Federal Reserve System ordered a hearing, pursuant to a decision by the United States Court of Appeals for the Eighth Circuit, on the application of Northwest Bancorporation to acquire T. G. Evansen and Associates, a corporation which provides financial and investment advice to State and local governments. Pursuant to that Board Order (40 FR 14376), Philip J. LaMacchia, former Administrative Law Judge, now retired, has been appointed as the Presiding Officer to conduct the hearing in accordance with the Board's Rules of Practice for Formal Hearings (12 CFR Part 263).

The hearing will commence at 10:00 a.m. on September 16, 1975, at the Federal Reserve Bank of Minneapolis, and it will be open to the public.

By Order of the Secretary of the Board, acting pursuant to delegated authority from the Board of Governors, effective July 24, 1975.

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

[FR Doc.75-20181 Filed 8-1-75;8:45 am]

SOUTHERN ILLINOIS BANCORPORATION, INC.

Formation of Bank Holding Company

Southern Illinois Bancorporation, Highland, Illinois, has applied for the Board's approval under § 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company through acquisition of 95 per cent or more of the voting shares of Farmers and Merchants Bank of Highland, Highland, Illinois. The factors that are considered in acting on the application are set forth in § 3(c) of the Act (12 U.S.C. 1842(c)).

Southern Illinois Bancorporation, Inc., Highland, Illinois has also applied, pursuant to § 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.4(b)(2) of the Board's Regulation Y, for permission to act as broker for insurance directly related to extensions of credit by its proposed subsidiary bank. Notice of the application was published on June 25, 1975 in Highland News Leader, a newspaper circulated in Highland, Illinois.

Applicant states that the proposed subsidiary would engage in insurance activ-

ities as broker for insurance directly related to extension of credit by a bank, such as credit life and credit accident and health insurance. Such activities have been specified by the Board in § 225.4(a) of Regulation Y as permissible for bank holding companies, subject to Board approval of individual proposals in accordance with the procedures of § 225.4(b).

Interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question should be accompanied by a statement summarizing the evidence the person requesting the hearing proposes to submit or to elicit at the hearing and a statement of the reasons why this matter should not be resolved without a hearing.

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of St. Louis.

Any views or requests for hearing should be submitted in writing and received by the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, not later than August 29, 1975.

Board of Governors of the Federal Reserve System, July 28, 1975.

[SEAL] GRIFFITH L. GARWOOD,
Assistant Secretary of the Board.

[FR Doc.75-20182 Filed 8-1-75;8:45 am]

TEXARKANA NATIONAL BANCSHARES, INC.

Formation of Bank Holding Co.

Texarkana National Bancshares, Inc., Texarkana, Texas, has applied for the Board's approval under § 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company through acquisition of 100 per cent of the voting shares, less directors' qualifying shares, of The Texarkana National Bank and Twin City Bank, Texarkana, Texas. The factors that are considered in acting on the application are set forth in § 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of Dallas. Any person wishing to comment on the application should submit views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551 to be received not later than August 18, 1975.

Board of Governors of the Federal Reserve System, July 28, 1975.

[SEAL] GRIFFITH L. GARWOOD,
Assistant Secretary of the Board.

[FR Doc.75-20183 Filed 8-1-75;8:45 am]

GENERAL SERVICES ADMINISTRATION

EXECUTIVE BRANCH POSITION ON COMMISSION ON GOVERNMENT PROCUREMENT

Recommendations D-16 and D-17

Recommendation D-16 is to—"Assign responsibility for consistent and equitable implementation of legislative policy concerning food acquisition to the Office of Federal Procurement Policy or to an agency designated by the President."

Recommendation D-17 is to—"Establish by legislation a central coordinator to identify and assign individual agency responsibilities for management of the Federal food quality assurance program."

The enactment of the Office of Federal Procurement Policy Act (Public Law 93-400) resulted in the acceptance by the executive branch of Recommendations D-16 and D-17. The Act has the effect of vesting in the Administrator for Federal Procurement Policy the responsibility for food acquisition policy and the authority to assign individual agency responsibilities for management of the Federal food quality assurance program. Consequently, Recommendations D-16 and D-17 were implemented when the Office of Federal Procurement Policy was activated on December 31, 1974.

Dated at Washington, D.C. on July 25, 1975.

WILLIAM W. THYBONY,
Acting Associate Administrator for Federal Management Policy.

[FR Doc.75-20141 Filed 8-1-75;8:45 am]

REGIONAL PUBLIC ADVISORY PANEL ON ARCHITECTURAL AND ENGINEERING SERVICES

Notice of Meeting

Pursuant to Public Law 92-463, notice is hereby given of a meeting of the Regional Public Advisory Panel on Architectural and Engineering Services, Region 7, August 18, 1975, from 9:30 a.m. to 4:00 p.m., Room 12A01, Fritz G. Lanham Federal Building, 819 Taylor Street, Fort Worth, Texas. The meeting will be concerned with the review of the conceptual design for the Border Patrol Sector Headquarters, Marfa, Texas. Frank and open critical analysis of the proposed design is essential to insure that the design approach produces the best possible design solution. Accordingly, pursuant to a determination that it will be concerned with a matter listed in 5 U.S.C. 552(b)(5) the meeting will not be open to the public.

JAMES D. LLEWELLYN,
Acting Regional Administrator.

[FR Doc.75-20140 Filed 8-1-75;8:45 am]

INTERNATIONAL TRADE COMMISSION

[AA1921-148]

VINYL CLAD FENCE FABRIC FROM CANADA

Investigation and Hearing

Having received advice from the Department of the Treasury on July 24, 1975, that vinyl clad fence fabric from Canada, other than that produced and sold by General Wire and Cable Co., Ltd., is being, or is likely to be, sold at less than fair value, the United States International Trade Commission on July 29, 1975, instituted investigation No. AA1921-148 under section 201(a) of the Antidumping Act, 1921, as amended (19 U.S.C. 160(a)), to determine whether an industry in the United States is being or is likely to be injured, or is prevented from being established, by reason of the importation of such merchandise into the United States.

Hearing. A public hearing in connection with the investigation will be held in the Commission's Hearing Room, U.S. International Trade Commission Building, 8th and E Streets NW., Washington, D.C. 20436, beginning at 10:00 a.m. EDT, on Tuesday, September 9, 1975. All parties will be given an opportunity to be present, to produce evidence, and to be heard at such hearing. Requests to appear at the public hearing should be received by the Secretary of the Commission, in writing, at its office in Washington, D.C., not later than noon Friday, September 5, 1975.

By order of the Commission.

Issued: July 30, 1975.

KENNETH R. MASON,
Secretary.

[FR Doc.75-20244 Filed 8-1-75;8:45 am]

NATIONAL SCIENCE FOUNDATION

WORKSHOP ON INCREASING EFFICIENCY AND EFFECTIVENESS IN ELECTRICAL POWER GENERATION

Open Meeting

The National Science Foundation is convening a Workshop on Increasing Efficiency and Effectiveness in Electrical Power Generation on August 21 and 22, 1975, in the Main Conference Center, the MITRE Corporation, Westgate Research Park, McLean, Virginia. Both sessions will begin at 9:00 a.m. and the Workshop will adjourn at 4:00 p.m. on August 22. The purpose of the Workshop is to provide a forum for discussion of electrical power generation efficiency and effectiveness. While this ad hoc informal session is not considered to be a meeting of an "advisory committee" as that term is defined in Section 3 of the Federal Advisory Committee Act (P.L. 92-463), this Workshop is believed to be of sufficient importance and interest to the general public to be announced in the FEDERAL REGISTER as a meeting open for public attendance and participation. The agenda for the meeting is as follows:

AUGUST 21

Introduction and Overview
Technical Factors in Reducing Time and Cost of Construction
(a) Construction Factors
(b) Economies of Scale vs. Mass Production

AUGUST 22

Increasing Load Factors, Availability and Reliability

Future Electrical Systems and Peak Loading

Summary

The Workshop will be chaired by Mr. David Cope, Federal Energy Administration, and is open to the public. Individuals who wish to attend should inform Dr. Hans L. Hamester, Energy Policy Analyst, Office of Energy R&D Policy, Rm. 537, National Science Foundation, Washington, D.C. 20550 telephone 202/632-7804, prior to the Workshop. Dr. Hamester should be contacted for further information concerning the Workshop or for summary proceedings.

HANS L. HAMESTER,
Energy Policy Analyst,
Office of Energy R&D Policy.

JULY 30, 1975.

[FR Doc.75-20159 Filed 8-1-75;8:45 am]

NUCLEAR REGULATORY COMMISSION

STUDY OF FINANCIAL ASSISTANCE TO INTERVENORS

Availability of Report

Notice is hereby given that the Nuclear Regulatory Commission has received a report from the consultants retained to study the question of providing financial assistance to intervenors in NRC licensing cases and other proceedings.

In November 1974, the former Atomic Energy Commission (AEC) decided that requests for financial assistance to intervenors in several proceedings then pending before it raised several broadly applicable questions which should be explored in a public rulemaking proceeding. Subsequently, competitive proposals were solicited by the AEC. In keeping with this solicitation, and after the establishment of the Nuclear Regulatory Commission (NRC), the firm of Boasberg, Hewes, Klores and Kass was selected to perform an independent study of the matter to provide information for the rulemaking proceeding. The report by the Boasberg firm should serve to provide data and background for focusing the issues to be considered during the rulemaking proceeding.

The study was commissioned to address such questions as:

1. What are the considerations in favor of and against such financial assistance?

2. What is the financial assistance experience of other Federal and state agencies?

3. If the NRC decides to implement a policy of financial assistance:

a. What kinds of expenses should qualify for Commission assistance—experts' fees, attorneys' fees, other expenses?

b. Should assistance be granted before or after an intervenor's presentation?

c. What criteria should govern grants for assistance?

d. Should assistance be granted to more than one intervenor in a particular proceeding?

e. Given limited availability of funds, what should be the maximum amounts of assistance?

f. Given limited availability of funds, how should they be allocated?

g. What kinds of proceedings should be covered—licensing, rulemaking, other proceedings?

4. Are there preferable alternatives to financial assistance to intervenors, such as establishment of an agency Office of Public Counsel, or provision for other forms of NRC assistance?

The Commission expects to announce, in a separate FEDERAL REGISTER notice, the scheduling and procedures which will apply to the rulemaking proceeding which will consider the matter of financial assistance to intervenors. Issuance of the report and the fact of the projected rulemaking proceeding should not be taken as an expression of Commission viewpoints on any of the issues involved. The Commission's decision on the issues will come only after review of the rulemaking record. Notice of the availability of the consultant's report is being issued at this time in order to afford interested persons the opportunity to study the report and formulate comments for later submission and consideration in the rulemaking proceeding.

The study is available for inspection by the public in the Commission's Public Document Room at 1717 H Street, N.W. Single copies of the study may be obtained, to the extent of supply, by request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555.

Dated at Washington, D.C. this 29th day of July 1975.

SAMUEL J. CHILK,
Secretary of the Commission.

[FR Doc.75-20162 Filed 8-1-75;8:45 am]

[Docket No. 50-540]

WESTINGHOUSE ELECTRIC CORP.

Application for and Nuclear Regulatory Commission Consideration of Issuance of Facility Export License

Please take notice that Westinghouse Electric Corporation submitted to the Nuclear Regulatory Commission an application for a license to authorize the export of a pressurized water reactor with a thermal power level of 1876 megawatts to Yugoslovia and that the issuance of such license is under consideration by the Nuclear Regulatory Commission.

No license authorizing the proposed reactor export will be issued until the Nuclear Regulatory Commission determines that such export is within the scope of and consistent with the terms of an applicable agreement for cooperation arranged pursuant to Section 123 of the Atomic Energy Act of 1954, as amended (Act), nor until the Nuclear Regulatory Commission has found that:

(a) The application complies with the requirements of the Act, and the Commission's regulations set forth in 10 CFR Chapter 1, and

(b) The reactor proposed to be exported is a utilization facility as defined in said Act and regulations.

In its review of applications solely to authorize the export of production or utilization facilities, the Nuclear Regulatory Commission does not evaluate the health and safety characteristics of the facility to be exported.

Unless on or before August 19, 1975, a request for a hearing is filed with the Nuclear Regulatory Commission by the applicant, or a petition for leave to intervene is filed by any person whose interest may be affected by the proceeding, the Director of the Office of Nuclear Material Safety and Safeguards may, upon the determinations and findings noted above, cause to be issued to Westinghouse Electric Corporation a facility export license and may cause to be published in the FEDERAL REGISTER a notice of issuance of the license. If a request for a hearing or a petition for leave to intervene is filed within the time prescribed in the notice, the Nuclear Regulatory Commission will issue a notice of hearing or an appropriate order.

A copy of the application is on file in the Nuclear Regulatory Commission's Public Document Room located at 1717 H Street, N.W., Washington, D.C.

Dated at Bethesda, Maryland this 16th day of July, 1975.

For the Nuclear Regulatory Commission.

G. WAYNE KERR,
Chief, Agreements and Exports Branch, Division of Materials and Fuel Cycle Facility Licensing.

[FR Doc.75-20161 Filed 8-1-75;8:45 am]

ADVISORY COMMITTEE ON REACTOR SAFEGUARDS; SUBCOMMITTEE ON STANDARDIZED NUCLEAR UNIT POWER PLANT SYSTEM

Meeting

In accordance with the purposes of Sections 29 and 182 b. of the Atomic Energy Act (42 U.S.C. 2039, 2232 b.), the ACRS Subcommittee on Standardized Nuclear Unit Power System (SNUPPS) will hold a meeting on August 19, 1975 in Room 1046 at 1717 H Street NW., Wash., D.C. 20555. The purpose of this meeting is to review the applications by the Kansas City Power and Light Company, Kansas Gas and Electric Company, Northern States Power Company, Rochester Gas and Electric Company, and the Union Electric Company for permits to construct the standardized portion of the SNUPP System. Site-specific issues will be discussed at separate future meetings with individual applicants.

The agenda for the subject meeting shall be as follows:

Tuesday, August 19, 1975, 9:00 a.m. until the conclusion of business.

The Subcommittee will hear presentations by representatives of the Applicants and by the NRC Staff and will hold discussions with these groups pertinent to the common aspects of the SNUPPS design.

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

application. 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 and Applicants 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 Public Law 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 a readily reproducible copy thereof, postmarked no later than August 12, 1975, to the Executive Secretary, ACRS, NRC, 1717 H St. NW., Wash., D.C. 20555. Background information concerning items to be discussed at the meeting can be found in the Preliminary Safety Analysis Reports for these projects and related documents on file and available for public inspection at the NRC Public Document Room, 1717 H St. NW., Wash., D.C. 20555, and at the Olin Library of Washington University, Skinker and Lindell Boulevards, St. Louis, MO 63130, the Fulton City Library, 709 Market St., Fulton, MO 65251, the Oswego City Library, 120 East Second St., Oswego, NY 13126, the University of Wisconsin Stout Library, Menomonie, WI 54751, and the Coffey County Courthouse, Burlington, KS 66839. Comments which fail to meet the specified mailing date noted above will be considered to the extent practicable.

(b) 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 so that appropriate arrangements can be made. To the extent that the time available for the meeting permits, the Subcommittee will receive oral statements at an appropriate time, chosen by the Chairman of the Subcommittee.

(c) Further information regarding topics to be discussed, whether the meeting has been cancelled or rescheduled, 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 August 18, 1975 to the Office of the Executive Secretary of the Committee (telephone 202/634–1920, ATTN: Mr. John C. McKinley) between 8:15 a.m. and 5:00 p.m., Eastern Daylight Time.

(d) Questions may be propounded only by members of the Subcommittee and its consultants.

(e) Seating for the public will be available on a first-come, first-served basis.

(f) 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.

(g) Persons desiring to attend portions of the meeting where proprietary information, other than plant security information, is to be discussed may do so by providing to the Executive Secretary, ACRS, NRC, 1717 H Street, N.W., Wash., 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.

(h) A copy of the transcript of the open portion of the meeting will be available for inspection on or after August 25, 1975 at the NRC Public Document Room, 1717 H St. NW., Wash., D.C. 20555, and at the Olin Library of Washington University, Skinker and Lindell Boulevards, St. Louis, MO 63130, the Fulton City Library, 709 Market St., Fulton, MO 65251, the Oswego City Library, 120 East Second St., Oswego, NY 13126, the University of Wisconsin Stout Library, Menomonie, WI 54751, and the Coffey County Courthouse, Burlington, KS 66839. Copies of the transcript may be reproduced in the Public Document Room or may be obtained from Ace Federal Reporters, Inc., 415 Second St. NE., Wash., D.C. 20002 (telephone 202/547–6222) upon payment of appropriate charges.

(i) On request, copies of the minutes of the meeting will be made available for inspection at the NRC Public Document Room, 1717 H St., NW., Wash., D.C. 20555, after November 19, 1975. Copies may be obtained upon payment of appropriate charges.

Dated: July 31, 1975.

JOHN C. HOYLE,
Advisory Committee Management Officer.

[FR Doc.75-20367 Filed 8-1-75;9:09 am]

OFFICE OF MANAGEMENT AND BUDGET

COMMISSION ON FEDERAL PAPERWORK

Public Meeting

Pursuant to Public Law No. 92–463, notice is hereby given of a meeting held by the Commission on Federal Paperwork on July 29, 1975, in Room S–407, The Capitol, which commenced at 1:00 p.m. The purpose of this meeting was to complete the organizational and administrative discussions that were held during the Commission's initial meeting of July 23, 1975 (40 F.R. 141).

Waiver of the 15 day public notice in the Federal Register was approved for this meeting by the Director, Office of Management and Budget. This waiver was required in order to expediously complete the unfinished business of the Commission's initial meeting. It is expected that the necessity for a waiver shall not reoccur.

Further information regarding the meeting may be obtained from the Organization and Special Studies Division, Office of Management and Budget, Room 10236, New Executive Office Building, Washington, D.C. 20503, telephone (202) 395–4868.

VELMA N. BALDWIN,
Assistant to the Director for Administration.

[FR Doc.–75–20172 Filed 8–1–75;8:45 am]

SMALL BUSINESS ADMINISTRATION

[Declaration of Disaster Loan Area #1161]

CONNECTICUT

Declaration of Disaster Area

Litchfield and adjacent counties within the State of Connecticut constitute a disaster area because of damage resulting from heavy rains and flooding which occurred on July 11–15, 1975. Eligible persons, firms and organizations may file applications for loans for physical damage until the close of business on September 22, 1975 and for economic injury until the close of business on April 24, 1976 at:

Small Business Administration, District Office, 450 Main Street, Hartford, Connecticut 06103.

or other locally announced locations.

Dated: July 24, 1975.

THOMAS S. KLEPPE,
Administrator.

[FR Doc.75-20188 Filed 8-1-75;8:45 am]

[Declaration of Disaster Loan Area #1162]

IOWA

Declaration of Disaster Area

Jasper, Polk, Story, and adjacent counties within the State of Iowa constitute a disaster area because of damage resulting from flooding on June 8 through June 27, 1975. Eligible persons, firms and organizations may file applications for loans for physical damage until the close of business on September 22, 1975 and for economic injury until the close of business on April 24, 1976 at:

Small Business Administration, District Office, 210 Walnut Street, Des Moines, Iowa 50309.

or other locally announced locations.

Dated: July 24, 1975.

THOMAS S. KLEPPE,
Administrator.

[FR Doc.75-20189 Filed 8-1-75;8:45 am]

[Declaration of Disaster Loan Area #1164]

MARYLAND

Declaration of Disaster Area

Montgomery and adjacent counties within the State of Maryland constitute a disaster area because of damage resulting from flooding on or about July 15, 1975. Eligible persons, firms and organizations may file applications for loans for physical damage until the close of business on September 26, 1975 and for economic injury until the close of business on April 28, 1976, at:

Small Business Administration, District Office, 1030 15th Street, Suite 250, Washington, D.C. 20416.

or other locally announced locations.

Date: July 28, 1975.

THOMAS S. KLEPPE,
Administrator.

[FR Doc.75-20190 Filed 8-1-75;8:45 am]

[Declaration of Disaster Loan Area #1163]

NEW JERSEY

Declaration of Disaster Area

As a result of the President's declaration, I find that Bergen, Burlington, Cumberland, Essex, Mercer, Middlesex, Morris, Passaic, Salem, Somerset, Sussex, Union and adjacent counties within the State of New Jersey, constitute a disaster area because of damage resulting from heavy rains, high winds, hail and flooding beginning about July 13, 1975. Eligible persons, firms and organizations may file applications for loans for physical damage until the close of business September 22, 1975, and for economic injury until the close of business April 23, 1976, at:

Small Business Administration, District Office, 970 Broad Street, Room 1635, Newark, New Jersey 07102.

or other locally announced locations.

Dated: July 28, 1975.

THOMAS S. KLEPPE,
Administrator.

[FR Doc.75-20191 Filed 8-1-75;8:45 am]

[Declaration of Disaster Loan Area #1156; Amdt. 1]

NORTH DAKOTA

Declaration of Disaster Area

In addition to previously declared counties (40 FR 31052), Grand Forks, Hettinger, Pembina, Walsh, and adjacent counties within the State of North Dakota constitute a disaster area because of damage resulting from severe storms and flooding beginning about June 27, 1975. Eligible persons, firms and organizations may file applications for loans for physical damage until the close of business on September 19, 1975, and for economic injury until the close of business on April 21, 1976, at:

Small Business Administration, District Office, Federal Office Building, Room 218, 653 Second Avenue North, Fargo, North Dakota 58102.

or other locally announced locations.

The last sentence of Declaration of Disaster Loan Area #1156 is also hereby revised to read as follows: "Eligible persons, firms and organizations may file applications for loans for physical damage until the close of business on September 19, 1975 . . ."

Dated: July 23, 1975.

THOMAS S. KLEPPE,
Administrator.

[FR Doc.75-20192 Filed 8-1-75;8:45 am]

[License No. 06/06-0161]

PERMIAN BASIN CAPITAL CORP.

