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highlights

PART I:

ENDANGERED SPECIES
Interior/FWS adds to list of threatened fauna; effective 10–28–75 44149

ENERGY CONSERVATION GOALS
HUD proposes implementation of policies in PHA-owned housing projects; comments by 10–29–75 44159

EDUCATIONAL PROGRAMS
HEW/OE sets closing dates for receipt of applications for programs for the gifted and talented and ethnic heritage studies (2 documents) 44176, 44177

MILK AND MILK PRODUCTS
USDA/APHIS places restrictions on importation; effective 9–25–75 44123

MARIHUANA
Justice/DEA issues notice on scheduling 44164

FREEDOM OF INFORMATION
USDA proposes to amend regulations; comments by 10–24–75 44157

CONTINUED INSIDE

PART II:

AIRCRAFT NOISE
DOT/FAA publishes proposed regulations submitted by EPA; comments by 11–26–75 44255
Hearing scheduled for 11–5–75 44184

PART III:

METAL AND NONMETAL MINING
Interior/MESA proposes new and revised health and safety standards, comments by 11–10–75 44271

PART IV:

PRIVACY ACT OF 1974
The following agencies issue documents relating to the implementation of the Act and/or notices of Systems of Records:

National Transportation Safety Board 44301
Federal Power Commission 44288
DOD/National Security Agency 44294
Veterans Administration 44298

reminders

NOTE: There were no items published after October 1, 1972, that are eligible for inclusion in the list of RULES GOING INTO EFFECT TODAY.

Daily List of Public Laws

NOTE: No acts approved by the President were received by the Office of the Federal Register for inclusion in today's LIST OF PUBLIC LAWS.

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INTERNATIONAL MAIL
Postal Service proposes to change certain rates; comments by 10–24–75 44203

COOPERATIVE HOUSING PROJECTS
FHLBB adopts regulations on loans; effective 10–28–75 .. 44125

FARMS AND ALLOTMENTS
USDA/ASCS revises regulations on reconstitution; effective 9–25–75 44112

REAL ESTATE SETTLEMENTS
HUD issues interpretation requiring disclosures by seller .. 44129

COTTON TEXTILES
CITA announces import levels for products from Haiti; effective 10–1–75 44185

MEETINGS—
Commission of Fine Arts, 10–15–75 44185
USDA/FS: Nebraska National Forest Livestock Advisory Board, 10–22–75 44173
Rio Grande National Forest Grazing Advisory Board, 10–8–75 44173
Paonia Area Forest Grazing Advisory Board, 10–23–75 44173
Norwood District Advisory Board, 10–16–75 44173
National Forest Advisory Boards, 10–21–75 44173
Gunnison Valley Forest Grazing Board, 10–23–75 .. 44172
Bighorn National Forest Grazing Advisory Board, 10–29–75 44172
Interior/NPS: Ozark National Scenic Riverways Advisory Commission, 10–17–75 44171
National Capital Memorial Advisory Committee, 10–20–75 44171
Sleeping Bear Dunes National Lakeshore Advisory Commission, 10–24–75 44171
Midwest Regional Advisory Committee, 10–24–75 .. 44171
HEW: National Commission for the Protection of Human Subjects of Biomedical and Behavioral Research, 10–11–75 44184
NIH: NANCDS Council Planning Subcommittee, 11–6–75 44174
Division of Cancer Cause and Prevention, Lung Cancer Branch, 11–20 and 11–21–75 44176
Pulmonary Specialized Centers of Research ad hoc Review Committee, 10–16 and 10–17–75 .. 44176
Virus Cancer Program Conference, 11–3 and 11–4–75 44176
National Cancer Advisory Board Subcommittee on National Organ Site Programs, 10–31–75 44175
National Cancer Advisory Board, 11–16–75 44175
National Advisory Research Council, Division of Research Resources, 11–20 and 11–21–75 44175
National Advisory Council on Aging, 11–20 thru 11–22–75 44175
National Advisory Child Health and Human Development Council, 11–17 and 11–18–75 44174
OE: National Advisory Council on Indian Education, 10–16 thru 10–18–75 44177
CDC: Coal Mine Health Research Advisory Committee, 10–23–75 44174
VA: Veterans Administration Wage Committee, 10–75, 11–75, 12–75 44208
Administrator's Education and Rehabilitation Advisory Committee, 10–17–75 44208
SBA: Columbus District Advisory Council, 10–23–75 .. 44207
San Diego District Advisory Council, 10–15–75 44207
Portland District Advisory Council, 10–23–75 44207
Lubbock District Advisory Council, 10–17–75 44207
Denver District Advisory Council, 10–17–75 44207
OMB: Commission on Federal Paperwork, 10–3–75 .. 44202
CPSC: National Advisory Committee for the Flammable Fabrics Act, 10–28 and 10–29–75 44186
State: National Committee for the International Radio Consultative Committee, Study Groups CMTT, 1, 10 and 11 (3 documents), 10–15, 10–21, and 11–25–75 44163
Treasury: Debt Management Advisory Committees, 10–21 and 10–22–75 44163
Legal Services Corporation: Board of Directors, 10–4 and 10–5–75 44213
Committee on By-Laws and Regulations, 10–4–75 .. 44213
Committee on Appropriations and Audit, 10–4–75 .. 44213