Filing of Application for Approval of Conflict of Interest Transaction Between Associates

Notice is hereby given that Permian Basin Capital Corporation (Permian), 303 West Wall Avenue, Midland, Texas 79701, a Federal Licensee under the Small Business Investment Act of 1958, as amended (Act), has filed an application pursuant to Section 107.1004 of the Regulations governing small business investment companies (13 CFR 107.1004 (1975)), for approval of a conflict of interest transaction.

It is proposed that Permian provide $45,000 in financing to Mr. Sam Raddabinko to purchase equipment and inventory from Western United Equipment Company (Western), 500 West Industrial, Midland, Texas for the purpose of starting his own business.

Western is a wholly owned subsidiary of FNB Development Corporation (FNB), a publicly held corporation. The president, secretary-treasurer and two directors of Permian also serve FNB in the same capacity. There are no common shareholders of Permian and FNB. Pursuant to the provisions of § 107.3(f) of the SBA Rules and Regulations, FNB is considered to be an Associate of Permian. As such, the transaction falls within the purview of § 107.1004(b)(5) of the Regulations and will require the prior written approval of the Small Business Administration (SBA).

Notice is further given that any interested person may, not later than fifteen days from the date of the publication of this notice submit to SBA, in writing, relevant comments on the proposed transaction. Any such communications should be addressed to: Associate Administrator for Finance and Investment, Small Business Administration, 1441 "L" Street, N.W., Washington, D.C. 20416.

A copy of this notice shall be published by Permian in a newspaper of general circulation in Midland, Texas.

Dated: July 25, 1975.

JAMES THOMAS PHELAN,
Deputy Associate Administrator for Investment.

[FR Doc.75-20187 Filed 8-1-75;8:45 am]

VETERANS ADMINISTRATION

STATION COMMITTEE ON EDUCATIONAL ALLOWANCES

Meeting

Notice is hereby given pursuant to Section V, Review Procedure and Hearing Rules, Station Committee on Educational Allowances that on August 15, 1975, at 9:00 a.m., the Montgomery, Alabama Station Committee on Educational Allowances shall at 474 South Court Street, Montgomery, Alabama conduct a hearing to determine whether Veterans Administration benefits to all eligible persons enrolled in Blackwell Air Service, Inc., Ozark, Alabama should be discontinued, as provided in 38 C.F.R. 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 28, 1975.

WILEY H. PARKMAN,
Director, VA Regional Office.

[FR Doc.75-20193 Filed 8-1-75;8:45 am]

INTERSTATE COMMERCE COMMISSION

[Notice No. 822]

ASSIGNMENT OF HEARINGS

JULY 30, 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 124211 Sub 262, Hilt Truck Line, Inc., now being assigned September 18, 1975 (2 days), at Omaha, Nebr.; in a hearing room to be later designated.

MC 61592 Sub 339, Jenkins Truck Line, Inc., now being assigned October 29, 1975 (1 day), at Chicago, Illinois; in a hearing room to be designated later.
MC 106674 Sub 149, Schilli Motor Lines, Inc., now being assigned October 30, 1975 (2 days), at Chicago, Illinois; in a hearing room to be designated later.
MC 113855 Sub 308, International Transport, Inc., now being assigned November 3, 1975 (2 days), at Chicago, Illinois; in a hearing room to be designated later.
FF-347 Sub 1, Sal, Inc., now being assigned November 5, 1975 (3 days), at Chicago, Illinois; in a hearing room to be later designated.
MC 140724, Burning Bar Sales Co., Inc., now being assigned October 29, 1975 (1 day), at Chicago, Ill.; in a hearing room to be later designated.
MC 95876 Sub 160, Anderson Trucking Service, Inc., and MC 123407 Sub 222, Sawyer Transport, Inc., now being assigned for continued hearing on October 30, 1975 (2 days), at Chicago, Ill.; in a hearing room to be later designated.
MC-F-12264, Mayfield Transfer & Storage Co., Inc.—Purchase (portion)—Fred Olson Motor Service Company, and MC 110683 Sub 101, Smith's Transfer Corporation, now being assigned November 3, 1975 (1 week), at Chicago, Ill.; in a hearing room to be later designated.
MC 103993 Sub 850, Morgan Drive-Away, Inc., Application dismissed.
MC 8842 Sub 4, Dawson Bus Service, Inc., now being assigned November 3, 1975 (1 week), at Dover, Delaware; in a hearing room to be designated later.
MC 78643 Sub 61, Hart Motor Express, Inc., now assigned August 4, 1975, at Bismarck, North Dakota, has been postponed indefinitely.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.75-20255 Filed 8-1-75;8:45 am]

[Rule 19, Ex Parte No. 241, Exemption No. 95, Amdt. 2]

BESSEMER AND LAKE ERIE RAILROAD CO. AND NORFOLK AND WESTERN RAILWAY CO.

Exemption Under Provision of Mandatory Car Service Rules

Upon further consideration of Exemption No. 95 issued February 5, 1975.

It is ordered, That, under the authority vested in me by Car Service Rule 19, Exemption No. 95 to the Mandatory Car Service Rules ordered in Ex Parte No. 241, be, and it is hereby amended to *expire October 31, 1975.*

This amendment shall become effective July 31, 1975.

Issued at Washington, D.C., July 28, 1975.

INTERSTATE COMMERCE COMMISSION,
[SEAL] R. D. PFAHLER, *Agent.*

[FR Doc.75-20258 Filed 8-1-75;8:45 am]

[Rule 19, Ex Parte No. 241, Exemption No. 70, Amdt. 5]

ERIE LACKAWANNA RAILWAY CO.

Exemption Under Provision of Mandatory Car Service Rules

To: Erie Lackawanna Railway Company, Thomas F. Patton and Ralph S. Tyler, Jr., Trustee.

Norfolk and Western Railway Company.

Upon further consideration of Exemption No. 70 issued May 6, 1974.

It is ordered, That, under authority vested in me by Car Service Rule 19, Exemption No. 70 to the Mandatory Car Service Rules ordered in Ex Parte No. 241 be, and it is hereby, amended to expire *October 31, 1975.*

This amendment shall become effective July 31, 1975.

Issued at Washington, D.C., July 28, 1975.

INTERSTATE COMMERCE COMMISSION,
[SEAL] R. D. PFAHLER, *Agent.*

[FR Doc.75-20259 Filed 8-1-75;8:45 am]

[Notice No. 47]

MOTOR CARRIER TRANSFER PROCEEDINGS

AUGUST 4, 1975.

Application filed for temporary authority under Section 210a(b) in connection with transfer application under Section 212(b) and Transfer Rules, 49 CFR Part 1132:

No. MC-FC-76012. By application filed July 28, 1975, OVID FREIGHT LINES, INC., Box A, Interlaken, NY 14847, seeks authority to temporarily lease a portion of the operating rights of LEWIS G. JOHNSON, INC. (Donald M. Sunshine, Trustee in Bankruptcy), 1230 Sixth Avenue, c/o Donald M. Sunshine, Trustee, New York, NY 10020, under section 210a (b). The transfer to OVID FREIGHT LINES, INC., of the operating rights of LEWIS G. JOHNSON, INC. (Donald M. Sunshine, Trustee in Bankruptcy), is presently pending.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.75-20256 Filed 8-1-75;8:45 am]

[Notice No. 48]

MOTOR CARRIER TRANSFER PROCEEDINGS

AUGUST 4, 1975.

Application filed for temporary authority under Section 210a(b) in connection with transfer application under Section 212(b) and Transfer Rules, 49 CFR Part 1132:

No. MC-FC-76015. By application filed July 29, 1975, GANGLOFF & DOWNHAM TRUCKING CO., INC., P.O. Box 479, Logansport, IN 46947, seeks temporary authority to lease a portion of the operating rights of BEVERAGE TRANSPORT, INC. (James B. Doyle, Trustee in Bankruptcy), 45 Exchange St., Rochester, NY, under section 210a(b). The transfer to GANGLOFF & DOWNHAM TRUCKING CO., INC., of the operating rights of BEVERAGE TRANSPORT, INC. (James B. Doyle, Trustee in Bankruptcy), is presently pending.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[Filed Doc.75-20257 Filed 8-1-75;8:45 am]

IRREGULAR-ROUTE MOTOR COMMON CARRIERS OF PROPERTY

Elimination of Gateway Letter Notices

JULY 30, 1975.

The following letter-notices of proposals to eliminate gateways for the purpose of reducing highway congestion, alleviating air and noise pollution, minimizing safety hazards, and conserving fuel have been filed with the Interstate Commerce Commission under the Commission's *Gateway Elimination* Rules (49 CFR 1065), and notice thereof to all interested persons is hereby given as provided in such rules.

An original and two copies of protests against the proposed elimination of any gateway herein described may be filed with the Interstate Commerce Commission on or before August 14, 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 92633 (Sub E15), filed May 31, 1974. Applicant: ZIRBEL TRANSPORT, INC., 420 28 St. North, Lewiston, Idaho 83501. Applicant's representative: Donald A. Ericson, Suite 708, Old National Bank Bldg., Spokane, Washington 99201. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Logging, mining, and contractors' materials and supplies, petroleum products in containers, and agricultural commodities*, between points in Clallam, Jefferson, Mason, Grays Harbor, Pacific, Wahkiakum, and Kitsap Counties, Washington; and points on and west of Washington State Highway No. 9 in Snohomish, Skagit, and Whatcom Counties, Washington; and points on and west of Interstate Highway No. 5 in Cowlitz, Lewis, Thurston, Pierce, and King Counties, Washington, on the one hand, and, on the other, points in Stevens, Pend, Oreille, Spokane, Whitman, Asotin, and Garfield Counties, Washington. The purpose of this filing is to eliminate the gateway of points in Idaho within 100 miles of Lewiston, Idaho, including Lewiston.

No. MC 92633 (Sub E16), filed May 31, 1974. Applicant: ZIRBEL TRANSPORT, INC., 420 28 St. North, Lewiston, Idaho 83501. Applicant's representative: Donald A. Ericson, Suite 708, Old National Bank Bldg., Spokane, Washington 99201. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Logging, mining, and contractors' materials and supplies, petroleum products in containers, and agricultural commodities*, between

points in Lane, Douglas, Coos, Curry, Josephine, Jackson, and Klamath Counties, Oregon, on the one hand, and, on the other, points in Spokane, Pend Oreille, Stevens, Whitman, Asotin, Garfield, and Columbia Counties, Washington; except between points in Lane and Douglas Counties, Oregon, on the one hand, and, on the other, points in Columbia County, Washington. The purpose of this filing is to eliminate the gateway of points in Idaho within 100 miles of Lewiston, Idaho, including Lewiston.

No. MC 92633 (Sub E17), filed May 31, 1974. Applicant: ZIRBEL TRANSPORT, INC., 420 28 St. North, Lewiston, Idaho 83501. Applicant's representative: Donald A. Ericson, Suite 708, Old National Bank Bldg., Spokane, Washington 99201. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Logging, mining, and contractors' materials and supplies, petroleum products in containers, and agricultural commodities*, between points in Clatsop, Columbia, Tillamook, Washington, Multnomah, Hood River, Wasco, Yamhill, Clackama, Marion, Lincoln, Polk, Benton, and Linn Counties, Oregon, on the one hand, and, on the other, points in Spokane, Pend Oreille, Stevens, Whitman, Asotin, and Garfield Counties, Washington. The purpose of this filing is to eliminate the gateway of points in Idaho within 100 miles of Lewiston, Idaho, including Lewiston.

No. MC 92633 (Sub E18), filed May 31, 1974. Applicant: ZIRBEL TRANSPORT, INC., 420 28 St. North, Lewiston, Idaho 83501. Applicant's representative: Donald A. Ericson, Suite 708, Old National Bank Bldg., Spokane, Washington 99201. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Logging, mining, and contractors' materials and supplies, petroleum products in containers, and agricultural commodities*, between points in Deschutes, Jefferson, Crook, and Wheeler Counties, Oregon, on the one hand, and, on the other, points in Garhand, and, on the other, points in Stevens, Pend, Oreille, Spokane, Whitman, Garfield and Asotin Counties, Washington; except between points in Wheeler County, Oregon, on the one hand, and, on the other, points in Garfield and Asotin Counties, Washington. The purpose of this filing is to eliminate the gateway of points in Idaho within 100 miles of Lewiston, Idaho, including Lewiston.

No. MC 92633 (Sub E19), filed May 31, 1974. Applicant: ZIRBEL TRANSPORT, INC., 420 28 St. North, Lewiston, Idaho 83501. Applicant's representative: Donald A. Ericson, Suite 708, Old National Bank Bldg., Spokane, Washington 99201. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Logging, mining, and contractors' materials and supplies, petroleum products in containers, and agricultural commodities*, between points in Malheur, Lake, and Wallowa Counties, Oregon, on the one hand, and, on the other, points in Ferry, Okanogan, Stevens, Pend Oreille, Spokane, Whitman, Garfield, Columbia, and Asotin Counties, Washington; except between points in Lake County, Oregon, on the one hand, and, on the other, points in Columbia, Ferry, and Okanogan Counties, Washington; and except between points in Wallowa County, Oregon, on the one hand, and, on the other points in Whitman, Garfield, Columbia, and Asotin Counties, Washington. The purpose of this filing is to eliminate the gateway of points in Idaho within 100 miles of Lewiston, Idaho, including Lewiston.

No. MC 92633 (Sub E20), filed May 31, 1974. Applicant: ZIRBEL TRANSPORT, INC., 420 28 St. North, Lewiston, Idaho 83501. Applicant's representative: Donald A. Ericson, Suite 708, Old National Bank Bldg., Spokane, Washington 99201. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Logging, mining, and contractors' materials and supplies, petroleum products in containers, and agricultural commodities*, between points in Gilliam, Sherman, and Morrow Counties, Oregon, on the one hand, and, on the other, points in Stevens, Pend Oreille, and Spokane Counties, Washington; (except between points in Morrow County, Oregon, points on or north of Oregon State Highway 206 in Gilliam County, Oregon, and Rufus, Oregon), on the one hand, and, on the other, points in Spokane County, Washington. The purpose of this filing is to eliminate the gateway of points in Idaho within 100 miles of Lewiston, Idaho, including Lewiston.

No. MC 92633 (Sub E21), filed May 31, 1974. Applicant: ZIRBEL TRANSPORT, INC., 420 28 St. North, Lewiston, Idaho 83501. Applicant's representative: Donald A. Ericson, Suite 708, Old National Bank Bldg., Spokane, Washington 99201. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Logging, mining, and contractors' materials and supplies, petroleum products in containers, and agricultural commodities*, between points in Harney and Union Counties, Oregon, on the one hand, and, on the other, points in Stevens, Pend Oreille, Spokane, Whitman, and Asotin Counties, Washington; except between points in Union County, Oregon, on the one hand, and, on the other points in Asotin County, Washington. The purpose of this filing is to eliminate the gateway of points in Idaho within 100 miles of Lewiston, Idaho, including Lewiston.

No. MC 92633 (Sub E22), filed May 31, 1974. Applicant: ZIRBEL TRANSPORT, INC., 420 28 St. North, Lewiston, Idaho 83501. Applicant's representative: Donald A. Ericson, Suite 708, Old National Bank Bldg., Spokane, Washington 99201. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Logging, mining, and contractors' materials and supplies, petroleum products in containers, and agricultural commodities*, (a) between points in Grant County, Oregon, on the one hand, and, on the other, points in Stevens, Pend Oreille, Spokane, and Whitman Counties, Washington; (b) between points in Umatilla County, Oregon, on the one hand, and, on the other, points in Stevens and Pend Oreille Counties, Washington; and (c) between Pendleton, Oregon, and points in Umatilla County, Oregon, on and south of Interstate Highway 80N, on the one hand, and, on the other, points in Spokane County, Washington. The purpose of this filing is to eliminate the gateway of points in Idaho within 100 miles of Lewiston, Idaho, including Lewiston.

No. MC 92633 (Sub E23), filed May 31, 1974. Applicant: ZIRBEL TRANSPORT, INC., 420 28 St. North, Lewiston, Idaho 83501. Applicant's representative: Donald A. Ericson, Suite 708, Old National Bank Bldg., Spokane, Washington 99201. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Logging, mining, and contractors' materials and supplies, petroleum products in containers, and agricultural commodities*, between points in Baker County, Oregon, on the one hand, and, on the other, points in Stevens, Pend Oreille, Spokane, and Whitman Counties, Washington. The purpose of this filing is to eliminate the gateway of points in Idaho within 100 miles of Lewiston, Idaho, including Lewiston.

No. MC 92633 (Sub E24), filed May 31, 1974. Applicant: ZIRBEL TRANSPORT, INC., 420 28 St. North, Lewiston, Idaho 83501. Applicant's representative: Donald A. Ericson, Suite 708, Old National Bank Bldg., Spokane, Washington, 99201. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Logging, mining* and *contractors' materials and supplies, petroleum products in containers*, and *agricultural commodities*, between points in Crook County, Oregon, on the one hand, and, on the other, points in Stevens, Pend Oreille, Spokane, and Whitman Counties, Washington. The purpose of this filing is to eliminate the gateway of points in Idaho within 100 miles of Lewiston, Idaho, including Lewiston.

No. MC 92633 (Sub E25), filed May 31, 1974. Applicant: ZIRBEL TRANSPORT, INC., 420 28 St. North, Lewiston, Idaho 83501. Applicant's representative: Donald A. Ericson, Suite 708, Spokane, Washington 99201. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Logging, mining, and contractors' materials and supplies, petroleum products in containers, and agricultural commodities*, between points in Curry, Josephine, Coos, Lane, Columbia, Benton, Polk, Tillamook, Yamhill, Washington, Clatsop, Lincoln, and Douglas Counties, Oregon, and points in Whatcom, San Juan, Clallam, Jefferson, Grays Harbor, King, Skagit, Snohomish, Pierce, Kitsap, Mason, Thurston, Lewis, Cowlitz, Pacific, Wahkiakum, and Clark Counties, Washington, on the one hand, and, on the

other, points in Bear Lake, Franklin, Bannock, Oneida, Bingham, Caribou, Bonneville, Jefferson, Madison, Teton, Clark, and Fremont Counties, Idaho. The purpose of this filing is to eliminate the gateway of points in Idaho within 100 miles of Lewiston, Idaho, including Lewiston.

No. MC 95490 (Sub E3), filed, May 3, 1974. Applicant: UNION CARTAGE COMPANY, 9A Southwest Cutoff, Worchester, Mass. 01604. Applicant's representative: Edward J. Kiley, Suite 501, 1730 M Street NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages*, in containers, from points in Middlesex, Essex, and Suffolk Counties, Massachusetts, to points in Adams, Allegheny, Beaver, Bedford, Cambria, Fayette, Greene, Lawrence, Somerset, Washington, and Westmoreland Counties, Pennsylvania. The purpose of this filing is to eliminate the Gateway of points within 15 miles of Springfield, Mass. (excluding Springfield), and Cranston, R.I.

No. MC 95490 (Sub E16), filed May 31, 1974. Applicant: UNION CARTAGE COMPANY, 9A Southwest Cutoff, Worchester, Mass. 01604. Applicant's representative: Edward J. Kiley, Suite 501, 1730 M Street NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Malt beverages and empty malt beverage containers*, between points in Rockingham and Strafford Counties, N.H., and those points in Hillsborough County, N.H., on and east of a line beginning at the Massachusetts-New Hampshire State line and extending along New Hampshire Highway 13 to junction New Hampshire Highway 101, thence along New Hampshire Highway 101 to Manchester, thence along Interstate Highway 93 to the Hillsborough-Merrimack County Line, on the one hand, and, on the other, points in New York (except those in Rensselaer, Albany, Schenectady, Montgomery, Herkimer, St. Lawrence, Franklin, Clinton, Essex, Hamilton, Warren, Saratoga, Fulton, and Washington Counties) (Middlesex County, Mass., and points within 15 miles of Springfield, Mass. (excluding Springfield))*; (2) *alcoholic beverages*, from points in Sullivan, Ulster, Greene, Columbia, Dutchess, Orange, Putnam, Rockland, Westchester, Bronx, New York, Kings, Richmond, Queens, Nassau, and Suffolk Counties, N.Y. and those points in New York on and west of Interstate Highway 81 to points in Cheshire, Hillsborough, Rockingham, and Strafford Counties, N.H. and those points in Merrimack, Belknap, and Carroll Counties, N.H., on, south, and east of a line beginning at the Hillsborough Merrimack County Line and extending east along U.S. Highway 202 to junction New Hampshire Highway 106, thence along New Hampshire Highway 106 to junction U.S. Highway 3, thence along U.S. Highway 3 to junction New Hampshire Highway 25, thence along New Hampshire Highway 25 to the Maine-New Hamphire State line; and (3) *empty alcoholic beverage containers*, from the specified destination points in (2) above to the specified origin points in (2) above. (points within 15 miles of Springfield, Mass., (excluding Springfield))*. The purpose of this filing is to eliminate the gateways as indicated by asterisks above.

No. MC 95490 (Sub E17), filed May 31, 1974. Applicant: UNION CARTAGE COMPANY, 9A Southwest Cutoff, Worcester, Mass. 01604. Applicant's representative: Edward J. Kiley, Suite 501, 1730 M Street NW., Washington, D.C. 20034. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Malt beverages and empty malt beverage containers*, between those points in New Hampshire on, north, and east of a line beginning at the Massachusetts-New Hampshire State line and extending along Interstate Highway 93 to junction Interstate Highway 89, thence along Interstate Highway 89 to junction New Hampshire Highway 114, thence along New Hampshire Highway 114 to junction New Hampshire Highway 11, thence along New Hampshire Highway 11 to junction U.S. Highway 4, thence along U.S. Highway 4 to junction New Hampshire Highway 104, thence along New Hampshire Highway 104 to junction New Hampshire Highway 3A, thence along New Hampshire Highway 3A to junction New Hampshire Highway 25, thence along New Hampshire Highway 25 to junction New Hampshire Highway 118 near Warren, thence along New Hampshire Highway 118 to junction New Hampshire Highway 112, thence along New Hampshire Highway 112 to junction New Hampshire Highway 116, thence along New Hampshire Highway 116 to junction New Hampshire Highway 18, thence along New Hampshire Highway 18 to New Hampshire-Vermont State line, on the one hand, and, on the other, points in Connecticut (except those in Windham, Tolland, and New London Counties). The purpose of this filing is to eliminate the gateway of Middlesex County, Mass., and points within 15 miles of Springfield, Mass. (excluding Springfield).

No. MC 95540 (Sub-No. E3), filed April 11, 1974. Applicant: WATKINS MOTOR LINES, INC., P.O. Box 1636, Atlanta, Ga. 30301. Applicant's representative: Clyde W. Carver, Suite 212, 5209 Roswell Road NE., Atlanta, Ga. 30342. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *meats, meat products, and meat by-products*, as described in Section A of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, in vehicles equipped with mechanical refrigerating (except commodities in bulk in tank vehicles), from Sioux City, Iowa, to points in that part of Louisiana on and east of a line beginning at the Louisiana-Arkansas State line thence along U.S. Highway 165 to, but excluding Lake Charles, thence along Louisiana Highway 14 to Abbeville, thence along Louisiana Highway 82 to the Gulf of Mexico. The purpose of this filing is to eliminate the gateway of Union City, Tenn.

No. MC 95876 (Sub E65), filed April 16, 1975. Applicant: ANDERSON TRUCKING SERVICE, INC., 203 Cooper Ave. North, St. Cloud, Minn. 56301. Applicant's representative: Arthur A. Budde (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: (1) *Material handling equipment, winches, compaction and road making equipment, rollers, mobile cranes and highway freight trailers;* and (2) *parts, attachments and accessories* of the commodities named in (1) above, when moving as contractors and construction equipment, materials and supplies and commodities requiring specialized handling or rigging because of size or weight, between the facilities of Hyster Company at or near Crawfordsville, Ind., on the one hand, and, on the other, points in Iowa on, north and west of a line beginning at Sioux City, Iowa, thence over U.S. Highway 20 to Correctionville, thence along Highway 31 to Cherokee, thence along Highway 3 to its junction with U.S. Highway 63, thence along U.S. Highway 63 to the Iowa-Minnesota State line. The purpose of this filing is to eliminate the gateway of points in Minnesota.

No. MC 102567 (Sub E13) (Correction) filed June 3, 1974, published in the FEDERAL REGISTER, May 23, 1975. Applicant: MC NAIR TRANSPORT, Inc., P.O. Drawer 5357, Bossier City, La. 71010. Applicant's representative: Jo E. Shaw, Houston First Saving Bldg., Houston, Tex. 77002. Authority sought to operate as *a common carrier*, by motor vehicle, over irregular routes, transporting: Such *petroleum products as are liquid chemicals* (except liquid petroleum gases), in bulk, in tank vehicles, from those points in Texas and Louisiana within 150 miles of Henderson, Tex., which are south and west of a line beginning at the Texas-Oklahoma State line and extending along U.S. Highway 217, to junction U.S. Highway 80, thence along U.S. Highway 80 to junction Louisiana Highway 1, to Alexandria, La., to those points in Florida south of a line beginning at the Gulf of Mexico and extending along Florida Highway 60 to the Atlantic Ocean. The purpose of this filing is to eliminate the gateway of a point in Texas within 150 miles of Henderson and the plantsite of American Cyanamid Company at Avondale, La. The purpose of this correction is to clarify the territorial description.

No. MC 102567 (Sub E16) (Correction), filed June 3, 1974, published in the FEDERAL REGISTER, May 22, 1975. Applicant: McNAIR TRANSPORT, INC., P.O. Drawer 5357, Bossier City, La. 71010. Applicant's representative: Jo E. Shaw, Houston First Saving Bldg., Houston, Tex. 77002. Authority sought to operate as a *common carrier*, by motor vehicle,

over irregular routes, transporting: Such *petroleum products as are liquid chemicals* (except liquefied petroleum gases), in bulk, in tank vehicles, from those points in Texas within 150 miles of Henderson, Tex., including Henderson, and which are south of a line beginning at Chilton, Tex., and extending along Texas Highway 7 to junction U.S. Highway 287, thence along U.S. Highway 287 to junction U.S. Highway 190, thence along U.S. Highway 190 to the Texas-Louisiana State line, to those points in Tennessee east of a line beginning at the Tennessee Highway 48 to junction Tennessee Highway 48 to junction Tennessee Highway 100, to junction Tennessee Highway 20, to junction U.S. Highway 43, to the Alabama-Tennessee State line. The purpose of this filing is to eliminate the gateway of the plant site of American Cyanamid Company at Avondale, La. The purpose of this correction is to correct the commodity description.

No. MC 102567 (Sub E25) (Correction), filed June 3, 1974, published in the FEDERAL REGISTER, June 6, 1975. Applicant: McNAIR TRANSPORT, INC., P.O. Drawer 5357, Bossier City, La. 71010. Applicant's representative: Jo E. Shaw, Houston First Saving Bldg., Houston, Tex. 77002. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: Such petroleum products as are *Liquid chemicals* (petrochemicals), in bulk, in tank vehicles, from those points in Texas, Arkansas, and Louisiana within 150 miles of Henderson, Tex., which are south and west of a line beginning at a point 150 miles from Henderson, Tex., near Decatur, Tex., and extending along U.S. Highway 380 to junction Interstate Highway 30, thence along Interstate Highway 30 to junction U.S. Highway 59/71, thence along U.S. Highway 59/71 to junction U.S. Highway 82, thence along U.S. Highway 82, to junction U.S. Highway 167, thence along U.S. Highway 167 to junction U.S. Highway 82, thence along U.S. Highway 82 to junction Louisiana Highway 9, thence along Louisiana Highway 9 to junction U.S. Highway 79, thence along U.S. Highway 79 to junction Interstate Highway 20, thence along Interstate Highway 20 to junction U.S. Highway 171, thence along U.S. Highway 171 to junction Louisiana Highway 5, thence along Louisiana Highway 5 to junction Texas Highway 7, thence along Texas Highway 7 to junction U.S. Highway 96, thence along U.S. Highway 96 to Port Arthur, Tex., to points in Tennessee. The purpose of this filing is to eliminate the gateway of the plant site of Dow Chemicals, U.S.A., in Columbia County, Ark. The purpose of this correction is to clarify the territorial description.

No. MC 102567 (Sub E26) (Correction), filed June 3, 1974, published in the FEDERAL REGISTER May 23, 1975. Applicant: McNAIR TRANSPORT, INC., P.O. Drawer 5357, Bossier City, La. 71010. Applicant's representative: Jo E. Shaw, Houston First Saving Bldg., Houston, Tex. 77002. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: Such *petroleum products as are liquid chemicals* (except liquefied petroleum gases), in bulk, in tank vehicles, from those points in Louisiana, Arkansas, and Texas within 150 miles of Henderson, Tex., which are west of a line beginning at Mena, Ark., and extending along U.S. Highway 59 to junction Arkansas Highway 41 to junction Arkansas Highway 32, to junction U.S. Highway 59, to junction U.S. Highway 80, to junction U.S. Highway 171, to junction Louisiana Highway 10 to Oakdale, La., to points in Florida. The purpose of this filing is to eliminate the gateway of points in Texas within 150 miles of Henderson, Tex., and the plant site of American Cyanamid Company at Avondale, La. The purpose of this correction is to clarify the territorial description.

No. MC 102567 (Sub E39) (Correction), filed June 3, 1974, published in the FEDERAL REGISTER June 6, 1975. Applicant: McNAIR TRANSPORT, INC., P.O. Drawer 5357, Bossier City, La. 71010. Applicant's representative: Jo E. Shaw, (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: Such *petroleum products as are liquid chemicals* (petrochemicals), in bulk, in tank vehicles, from those points in Texas, Arkansas and Louisiana within 150 miles of Henderson, Tex., which are south and west of a line beginning at a point in U.S. Highway 380 near Decatur, Tex., and extending along U.S. Highway 380, to junction Interstate Highway 30, to junction U.S. Highway 59/71, to junction U.S. Highway 82 to junction U.S. Highway 167, to junction Louisiana Highway 9, to junction U.S. Highway 79, to junction Interstate Highway 20, to junction U.S. Highway 171, to junction Louisiana Highway 5, to junction Texas Highway 7, to junction U.S. Highway 96, to junction Texas Highway 87, to Port Arthur, Tex., to points in Tennessee. The purpose of this filing is to eliminate the gateway of Plantsite of Dow Chemicals, U.S.A., in Columbia, Ark. The purpose of this correction is to clarify the territorial description.

No. MC 102567 (Sub-E42) (Correction), filed June 3, 1974, published in the FEDERAL REGISTER, May 23, 1975. Applicant: McNAIR TRANSPORT, INC., P.O. Drawer 5357, Bossier City, La. 71010. Applicant's representative: Jo E. Shaw, Houston First Saving Bldg., Houston, Tex. 77002. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: Such *Petroleum products as are liquid chemicals*, (except liquefied petroleum gases), in bulk, in tank vehicles, from those points in Texas, Arkansas, Louisiana, within 150 miles of Henderson, Tex., which are west of a line beginning at Mena, Ark., and extending along U.S. Highway 59/71 to junction U.S. Highway 82, thence along U.S. Highway 82 to junction U.S. Highway 79, thence along U.S. Highway 79 to junction Louisiana Highway 9, thence along Louisiana Highway 9 to junction Louisiana Highway 147, thence along Louisiana Highway 147 to junction U.S. Highway 167, thence along U.S. Highway 167 to junction Louisiana Highway 28, thence along Louisiana Highway 28 to junction U.S. Highway 171, thence along U.S. Highway 171 to junction Louisiana Highway 8, thence along Louisiana Highway 8 to junction Texas Highway 63, thence along Texas Highway 63 to junction U.S. Highway 96, thence along U.S. Highway 96 to the Gulf of Mexico, to those points in Tennessee east of a line beginning at the Kentucky-Tennessee State line and extending along U.S. Highway 25E to junction Interstate Highway 40, thence along Interstate Highway 40 to the Tennessee-North Carolina State line. The purpose of this filing is to eliminate the gateway of the plant site of Dow Chemicals, U.S.A., in Columbia County, Ark. The purpose of this correction is to clarify the territorial description.

No. MC 102567 (Sub-E43) (Correction), filed June 3, 1974, published in the FEDERAL REGISTER, May 23, 1975. Applicant: McNAIR TRANSPORT, INC., P.O. Drawer 5357, Bossier City, La. 71010. Applicant's representative: Jo E. Shaw, Houston First Saving Bldg., Houston, Tex. 77002. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: Such *petroleum products as are liquid chemicals* (except liquefied petroleum gases), in bulk, in tank vehicles, from those points in Texas, Arkansas, and Louisiana within 150 miles of Henderson, Tex., which are west of a line beginning at Mena, Ark., and extending along U.S. Highway 71 to junction U.S. Highway 82, thence along U.S. Highway 82 to junction U.S. Highway 79, thence along U.S. Highway 79 to junction Louisiana Highway 146, thence along Louisiana Highway 146 to junction Interstate Highway 20, thence along Interstate Highway 20 to junction Louisiana Highway 34, thence along Louisiana Highway 34 to junction Louisiana Highway 4, thence along Louisiana Highway 4 to junction U.S. Highway 167, thence along U.S. Highway 167 to junction U.S. Highway 84, thence along U.S. Highway 84 to junction Louisiana Highway 6, thence along Louisiana Highway 6, to junction Texas Highway 87, thence along Texas Highway 87 to junction Texas Highway 63, thence along Texas Highway 63 to junction U.S. Highway 96, thence along U.S. Highway 96, to Port Arthur, Tex., to those points in Tennessee east of a line beginning at the Kentucky-Tennessee State line and extending along Interstate Highway 65, thence along Interstate Highway 65 to junction Tennessee Highway 25, thence along Tennessee Highway 25 to junction U.S. Highway 231, thence along U.S. Highway 231 to the Tennessee-Alabama State line. The purpose of this filing is to eliminate the gateway of the plantsite of Dow Chemicals, U.S.A., in Columbia County, Ark. The purpose of this correction is to clarify the territorial description.

No. MC 102567 (Sub E62) (Correction), filed June 3, 1974, published in the FEDERAL REGISTER, June 2, 1975. Applicant: McNAIR TRANSPORT, INC., P.O. Drawer 5357, Bossier City, La. 71010. Applicant's representative: Tom Wright, 2040 N. Loop West, Houston, Tex. 77018. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum* products (except liquefied petroleum gases), as defined in Appendix XIII to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, in bulk, in tank vehicles, from those points in Texas, Arkansas, and Louisiana within 150 miles of Henderson, Tex., which are south and west of a line beginning at a point on U.S. Highway 81 near Rhome, Tex., and extending along U.S. Highway 81 to junction Interstate Highway 20, thence along Interstate Highway 20, to junction U.S. Highway 171, thence along U.S. Highway 171 to junction Texas Highway 5, thence along Texas Highway 5 to junction Texas Highway 7, thence along Texas Highway 7 to junction U.S. Highway 59, thence along U.S. Highway 59 to Houston, Tex., to those points in Arkansas east of a line beginning at the Arkansas-Missouri State line and extending along Arkansas Highway 23 to junction Arkansas Highway 16, thence along Arkansas Highway 16 to junction Arkansas Highway 21, thence along Arkansas Highway 21 to junction Interstate Highway 40, thence along Interstate Highway 40 to junction U.S. Highway 65, thence along U.S. Highway 65 to junction U.S. Highway 79, thence along U.S. Highway 79 to junction Arkansas Highway 35, thence along Arkansas Highway 35 to junction U.S. Highway 165, thence along U.S. Highway 165 to the Arkansas-Louisiana State line. The purpose of this filing is to eliminate the gateways of points in that part of Louisiana north and west of a line beginning at the Louisiana-Texas State line and extending along U.S. Highway 84 to junction U.S. Highway 167, thence along U.S. Highway 167 to the Arkansas-Louisiana State line. The purpose of this correction is to clarify the territorial description.

No. MC 102567 (Sub E64) (Correction), filed June 3, 1974, published in the FEDERAL REGISTER, June 4, 1975. Applicant: McNAIR TRANSPORT, INC., P.O. Drawer 5357, Bossier City, La. 71010. Applicant's representative: Joe Day (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum products* (except liquefied petroleum gases), as defined in Appendix XIII to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, in bulk, in tank vehicles, from those points in Texas, Arkansas, and Louisiana within 150 miles of Henderson, Tex., and north of a line beginning at the junction of U.S. Highway 80 and U.S. Highway 180, near Weatherford, Tex., and extending along U.S. Highway 80, to junction Interstate Highway 20, thence along Interstate Highway 20 to Monrolle, La., to those points in Mississippi north of a line beginning at the Mississippi-Tennessee State line and extending along U.S. Highway 72 to junction Mississippi Highway 5, thence along Mississippi Highway 5 to junction U.S. Highway 78, thence along U.S. Highway 78 to the Mississippi-Alabama State line. The purpose of this filing is to eliminate the gateways of points in that part of Louisiana north and west of a line beginning at the Louisiana-Texas State line and extending along U.S. Highway 84 to junction U.S. Highway 167, thence along U.S. along U.S. Highway 167 to the Louisiana-Arkansas State line, and the site of the pipeline terminal of the Oklahoma-Mississippi River Products Line, Inc., at or near West Memphis, Ark. The purpose of this correction is to clarify the territorial description.

No. MC 102567 (Sub E65) (Correction), filed June 3, 1974, published in the FEDERAL REGISTER, June 4, 1975. Applicant: McNAIR TRANSPORT, INC., P.O. Drawer 5357, Bossier City, La. 71010. Applicant's representative: Joe Day (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: Petroleum products (except liquefied petroleum gases), as defined in Appendix XIII to the report in Descriptions in Motor Carrier Certificates, 61 M.C.C. 209, in bulk, in tank vehicles, from those points in Texas and Louisiana within 150 miles of Henderson, Tex., which are south and west of a line beginning at a point on Texas Highway 22 near Meridian, Tex., and extending along Texas Highway 22 to junction Texas Highway 31, thence along Texas Highway 31 to junction Interstate Highway 20, thence along Texas Highway 20 to junction U.S. Highway 171, thence along U.S. Highway 171 to junction Texas Highway 5, thence along Texas Highway 5 to junction Texas Highway 7, thence along Texas Highway 7 to junction U.S. Highway 96, thence along U.S. Highway 96 to junction Texas Highway 62, thence along Texas Highway 62 to junction Interstate Highway 10, thence along Interstate Highway 10 to junction Texas Highway 87, thence along Texas Highway 87 to Port Arthur, Tex., to those points in Mississippi north and east of a line beginning at the Mississippi-Tennessee State line and extending along U.S. Highway 61 to junction Mississippi Highway 4, thence along Mississippi Highway 4 to junction Interstate Highway 55, thence along Interstate Highway 55 to junction Mississippi Highway 6, thence along Mississippi Highway 6 to junction Mississippi Highway 41, thence along Mississippi Highway 41, to junction U.S. Highway 278, thence along U.S. Highway 278, to the Alabama-Mississippi State line. The purpose of this filing is to eliminate the gateways of points in that part of Louisiana north and west of a line beginning at the Louisiana-Texas State line and extending along U.S. Highway 84 to junction U.S. Highway 167, thence along U.S. Highway 167 to the Louisiana-Arkansas State line, and the site of the pipeline terminal of the Oklahoma-Mississippi River Products Line, Inc., at or near West Memphis, Ark. The purpose of this correction is to clarify the territorial description.

No. MC 102567 (Sub E83) (Correction), filed June 3, 1974, published in the FEDERAL REGISTER June 2, 1975. Applicant: McNAIR TRANSPORT, INC., P.O. Drawer 5357, Bossier City, La. 71010. Applicant's representative: Joe Day (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum products*, as described in Appendix XIII to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, in bulk, in tank vehicles (except liquefied petroleum gas, anhydrous ammonia, and asphalt), from those points in Texas within 150 miles of Henderson, Tex., which are south and west of a line beginning at Gainesville, Tex., and extending along U.S. Highway 82 to junction U.S. Highway 59, thence along U.S. Highway 59 to junction U.S. Highway 96, thence along U.S. Highway 96 to Port Arthur, Tex., to those points in Tennessee east of a line beginning at the Tennessee-Kentucky State line and extending along Tennessee Highway 127, to junction Tennessee Highway 27, thence along Tennessee Highway 27 to the Tennessee-Georgia State line. The purpose of this filing is to eliminate the gateways of El Dorado, Ark., Cotton Valley, La., and Waskom and Mt. Pleasant, Tex. The purpose of this correction is to clarify the territorial description.

No. MC 102567 (Sub E128) (Correction), filed June 3, 1974, published in the FEDERAL REGISTER June 4, 1975. Applicant: McNAIR TRANSPORT, INC., P.O. Drawer 5357, Bossier City, La. 71010. Applicant's representative: Joe Day (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum products*, as described in Appendix XIII to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, in bulk, in tank vehicles (except liquefied petroleum gases), from those points in Louisiana within 150 miles of Henderson, Tex., which are south and east of a line beginning at Monroe, La., and extending along U.S. Highway 165 to junction Louisiana Highway 2, thence along Louisiana Highway 2 to junction Louisiana Alternate Highway 2, thence along Louisiana Alternate Highway 2 to junction U.S. Highway 79, thence along U.S. Highway 79 to junction Louisiana Alternate Highway 2, thence along Louisiana Alternate Highway 2 to junction Louisiana Highway 9, thence along Louisiana Highway 9 to junction Louisiana Highway 147, thence along Louisiana Highway 147 to junction U.S. Highway 167, thence along U.S. Highway 167 to Alexandria, La., to points in Oklahoma. The purpose of this filing is to eliminate the gateway of Cotton Valley, La., and points within 10 miles thereof. The purpose of this correction is to clarify the territorial description.

No. MC 102567 (Sub E144) (Correction), filed June 3, 1974, published in

the FEDERAL REGISTER June 5, 1975. Applicant: McNAIR TRANSPORT, INC., P.O. Drawer 5357, Bossier City, La. 71010. Applicant's representative: Joe Day (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum* products, as described in Appendix XIII to the report in Descriptions in Motor Carrier Certificates, 61 M.C.C. 209, in bulk, in tank vehicles (except liquefied petroleum gas, anhydrous ammonia, and asphalt), from those points in Texas, Arkansas, Louisiana, within 150 miles of Henderson, Tex., which are north and west of a line beginning at Mena, Ark., and extending along U.S. Highway 59/71 to junction U.S. Highway 82, thence along U.S. Highway 82 to junction U.S. Highway 79, thence along U.S. Highway 79 to junction Louisiana Highway 7, thence along Louisiana Highway 7 to junction U.S. Highway 84, thence along U.S. Highway 84, to junction Louisiana Highway 6, thence along Louisiana Highway 6 to junction Texas Highway 21, thence along Texas Highway 21 to junction U.S. Highway 96, thence along U.S. Highway 96 to junction U.S. Highway 190, thence along U.S. Highway 190 to junction Texas Highway 30, thence along Texas Highway 30 to junction Texas Highway 90, thence along Texas Highway 90 to Berlin, Tex., to those points in Florida east of a line beginning at the Georgia-Florida State line and extending along U.S. Highway 221 to junction U.S. Alternate Highway 27, thence along U.S. Alternate Highway 27 to junction Florida Highway 361, thence along Florida Highway 361 to the Gulf of Mexico. The purpose of this filing is to eliminate the gateway of El Dorado, Ark., Cotton Valley, La., and Waskom and Mt. Pleasant, Tex. The purpose of this correction is to clarify the territorial description.