contents

AGRICULTURAL MARKETING SERVICE
Rules
Hops of domestic production; marketing 44121
Lemons grown in Calif. and Ariz.; standards and expenses (2 documents) 44120
Oranges (Valencia) grown in Ariz. and Calif 44119
Tobacco inspection 44112

AGRICULTURAL STABILIZATION AND CONSERVATION SERVICE
Rules
Farm and allotment reconstitutions 44112
Proposed Rules
Tobacco, flue-cured; marketing quotas and acreage allotments; extension of time 44157

AGRICULTURE DEPARTMENT
See also Agricultural Marketing Service; Agricultural Stabilization and Conservation Service; Commodity Credit Corporation; Forest Service; Rural Electrification Administration.
Rules
Authority delegations by Secretary and General Officers:
Under Secretary, Assistant Secretaries, and Director of Agricultural Economics; collection of certain data 44111
Proposed Rules
Freedom of information; fee schedule 44157

ANIMAL AND PLANT HEALTH INSPECTION SERVICE
Rules
Milk and milk products; restrictions on importation 44123

CIVIL AERONAUTICS BOARD
Rules
Authority delegations:
Director, Bureau of Operating Rights; one-stop inclusive tour charters and special event charters; correction (2 documents) 44128

CIVIL SERVICE COMMISSION
Rules
Excepted service:
Agriculture Department 44111
Veterans readjustment appointments; correction 44111

COMMISSION OF FINE ARTS
Notices
Meeting 44185

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS
Notices
Cotton textiles, import restrictions:
Haiti 44185

COMMODITY CREDIT CORPORATION
Rules
Barley; support rates for shipment 44121
Corn; uniform grain storage agreement rates; deletion 44122
Rye; loan purchase rates for Wash. and W. Va 44122
Notices
Monthly sales list, FY ending June 30, 1976 (2 documents) 44172

CONSUMER PRODUCT SAFETY COMMISSION
Notices
Meetings:
National Advisory Committee for the Flammable Fabrics Act 44186

CUSTOMS SERVICE
Rules
Merchandise, entry of; Dairy products from France, the United Kingdom, West Germany, Luxembourg, Ireland, the Netherlands, Denmark, Italy, and Belgium 44128

DEFENSE DEPARTMENT
Rules
Contractors receiving negotiated contract awards; list 44135
Privacy Act of 1974 44294

DISEASE CONTROL CENTER
Notices
Meetings:
Coal Mine Health Research Advisory Committee 44174

DRUG ENFORCEMENT ADMINISTRATION
Notices
Marihuana; scheduling 44164

EDUCATION OFFICE
Notices
Applications, closing dates:
Ethnic Heritage Studies Program 44176
Program for the Gifted and Talented 44177
Meetings:
National Advisory Council on Indian Education 44177

ENVIRONMENTAL PROTECTION AGENCY
Proposed Rules
Pesticide programs:
Chemicals; tolerances, etc.; State issuance of experimental use permits; correction 44162
State registration to meet special local needs; correction 44162
Notices
Pesticides, specific exemptions and experimental use permits:
Texas State Department of Health 44187
Pesticides, tolerances, etc.; petitions:
PPG Industries Inc 44186
University of Arkansas 44186

FEDERAL AVIATION ADMINISTRATION
Rules
Control areas 44127
Standard instrument approach procedures 44127
Transition areas 44127
VOR Federal airways 44126
Proposed Rules
Noise abatement standards; proposals submitted to FAA by EPA 44255
Notices
Noice abatement standards; hearing 44184