No. MC 107012 (Sub-No. E19), filed June 3, 1974. Applicant: NORTH AMERICAN VAN LINES, INC., PO Box 988, Fort Wayne, Ind. 46801. Applicant's representative: Terry G. Fowell (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *new floor covering*, uncrated, (1) from Lyerly, Ga., to points in Colorado, Idaho, Oregon, and Washington, and points in Glenn, Humboldt, Lake, Mendicino, Tehama, and Trinity Counties, Calif., points in Bernalillo, Guadalupe, Los Alamos, Sandoval, San Miguel, Santa Fe, Torrance, Valencia, McKinley, Rio Arriba, San Juan, Catron, Dona Ana, Grant, Hidalgo, Luna, Otero, Sierra, Socorro, Colfax, Harding, Mora, Taos, and Union Counties, N. Mex., and points in Alfalfa, Beckham, Blaine, Caddo, Comanche, Cotton, Custer, Dewey, Ellis, Greer, Harmon, Harper, Jackson, Kiowa, Major, Roger Mills, Tillman, Washita, Woods, Woodward, Beaver, Cimarron, and Texas Counties, Okla. (Dallas, Tex.; Venita, Oklahoma City, or Beckham County, Okla.; Missouri) *.

(2) From the facilities of Bigelow-Sawford, Inc., at or near Greenville, S.C., to points in Idaho, Montana, Oregon, and Washington, and points in Butte, Lassen, Modoc, Nevada, Plumas, Shasta, Sierra, Siskiyou, Yuba, Glenn, Humboldt, Lake, Mendicino, Tehama, Trinity, Alameda, Alpine, Amador, Calaveras, Colusa, Contra Costa, Eldorado, Madera, Marin, Mariposa, Merced, Mono, Monterey, Napa, Placer, San Benito, Sacramento, San Francisco, San Joaquin, San Mateo, Santa Clara, Santa Cruz, Solano, Sonoma, Stanislaus, Sutter, Tuolumne, and Yolo Counties, Calif., points in Elko, Whitepine, Churchill, Douglas, Humboldt, Lyon, Mineral, Ormsby, Pershing, Storey, and Washoe Counties, Nevada, points in Adams, Billings, Bowman, Burleigh, Dunn, Emmons, Golden Valley, Grant, Hettinger, Mercer, Morton, Oliver, Sioux, Slope, Stark, Divide, McKenzie, and Williams Counties, N. Dak., points in Box Elder, Cache, Davis, Morgan, Rich, Salt Lake, Summit, Tooele, Utah, Wasatch, and Weber Counties, Utah, and points in Park, Teton, Yellowstone National Park, Fremont, Hot Springs, Natrona, Big Horn, Campbell, Crook, Johnson, Sheridan, Washakie, and Weston Counties, Wyoming. (Pittsburgh, Pa.) *; (3) from Dallas, Tex., to points in Colorado, Iowa, Kansas, Minnesota, Montana, North Dakota, Oregon, and Washington (Vinita, Oklahoma City, or Beekham County, Okla.; and Missouri) *.

(4) From points in Greenville County, S.C., to points in Butte, Lassen, Modoc, Nevada, Plumas, Shasta, Sierra, Siskiyou, Yuba, Glenn, Humboldt, Lake, Mendicino, Tehama, Trinity, Alameda, Alpine, Amador, Calaveras, Colusa, Contra, Eldorado, Madera, Marin, Costa, Mariposa, Merced, Mono, Monterey, Napa, Placer, San Benito, Sacramento, San Joaquin, San Mateo, Santa Clara, Francisco, Santa Cruz, Solano, Sonoma, Staislaus, Sutter, Toulumne, and Yolo Counties, Calif., points in Garfield, Mesa, Moffat, Rio Blanco, Routt, Adams, Arapahoe, Boulder, Cedar Creek, Chaffee, Denver, Douglass, Eagle, Elbert, El Paso, Fremont, Gilpin, Grand, Jackson, Jefferson, Lake, Larimer, Park, Pitkin, Summit, Teller, Alamosa, Archuleta, Conejos, Delta, Dolores, Gunnison, Hinsdale, La Plata, Mineral, Montezuma, Montrose, Quray, Rio Grande, Saguache, San Juan, San Miguel, Baca, Bent, Cheyenne, Costilla, Crowley, Custer, Huerfano, Kiowa, Las Animas, Lincoln, Otero, Prowers, Pueblo, Kit Carson, Logan, Morgan, Phillips, Sedgwick, Washington, Weld, and Yuma Counties, Colo., points in Bernalillo, Guadelupe, Los Alamos, Sandoval, San Miguel, Santa Fe, Torrance, Valencia, McKinney, Rio Arriba, San Juan, Chaves, Curry, Ce Baca, Eddy, Lea, Lincoln, Quay, Roosevelt, Catron, Dona Ana, Grant, Hidalgo, Luna, Otero, Sierra, Socorro, Colfax, Harding, Mora, Taos, and Union Counties, N. Mex., points in Alfalfa, Beckham, Blaine, Caddo, Comanche, Cotton, Custer, Dewey, Ellis, Greer, Harmon, Harper, Jackson, Kiowa, Major, Roger Mills, Tillman, Washita, Woods, Woodward, Beaver, Cimarron, Texas, Canadian, Carter, Cleveland, Creek, Garfield, Grady, Grant, Hughes, Jefferson, Johnston, Kay, Kingfisher, Lincoln, Logan, Love, McClain, Marshall, Murray, Noble, Okfuskee, Oklahoma, Osage, Pawnee, Payne, Pontotoc, Pottawatomie, Seminole, and Stephens Counties, Okla., points in Benton, Clackamas, Clatsop, Columbia, Lane, Lincoln, Linn, Marion, Multnomah, Polk, Tillamook, Washington, Yamhill, Crook, DeSchutes, Gilliam, Hood River, Jefferson, Sherman, Wasco, Wheeler, Coos, Curry, Douglas, Jackson, and Josephine Counties, Oreg., and points in Clark, Cowlitz, Klickitat, Lewis, Pacific, Pierce, Skamania, Thurston, Wahkiakum, and Yakima Counties, Wash., (Dallas, Tex.; Oklahoma City, Vinita, or Beckham County, Okla.; and Missouri) *.

(5) From Landru, S.C., to points in San Bernardino, Alameda, Alpine, Amador, Calaveras, Colusa, Contra Costa, Eldorado, Madera, Marin, Mariposa, Merced, Mono, Monterey, Napa, Placer, San Benito, Sacramento, San Francisco, San Joaquin, San Mateo, Santa Clara, Santa Cruz, Solano, Sonoma, Stanislaus, Sutter, Tuolumne, Yolo, Glenn, Humboldt, Lake, Mendicino, Tehama, Trinity, Butte, Lassen, Modoc, Nevada, Plumas, Shasta, Sierra, Siskiyou, and Yuba Counties, Calif., points in Garfield, Mesa, Moffat, Rio Blanco, Routte, Adams, Arapahoe, Boulder, Cedar Creek, Chaffee, Denver, Douglas, Eagle, Elbert, El Paso, Fremont, Gilpin, Grand, Jackson, Jefferson, Lake, Larimer, Park, Pitkin, Summit, Teller, Alamosa, Archuleta, Conejos, Delta, Dolres, Gunnison, Hinsdale, La Plata, Mineral, Montezuma, Montrose, Quray, Rio Grande, Saguache, San Juan, San Miguel, Baca, Bent, Cheyenne, Costilla, Crowley, Custer, Huerfano, Kowa, Las Animas, Lincoln, Otero, Prowers, and Pueblo Counties, Colo., points in Bernalillo, Guadalupe, Los Alamos, Sandoval, San Miguel, Santa Fe, Torrance, Valencis, McKinley, Rio Arriba, San Juan, Chaves, Curry, De Baca, Eddy, Lea, Lincoln, Quay, Roosevelt, Catron, Dona Ana, Grant, Hidalgo, Luna, Otero, Sierra, Socorro, Colfax, Harding, Mora, Taos, and Union Counties, N. Mex., points in Alfalfa, Beckham, Blaine, Caddo, Comanche, Cotton, Custer, Dewey, Ellis, Greer, Harmon, Harper, Jackson, Kiowa, Major, Roger Mills, Tillman, Washita, Woods, Woodward, Beaver, Cimarron, Texas, Canadian, Carter, Cleveland, Creek, Garfield, Grady, Grant, Hughes, Jefferson, Johnston, Kay, Kingfisher, Lincoln, Logan, Love McClain, Marshall, Murray, Noble, Okfuskee, Oklahoma, Osage, Pawnee, Payne, Pontotoc, Pottawatomie, Seminole, and Stephens Counties, Okla., and points in Crook DeSchutes Gilliam, Hood River, Jefferson, Sherman, Wasco, and Wheeler Counties, Oreg. (Dallas, Tex.; Oklahoma City, Vinita, or Beckham County, Okla.; and Missouri) *. The purpose of this filing is to eliminate the gateways marked with asterisks above.

No. MC 107012 (Sub-No. E28), filed May 22, 1974. Applicant: NORTH AMERICAN VAN LINES, INC., P.O. Box 988, Fort Wayne, Indiana 46801. Appli-

cant's representative: Terry G. Fowell (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *new household equipment*, uncrated (except commodities the transportation of which, because of size or weight require the use of special equipment), between points in Baldwin, Butler, Choctaw, Clarke, Conecuh, Dallas, Escambia, Greene, Hale, Lawndes, Marengo, Mobile, Monroe, Perry, Sumter, Washington, Wilcos Counties, Ala., on the one hand, and, on the other, points in Schenectady, Saratoga, Montgomery, Hamilton, Fulton, Franklin, Essex, Clinton, Washington, Warren, Lewis, St. Lawrence, Oswego, Oneida, Jefferson, Herkimer Counties, N.Y. The purpose of this filing is to eliminate the gateway of points in Greene County, Ark.

No. MC 107012 (Sub-No. E42), filed June 3, 1974. Applicant: NORTH AMERICAN VAN LINES, INC., P.O. Box 988, Fort Wayne, Ind. 46801. Applicant's representative: Terry G. Fowell (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *restaurant and bar fixtures*, uncrated, (1) between Chicago, Ill., on the one hand, and, on the other, points in Alabama, Arizona, Arkansas, California, Colorado, Connecticut, Delaware, District of Columbia, Florida, Georgia, Idaho, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Mississippi, Montana, Nebraska, Nevada, New Hampshire, New Jersey, New Mexico, New York, North Carolina, North Dakota, Ohio, Oklahoma, Oregon, Pennsylvania, Rhode Island, South Carolina, South Dakota, Tennessee, Texas, Utah, Vermont, Virginia, Washington, West Virginia, Wyoming (points in Indiana)*; (2) from Chicago, Ill., to points in Alaska (points in Indiana and Sedgwick County, Kans.)* The purpose of this filing is to eliminate the gateway of points marked with asterisks.

No. MC 107012 (Sub-No. E46) (Correction), filed May 13, 1974, published in the FEDERAL REGISTER June 11, 1975. Applicant: NORTH AMERICAN VAN LINES, INC., P.O. Box 988, Fort Wayne, Ind. 46801. Applicant's representative: Terry G. Fewell (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New household appliances*, crated; (1) from points in Alabama to points in Iowa, Massachusetts, Minnesota, and Rhode Island. The purpose of this filing is to eliminate the gateway of Evansville or Milan, Ind. The purpose of this correction is to clarify the commodity description.

No. MC 108207 (Sub E25), filed May 12, 1974. Applicant: FROZEN FOOD EXPRESS, INC., P.O. Box 5888, Dallas, Tex. 75222. Applicant's representative: Mike Smith (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dairy products*, from points in Kansas (except Moline and Parsons, Kans.) (1) to points in Louisiana (points in Texas or Arkansas)*, and (2) to points in Mississippi (points in Arkansas on U.S. Highway 61, and Little Rock, Ark.)*. The purpose of this filing is to eliminate the gateways marked by asterisks.

No. MC 109326 (Sub E37), filed May 19, 1975. Applicant: C & D TRANSPORTATION CO., INC., P.O. Box 10506, New Orleans, Louisiana 70121. Applicant's representative: William D. Jackson, Jr., 919 18th St. NW., Washington, D.C. 20006. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat by-products, and articles distributed by meat packinghouses*, as described in Sections A and C of Appendix 1 to the Report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk), from Mobile County, Ala., to points in Tennessee on and west of a line commencing at the Tennessee-Kentucky State line, thence extending along U.S. Highway 31E to its intersection with Interstate Highway 40, thence along Interstate Highway 40 to the Tennessee-Arkansas State line, and points in Kentucky, on and north of a line commencing at the Kentucky-Tennessee State line, thence proceeding along U.S. Highway 31E to its intersection with Kentucky Highway 80, thence along Kentucky Highway 80 to its intersection with U.S. Highway 27, thence along U.S. Highway 27 to the Kentucky-Tennessee State line. Restriction: The operations authorized herein shall be subject to the following conditions: Said operations are restricted against the transportation of traffic from or to any facility of the Great Atlantic & Pacific Tea Company of New York, N.Y., and Hunt Foods and Industries, Inc. (merged into Norton-Simon, Inc.), of Fullerton, Calif. The purpose of this filing is to eliminate the gateway of Gulfport, Miss.

No. MC 109326 (Sub E38), filed May 19, 1975. Applicant: C & D TRANSPORTATION CO., INC., P.O. Box 10506, New Orleans, Louisiana 70121. Applicant's representative: William D. Jackson, Jr., 919 18th St. NW., Washington, D.C. 20006. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat by-products, dairy products, and commodities distributed by meat packinghouses* (except carcass meats suspended on rails), as described in parts A, B, and C of Appendix I to the Report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, which are fresh or frozen and are not for human consumption, in vehicles equipped with mechanical refrigeration, from Birmingham, Ala., to points in Louisiana, west of a line commencing at the Mississippi-Louisiana State line, thence along U.S. Highway 51 to its intersection with U.S. Highway 190, thence along U.S. Highway 190 to its intersection with U.S. Highway 90, thence along U.S. Highway 90 to the Louisiana-Mississippi State line, and points south of a line commencing at the Louisiana-Texas State line, thence along Louisiana Highway 8 to its intersection with Louisiana Highway 28, thence along Louisiana Highway 28 to its intersection with Louisiana Highway 112, thence along Louisiana Highway 112 to its intersection with U.S. Highway 71, thence along U.S. Highway 71 to its intersection with Louisiana Highway 29, thence along Louisiana Highway 29 to its intersection with Louisiana Highway 1, thence along Louisiana Highway 1 to its intersection with Louisiana Highway 15, thence along Louisiana Highway 15 to the Outflow Channel, thence along the Outflow Channel to the Louisiana-Mississippi State line. Restriction: The operations authorized herein shall be subject to the following conditions: Said operations are restricted against the transportation of traffic from or to any facility of the Great Atlantic & Pacific Tea Company of New York, N.Y., and Hunt Foods and Industries, Inc. (merged into Norton-Simon, Inc.), of Fullerton, Calif. The purpose of this filing is to eliminate the gateway of Gulfport, Miss.

No. MC 109326 (Sub E39), filed May 19, 1975. Applicant: C & D TRANSPORTATION CO., INC., P.O. Box 10506, New Orleans, Louisiana 70121. Applicant's representative: William D. Jackson, Jr., 919 18th St. NW., Washington, D.C. 20006. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat by-products, dairy products, and commodities distributed by meat packinghouses*, as described in Parts A, B, and C of Appendix I to the Report in *Descriptions in Motor Carrier Certificates* 61 M.C.C. 209 and 766, fresh or frozen, in vehicles equipped with mechanical refrigeration, from Montgomery, Ala., to points in Louisiana, on and south of U.S. Highway 80, and points in Arkansas on and west of a line commencing at the Arkansas-Missouri State line, thence along Arkansas Highway 23 to its intersection with U.S. Highway 71, thence along U.S. Highway 71 to its intersection with Arkansas Highway 28, thence along Arkansas Highway 28 to the Arkansas-Oklahoma State line. Restriction: The operations authorized herein shall be subject to the following conditions: Said operations are restricted against the transportation of traffic from or to any facility of the Great Atlantic & Pacific Tea Company of New York, N.Y., and Hunt Foods and Industries, Inc. (merged into Norton-Simon, Inc.), of Fullerton, Calif. The purpose of this filing is to eliminate the gateway of Gulfport, Miss.

No. MC 109326 (Sub E40), filed May 19, 1975. Applicant: C & D TRANSPORTATION CO., INC., P.O. Box 10506, New Orleans, Louisiana 70121. Applicant's representative: Wm. P. Jackson, Jr., 919 18th St. NW., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat by-products, and articles distributed by meat packinghouses*, as described in Sections A and C 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 Mobile County, Ala., to points in North Carolina, on and east of U.S. Highway 52, and points in South Carolina, on and east of U.S. Highway 52, and points in South Carolina, on and east of a line commencing at the North Carolina-South Carolina State line, thence along U.S. Highway 52 to its intersection with U.S. Highway 15, thence along U.S. Highway 15 to its intersection with U.S. Highway 521, thence along U.S. Highway 521 to the Atlantic Ocean. Restriction: The operations authorized herein shall be subject to the following conditions: Said operations are restricted against the transportation of traffic from or to any facility of the Great Atlantic & Pacific Tea Company of New York, N.Y., and Hunt Foods and Industries, Inc. (merged into Norton-Simon, Inc.), of Fullerton, Calif. The purpose of this filing is to eliminate the gateway of Gulfport, Miss.

No. MC 110683 (Sub-No. E5), filed June 4, 1974. Applicant: SMITH'S TRANSFER CORP., P.O. Box 1000, Staunton, Va. 24401. Applicant's representative: Harry J. Jordan, 1000 16th St. NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, except those of unusual value, granite, stone, heavy machinery, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading.

(a) Between points in South Carolina, on the one hand, and, on the other, points in Pennsylvania on and west of U.S. Highway 219, and points in West Virginia on and west of U.S. Highway 220;

(b) Between points in South Carolina on and east of a line beginning at the North Carolina-South Carolina State line and extending over U.S. Highway 76 to its junction with South Carolina Highway 41, thence over South Carolina Highway 41 to its junction with South Carolina Highway 521, thence over South Carolina Highway 521 to its junction with U.S. Highway 701, thence over U.S. Highway 701 to Georgetown, S.C., and the Atlantic Ocean, on the one hand, and, on the other, points in Virginia on and west of a line beginning at the North Carolina-Virginia State line and extending along U.S. Highway 52 to its junction with U.S. Highway 221, thence along U.S. Highway 221 to its junction with U.S. Highway 460, thence over U.S. Highway 460 to its junction with U.S. Highway 29, thence over U.S. Highway 29 to its junction with U.S. Highway 60 to the West Virginia State line.

(c) Between points in South Carolina on and west of a line beginning at the Georgia-South Carolina State line and extending over U.S. Highway 221 to its junction with U.S. Highway 25, thence over U.S. Highway 25 to the North Carolina-South Carolina State line, on the one hand, and, on the other, points in Virginia, on and west of a line beginning at the North Carolina-Virginia State line and extending along U.S. Highway 501 to Lynchburg, thence along U.S. Highway 29 to its junction with U.S. Highway 60, thence along U.S. Highway 60 to the West Virginia-Virginia State line, except points west of a line beginning at the Virginia-North Carolina State line, thence over State Highway 91 to junction U.S. Highway 11, thence over U.S. Highway 11 to junction State Highway 16, thence over State Highway 16 to the Virginia-West Virginia State line.

(d) Between points in South Carolina on and west of a line beginning at the North Carolina-South Carolina State line and extending over U.S. Highway 76 to its junction with South Carolina Highway 41, thence over South Carolina Highway 41 to its junction with South Carolina Highway 521, thence over South Carolina Highway 521 to its junction with U.S. Highway 701, thence over U.S. Highway 701 to Georgetown, S.C., and the Atlantic Ocean (except points on and west of a line beginning at the Georgia-South Carolina State line extending over U.S. Highway 221 to its junction with U.S. Highway 25, thence over U.S. Highway 25 to the North Carolina-South Carolina State line) on the one hand, and, on the other, points in Virginia on, south, and west of a line beginning at the North Carolina-Virginia State line and extending along U.S. Highway 501 to Lynchburg, thence along U.S. Highway 29 to its junction with U.S. Highway 60, and thence west along U.S. Highway 60 to the West Virginia state line.

(e) Between points in South Carolina on and east of a line beginning at the Georgia-South Carolina State line extending over U.S. Highway 221 to its junction with U.S. Highway 25, thence over U.S. Highway 25 to the North Carolina-South Carolina State line, on the one hand, and, on the other, points in Ohio.

(f) Between points in South Carolina on and west of a line beginning at the Georgia-South Carolina State line and extending over U.S. Highway 221 to its junction with U.S. Highway 25, thence along U.S. Highway 25 to the North Carolina-South Carolina State line, on the one hand, and, on the other, points in Ohio (except those on, south, and west of a line beginning at the Indiana-Ohio State line and extending along Ohio Highway 29 to its junction with U.S. Highway 33, thence along U.S. Highway 33 to its junction with U.S. Highway 68, thence along U.S. Highway 68 to its junction with U.S. Highway 35, thence along U.S. Highway 35 to its junction with U.S. Highway 23, thence along U.S. Highway 23 to the Kentucky-Ohio State line).

(g) Between points in South Carolina on and east of a line beginning at the Georgia-South Carolina State line extending over U.S. Highway 29 to its junction with U.S. Highway 25, thence over U.S. Highway 25 to the North Carolina-South Carolina State line, on the one hand, and, on the other, points in Kentucky on and east of a line beginning at the Kentucky-Tennessee State line and extending along Kentucky Highway 15 to Jackson, Ky., thence along a line extending from Jackson through Olive Hill, Ky., to the Kentucky-Ohio State line at Portsmouth, Ohio.

(h) Between points in South Carolina on and east of a line beginning at the Georgia-South Carolina State line and extending over U.S. Highway 29 to its junction with U.S. Highway 25, thence over U.S. Highway 25 to the North Carolina-South Carolina State line, on the one hand, and, on the other, points in Indiana on and south of U.S. Highway 40 and east of U.S. Highway 31.

(i) From points in South Carolina on and west of a line beginning at the Georgia-South Carolina State line and extending along U.S. Highway 221, thence along U.S. Highway 221 to U.S. Highway 25, thence along U.S. Highway 25 to the North Carolina State line, to points in North Carolina on and east of a line beginning at the North Carolina-Virginia State line and extending along North Carolina Highway 93, thence along North Carolina Highway 113 to junction North Carolina Highway 18, thence along North Carolina Highway 18 to the North Carolina-South Carolina State line.

(j) From points in South Carolina on and east of a line beginning at the Georgia-South Carolina State line and extending along U.S. Highway 301, thence along U.S. Highway 301 to junction Interstate 95, thence along Interstate 95 to junction U.S. Highway 521, thence along U.S. Highway 521 to the North Carolina-South Carolina State line to points in North Carolina on and west of a line beginning at the North Carolina-South Carolina State line and extending along Interstate 77, thence along Interstate 77 to Interstate 85, thence along Interstate 85 to junction U.S. Highway 601, thence along U.S. Highway 601 to junction U.S. Highway 52, thence along U.S. Highway 52 to the North Carolina-Virginia State line.

(k) From points in South Carolina on and west of a line beginning at the North Carolina-South Carolina State line and extending along U.S. Highway 321, thence along U.S. Highway 321 to junction South Carolina Highway 97, thence along South Carolina Highway 97 to junction U.S. Highway 521, thence along U.S. Highway 521 to junction Interstate 95, thence along Interstate 95 to junction South Carolina Highway 64, thence along South Carolina Highway 64 to junction U.S. Highway 17, thence along U.S. Highway 17 to South Carolina Highway 74, thence along South Carolina Highway 74 to the Atlantic Ocean to points in North Carolina on, east, and north of a line beginning at the North Carolina-Virginia State line and extending south along U.S. Highway 21, thence along U.S. Highway 21 to junction Interstate 77, thence along Interstate 77 to junction Interstate 85, thence along Interstate 85 to its intersection with North Carolina Highway 49, thence along North Carolina Highway 49 to junction U.S. Highway 52, thence along U.S. Highway

52 to junction North Carolina Highway 73, thence along North Carolina Highway 73 to U.S. Highway 220, thence along U.S. Highway 220 to U.S. Highway 1, thence along U.S. Highway 1 to junction U.S. Highway 421, thence along U.S. Highway 421 to junction Interstate 95, thence along Interstate 95 to junction U.S. Highway 70, thence along U.S. Highway 70 to junction North Carolina Highway 55, thence along North Carolina Highway 55 to the Atlantic Ocean.

(l) From points in South Carolina on and west of a line beginning at the North Carolina-South Carolina State line and extending along U.S. Highway 601 to its junction with South Carolina Highway 9, thence along South Carolina Highway 9 to junction U.S. Highway 521, thence along U.S. Highway 521 to junction South Carolina Highway 41, thence along South Carolina Highway 41 to junction South Carolina Highway 45, thence along South Carolina Highway 45 to the Atlantic Ocean to points in North Carolina on and west of a line beginning at the North Carolina-South Carolina State line and extending along Interstate 77, thence along Interstate 77 to junction U.S. Highway 29, thence along U.S. Highway 29 to the North Carolina-Virginia State line, except that part of North Carolina on and west of a line beginning at the Virginia-North Carolina State line and extending along North Carolina Highway 16, thence along U.S. Highway 321 to the North Carolina-South Carolina State line.

(m) From that part of South Carolina bounded on a line beginning at the North Carolina-South Carolina State line and extending south along Interstate 95, thence along Interstate 95 to junction Interstate 20, thence west along Interstate 20 to junction U.S. Highway 521, thence north along U.S. Highway 521 to junction South Carolina Highway 207, thence along South Carolina Highway 207 to the North Carolina-South Carolina State line to point in North Carolina on and west of a line beginning at the Virginia-North Carolina State line and extending along North Carolina Highway 89, thence along North Carolina Highway 89 to junction Interstate 85, thence along Interstate 85 to junction Interstate 77, thence along Interstate 77 to the North Carolina-South Carolina State line.

(2) *General commodities*, except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment,

(a) Between points in that part of South Carolina on and west of a line beginning at the Georgia-South Carolina State line and extending along U.S. Highway 1 to Columbia, S.C., thence along U.S. Highway 21 to the North Carolina State line, on the one hand, and, on the other, points in West Virginia on and west of U.S. Highway 220.

(b) Between points in that part of South Carolina on and west of a line beginning at the Georgia-South Carolina State line and extending along U.S. Highway 1 to Columbia, S.C., thence along U.S. Highway 21 to the North Carolina State line, on the one hand, and, on the other, points in Pennsylvania on and west of U.S. Highway 219.

(c) Between points in that part of South Carolina on and west of a line beginning at the Georgia-South Carolina State line and extending along U.S. Highway 1 to Columbia, S.C., thence along U.S. Highway 21 to the North Carolina State line, on the one hand, and, on the other, all points in Ohio, except those on and south of a line beginning at the Indiana-Ohio State line, and extending along Ohio Highway 44, thence along Ohio Highway 44 to its junction with U.S. Highway 127, thence along U.S. Highway 127 to its junction with Ohio Highway 725, thence along Ohio Highway 725 to junction Ohio Highway 122, thence along Ohio Highway 122 to junction Interstate 75, thence north along Interstate 75 to its junction with Ohio Highway 73, thence along Ohio Highway 73 to its junction with U.S. Highway 62, thence along U.S. Highway 62 to the Ohio River.

(d) Between points in that part of South Carolina on and west of a line beginning at the Georgia-South Carolina State line and extending along U.S. Highway 1 to Columbia, S.C., thence along U.S. Highway 21 to the North Carolina State line, except points on and west of a line beginning at the Georgia-South Carolina State line and extending over U.S. Highway 25 to junction South Carolina Highway 121, thence over South Carolina Highway 121 to junction U.S. Highway 176, thence over U.S. Highway 176 to junction South Carolina Highway 18, thence over South Carolina Highway 18 to the North Carolina State line, on the one hand, and, on the other, all points in Ohio.

(e) Between points in that part of South Carolina on and west of a line beginning at the Georgia-South Carolina State line and extending along U.S. Highway 1 to Columbia, S.C., thence along U.S. Highway 21 to the North Carolina State line, except points on and west of a line beginning at the Georgia-South Carolina State line and extending over U.S. Highway 25, thence over U.S. Highway 25 to junction South Carolina Highway 121, thence over South Carolina 121 to junction U.S. Highway 176, thence over U.S. Highway 176 to junction South Carolina Highway 18, thence over South Carolina Highway 18 to the North Carolina State line, on the one hand, and, on the other, points in that part of Indiana south of U.S. Highway 40 and east of U.S. Highway 31, including points on the indicated portions of the highways specified.

(f) Between points in that part of South Carolina on and west of a line beginning at the Georgia-South Carolina State line and extending along U.S. Highway 1 to Columbia, S.C., thence along U.S. Highway 21 to the North Carolina State line, on the one hand, and, on the other, points in Kentucky on and north of a line beginning at the Kentucky-Virginia State line, thence along Kentucky Highway 317 to its junction with Kentucky Highway 7, thence along Kentucky Highway 7 to junction U.S. Highway 60, thence over U.S. Highway 60 to Kentucky Highway 59, thence over Kentucky Highway 59 to the Ohio River, including points on the indicated portions of the highways specified.

(g) Between points in South Carolina on and west of a line beginning at the South Carolina-Georgia State line and extending over U.S. Highway 221, thence along U.S. Highway 221 to junction South Carolina Highway 378, thence over South Carolina Highway 378 to junction South Carolina Highway 121, thence over South Carolina Highway 121 to junction U.S. Highway 176, thence over South Carolina Highway 72 to junction U.S. Highway 321, thence over U.S. Highway 321 to the North Carolina-South Carolina State line, on the one hand, and, on the other, points in Virginia beginning at the West Virginia-Virginia State line, thence over Virginia Highway 311 to junction Interstate 81, thence over Interstate 81 to U.S. Highway 60, thence over U.S. Highway 60 to the Virginia-West Virginia State line, thence south along the Virginia-West Virginia State line to point of beginning, including points on the indicated portions of the highways specified.

The purpose of this filing is to eliminate the gateways of Charlotte, N.C. in (1) above and Bluefield, W. Va. in (2) above.

No. MC 111823 (Sub-No. E99), 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 Plattsburg Air Force Base, Plattsburg, New York, on the one hand, and, on the other, Craig Air Force Base, Selma, Alabama, Fort McClellan, Anniston, Alabama, Fort Rucker, Ozark, Alabama, Gunter Air Force Base, Montgomery, Alabama, Maxwell Air Force Base, Montgomery, Alabama, Redstone Arsenal, Huntsville, Alabama; Blytheville Air Force Base, Blytheville, Arkansas, Little Rock Air Force Base, Jacksonville, Arkansas; Ent Air Force Base & Peterson Field, Colorado Springs, Colorado, Fitzsimons General Hospital, Denver, Colorado, Fort Carson, Colorado Springs, Colorado, Lowry Air Force Base, Denver, Colorado, U.S. Air Force Academy, Colorado Springs, Colorado; Eglin Air Force Base, Valparaiso, Florida, Homestead Air Force Base, Homestead, Florida, McDill Air Force Base, Tampa, Florida, McCoy Air Force Base, Orlando, Florida, Naval Air Station, Pensacola, Florida, Naval Air Station Whiting Field, Milton, Florida, Naval Station, Key West, Florida, Naval Training Center, Orlando, Florida, Patrick Air Force Base, Cocoa Beach, Florida, Tyndall Air Force Base, Panama City, Florida.

Atlanta Army Depot, Forest Park, Georgia, Fort Benning, Columbus, Georgia, Fort McPherson Atlanta, Georgia, Marine Corps Supply Center, Albany, Georgia, Dobbins Air Force Base, Marietta, Georgia, Moody Air Force Base, Valdosta, Georgia, Naval Air Station, Albany, Georgia, Robins Air Force Base, Warner Robins, Georgia; Chanute Air Force Base, Rantoul, Illinois, Fort Sheridan, Highland Park, Illinois, Joliet Army Ammunition Depot, Joliet, Illinois, Savanna Army Depot, Savanna, Illinois, Naval Air Station, Glenview, Illinois, Naval Training Center, Greatlakes, Illinois, Scott Air Force Base, Belleville, Illinois; Grissom Air Force Base, Peru, Indiana, Fort Benjamin Harrison, Indianapolis, Indiana, Naval Ammunition Depot, Crane, Indiana; Forbes Air Force Base, Topeka, Kansas, Fort Leavenworth, Leavenworth, Kansas, Fort Riley, Junction City, Kansas, McConnel Air Force Base, Wichita, Kansas; Fort Campbell, Hopkinsville, Kentucky, Fort Knox, Fort Knox, Kenutcky; Barksdale Air Force Base, Shreveport, Louisiana, England Air Force Base, Alexandria, Louisiana, Fort Polk, Leesville, Louisiana, Naval Air Station, New Orleans, Louisiana; Kincheloe Air Force Base, Sault Ste Marie, Michigan, K. I. Sawyer Air Force Base, Gwinn, Michigan, Selfridge Air National Guard Base, Mount Clemens, Michigan, Wurtsmith Air Force Base, Oscoda, Michigan.

Duluth International Airport, Duluth, Minnesota; Columbus Air Force Base, Columbus, Mississippi, Keesler Air Force Base, Biloxi, Mississippi, Naval Air Station, Meridian, Mississippi, Naval Construction Battalion, Gulfport, Mississippi; Fort Leonard Wood, Waynersville, Missouri, Richards-Gebaur Air Force Base, Kansas City, Missouri, Whiteman Air Force Base, Knob Noster, Missouri; Offutt Air Force Base, Omaha, Nebraska; Grand Forks Air Force Base, Emerado, North Dakota, Minot Air Force Base, Minot, North Dakota; Lockbourne Air Force Base, Columbus, Ohio, Wright-Patterson Air Force Base, Dayton, Ohio; Altus Air Force Base, Altus, Oklahoma, Fort Sill, Lawton, Oklahoma, Tinker Air Force Base, Oklahoma City, Oklahoma, Vance Air Force Base, Enid, Oklahoma; Ellsworth Air Force Base, Rapid City, South Dakota; Arnold Air Force Station, Tullahoma, Tennessee, Naval Air Station Memphis, Millington, Tennessee; Bergstorm Air Force Base, Austin, Texas, Brooks Air Force Base, San Antonio, Texas, Carswell Air Force Base, Fort Worth, Texas, Dyess Air Force Base, Abilene, Texas, Ellington Air Force Base, Houston, Texas, Naval Air Station, Dallas, Texas, Fort Bliss, El Paso, Texas, Fort Hood, Killeen, Texas, Fort Sam Houston, San Antonio, Texas, Fort Wolters, Mineral Wells, Texas, Goodfellow Air Force Base, San Angelo, Texas, Kelly Air Force Base, San Antonio, Texas, Lackland Air Force Base, San Antonio, Texas, Laredo Air Force Base, Laredo, Texas, Laughlin Air Force Base, Del Rio, Texas, Naval Air Station, Corpus Christi, Texas, Naval Air Station Chase Field, Beeville, Texas, Naval Air Station, Kingsville, Texas, Randolph Air Force Base, Universal City, Texas.

Reese Air Force Base, Lubbock, Texas, Sheppard Air Force Base, Wichita Falls, Texas, Webb Air Force Base, Big Spring, Texas, and Camp McCoy, Sparta, Wisconsin. The purpose of this filing is to eliminate the gateway of St. Louis, Mo., or Louisville, Ky., or that part of Ohio, Indiana, and Illinois on and north of a line beginning at the Pennsylvania-Ohio State line, and extending along U.S. Hwy. 422 to junction U.S. Hwy. 62, thence along U.S. Hwy. 62 to junction U.S. Hwy. 40, thence along U.S. Hwy. 40 to Springfield, Ohio, thence along Ohio Hwy. 440 to junction U.S. Hwy. 40, thence along U.S. Hwy. 40 to junction U.S. Hwy. 36, thence along U.S. Hwy. 36 to the Illinois-Missouri State line.

No. MC 111823 (Sub-No. E100), 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, between Griffis Air Force Base, Rome, N.Y., and Hancock Field, Syracuse, N.Y., on the one hand, and, on the other,

Craig Air Force Base, Selma, Alabama, Fort McClellan, Anniston, Alabama, Fort Rucker, Ozark, Alabama, Gunter Air Force Base, Montgomery, Alabama, Redstone Arsenal, Huntsville, Alabama; Blytheville Air Force Base, Blytheville, Arkansas, Little Rock Air Force Base, Jacksonville, Arkansas; Ent Air Force Base & Peterson Field, Colorado Springs, Colorado, Fitzsimons General Hospital, Denver, Colorado, Fort Carson, Colorado Springs, Colorado, Lowry Air Force Base, Denver, Colorado, U.S. Air Force Academy, Colorado Springs, Colorado; Eglin Air Force Base, Valparaiso, Florida, Homestead Air Force Base, Homestead, Florida, McDill Air Force Base, Tampa, Florida, McCoy Air Force Base, Orlando, Florida, Naval Air Station Cecil Field, Jacksonville, Florida, Naval Air Station, Pensacola, Florida, Naval Station, Mayport, Florida, Naval Air Station Whiting Field, Milton, Florida, Naval Station, Key West, Florida, Naval Training Center, Orlando, Florida, Patrick Air Force Base, Cocoa Beach, Florida, Tyndall Air Force Base, Panama City, Florida; Atlanta Army Depot, Forest Park, Georgia, Fort Benning, Columbus, Georgia, Fort McPherson, Atlanta, Georgia, Marine Corps Supply Center, Albany, Georgia, Dobbins Air Force Base, Marietta, Georgia, Moody Air Force Base, Valdosta, Georgia, Naval Air Station, Albany, Georgia, Robins Air Force Base, Warner Robins, Georgia.

Chanute Air Force Base, Rantoul, Illinois, Fort Sheridan, Highland Park, Illinois, Joliet Army Ammunition Depot, Joliet, Illinois, Savanna Army Depot, Savanna, Illinois, Naval Air Station, Glenview, Illinois, Naval Training Center, Great Lakes, Illinois, Scott Air Force Base, Belleville, Illinois; Grissom Air Force Base, Peru, Indiana, Fort Benjamin Harrison, Indianapolis, Indiana, Naval Ammunition Depot, Crane, Indiana; Forbes Air Force Base, Topeka, Kansas, Fort Leavenworth, Leavenworth, Kansas, Fort Riley, Junction City, Kansas, McConnell Air Force Base, Wichita, Kansas; Fort Campbell, Hopkinsville, Kentucky, Fort Knox, Fort Knox, Kentucky; Barksdale Air Force Base; Shreveport, Louisiana, England Air Force Base, Alexandria, Louisiana, Fort Polk, Leesville, Louisiana, Naval Air Station, New Orleans, Louisiana; Kincheloe Air Force Base, Sault Ste Marie, Michigan, K. I. Sawyer Air Force Base, Gwinn, Michigan, Selfridge Air National Guard Base, Mount Clemens, Michigan, Wurtsmith Air Force Base, Oscoda, Michigan; Duluth International Airport, Duluth, Minnesota; Columbus Air Force Base, Columbus, Mississippi, Keesler Air Force Base, Biloxi, Mississippi, Naval Air Station, Meridian, Mississippi, Naval Construction Battalion, Gulfport, Mississippi; Fort Leonard Wood, Waynesville, Missouri, Richards-Gebaur Air Force Base, Kansas City, Missouri, Whiteman Air Force Base, Knob Noster, Missouri; Offutt Air Force Base, Omaha, Nebraska; Grand Forks Air Force Base, Emerado, North Dakota, Minot Air Force Base, Minot, North Dakota; Lockburne Air Force Base, Columbus, Ohio, Wright-Patterson Air Force Base, Dayton, Ohio; Altus Air Force Base, Altus, Oklahoma, Fort Sill, Lawton, Oklahoma, Tinker Air Force Base, Oklahoma City, Oklahoma, Vance Air Force Base, Enid, Oklahoma; Ellsworth Air Force Base, Rapid City, South Dakota; Arnold Air Force Station, Tullahoma, Tennessee, Naval Air Station Memphis, Millington, Tennessee.

Bergstrom Air Force Base, Austin, Texas, Brooks Air Force Base, San Antonio, Texas, Carswell Air Force Base, Fort Worth, Texas, Dyess Air Force Base, Abilene, Texas, Ellington Air Force Base, Houston, Texas, Naval Air Station, Dallas, Texas, Fort Bliss, El Paso, Texas, Fort Hood, Killeen, Texas, Fort Sam Houston, San Antonio, Texas, Fort Wolters, Mineral Wells, Texas, Goodfellow Air Force Base, San Angelo, Texas, Kelly Air Force Base, San Antonio, Texas, Lackland Air Force Base, San Antonio, Texas, Laredo Air Force Base, Laredo, Texas, Laughlin Air Force Base, Del Rio, Texas, Naval Air Station, Corpus Christi, Texas, Naval Air Station, Kingsville, Texas, Randolph Air Force Base, Universal City, Texas, Reese Air Force Base, Lubbock, Texas, Sheppard Air Force Base, Wichita Falls, Texas, Webb Air Force Base, Big Spring, Texas; and Camp McCoy, Sparta, Wiscon.

The purpose of this filing is to eliminate the gateway of St. Louis, Mo., or Louisville, Ky., or that part of Ohio, Indiana, and Illinois on and north of a line beginning at the Pennsylvania-Ohio State line, and extending along U.S. Hwy. 422 to junction U.S. Hwy. 62, thence along U.S. Hwy. 62 to junction U.S. Hwy. 40, thence along U.S. Hwy. 40 to Springfield, Ohio, thence along Ohio Hwy. 440 to

junction U.S. Hwy. 40, thence along U.S. Hwy. 40, to junction U.S. Hwy. 36, thence along U.S. Hwy. 36 to the Illinois-Missouri State line.

No. MC 111823 Sub E101, 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, New York 10019. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: Household goods, between Stewart Field, Newburgh, N.Y., and U.S. Military Academy, West Point, N.Y., on the one hand, and, on the other, Carig Air Force Base, Salem, Alabama; Fort McClellan Anniston, Alabama; Fort Rucker, Ozark, Alabama; Gunter Air Force Base, Montgomery, Alabama; Maxwell Air Force Base, Montgomery, Alabama; Redstone Arsenal, Huntsville, Alabama, Blytheville Air Force Base, Blytheville, Arkansas; Little Rock Air Force Base, Jacksonville, Arkansas; Ent Air Force Base & Peterson Field, Colorado Springs, Colorado; Fitzsimons General Hospital, Denver, Colorado; Fort Carson, Colorado Springs, Colorado; Lowry Air Force Base, Denver, Colorado; U.S. Air Force Academy, Colorado Springs, Colorado; Eglin Air Force Base, Valparaiso, Florida; Naval Air Station, Pensacola, Florida; Naval Air Station Whiting Field, Milton, Florida; Tyndall Air Force Base, Panama City, Florida; Fort Benning, Columbus, Georgia; Chanute Air Force Base, Rantoul, Illinois; Fort Sheridan, Highland Park, Illinois; Joliet Army Ammunition Depot, Joliet, Illinois; Savanna Army Depot, Savanna, Illinois; Naval Air Station, Glenview Illinois; Naval Training Center, Great Lakes, Illinois; Scott Air Force Base, Belleville, Illinois; Grissom Air Force Base, Peru, Indiana; Fort Benjamin Harrison, Indianapolis, Indiana; Naval Ammunition Depot, Crane, Indiana; Forbes Air Force Base, Topeka, Kansas; Fort Leavenworth, Leavenworth, Kansas; Fort Riley, Junction City, Kansas; McConnell Air Force Base, Wichita, Kansas; Fort Campbell, Hopkinsville, Kentucky.