FEDERAL COMMUNICATIONS COMMISSION
Rules
Stations in the Maritime services; editorial amendments 44142

FEDERAL ENERGY ADMINISTRATION
Notices
Petroleum company annual report form; corrections to procedural dates 44188

FEDERAL HOME LOAN BANK BOARD
Rules
Federal Savings and Loan System:
Cooperative housing projects 44125

FEDERAL INSURANCE ADMINISTRATION
Rules
Federal Crime Insurance Program 44130

FEDERAL MARITIME COMMISSION
Notices
Agreements filed:
Martime Service Corp 44188

FEDERAL POWER COMMISSION
Rules
Privacy Act of 1974 44288
Notices
Project licenses; expiration 44195
Hearings, etc.:
Appalachian Power Co 44188
Arkansas Power and Light Co 44189
Black Hills Power and Light Co 44189
Eascogas LNG, Inc., et al 44189
El Paso Natural Gas Co 44189
Florida Gas Transmission Co 44190
Florida Power and Light Co 44190
Illinois Power Co 44190
Indiana & Michigan Electric Co 44191
Lands withdrawn in power site classification 44192
Michigan Wisconsin Pipe Line Co 44193
Minnesota Power and Light Co 44193
Public Service Company of Indiana (4 documents) 44193, 44194
Public Service Company of New Hampshire 44194
Puget Sound Power & Light Co 44194
Texas Gas Pipeline Corp 44195
Transwestern Pipeline Co 44195
Upper Peninsula Power Co. (2 documents) 44195
Yankee Atomic Electric Power Co. and Public Service Company of New Hampshire 44195

FEDERAL RESERVE SYSTEM
Notices
Applications, etc.:
Bankinvestors, Inc 44197
One Corp 44197
Valparaiso Enterprises, Inc 44197

FISH AND WILDLIFE SERVICE
Rules
Endangered and threatened wildlife:
Fauna 44149
Fishing:
Long Lake National Wildlife Refuge, N. Dak 44155
Hunting:
Bitter Lake National Wildlife Refuge, N. Mex 44155
Bombay Hood National Wildlife Refuge, Del. (2 documents) 44151, 44154
Certain National Wildlife Refuges in Calif 44155
Crab Orchard National Wildlife Refuge, N.J 44151
Great Swamp National Wildlife Refuge, N. Jersey 44154
Iroquois National Wildlife Refuge, N.Y. (2 documents) 44152, 44154
Kirwin National Wildlife Refuge, Kans 44153
Missisquoi National Wildlife Refuge, Vt. (2 documents) 44152, 44154
Montezuma National Wildlife Refuge, N.Y. (3 documents) 44152, 44153, 44155
Prime Hook National Wildlife Refuge, Del 44153

FOREST SERVICE
Notices
Environmental statements; availability, etc.:
East Deer Creek Planning Unit, Colville National Forest 44172
West Kootenai Planning Unit 44173
Meetings:
Bighorn National Forest Grazing Advisory Board 44172
Gunnison Valley Forest Grazing Advisory Board 44172
National Forest Advisory Boards 44173
Nebraska National Forest Livestock Advisory Board 44173
Norwood District Advisory Board 44173
Paonia Area Forest Grazing Advisory Board 44173
Rio Grande National Forest Grazing Advisory Board 44173

GENERAL SERVICES ADMINISTRATION
Rules
Procurement:
Federal (2 documents) ... 44136, 44137

GEOLOGICAL SURVEY
Notices
Coal land classification order:
Wyoming ... 44169

HEALTH, EDUCATION, AND WELFARE DEPARTMENT
See also Disease Control Center; Education Office; National Institutes of Health.
Notices
Meetings:
National Commission for the Protection of Human Subjects of Biomedical and Behavioral Research ... 44184
Organization and functions:
Office of the Regional Director, Region I ... 44177

HOUSING AND URBAN DEVELOPMENT DEPARTMENT
See also Federal Insurance Administration; Housing Management, Office of Assistant Secretary.
Rules
Real estate settlement procedures; interpretation requiring disclosures by seller ... 44129

HOUSING MANAGEMENT, OFFICE OF ASSISTANT SECRETARY
Proposed Rules
PHA-owned projects; project management ... 44159

INTERIOR DEPARTMENT
See Fish and Wildlife Service; Geological Survey; Land Management Bureau; Mining Enforcement and Safety Administration; National Park Service.

INTERSTATE COMMERCE COMMISSION
Rules
Car service orders:
Lehigh Valley Railroad Co ... 44148
Reading Co ... 44148
Notices
Hearing assignments (2 documents) ... 44214
Motor carrier, broker, water carrier, and freight forwarder applications ... 44214
Motor carriers:
Irregular route property carriers; elimination of gateways ... 44231
Transfer proceedings (3 documents) ... 44214

JUSTICE DEPARTMENT
See Drug Enforcement Administration.

LABOR DEPARTMENT
See also Occupational Safety and Health Administration; Wage and Hour Division.
Notices
Adjustment assistance certification:
Absocold, Inc ... 44208
Billig Shoe Co ... 44211
Florsheim Shoe Co ... 44209
GTE Sylvania, Inc ... 44212
Lebow Brothers, Inc ... 44209
Michigan Plating and Stamping Co ... 44212
Progressive Service Co ... 44209
Rogers Flies and Lurers ... 44210
Stackpole Carbon Co ... 44211
Stillwater Associates ... 44211
St. Marys Carbon Co ... 44210
Wilson Sporting Goods Co ... 44211

LAND MANAGEMENT BUREAU
Rules
Public land order:
Idaho ... 44141
Notices
Applications, etc.:
Wyoming ... 44169
Opening of public lands:
Alaska ... 44168
Withdrawal and reservation of lands, proposed, etc.:
Paiute Primitive Area, Arizona ... 44168

LEGAL SERVICES CORPORATION
Notices
Meetings:
Board of Directors ... 44213
Committee on Appropriations and Audit ... 44213
Committee on By-Laws and Regulations ... 44213

MANAGEMENT AND BUDGET OFFICE
Notices
Clearance of reports; list of requests ... 44202
Meetings:
Federal Paperwork Commission ... 44202

MINING ENFORCEMENT AND SAFETY ADMINISTRATION
Proposed Rules
Metal and nonmetal mine health and safety standards ... 44271

NATIONAL INSTITUTES OF HEALTH
Notices
Meetings:
Advisory Committees (9 documents) ... 44175–44176

NATIONAL PARK SERVICE
Notices
Master plan workshops, etc.:
Pine Spring Canyon, Texas ... 44170
Meetings:
Midwest Regional Advisory Committee ... 44171
National Capital Memorial Advisory Committee ... 44171
Ozark National Scenic Riverways Advisory Commission ... 44171
Sleeping Bear Dunes National Lakeshore Advisory Commission ... 44171

NATIONAL TRANSPORTATION SAFETY BOARD
Notices
Accident report; safety recommendations and responses; availability and receipt ... 44198
Privacy Act of 1974; systems of records ... 44301

NUCLEAR REGULATORY COMMISSION
Rules
Energy reorganization act; organizational and procedural changes ... 44124
Notices
Applications, etc.:
Arizona Public Service Co ... 44199
Arkansas Power and Light Co (2 documents) ... 44201
Connecticut Light and Power Co. et al ... 44199
Georgia Power Co ... 44199
Northern States Power Co ... 44199
Nuclear Fuel Services, Inc ... 44200
Power Authority of the State of New York ... 44201
Virginia Electric and Power Co ... 44202
Regulatory guides; issuance and availability ... 44199

OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION
Rules
State plans for enforcement of standards:
Connecticut ... 44130
Michigan State Poster ... 44131
South Carolina ... 44132
Washington ... 44133
Proposed Rules
State plans for enforcement of standards:
Connecticut ... 44157
Nevada ... 44158

POSTAL SERVICE
Notices
International mail; rates and fees; proposed changes ... 44203

RURAL ELECTRIFICATION ADMINISTRATION
Notices
Environmental statements, availability, etc:
Arizona Electric Power Cooperative, Inc ... 44173

SECURITIES AND EXCHANGE COMMISSION
Rules
Privacy Act of 1974 ... 44128
Notices
Hearings, etc.:
Davidge Capital Fund, Inc ... 44204
Equity Progress Fund, Inc ... 44205
Hedge Fund of America, Inc ... 44204
Louisiana Power and Light Co ... 44205
Lutheran Brotherhood Fund, Inc., et al ... 44206
PBW Stock Exchange, Inc ... 44205

SMALL BUSINESS ADMINISTRATION
Notices
Applications, etc.:
Cardon Capital Corporation ... 44206
Tax/Investments Concepts, Inc ... 44207
Disaster areas:
Ohio ... 44207
West Virginia ... 44208
Wisconsin ... 44208

Meetings, Advisory Councils:
Columbus ... 44207
Denver ... 44207
Lubbock ... 44207
Portland ... 44207
San Diego ... 44207

STATE DEPARTMENT
Notices
Meetings:
National Committee for the International Radio Consultative Committee (3 documents) ... 44163

TRANSPORTATION DEPARTMENT
See Federal Aviation Administration.