Fort Knox, Fort Knox, Kentucky; Barksdale Air Force Base, Shreveport, Louisiana; England Air Force Base, Alexandria, Louisiana; Fort Polk, Leesville, Louisiana; Naval Air Station, New Orleans, Louisiana; Kincheloe Air Force Base, Sault Ste Marie, Michigan; K. I. Sawyer Air Force Base, Gwinn, Michigan; Selfridge Air National Guard Base, Mount Clemens, Michigan; Wurtsmith Air Force Base, Oscoda, Michigan; Duluth International Airport, Duluth, Minnesota; Columbus Air Force Base, Columbus, Mississippi; Keesler Air Force Base, Biloxi, Mississippi; Naval Air Station, Meridian, Mississippi; Naval Construction Battalion, Gulfport, Mississippi; Fort Leonard Wood, Waynesville, Missouri; Richards-Gebaur Air Force Base, Kansas City, Missouri; Whitman Air Force Base, Knob Noster, Missouri; Offutt Air Force Base, Omaha, Nebraska; Grand Forks Air Force Base, Emerado, North Dakota; Minot Air Force Base, Minot, North Dakota; Lockbourne Air Force Base, Columbus, Ohio; Wright-Patterson Air Force Base, Dayton, Ohio; Altus Air Force Base, Altus, Oklahoma; Fort Sill, Lawton, Oklahoma; Tinker Air Force Base, Oklahoma City, Oklahoma; Vance Air Force Base, Enid, Oklahoma; Ellsworth Air Force Base, Rapid City, South Dakota, Arnold Air Force Station, Tallahoma, Tennessee; Naval Air Station Memphis, Millington, Tennessee; Bergstrom Air Force Base, Austin, Texas; Brooks Air Force Base, San Antonio, Texas; Carswell Air Force Base, Fort Worth, Texas; Dyess Air Force Base, Abilene, Texas; Ellington Air Force Base, Houston, Texas; Naval Air Station, Dallas, Texas; Fort Bliss, El Paso, Texas; Fort Hood, Killeen, Texas; Fort Sam Houston, San Antonio, Texas; Fort Wolters, Mineral Wells, Texas; Goodfellow Air Force Base, San Angelo, Texas; Kelly Air Force Base, San Antonio, Texas; Lackland Air Force Base, San Antonio, Texas; Laredo Air Force Base, Laredo, Texas; Laughlin Air Force Base, Del Rio, Texas; Naval Air Station, Corpus Christi, Texas; Naval Air Station Chase Field, Beeville, Texas; Naval Air Station, Kingsville, Texas; Randolph Air Force Base, Universal City, Texas; Reese Air Force Base, Lubbock, Texas; Sheppard Air Force Base, Wichita Falls, Texas; Webb Air Force Base, Big Spring, Texas; Camp McCoy, Sparta, Wisconsin.

The purpose of this filing is to eliminate the gateway of St. Louis, Mo., or Louisville, Ky., or that part of Ohio, Indiana, and Illinois on and north of a line beginning at the Pennsylvania-Ohio State line, and extending along U.S. Hwy. 422 to junction U.S. Hwy. 62, thence along U.S. Hwy. 62 to junction U.S. Hwy. 40, thence along U.S. Hwy. 40 to Springfield, Ohio, thence along Ohio Hwy. 440 to junction U.S. Hwy. 40, thence along U.S. Hwy. 40, to junction U.S. Hwy. 36, thence along U.S. Hwy. 36 to the Illinois-Missouri State line.

No. MC 113843 (Sub-No. E569), filed May 17, 1974. Applicant: REFRIGERATED FOOD EXPRESS, INC., 316 Summer Street, Boston, Mass. 02210. Applicant's representative: Lawrence T. Sheils (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *frozen foods*, from points in Tiaga County, Pa., to points in Nebraska; and from those points in Pennsylvania on and east of a line beginning at the Pennsylvania-Maryland state line and extending along U.S. Highway 522 to junction U.S. Highway 22, thence along U.S. Highway 22 to junction U.S. Highway 322, thence along U.S. Highway 322 to junction Pennsylvania Highway 144, thence along Pennsylvania Highway 144 to junction U.S. Highway 220, thence along U.S. Highway 220 to junction Pennsylvania Highway 664, thence along Pennsylvania Highway 644 to junction Pennsylvania Highway 44, thence along Pennsylvania Highway 44 to junction Pennsylvania Highway 414, thence along Pennsylvania Highway 414 to junction Pennsylvania Highway 287, thence Pennsylvania Highway 287 to junction Pennsylvania Highway 249, thence along Pennsylvania Highway 249 to the Pennsylvania-New York State line, to those points in Nebraska on and west of U.S. Highway 183. The purpose of this filing is to eliminate the gateway of Dundee, N.Y.

No. MC 113843 (Sub-No. E588), filed May 17, 1974. Applicant: REFRIGERATED FOOD EXPRESS, INC., 316 Summer Street, Boston, Mass. 02210. Applicant's representative: Lawrence T. Sheils (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *frozen foods*, (1) from points in Erie County, Pa., to those points in N.Y. on and east of a line beginning at the New York-Pennsylvania State line and extending thence along New York Highway 14 to junction New York Highway 13, thence along N.Y. Highway 13 to junction U.S. Highway 20, thence along U.S. Highway 20 to junction New York Highway 12, thence along New York Highway 12 to junction New York Highway 28, thence along New York Highway 28 to junction New York Highway 30, thence along New York Highway 30 to junction New York Highway 3, thence along New York Highway 3 to junction New York Highway 58, thence along New York Highway 58 to the St. Lawrence River; (2) from points in Allegheny County, Pa., to those points in New York on, north, and east of a line beginning at Lake Ontario and extending along New York Highway 57 to junction U.S. Highway 11, thence along U.S. Highway 11 to junction New York Highway 17, thence along New York Highway 17 to junction U.S. Highway 6, thence along U.S. Highway 6 to the New York-Connecticut State line.

(3) From points in Franklin County, Pa., to points in Tioga County, N.Y., and those in New York bounded on the west by a line beginning at Lake Ontario and extending along New York Highway 57 to junction U.S. Highway 11, thence along U.S. Highway 11 to the New York-Pennsylvania State line, and on the south by a line beginning at the New York-Pennsylvania State line and extending along New York Highway 17 to junction New York Highway 30, thence along New York Highway 30 to junction New York Highway 7, thence along New York Highway 7 to Schenectady, thence along New York Highway 50 to its junction New York Highway 29, thence along New York Highway 29 to junction unnumbered Highway at Battenville, thence along unnumbered Highway to Shushan, thence along New York Highway 313 to the New York-Vermont State line; (4) from points in Adams County, Pa., to those points in New York bounded on the west by a line beginning at the New York-Pennsylvania State line and extending along New York Highway 328 to junction New York Highway 14, thence along New York Highway 14 to junction New York Highway 13, thence along New York Highway 13 to junction U.S. Highway 11, thence along U.S. Highway 11

to junction New York Highway 57, thence along New York Highway 57 to Lake Ontario, and, on the south, by a line beginning at the New York-Pennsylvania State line and extending along U.S. Highway 11 to junction New York Highway 7, thence along New York Highway 7 to Schenectady, thence along New York Highway 50 to junction New York Highway 29, thence along New York Highway 29 to junction New York Highway 153, thence along New York Highway 153 to the New York-Vermont State line.

(5) From those points in Pennsylvania on and west of U.S. Highway 15, to those points in New York bounded on the west by a line beginning at the New York-Pennsylvania State line and extending along New York Highway 328 to junction New York Highway 14, thence along New York Highway 14 to junction New York Highway 13, thence along New York Highway 13 to junction U.S. Highway 11, thence along U.S. Highway 11 to junction New York Highway 57, thence along New York Highway 57 to Lake Ontario, and, on the south, by a line beginning at the New York-Pennsylvania State line and extending along U.S. Highway 11 to junction New York Highway 7, thence along New York Highway 7 to Schenectady, thence along New York Highway 50 to junction New York Highway 29, thence along New York Highway 29 to junction New York Highway 153, thence along New York Highway 153 to the New York-Vermont State line. The purpose of this filing is to eliminate the gateway of Elmira, N.Y.

No. MC 113843 (Sub-No. E593), filed May 19, 1974. Applicant: REFRIGERATED FOOD EXPRESS, INC., 316 Summer Street, Boston, Mass. 02210. Applicant's representative: Lawrence T. Sheils (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *frozen foods* (1) from points in Tioga County, Pa., to points in Oklahoma; (2) from those points in Pennsylvania on and west of U.S. Highway 15, and on, east, and north of a line beginning at U.S. Highway 15 and extending along Pennsylvania Highway 35 to junction U.S. Highway 322, thence along U.S. Highway 322 to junction Pennsylvania Highway 144, thence along Pennsylvania Highway 144 to junction U.S. Highway 220, thence along U.S. Highway 220 to junction Pennsylvania Highway 287, thence along Pennsylvania Highway 287 to junction Pennsylvania Highway 249, thence along Pennsylvania Highway 249 to the Pennsylvania-New York State line, to points in Oklahoma; and (3) from points in Adams County, Pa., to those points in Oklahoma on, south, and west of a line beginning at the Oklahoma-Texas State line and extending along U.S. Highway 77 to junction Oklahoma Highway 7, thence along Oklahoma Highway 7 to Lawton, thence along U.S. Highway 62 to junction U.S. Highway 183, thence along U.S. Highway 183 to the Oklahoma-Kansas State line. The purpose of this filing is to eliminate the gateway of Dundee, N.Y.

No. MC 113843 (Sub E613), filed May 19, 1974. Applicant: REFRIGERATED FOOD EXPRESS, 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 poultry, frozen seafood, and frozen fruit and vegetables*, from those points in Delaware, Maryland, and Virginia east of the Chesapeake Bay and south of the Chesapeake and Delaware Canal to those points in New York on and north of a line beginning at Lake Ontario and extending along New York Highway 3, to junction New York Highway 30, to the United States-Canada International Boundary line. The purpose of this filing is to eliminate the gateway of Elmira, N.Y.

No. MC 113843 (Sub-No. E776), filed May 19, 1974. Applicant: REFRIGERATED FOOD EXPRESS, INC., 316 Summer Street, Boston, Mass. 02210. Applicant's representative: Lawrence T. Sheils (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *frozen juices and frozen berries* (1) from those points in Pennsylvania on, north, and east of a line beginning at the Pennsylvania-New Jersey State line and extending along U.S. Highway 202 to junction Pennsylvania Highway 309, thence along Pennsylvania Highway 309 to junction U.S. Highway 22, thence along U.S. Highway 22 to junction Pennsylvania Highway 61, thence along Pennsylvania Highway 61 to junction Pennsylvania Highway 42, thence along Pennsylvania Highway 42 to junction U.S. Highway 220, thence along U.S. Highway 220 to the Pennsylvania-New York State line, to those points in Kentucky on and west of a line beginning at the Kentucky-Tennessee State line and extending along alternate U.S. Highway 41 to junction Kentucky Highway 109, thence along Kentucky Highway 109 to the Kentucky-Indiana State line; (2) from 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 U.S. Highway 209, thence along U.S. Highway 209, thence along U.S. Highway 209 to junction Pennsylvania Highway 93, thence along Pennsylvania Highway 93 to junction Pennsylvania Highway 487, thence along Pennsylvania Highway 487 to junction U.S. Highway 220, thence along U.S. Highway 220 to the Pennsylvania-New York State line to those points in Kentucky on and west of a line beginning at the Kentucky-Tennessee State line and extending along Interstate Highway 65 to junction U.S. Highway 231, thence along U.S. Highway 231 to the Kentucky Indiana State line;

(3) From those points in Pennsylvania on, east, and north of a line beginning at the Pennsylvania-New Jersey State line and extending along Interstate Highway 80 to junction Pennsylvania Highway 115, thence along Pennsylvania Highway 115 to Wilkes-Barre, thence along Pennsylvania Highway 309 to junction Pennsylvania Highway 29, thence along Pennsylvania Highway 29 to junction U.S. Highway 6, thence along U.S. Highway 6 to junction Pennsylvania Highway 14, thence along Pennsylvania Highway 14 to the Pennsylvania-New York State line, to those points in Kentucky on and west of U.S. Highway 31E; (4) from those points in Pennsylvania on, north, and east of a line beginning at the Pennsylvania-New Jersey State line and extending along Interstate Highway 84 to junction Pennsylvania Highway 390, thence along Pennsylvania Highway 390 to junction Pennsylvania Highway 940, thence along Pennsylvania Highway 940 to junction Pennsylvania Highway 115, thence along Pennsylvania Highway 115 to Wilkes-Barre, thence along Pennsylvania Highway 309 to junction Pennsylvania Highway 29, thence along Pennsylvania Highway 29 to junction U.S. Highway 6, thence along U.S. Highway 6 to junction Pennsylvania Highway 14, thence along Pennsylvania Highway 14 to the Pennsylvania-New York State line, to those points in Kentucky on and west of a line beginning at the Kentucky-Tennessee State line and extending along U.S. Highway 27 to junction U.S. Highway 150, thence along U.S. Highway 150 to junction U.S. Highway 127, thence along U.S. Highway 127 to junction U.S. Highway 421, thence along U.S. Highway 421 to the Kentucky-Indiana State line.

(5) From those points in Pennsylvania on, north, and east of a line beginning at the Pennsylvania-New Jersey State line and extending along U.S. Highway 6 to junction Pennsylvania Highway 14, thence along Pennsylvania Highway 14 to the Pennsylvania-New York State line, to points in Kentucky; (6) from points in Bradford County, Pa., to points in Kentucky; (7) from those points in New Jersey on, north, and east of a line beginning at the Atlantic Ocean and extending along U.S. Highway 322 to junction New Jersey Highway 54, thence along U.S. Highway 54 to junction U.S. Highway 206, thence along U.S. Highway 206 to junction New Jersey Highway 543, thence along New Jersey Highway 543 to junction New Jersey Highway 541, thence along New Jersey Highway 541 to the Delaware River to those points in Kentucky on, south, and west of a line beginning at the Kentucky-Tennessee State line and extending along U.S. Highway 641 to junction U.S. Highway 68, thence along U.S. Highway 68 to junction U.S. Highway 60, thence along U.S. Highway 60 to the Ohio River; (8) from those points in New Jersey on, north, and east of a line beginning at the Barnegat Bay and extending along New Jersey Highway 37 to junction New Jersey Highway 70, thence along New Jersey Highway 70 to junction New Jersey Highway 530, thence along New Jersey Highway 530 to junction New Jersey Highway 545, thence along New Jersey

Highway 545 to junction U.S. Highway 206, thence along U.S. Highway 206 to Trenton, thence along U.S. Highway 201 to the Delaware River, to those points in Kentucky on and west of U.S. Highway 41.

(9) From those points in New Jersey on, north, and east of a line beginning at the Atlantic Ocean and extending along New Jersey Highway 33 to junction U.S. Highway 130, thence along U.S. Highway 130 to junction New Jersey Highway 522, thence along New Jersey Highway 522 to junction U.S. Highway 1, thence along U.S. Highway 1 to junction New Jersey Highway 26, thence along New Jersey Highway 26 to New Brunswick, thence along New Jersey Highway 527 to junction Interstate Highway 287, thence along Interstate Highway 287 to junction New Jersey Highway 28, thence along New Jersey Highway 28 to junction U.S. Highway 22, thence along U.S. Highway 22 to junction Interstate Highway 78, thence along Interstate Highway 78 to the New Jersey-Pennsylvania State line, to those points in Kentucky on and west of U.S. Highway 231; (10) from those points in New Jersey on, north, and east of a line beginning at the Atlantic Ocean and extending along New Jersey Highway 33 to junction U.S. Highway 130, thence along U.S. Highway 130 to junction New Jersey Highway 522, thence along New Jersey Highway 522 to junction U.S. Highway 1, thence along U.S. Highway 1 to junction New Jersey Highway 26, thence along New Jersey Highway 26 to New Brunswick, thence along New Jersey Highway 527 to junction Interstate Highway 287, thence along Interstate Highway 287 to junction New Jersey Highway 28, thence along New Jersey Highway 28 to junction U.S. Highway 206, thence along U.S. Highway 206 to the New Jersey-Pennsylvania State line, to those points in Kentucky on and west of a line beginning at the Kentucky-Indiana State line and extending along U.S. Highway 60 to junction Kentucky Highway 79, thence along Kentucky Highway 79 to junction U.S. Highway 231, thence along U.S. Highway 231, to the Kentucky-Tennessee State line.

(11) From those points in New Jersey on, north, and east of a line beginning at Raritan Bay and extending along New Jersey Highway 535 to junction New Jersey Highway 18, thence along New Jersey Highway 18 to junction Interstate Highway 287, thence along Interstate Highway 287 to junction New Jersey Highway 28, thence along New Jersey Highway 28 to junction U.S. Highway 206, thence along U.S. Highway 206 to the New Jersey-Pennsylvania State line, to those points in Kentucky on, south, and west of a line beginning at the Kentucky-Tennessee State line and extending along U.S. Highway 31E to junction Interstate Highway 65, thence along Interstate Highway 65 to junction U.S. Highway 31W, thence along U.S. Highway 31W to Muldraugh, thence along Kentucky Highway 1638 to junction Kentucky Highway 79, thence along Kentucky Highway 79 to the Kentucky-Indiana State line. The purpose of this filing is to eliminate the gateway of Dundee, N.Y.

No. MC 113843 (Sub-No. E792), filed May 19, 1974. Applicant: REFRIGERATED FOOD EXPRESS, INC., 316 Summer Street, Boston, Mass. 02210. Applicant's representative: Lawrence T. Sheils (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *frozen fruits and berries and frozen fruit and berry concentrates*, from those points in Pennsylvania on and east of a line beginning at the Pennsylvania-Maryland State line and extending along U.S. Highway 522 to junction U.S. Highway 322, thence along U.S. Highway 322 to junction Pennsylvania Highway 144, thence along Pennsylvania Highway 144 to junction Pennsylvania Highway 44, thence along Pennsylvania Highway 44 to the Pennsylvania-New York State line to those points in Texas on and west of a line beginning at the United States-Mexico International Boundary line and extending along U.S. Highway 81 to junction U.S. Highway 87, thence along U.S. Highway 87 to junction U.S. Highway 377, thence along U.S. Highway 377 to junction U.S. Highway 183, thence along U.S. Highway 183 to junction U.S. Highway 180, thence along U.S. Highway 180 to junction Texas Highway 67, thence along Texas Highway 67 to junction Texas Highway 16, thence along Texas Highway 16 to junction U.S. Highway 281, thence along U.S. Highway 281 to the Texas-Oklahoma State line; (2) from points in Tioga County, Pa., to points in Texas; and (3) from those points in Pennsylvania on, north, and east of a line beginning at the Pennsylvania-New Jersey State line and extending along Interstate Highway 78 to junction Interstate Highway 81, thence along Interstate Highway 81 to junction U.S. Highway 209, thence along U.S. Highway 209, to the Susquehanna River, thence commencing at the Susquehanna River and extending along Pennsylvania Highway 34, to junction U.S. Highway 322, thence along U.S. Highway 322 to junction Pennsylvania Highway 144 to junction U.S. Highway 6, thence along U.S. Highway 6 to junction Pennsylvania Highway 449, thence along Pennsylvania Highway 449 to the Pennsylvania-New York State line, to points in Texas. The purpose of this filing is to eliminate the gateway of Penn Yan, N.Y.

No. MC 113843 (Sub-No. E795), filed May 19, 1974. Applicant: REFRIGERATED FOOD EXPRESS, INC., 316 Summer Street, Boston, Mass. 02210. Applicant's representative: Lawrence T. Sheils (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen prune juice*, from those points in Pennsylvania on and west of U.S. Highway 15, and on, north, and east of a line beginning at U.S. Highway 15 and extending along U.S. Highway 522 to junction U.S. Highway 322, thence along U.S. Highway 322 to junction U.S. Highway 220, thence along U.S. Highway 220 to junction Pennsylvania Highway 120, thence along Pennsylvania Highway 120 to junction Pennsylvania Highway 144, thence along Pennsylvania Highway 144 to junction U.S. Highway 6, thence along U.S. Highway 6 to junction Pennsylvania Highway 449, thence along Pennsylvania Highway 449 to the Pennsylvania-New York State line, to those points in Kansas, on and west of a line beginning at the Kansas-Nebraska State line and extending along U.S. Highway 81 to junction U.S. Highway 24, thence along U.S. Highway 24 to junction Kansas Highway 14, thence along Kansas Highway 14 to junction Kansas Highway 96, thence along Kansas Highway 96 to junction Interstate Highway 35, thence along Interstate Highway 35 to the Kansas-Oklahoma State line. The purpose of this filing is to eliminate the gateway of the plant sites and storage facilities of Duffy-Mott Co., Inc., at Williamson, N.Y.

No. MC 113843 (Sub E990), filed December 2, 1974. Applicant: REFRIGERATED FOOD EXPRESS, INC., 316 Summer Street, Boston, Mass. 02210. Applicant's representative: Lawrence T. Sheils (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from Benton Harbor and St. Joseph, Mich., to points in Delaware, those on and east of a line beginning at the Maryland-Pennsylvania State line, and extending along U.S. Highway 15 to its junction with interstate Highway 70, thence along Interstate Highway 70 to junction Interstate Highway 495, thence along Interstate Highway 495 to Maryland-Virginia State line, and the District of Columbia. The purpose of this filing is to eliminate the gateway of Chicago, Ill.

No. MC 113843 (Sub E991), filed December 2, 1974. Applicant: REFRIGERATED FOOD EXPRESS, INC., 316 Summer Street, Boston, Massachusetts 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*, in vehicles equipped with mechanical refrigeration (except commodities in bulk, in tank vehicles), from St. Joseph and Benton Harbor, Mich., to points in Virginia. The purpose of this filing is to eliminate the gateway of Chicago, Ill.

No. MC 113843 Sub E997, filed December 2, 1974. Applicant: REFRIGERATED FOOD EXPRESS, INC., 316 Summer Street, Boston, Mass. 02210. Applicant's representative: Lawrence T. Sheils (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *frozen poultry, frozen seafood, and frozen fruits and vegetables*, (1) from points in Kent County, Del., and Kent and Queen Annes Counties, Md., to those points in Ark. on, north, and west of a line beginning at the Ark.-Okla. State line and

extending along U.S. Hwy. 64 to junction Ark. Hwy. 21, thence along Ark. Hwy. 21 to junction Ark. Hwy. 68, thence along Ark. Hwy. 68 to junction U.S. Hwy. 62, thence along U.S. Hwy. 62 to junction Ark. Hwy. 5, thence along Ark. Hwy. 5 to the Ark-Mo. State line; (2) from those in Del., Md. (except Pocomoke City, Cambridge, and Crisfield), and Va. east of the Chesapeake Bay and south of the Chesapeake and Delaware Canal to points in Colorado, Minnesota, and Nebraska; (3) from those points in Del., Md. (except Pocomoke City, Cambridge, and Crisfield), and Va. east of the Chesapeake Bay and south of the Chesapeake and Delaware Canal to those points in Kans., on, north, and west of a line beginning at the Kans.-Okla. State line and extending along U.S. Hwy. 83 to junction Kans. Hwy. 4, thence along Kans. Hwy. 4 to junction U.S. Hwy. 183, thence along U.S. Hwy. 183, to the Kans.-Neb. State line and those points in Okla. on and west of U.S. Hwy. 83; and (4) from those points in Del. and Md. (except Pocomoke City, Cambridge, and Crisfield) east of the Chesapeake Bay and south of the Chesapeake and Delaware Canal, to those points in Kansas on and west of U.S. Hwy. 283. The purpose of this filing is to eliminate the gateway of Dundee, N.Y.

No. MC 113843 (Sub E1017), filed December 2, 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*, from Pittstown, Pa., to those points in West Virginia on and west of a line beginning at the Virginia-West Virginia State line and extending along U.S. Highway 19 to junction Interstate Highway 77, to the West Virginia-Ohio State line, and Bristol, Va. The purpose of this filing is to eliminate the gateway of Elmira, N.Y.

No. MC 113843 (Sub-No. E1045), filed December 2, 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 fruits, frozen berries, and frozen vegetables*, from points in Massachusetts, Connecticut, and Rhode Island, to points in Colorado. The purpose of this filing is to eliminate the gateway of Geneva, N.Y.

No. MC 113843 (Sub-No. E1046), filed December 2, 1974. Applicant: REFRIGERATED FOOD EXPRESS, INC., 316 Summer Street, Boston, Mass. 02210. Applicant's representative: Lawrence T. Sheils (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *frozen fruits, frozen berries, and frozen vegetables*, from points in Massachusetts, Connecticut, Rhode Island, to Springfield, Ill., Louisville, Ky., Kenosha, Wis., Kansas City, and Vinita Park, Mo. The purpose of this filing is to eliminate the gateway of Dundee, N.Y.

No. MC 113843 (Sub-No. E1047), filed December 2, 1974. Applicant: REFRIGERATED FOOD EXPRESS, INC., 316 Summer Street, Boston, Mass. 02210. Applicant's representative: Lawrence T. Sheils (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *frozen fruits, frozen berries, and frozen vegetables*, from points in Massachusetts, Connecticut, Rhode Island, to points in Minnesota. The purpose of this filing is to eliminate the gateway of Geneva, N.Y.

No. MC 113843 (Sub-No. E1048), filed December 2, 1974. Applicant: REFRIGERATED FOOD EXPRESS, INC., 316 Summer Street, Boston, Mass 02210. Applicant's representative: Lawrence T. Sheils (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *frozen fruites, frozen berries, and frozen vegetables*, from points in Massachusetts, Connecticut, Rhode Island, to points in Kansas. The purpose of this filing is to eliminate the gateway of Geneva, N.Y.

No. MC 113843 (Sub-No. E1049), filed December 2, 1974. Applicant: REFRIGERATED FOOD EXPRESS, INC., 316 Summer Street, Boston, Mass 02210. Applicant's representative: Lawrence T. Sheils (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *frozen fruits, frozen berries, and frozen vegetables*, from points in Massachusetts, Connecticut, Rhode Island, to points in Iowa. The purpose of this filing is to eliminate the gateway of Geneva, N.Y.

No. MC 113843 (Sub-No. E1050), filed December 2, 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 fruits*, from Houlton, Maine, to points in Arkansas, Colorado, Iowa, Kansas, Minnesota, Missouri, Kentucky, Nebraska, Oklahoma, Texas, and Wisconsin. The purpose of this filing is to eliminate the gateway of Westfield, N.Y.

No. MC 113843 (Sub-No. E1053), filed December 2, 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*, from Hanover, Pa., to those points in New York bounded on the west by a line beginning at the New York-Pennsylvania State line and extending along New York Highway 14 to Lake Ontario, and bounded on the south and east by a line beginning at the New York-Pennsylvania State line and extending along unnumbered Highway to junction New York Highway 17, thence along New York Highway 17 to Binghampton, thence along New York 12 to junction New York Highway 28, thence along New York Highway 28 to junction U.S. Highway 9, thence along U.S. Highway 9 to the U.S.-Canada International Boundary line. The purpose of this filing is to eliminate the gateway of Elmira, N.Y.

No. MC 113843 (Sub-No. E1054), filed December 2, 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* from Carteret, N.J., to that portion of Kentucky on and west of a line beginning at the Kentucky-Ohio State line and extending along Interstate Highway 65 to Elizabethtown, thence along Kentucky Highway 61 to junction Kentucky Highway 55, thence along Kentucky Highway 55 to junction U.S. Highway 127, thence along U.S. Highway 127 to the Kentucky-Tennessee State Line. The purpose of this filing is to eliminate the gateway of Buffalo, N.Y.

No. MC 113843 (Sub-No. E1056), filed December 2, 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*, from North Brunswick, N.J., to that portion of Pennsylvania on, west, and north of a line beginning at the Ohio-Pennsylvania State line and extending along U.S. Highway 6 to Meadville, thence along Pennsylvania Highway 77 to junction Pennsylvania Highway 27, thence along Pennsylvania Highway 27 to junction U.S. Highway 6, thence along U.S. Highway 6 to Warren, thence along Pennsylvania Highway 59 to junction U.S. Highway 15, thence along U.S. Highway 15 to the Pennsylvania-New York State line. The purpose of this filing is to eliminate the gateway of Elmira, N.Y.

No. MC 113843 (Sub-No. E1060), filed December 2, 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*, from Caribou, Maine, to points in Arkansas, Colorado, Iowa, Kentucky, Minnesota, Missouri, Nebraska, Oklahoma, Texas, and Wisconsin. The purpose of this filing is to eliminate the gateway of Westfield, N.Y.

No. MC 113843 (Sub-No. E1063), filed December 2, 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*, from North Brunswick, N.J., to Springfield, Ohio, and that portion of Ohio on, north, and west of a line beginning at the Ohio-Pennsylvania State line and extending along Interstate Highway 90 to Cleveland, thence along Interstate Highway 71 to junction Ohio Highway 98, thence over Ohio Highway 95 to Marion, thence along Ohio Highway 739 to junction Ohio State Highway 47, thence along Ohio State Highway 47 to Bellefontaine, thence along U.S. Highway 33 to the Ohio River. The purpose of this filing is to eliminate the gateway of Elmira, N.Y.

No. MC 113843 (Sub-No. E1068), filed January 17, 1975. Applicant: REFRIGERATED FOOD EXPRESS, INC., 316 Summer Street, Boston, Mass. 02210. Applicant's representative: Lawrence F. Sheils (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *frozen foods* from points in Cattaraugus, Chautauqua, and Erie Counties, N.Y., to Chicago, Ill., Green Bay and Milwaukee, Wis., and points in Connecticut, Indiana, Massachusetts, Michigan, New Jersey, Ohio, Pennsylvania, and Rhode Island. The purpose of this filing is to eliminate the gateway of Buffalo, N.Y.

No. MC 114457 (Sub E18), filed June 3, 1974. Applicant: DART TRANSIT COMPANY, 780 North Prior Avenue, St. Paul, Minn. 55104. Applicant's representative: Michael P. Zell (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned goods* (except dairy products and meat), from points in Wisconsin north of Crawford, Richland, Souk, Columbia, Dodge, Washington, and Ozaukee Counties to points in Nebraska. The purpose of this filing is to eliminate the gateway of points in Minnesota.

No. MC 114457 (Sub E52), filed May 24, 1974. Applicant: DART TRANSIT COMPANY, 780 North Prior Avenue, St. Paul, Minn. 55104. Applicant's representative: Michael P. Zell (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned goods*, from points in North Dakota to points in Missouri (except points in Atchison County). The purpose of this filing is to eliminate the gateway of Chanhassen, Minn.

No. MC 114457 (Sub E53), filed May 31, 1974. Applicant: DART TRANSIT COMPANY, 780 North Prior Avenue, St. Paul, Minn. 55104. Applicant's representative: Michael P. Zell (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Containers and container ends, metal accessories, and materials and supplies used by a canning factory*, from points in Wisconsin to points in South Dakota in and west of Brown, Spink, Beadle, Jerauld, Brule, and Gregory Counties. The purpose of this filing is to eliminate the gateway of Minneapolis, Minn.

No. MC 114457 (Sub E84), filed June 4, 1974. Applicant: DART TRANSIT COMPANY, 780 North Prior Avenue, St. Paul, Minn. 55104. Applicant's representative: Michael P. Zell (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Metal Canned goods containers* and (2) *container ends, accessories, and materials and supplies* used in connection with the manufacture and distribution of metal containers (except commodities in bulk and those which because of size or weight require the use of special equipment), when moving in mixed loads with metal containers—from all points in Wisconsin except Douglas County to all points in South Dakota in and west of Brown, Spink, Beadle, Sanborn, Davison, Douglas, and Charles Mix Counties. The purpose of this filing is to eliminate the gateway of points in Minnesota.

No. MC 114457 (Sub E87), filed June 4, 1974. Applicant: DART TRANSIT COMPANY, 780 North Prior Avenue, St. Paul, Minn. 55104. Applicant's representative: Michael P. Zell (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned Goods* (except dairy products and meat), from points in North Dakota to points in Ohio, Pennsylvania, West Virginia, Kentucky, Connecticut, Delaware, Indiana, Lower Peninsula of Michigan, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Rhode Island, Vermont, and the District of Columbia. The purpose of this filing is to eliminate the gateway of points in Minnesota.

No. MC 114457 (Sub E89), filed June 4, 1974. Applicant: DART TRANSIT COMPANY, 780 North Prior Avenue, St. Paul, Minn. 55104. Applicant's representative: Michael P. Zell (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned goods* (except dairy products and meat), from Omaha, Nebraska, to points in Ohio, Pennsylvania, West Virginia, Connecticut, Delaware, Indiana, Lower Peninsula of Michigan, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Rhode Island, Vermont, and District of Columbia. The purpose of this filing is to eliminate the gateway of points in Minnesota.

No. MC 114457 (Sub E90), filed June 4, 1974. Applicant: DART TRANSIT COMPANY, 780 North Prior Avenue, St. Paul, Minn. 55104. Applicant's representative: Michael P. Zell (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned goods* (except dairy products and meat), from points in Montana to points in Ohio, Pennsylvania, West Virginia, Kentucky, Connecticut, Delaware, Indiana, Lower Peninsula of Michigan, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Rode Island, Vermont, and the District of Columbia. The purpose of this filing is to eliminate the gateway of points in Minnesota.

No. MC 114457 (Sub E 94), filed June 4, 1974. Applicant: DART TRANSIT COMPANY, 780 North Prior Avenue, St. Paul, Minn. 55104. Applicant's representative: Michael P. Zell (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Sugar, utilized as a canning factory supply*, from points in South Dakota except points in Buffalo, Jerauld, Sanborn, Miner, Lake, Moody, Gulle, Aurora, Davison, Hanson, McCook, Minnehaha, Gregory, Charles Mix, Douglas, Hutchinson, Turner, Lincoln, Bon Hamme, Yankton, Clay, and Union Counties) and points in North Dakota and Montana to points in Illinois. The purpose of this filing is to eliminate the gateway of points in Minnesota.

No. MC 114457 (Sub E150), filed November 22, 1974. Applicant: DART TRANSIT COMPANY, 780 North Prior Avenue, St. Paul, Minn. 55104. Applicant's representative: Michael P. Zell (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Paper containers and paper container closures* (except commodities in bulk), from Hamilton, Ohio, to points in Minnesota, Nebraska, North Dakota, South Dakota, and points in Iowa (except points in Davis, Van Buren, Jefferson, Henry, Lee, Des Moines, and Louisa Counties). The purpose of this filing is to eliminate the gateway of Chicago, Ill.

No. MC 114457 (Sub E156), filed May 31, 1974. Applicant: DART TRANSIT COMPANY, 780 North Prior Avenue, St. Paul, Minn. 55104. Applicant's representative: Michael P. Zell (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Containers* and *container ends, metal accessories*, and *materials and supplies* used by a canning factory (Sub 79), from all points in Wisconsin (except points in Crawford, Grant, Iowa, Lafayette, and Green Counties) to all points in Colorado. The purpose of this filing is to eliminate the gateway of Minneapolis, Minn.

No. MC 115840 (Sub E72), filed December 30, 1974. Applicant: COLONIAL FAST FREIGHT, INC., PO Box 10327, Birmingham, Ala. 35202. Applicant's representative: Roger M. Shaner (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Such materials and supplies used in the agriculture, water treatment, food processing, wholesale groceries, and institutional supply industries (except in bulk) as are embraced in iron and steel articles, cranes, sand hoppers, elevators, conveyors, dust collectors, meter boxes, and as are also embraced in pipe, fittings, valves, hydrants, gaskets, iron castings, and ac-*

cessories, (1) from those points in Alabama bounded on the north by U.S. Highway 84 from the Alabama-Mississippi State Line, eastward to the intersection of U.S. Highway 31, thence along U.S. Highway 31 southward, to the Alabama-Florida State Line at, and including, Flomaton, Alabama-Florida, thence westward and southward from Flomaton along the Alabama-Florida State Line to the Gulf of Mexico; and on the west by the Alabama-Mississippi State Line, northward, from the Gulf of Mexico to U.S. Highway 84, to points in Washington, Oregon, Arizona, Utah, Nevada, Idaho, Wyoming, Colorado, Montana, Nebraska, Kansas, South Dakota, North Dakota, Iowa, Wisconsin, Illinois, Michigan, Minnesota, Indiana, Ohio, Kentucky, West Virginia, Virginia, Delaware, Maryland, New Jersey, New York, Connecticut, Rhode Island, Pennsylvania, Massachusetts, New Hampshire, Vermont, and Maine; (2) from those points in that portion of Alabama bounded on the north by U.S. Highway 82 from the Alabama-Mississippi State Line, thence eastward to the intersection of U.S. Highway 31, thence southward to the intersection with U.S. Highway 84, thence to the Alabama-Mississippi State Line to points in California, Oregon, Washington, Arizona, Nevada, Utah, Idaho, New Mexico, Wyoming, Colorado, Montana, Texas, Oklahoma, Nebraska, Kansas, South Dakota, North Dakota, Iowa, Wisconsin, Illinois, Minnesota, Michigan, Missouri, Indiana, Ohio, Pennsylvania, New Jersey, New York, Connecticut, Rhode Island, Massachusetts, New Hampshire, Vermont, and Maine.

(3) From those points in that portion of Alabama located at the intersection of Alabama State Highway 5 and U.S. Highway 278, thence along U.S. Highway 278 to the intersection of U.S. Interstate Highway 65, thence on U.S. Interstate Highway 65 to Alabama State Highway 69, thence on Alabama State Highway 69 to the intersection with U.S. Highway 82, thence on U.S. Highway 82 to the Alabama-Mississippi State Line, then to U.S. Highway 78, thence on U.S. Highway 78 to intersection U.S. Highway 278, thence on U.S. Highway 278 to the intersection with Alabama State Highway 5 to points in California, Oregon, Washington, Arizona, New Mexico, Nevada, Utah, Idaho, Wyoming, Colorado, Montana, Texas, Oklahoma, Nebraska, Kansas, South Dakota, North Dakota, Iowa, Wisconsin, Michigan, Minnesota, West Virginia, Virginia, Pennsylvania, Delaware, Maryland, New Jersey, New York, Connecticut, Rhode Island, Massachusetts, New Hampshire, Vermont, and Maine; (4) from those points in that portion of Alabama located at the intersection of Alabama State Highway 79 and U.S. Highway 231, thence on U.S. Highway 231 to Interstate 20, thence on Interstate 20 to the intersection with Alabama State Highway 77, thence to the intersection of U.S. Highway Alternate 231 located at Talladega (and including Talladega, Alabama), thence on U.S. Highway Alternate 231 to the intersection of Alabama State Highway 22, thence on Alabama State Highway 22 to the intersection with U.S. Highway 82, thence on U.S. Highway 82 to the intersection of Alabama State Highway 69, thence on Alabama State Highway 69 to the intersection with Interstate Highway 65, thence on Interstate Highway 65 to Birmingham, Alabama (and including Birmingham, Alabama), and the intersection of U.S. Highway 31 and Alabama State Highway 79, thence on Alabama State Highway 79 to the intersection with U.S. Highway 231 to points in California, Washington, Oregon, Arizona, Utah, Nevada, Idaho, Wyoming, Colorado, Texas, Montana, Nebraska, Kansas, South Dakota, North Dakota, Iowa, Wisconsin, Michigan, Illinois, Minnesota, Indiana, Ohio, Kentucky, West Virginia, Virginia, Delaware, Maryland, New Jersey, New York, Connecticut, Rhode Island, Pennsylvania, Massachusetts, New Hampshire, Vermont, and Maine.

(5) From those points in that portion of Alabama at the intersection of U.S. Highway Alternate 231 and Alabama State Highway 77 at Talladega, Alabama, thence on Alabama State Highway 77 to the intersection of Alabama State Highway 22, thence on Alabama State Highway 22 to the intersection of U.S. Highway 280, thence on U.S. Highway 280 to the intersection with Alabama State Highway 49 at Dadeville, Alabama, and (including Dadeville, Alabama), thence on Alabama State Highway 49 to the intersection of Alabama State Highway 14, thence on Alabama State Highway 14 to the intersection with U.S. Highway 231, thence on U.S. Highway 231 to the intersection with U.S. Highway 82 at Montgomery, Alabama (and including Montgomery, Alabama), thence on U.S. Highway 82 to the intersection with Alabama State Highway 22, thence on Alabama State Highway 22 to the intersection with U.S. Highway 231, thence on U.S. Highway 231 to the intersection with U.S. Highway Alternate 231 at Sylacauga, Alabama (and including Sylacauga, Alabama), thence on U.S. Highway Alternate 231 to the intersection with Alabama State Highway 77 to points in California, Washington, Oregon, Arizona, Utah, Nevada, Idaho, Wyoming, Colorado, Texas, Montana, Nebraska, Kansas, South Dakota North Dakota, Iowa, Wisconsin, Michigan, Illinois, Minnesota, Indiana, Delaware, Ohio, Kentucky, West Virginia, Maryland, New Jersey, New York, Connecticut, Rhode Island, Pennsylvania, Massachusetts, New Hampshire, Vermont, and Maine.

(6) From those points in that portion of Alabama at the intersections with U.S. Interstate 65 and U.S. Highway 278, thence on U.S. Highway 278 to the intersection with Alabama State Highway 69, thence on Alabama State Highway 69 to the intersection with U.S. Highway 231, thence on U.S. Highway 231 to the intersection with U.S. Highway 278, thence on U.S. Highway 278 to the intersection with Alabama State Highway 75, thence on Alabama State Highway 75 to the intersection with Alabama State Highway 35, thence on Alabama State Highway 35 to the intersection with Alabama State Highway 9, thence on Alabama State Highway 9 to the intersection with U.S. Highway 411, thence on U.S. Highway 411 to the intersection with U.S. Highway 431, thence on U.S. Highway 431 to the intersection with Alabama State Highway 21 at Anniston, Alabama (and including Anniston, Alabama), thence on Alabama State Highway 21 to the intersection with Alabama Highway 77, thence on Alabama Highway 77 to the intersection with U.S. Interstate Highway 20, thence on U.S. Interstate Highway 20 to the intersection with U.S. Highway 231, thence on U.S. Highway 231 to the intersection with Alabama State Highway 79, thence on Alabama State Highway 79 to the intersection with Interstate Highway 65 at Birmingham, Alabama (including Birmingham, Alabama), thence on Interstate Highway 65 to the intersection with U.S. Highway 278 to points in California, Oregon, Washington, Arizona, Nevada, Utah, Idaho, Wyoming, Colorado, Montana, Texas, Nebraska, Kansas, South Dakota, North Dakota, New York, Connecticut, Massachusetts, New Hampshire, Vermont, and Maine. The purpose of this filing is to eliminate the gateways of Anniston and Holt, Ala.

By the Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.75-20240 Filed 8-1-75;8:45 am]

federal register

MONDAY, AUGUST 4, 1975

PART II:

WATER RESOURCES COUNCIL

■

EMPLOYEE RESPONSIBILITIES AND CONDUCT

Title 18—Conservation of Power and Natural Resources

CHAPTER VI—WATER RESOURCES COUNCIL

PART 706—EMPLOYEE RESPONSIBILITIES AND CONDUCT

Notice of Rulemaking

Chapter VI, Title 18 of the Code of Federal Regulations is amended by the addition of a new Part 706 entitled, "Employee Responsibilities and Conduct", as set forth below.

This rulemaking is made by authority of the Water Resources Planning Act of 1965 (Sec. 402, Pub. Law 89-80, 79 Stat. 254 (42 USC 1962d-1)). Executive Order 11222 (30 FR 6469, 3 CFR Proc. 3279, as amended); and 5 CFR pt. 735, (33 FR 12487).

Executive Order 11222 prescribes standards of ethical conduct for government officers and employees. The Civil Service Commission, by authority delegated to it under Secs. 602, 701, and 702 of the Executive Order, has issued regulations (5 CFR pt. 735) under which each agency head must issue regulations covering the agency's employees and special Government employees; prescribing standards of conduct and responsibilities; and governing statements reporting employment and financial interests. This new Part 706 implements, and is otherwise consistent with, the requirements of law, the order, and 5 CFR pt. 735.

As this Part 706 has application solely to the Water Resources Council personnel, the relevant provisions of the Administrative Procedure Act (5 USC 553) requiring notice of proposed rulemaking, opportunity for public participation, and delay in effective date are inapplicable.