TREASURY DEPARTMENT
See also Customs Service.
Notices
Meetings:
Debt Management Advisory Committees ... 44163

VETERANS ADMINISTRATION
Notices
Meetings:
Administrator's Education and Rehabilitation Advisory Committee ... 44208
Wage Committee ... 44208
Privacy Act of 1974; employee policy and procedure ... 44298

WAGE AND HOUR DIVISION
Rules
Child labor; employment of minors between 14 and 16 years in work experience and career exploration programs ... 44130
Proposed Rules
Special Industry Committee for American Samoa; appointment; hearing on wage rates ... 44159

list of cfr parts affected

The following numerical guide is a list of the parts of each title of the Code of Federal Regulations affected by documents published in today's issue. A cumulative list of parts affected, covering the current month to date, follows beginning with the second issue of the month.

A Cumulative List of CFR Sections Affected is published separately at the end of each month. The guide lists the parts and sections affected by documents published since the revision date of each title.

5 CFR
213 ... 44111
307 ... 44111

7 CFR
2 ... 44111
29 ... 44112
719 ... 44112
908 ... 44119
910 (2 documents) ... 44120
991 ... 44121
1421 (3 documents) ... 44121, 44122
PROPOSED RULES:
1 ... 44157
725 ... 44157

9 CFR
94 ... 44123

10 CFR
2 ... 44124
10 ... 44125
25 ... 44125
95 ... 44125

12 CFR
541 ... 44125
545 ... 44125

14 CFR
71 (3 documents) ... 44126, 44127
97 ... 44127
385 (2 documents) ... 44128
PROPOSED RULES:
91 ... 44256

17 CFR
275 ... 44128

18 CFR
3b ... 44288

19 CFR
141 ... 44128

24 CFR
82 ... 44129
1930 ... 44130
1931 ... 44130
PROPOSED RULES:
865 ... 44159

29 CFR
570 ... 44130
1952 (4 documents) ... 44130–44133
PROPOSED RULES:
697 ... 44159
1952 (2 documents) ... 44157, 44158

30 CFR
PROPOSED RULES:
55 ... 44272
56 ... 44272
57 ... 44272

32 CFR
166 ... 44135
299a ... 44294

40 CFR
PROPOSED RULES:
162 ... 44162
172 ... 44162

41 CFR
1–1 (2 documents) ... 44136, 44137
1–2 ... 44138
1–3 ... 44138
1–4 ... 44139
1–6 ... 44140
1–7 ... 44140
1–8 ... 44140
1–11 ... 44140
1–12 ... 44140
1–14 ... 44141
1–16 (2 documents) ... 44137, 44141
1–18 ... 44141
1–30 ... 44141

43 CFR
PUBLIC LAND ORDERS:
5539 ... 44141

47 CFR
81 ... 44142
83 ... 44142

49 CFR
1033 (2 documents) ... 44148

50 CFR
17 ... 44149
32 (14 documents) ... 44151–44155
33 ... 44155

CUMULATIVE LIST OF PARTS AFFECTED—SEPTEMBER

The following numerical guide is a list of parts of each title of the Code of Federal Regulations affected by documents published to date during September.

1 CFR

410 42306

3 CFR

PROCLAMATIONS:

4313 (See EO 11878) 42731
4385 41989
4386 41991
4387 42165
4388 42167
4389 42169
4390 42315
4391 42725
4392 42727
4393 42729
4394 42849
4395 43713

EXECUTIVE ORDERS:

April 18, 1908 (Revoked in part by PLO 5528) 42362
July 2, 1910 (Revoked in part by PLO 5512) 40162
(Revoked in part by PLO 5517) 40814
1959 (Revoked in part by PLO 5515) 40811
6583 (Revoked in part by PLO 5536) 42553
7595 (Revoked in part by PLO 5515) 40811
8649 (Revoked in part by PLO 5534) 42552
8780 (Revoked in part by PLO 5534) 42552
10480 (See EO 11879) 43197
11803 (Amended by EO 11878) 42731
11804 (See EO 11878) 42731
11861 (Amended by EO 11877) 40797
11864 (Superseded by EO 11877) 40797
11876 40501
11877 40797
11878 42731
11879 43197