In accordance with the spirit of the public policy set forth in 5 USC 553, interested persons may submit written comments, suggestions, or arguments to the Director, Water Resources Council, 2120 L Street, N.W., Washington, D.C. 20037 on or before September 2, 1975. Material submitted will be evaluated and acted upon in the same manner as if this document were a proposal. Until such time as further changes are made, however, Part 706 as set forth below shall remain in effect.

These Employee Responsibilities and Conduct Regulations are effective August 4, 1975.

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

PETER P. RAMATOWSKI,
Acting Director,
U.S. Water Resources Council.

A new Part 706 is added to 18 CFR Chapter VI, as follows:

Subpart A—General Provisions

Sec.
706.101 Purpose.
706.102 Definitions.
706.103 Remedial Action.
706.104 Interpretation and Advisory Service.

Subpart B—Conduct and Responsibilities of Employees

Sec.
706.201 Proscribed actions.
706.202 Gifts, entertainment, and favors.
706.203 Outside employment and activity.
706.204 Financial interests.
706.205 Misuse of Information.
706.206 Support of Council programs.
706.207 Use of Government property.
706.208 Indebtedness.
706.209 Gambling, betting, and lotteries.
706.210 Coercion.
706.211 General conduct prejudicial to the Government.
706.212 Miscellaneous statutory provisions.

Subpart C—Conduct and Responsibilities of Special Government Employees

706.301 Use of Government employment.
706.302 Use of inside information.
706.303 Gifts, entertainment, and favors.
706.304 Applicability of other provisions.

Subpart D—Statements of Employment and Financial Interests

706.401 Employees required to submit statements.
706.402 Employee's complaint on filing requirement.
706.403 Form of statements.
706.404 Time for submission of statements.
706.405 Supplementary statements.
706.406 Interests of employees' relatives.
706.407 Information not known by employees.
706.408 Information not required.
706.409 Opportunity for explanation of conflict or appearance of conflict.
706.410 Confidentiality of statements.
706.411 Effect of statements on other requirements.
706.412 Submission of statements by special Government employees.
706.413 Submission of statements by River Basin Commission Chairmen.

AUTHORITY: Water Resources Planning Act, 1965 (Sec. 402, Pub. L. 89-80, 79 Stat. 254 (42 U.S.C. 1962d-1)) E.O. 11222 (30 FR 6469, 3 CFR Proc. 3279; as amended); 5 CFR Part 735 (33 FR 12487).

Subpart A—General Provisions

§ 706.101 Purpose.

The maintenance of unusually high standards of honesty, integrity, impartiality, and conduct by employees and special Government employees is essential to assure the proper performance of the Water Resources Council's (hereafter referred to as the Council) business and the maintenance of confidence by citizens in their Government. The avoidance of misconduct and conflicts of interest on the part of employees and special Government employees through informed judgment is indispensable to the maintenance of these standards. To accord with these concepts, this part sets forth the Council's regulations prescribing standards of conduct and responsibilities and governing statements of employment and financial interests for employees and special Government employees.

§ 706.102 Definitions.

In this part:

(a) "Employee" means the Director and an employee of the Council employed by the Director under the authority of § 701.78(a)(4) of this chapter.

(b) "Special Government employee" means a special Government employee as defined in section 202 of title 18 of the United States Code who is employed by the Council.

§ 706.103 Remedial action.

(a) A violation of this part by an employee or special Government employee may be cause for remedial action. Remedial action may include, but is not limited to:

(1) Changes in assigned duties;

(2) Divestment by the employee or special Government employee of his conflicting interest;

(3) Disciplinary action which may be in addition to any penalty prescribed by law; or

(4) Disqualification for a particular assignment.

(b) Remedial action, whether disciplinary or otherwise, shall be effected in accordance with any applicable laws, Executive orders, and regulations.

§ 706.104 Interpretation and advisory service.

The General Counsel will serve as Counselor for the purpose of providing interpretation and advisory assistance to the Council staff on matters covered in this Part 706.

Subpart B—Conduct and Responsibilities of Employees

§ 706.201 Proscribed actions.

An employee shall avoid any action which might result in, or create the appearance of:

(a) Using public office for private gain;

(b) Giving preferential treatment to any person;

(c) Impeding Government efficiency or economy;

(d) Losing complete independence or impartiality;

(e) Making a Government decision outside official channels; or

(f) Affecting adversely the confidence of the public in the integrity of the Government.

§ 706.202 Gifts, entertainment, and favors.

(a) Except as provided in paragraphs (b) and (c) of this section, an employee shall not solicit or accept, directly or indirectly, any gift, gratuity, favor, entertainment, loan, or any other thing of monetary value, from a person who:

(1) Has, or is seeking to obtain, contractual or other business or financial relations with the Council;

(2) Conducts operations or activities that are regulated by the Council; or

(3) Has interests that may be substantially affected by the performance or nonperformance of his official duty.

(b) The restrictions set forth in paragraph (a) of this section do not apply to:

(1) Obvious family or personal relationships, such as those between the employee and his parents, children, or spouse, when the circumstances make it

clear that those relationships rather than the business of the persons concerned are the motivating factors;

(2) The acceptance of food and refreshments of nominal value on infrequent occasions in the ordinary course of a luncheon or dinner meeting or other meeting or on an inspection tour where an employee may be properly in attendance;

(3) The acceptance of loans from banks or other financial institutions on customary terms to finance proper and usual activities of employees, such as home mortgage loans; and

(4) The acceptance of unsolicited advertising or promotional material, such as pens, pencils, note pads, calendars, and other items of nominal intrinsic value.

(c) An employee shall not solicit a contribution from another employee for a gift to an official superior, make a donation as a gift to an official superior, or accept a gift from an employee receiving less pay than himself (5 USC 7351). However, this paragraph does not prohibit a voluntary gift of nominal value or donation in a nominal amount made on a special occasion such as marriage, illness, or retirement.

(d) An employee shall not accept a gift, present, decoration, or other thing from a foreign government unless authorized by Congress as provided by the Constitution and in 5 U.S.C. 7342.

(e) Neither this section nor § 706.203 precludes an employee from receipt of bona fide reimbursement, unless prohibited by law, for expenses of travel and such other necessary subsistence as is compatible with this part for which no Government payment or reimbursement is made. However, this paragraph does not allow an employee to be reimbursed, or payment to be made on his behalf, for excessive personal living expenses, gifts, entertainment, or other personal benefits, nor does it allow an employee to be reimbursed by a person for travel on official business under Council orders when reimbursement is proscribed by Decision B–128527 of the Comptroller General dated March 7, 1967.

§ 706.203 Outside employment and activity.

(a) An employee shall not engage in outside employment or other outside activity not compatible with the full and proper discharge of the duties and responsibilities of his Government employment. Incompatible activities include, but are not limited to:

(1) Acceptance of a fee, compensation, gift, payment of expense, or any other thing of monetary value in circumstances wherein acceptance may result in, or create the appearance of, a conflict of interest;

(2) Outside employment or activity which tends to impair his mental or physical capacity to perform the duties and responsibilities of his position in an acceptable manner;

(3) Outside employment or activity which is in violation of a statute, Executive order, or regulation, including applicable State and local statutes and ordinances.

(b) Employees are encouraged to engage in teaching, lecturing, and writing that is not prohibited by law, Executive Order 11222 of May 11, 1965, as amended by Executive Order 11590 of April 27, 1971, this part or other Council regulations. However, an employee shall not, either for or without compensation, engage in teaching, lecturing, or writing, including teaching, lecturing, or writing for the purpose of the special preparation of a person or class of persons for an examination of the Civil Service Commission or Board of Examiners for the Foreign Service, that depends on information obtained as a result of his Government employment, except when that information has been made available to the general public or will be made available on request, or when the agency head gives written authorization for use of non-public information on the basis that the use is in the public interest.

(c) An employee shall not receive any salary or anything of monetary value from a private source as compensation for his services to the Government.

(d) An employee shall not engage in outside work or activity which may be construed by the public to be official acts of the Council, or of a nature closely paralleling the work of the Council.

(e) An employee who engages in any kind of outside paid employment on a substantially regular basis shall submit to his immediate supervisor a memorandum describing the employment and stating approximately how many hours per week he is so employed. The immediate supervisor shall forward the memorandum through the Director for inclusion in the employee's Official Personnel Folder.

(f) This section does not preclude an employee from:

(1) Participation in the activities of national or State political parties not proscribed by law;

(2) Participation in the local self-government activities in the community in which he resides to the extent permitted by law; or,

(3) Participation in the affairs of, or acceptance of an award for meritorious public contribution or achievement given by, a charitable, religious, professional, social, fraternal, nonprofit educational, recreational, public service, or civic organization.

§ 706.204 Financial interests.

(a) An employee shall not:

(1) Have a direct or indirect financial interest that conflicts substantially, or appears to conflict substantially, with his Government duties and responsibilities; or

(2) Engage in, directly or indirectly, a financial transaction as a result of or primarily relying on, information obtained through his Government employment.

(b) This section does not preclude an employee from having a financial interest or engaging in financial transactions to the same extent as a private citizen not employed by the Government so long as it is not prohibited by law, Executive Order 11222, as amended, 5 CFR 735, or this part.

§ 706.205 Misuse of information.

For the purpose of furthering a private interest an employee shall not, except as provided in § 706.203(b), directly or indirectly use, or allow the use of, official information obtained through or in connection with his Government employment which has not been made available to the general public.

§ 706.206 Support of Council programs.

(a) When a Council program is based on law or Executive order, every employee has a positive obligation to make it function as efficiently and economically as possible and to support it as long as it is a part of recognized public policy. An employee may, therefore, properly make an address explaining and interpreting such a program, citing its achievements, defending it against uninformed or unjust criticism, pointing out the need for possible improvements, or soliciting views for improving it.

(b) An employee shall not, either directly or indirectly, use appropriated funds to influence a Member of Congress to favor or oppose legislation in violation of 18 U.S.C. 1913. However, an employee is not prohibited from:

(1) Testifying as a representative of the Council on pending legislation proposals before congressional committees on request; provided, that the relevant provisions of the current OMB Circular A–14 ("Legislation Coordination and Clearance") are complied with; or

(2) Assisting congressional committees in drafting bills or reports on request, when it is clear that the employee is serving solely as a technical expert under the direction of committee leadership.

§ 706.207 Use of Government property.

An employee shall not directly or indirectly use, or allow the use of, Government property of any kind, including property leased to the Government, for other than officially approved activities. An employee has a positive duty to protect and conserve Government property including equipment, supplies, and other property entrusted or issued to him.

§ 706.208 Indebtedness.

(a) An employee shall pay each just financial obligation in a proper and timely manner, especially one imposed by law, such as Federal, State, or local taxes. For the purpose of this section, a "just financial obligation" means one acknowledged by the employee or reduced to judgment by a court or one imposed by law such as Federal, State or local taxes.

(b) When an employee has a levy placed against his salary for failure to pay an indebtedness for Federal income taxes, he shall be issued a written reprimand stating that failure to make satisfactory arrangements regarding future tax liabilities will be grounds for removal.

(c) When an employee is the subject of a letter of complaint stating that he has not paid his State or local taxes and

has failed to make satisfactory arrangements regarding the debt, he shall be interviewed by the Assistant Director, Division of Program Coordination and Management. In this interview he shall be instructed to make satisfactory arrangements for the payment of his debt immediately and informed that failure to do so will be grounds for removal.

(d) When an employee is the subject of a letter of complaint regarding any other kind of indebtedness to a unit of government, Federal, State, or local, the procedure prescribed in paragraph (c) of this section shall be observed.

(e) When a creditor who holds a legal judgment against an employee requests that the Council assist in collecting the debt, the employee shall be interviewed by the Assistant Director, Division of Program Coordination and Management. In this interview he shall be instructed to pay the debt in full within 90 days, or within whatever longer period is specified by the Assistant Director, Division of Program Coordination and Management if he determines that a 90-day limit would impose undue hardship on the employee, and informed that failure to do so will be grounds for removal.

(f) When an employee is the subject of a letter of complaint from a creditor who does not hold a legal judgment against the employee, the Assistant Director, Division of Program Coordination and Management shall forward a copy of the letter to the employee together with a memorandum calling the employee's attention to the provisions of this section. However, the Council will not assist the creditor in collecting the debt.

§ 706.209 Gambling, betting, and lotteries.

An employee shall not participate, while on Government-owned or leased property or while on duty for the Government, in any gambling activity, including the operation of a gambling device, in conducting a lottery or pool, in a game for money or property, or in selling or purchasing a numbers slip or ticket.

§ 706.210 Coercion.

An employee shall not use his Government employment to coerce, or give the appearance of coercing, a person to provide financial benefit to himself or another person, particularly one with whom he has family, business, or financial ties.

§ 706.211 General conduct prejudicial to the Government.

An employee shall not engage in criminal, infamous, dishonest, immoral, or notoriously disgraceful conduct, or other conduct prejudical to the Government.

§ 706.212 Miscellaneous statutory provisions.

The attention of each employee is directed to the following statutory provisions:

(a) House Concurrent Resolution 175, 85th Congress, 2d Session, 72 Stat. B12, the Code of Ethics for Government Service.

(b) Chapter 11 of title 18, United States Code, relating to bribery, graft and conflicts of interest.

(c) The prohibition against lobbying with appropriated funds (18 U.S.C. 1913).

(d) The prohibitions against disloyalty and striking (E.O. 10450, 18 U.S.C. 1918).

(e) The prohibition against the employment of a member of a Communist organization (50 U.S.C. 784).

(f) The prohibitions against:

(1) The disclosure of classified information (18 U.S.C. 798, 50 USC 783); and

(2) The disclosure of confidential information (18 U.S.C. 1905).

(g) The provision relating to the habitual use of intoxicants to excess (5 USC 7352).

(h) The prohibition against the misuse of a Government vehicle (31 U.S.C. 638a (c)).

(i) The prohibition against the misuse of the franking privilege (18 U.S.C. 1719).

(j) The prohibition against the use of deceit in an examination or personnel action in connection with Government employment (18 U.S.C. 1917).

(k) The prohibition against fraud or false statements in a Government matter (18 U.S.C. 1001).

(l) The prohibition against mutilating or destroying a public record (18 U.S.C. 2071).

(m) The prohibition against counterfeiting and forging transportation requests (18 U.S.C. 508).

(n) The prohibitions against:

(1) Embezzlement of Government money or property (18 U.S.C. 641);

(2) Failing to account for public money (18 U.S.C. 643); and

(3) Embezzlement of the money or property of another person in the possession of an employee by reason of his employment (18 U.S.C. 654).

(o) The prohibition against unauthorized use of documents relating to claims from or by the Government (18 U.S.C. 285).

(p) The prohibitions against political activities in subchapter III of chapter 73 of title 5, United States Code and 18 U.S.C. 602, 603, 607, and 608.

(q) The provision relating to the denial of the right to petition Congress (5 U.S.C. 7102).

(r) The prohibition against an employee acting as the agent of a foreign principal registered under the Foreign Agents Registration Act (18 U.S.C. 219).

(s) The prohibition against a public official appointing or promoting a relative, or advocating such an appointment or promotion (5 U.S.C. 3110).

(t) The prohibition against the employment of an individual convicted of felonious rioting or related offenses (5 U.S.C. 7313).

(u) The tax imposed on certain employees (e.g., Presidential appointees, employees excepted under Schedule C, employees in GS–16 or above, or a comparable pay level) who knowingly engage in self-dealing with a private foundation (26 U.S.C. 4941, 4946). "Self-dealing" is defined in the statute to include certain transactions involving an employee's receipt of pay, a loan, or reimbursement for travel or other expenses from, or his sale to or purchase of property from a private foundation.

Subpart C—Conduct and Responsibilities of Special Government Employees

§ 706.301 Use of Government employment.

A special Government employee shall not use his Government employment for a purpose that is, or gives the appearance of being, motivated by the desire for private gain for himself or another person, particularly one with whom he has family, business, or financial ties.

§ 706.302 Use of inside information.

A special Government employee shall not use inside information obtained as a result of his Government employment for private gain for himself or another person either by direct action on his part or by counsel, recommendation, or suggestion to another person, particularly one with whom he has family, business, or financial ties. For the purpose of this section, "inside information" means information obtained under Government authority which has not become part of the body of public information.

(b) A special Government employee may engage in teaching, lecturing, and writing to the same extent, and subject to the same restrictions, as provided in § 706.303(b) for employees.

§ 706.303 Gifts, entertainment, and favors.

(a) Except as provided in paragraph (b) of this section a special Government employee, while so employed or in connection with his employment, shall not receive or solicit from a person having business with the Council anything of value as a gift, gratuity, loan, entertainment, or favor for himself or another person, particularly one with whom he has family, business, or financial ties.

(b) The exceptions from the restrictions as set forth in § 706.202(b) for employees apply in the same manner to special Government employees.

§ 706.304 Applicability of other provisions.

The provisions of §§ 706.206 through 706.211 apply to special Government employees in the same manner as to employees.

Subpart D—Statements of Employment and Financial Interests

§ 706.401 Employees required to submit statements.

(a) Employees in the following named positions shall submit statements of employment and financial interest to the Director:

(1) Employees in Grade GS–16 or above of the General Schedule established by the Classification Act of 1949, as amended;

(2) The General Counsel and Administrative Officer;

(3) The Staff Specialists assigned to review applications by States for planning grants under Title III of the Water Resources Planning Act;

(4) Special Government employees, as defined in § 706.102; and

(5) Employees classified at GS–13 or above under 5 U.S.C. 5332, or at a comparable pay level under another authority, who are in positions which the Director may determine have duties and responsibilities which require the incumbent to report employment and financial interests in order to avoid involvement in possible conflicts-of-interest situation and carry out the purpose of law, Executive order, and Council regulations.

(b) A statement of employment and financial interest is required from the Director and shall be submitted by the Director to the Chairman of the Council.

§ 706.402 Employee's complaint on filing requirement.

An employee who feels that his position has been improperly included in the list in § 706.401 as one requiring the submission of a statement of employment and financial interests may obtain a review of his complaint under the Council's internal grievance procedure.

§ 706.403 Form of statements.

An employee required to submit a statement of employment and financial interests shall submit that statement in the format prescribed by the Division of Management.

§ 706.404 Time for submission of statements.

An employee required to submit a statement of employment and financial interests by § 706.401 shall submit that statement no later than 30 days after the date of entrance on duty in the position covered by § 706.401.

§ 706.405 Supplementary statements.

Changes in, or additions to, the information contained in an employee's statement of employment and financial interests shall be reported in a supplementary statement, in the format prescribed by the Division of Management, as of June 30 each year. If no changes or additions occur, a negative report is required. Notwithstanding the filing of the annual report required by this section, each employee shall at all times avoid acquiring a financial interest that could result, or taking an action that would result in a violation of the conflicts-of-interest provisions of section 18 U.S.C. 208, or Subpart B of this part.

§ 706.406 Interests of employees' relatives.

The interests of a spouse, minor child, or other member of an employee's immediate household are considered to be interests of the employee. For the purpose of this section, "member of a employee's immediate household" means those blood relations who are residents of the employee's household.

§ 706.407 Information not known by employees.

If any information required to be included on a statement of employment and financial interests or on a supplementary statement, including holdings placed in trust, is not known to the employee but is known to another person, the employee shall request that other person to submit the information in his behalf.

§ 706.408 Information not required.

An employee is not required to submit on a statement of employment and financial interests, or on a supplementary statement, any information relating to the employee's connection with, or interest in, a professional society or a charitable, religious, social, fraternal, recreational, public service, civic, or political organization or a similar organization not conducted as a business enterprise. For the purpose of this section, educational and other institutions doing research and development or related work involving grants of money from or contracts with the Government are deemed "business enterprises" and are required to be included in an employee's statement of employment and financial interests.

§ 706.409 Opportunity for explanation of conflict or appearance of conflict.

When a statement submitted under § 706.401 indicates a conflict or an appearance of conflict, between the interests of an employee and the performance of his services for the Government, the employee concerned shall be given an opportunity to explain the conflict or appearance of conflict before remedial action is initiated.

§ 706.410 Confidentiality of statements.

Each statement of employment and financial interests, and each supplementary statement, shall be held in confidence and retained in limited access files of the reviewing official. The use of information on the statements shall be limited to that necessary to carry out the purposes of this part. Information from a statement or a supplementary statement shall not be disclosed except by decision of the Director for good cause shown: Provided, that information from a statement or a supplementary statement of the Director shall not be disclosed except by decision of the Chairman for good cause shown.

§ 706.411 Effect of statements on other requirements.

The statements of employment and financial interests and supplementary statements required of employees are in addition to, and not in substitution for or in derogation of any similar requirement imposed by law, order, or or regulation. The submission of a statement or supplementary statement by an employee does not permit him or any other person to participate in a matter in which he or the other person's participation is prohibited by law, order, or regulation.

§ 706.412 Submission of statements by special Government employees.

(a) Each special Government employee shall submit a statement of employment and financial interests not later than the time of his employment. Each special Government employee shall keep his statement current throughout his period of employment by the submission of supplementary statements.

(b) A special Government employee shall submit his statement of employment and financial interests in the format prescribed by the Division of Management. The statement will be filed with the Division of Management and is accorded the confidentiality prescribed in § 706.410.

(c) The provisions of § 706.406 through 706.411 apply to special Government employees in the same manner as to employees.

(d) The Director may waive the requirement in paragraph (a) of this section for the submission of a statement of employment and financial interests in the case of a special Government employee who is not a consultant or an expert when he finds that the duties of the position held by that special Government employee are of a nature and at such a level of responsibility that the submission of the statement by the incumbent is not necessary to protect the integrity of the Government. For the purposes of this paragraph "consultant" and "expert" have the meanings given those terms by Chapter 304 of the Federal Personnel Manual.

§ 706.413 Submission of statements by River Basin Commission Chairmen.

A statement of employment and financial interest is not required under this part from Chairmen of River Basin Commissions created by the President pursuant to Title II of the U.S. Water Resources Planning Act. The Commission Chairmen are subject to Sec. 401 of Executive Order 11222, as amended, and are required to file a statement with the Chairman of the Civil Service Commission.

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