MEMORANDUMS:

Memorandum of August 17, 1975 40139

4 CFR

400 43873
412 43873

PROPOSED RULES:

410 41801

5 CFR

151 42733
213 ..... 41755, 41993, 42427, 42733–42734, 43211, 44111
307 44111
338 42734
410 42734
752 42734
772 42734
2411 43880
2413 43880

7 CFR

2 ..... 41085, 41993, 44111
25 42171
25A 42171

7 CFR—Continued

29 ..... 42527, 44112
180 42851
210 42735
215 42735
220 42735
225 42735
246 42735
250 42735
270 ..... 42736, 43017, 43479
271 43017
354 ..... 41513, 43479
370 ..... 43223, 43223
719 44112
725 41513
905 ..... 42317, 42318
908 ..... 40505, 40815, 41855, 42171, 43018, 43480, 44119
910 ..... 41086, 42319, 43224, 44120
915 41993
919 41994
926 ..... 43480, 43715
927 42851
931 43480
932 41994
944 42529
945 42530
946 42530
981 ..... 43018, 43715
989 40141
991 44121
993 42530
1046 43716
1421 ..... 41067, 43224, 44121, 44122
1434 41087
1801 42178
1822 ..... 42178, 42736
1832 42320
1842 42179
1843 42179

PROPOSED RULES:

1 ..... 40849, 44157
51 40522
201 40524
250 43738
725 44157
906 ..... 42886, 42887
910 40528
924 43036
927 42023
931 40170
948 40528
966 42887
982 40836
989 40842
1046 ..... 40843, 42023
1250 42888
1421 43919
1430 42364
1464 41530

8 CFR

103 42852
341 42532

9 CFR

54 ..... 40505, 42739
73 42179

9 CFR—Continued

78 41516
91 40506
94 44123
97 43717
112 41994
113 ..... 41088, 41994
317 42852
331 43916
381 ..... 42337, 43916

PROPOSED RULES:

113 41139
317 41139
319 41139

10 CFR

2 44124
10 44125
20 42557
25 44125
37 42558
50 40816
73 42558
95 44125
204 42338
205 40141
210 40818
211 40821
212 ..... 40142, 40818, 40821, 40824
213 40143
725 43481

RULINGS:

1975–9 40826
1975–10 40826
1975–11 40827
1975–12 40828
1975–13 40831
1975–14 40833
1975–15 40832
1975–16 40834

PROPOSED RULES:

71 43517
206 42448
213 42578

11 CFR

Ch. I 40668, 43660

PROPOSED RULES:

106 43517
113 41932

12 CFR

207 43482
211 43199
213 40506
215 ..... 40506, 43199
220 43482
221 43482
226 ..... 43199, 43200
265 43717
339 43482
523 ..... 41755, 41996
541 44125
544 42853
545 ..... 41756, 42853, 44125
563 41997
603 40454
701 41090
703 41997
760 41998

12 CFR—Continued

PROPOSED RULES:

9 ... 40859
202 ... 42030
208 ... 40857
226 ... 43516
337 ... 40548, 41530
341 ... 40856
545 ... 43832
561 ... 42371, 43832
563 ... 42371, 42898, 43832
564 ... 42371
569a ... 42371
571 ... 42371

13 CFR

123 ... 42180
313 ... 43483

14 CFR

37 ... 42183
39 ... 41090–41092, 41519, 42180, 42339, 42739, 42741, 42854, 43019, 43484
71 ... 41520, 41998, 42180, 42340–42342, 42740, 42741, 43019, 43020, 43485–43487, 43717, 43718, 43885, 44126, 44127
73 ... 41092, 43718
75 ... 43487, 43885
95 ... 42181, 43885
97 ... 41092, 42342, 43020, 44127
121 ... 42183, 42185
171 ... 41093, 43719
228 ... 43885
241 ... 42855
298 ... 42855
312 ... 43211
372a ... 42741
373 ... 43719
378 ... 43719
378a ... 41093
385 ... 44128
1212 ... 43668

PROPOSED RULES:

Ch. I ... 42754, 43919
39 ... 41143, 41537, 42023, 43919
67 ... 42024
71 ... 42025, 42364–42366
75 ... 42756, 43036, 43513
91 ... 44256
217 ... 43920
231 ... 43743
241 ... 43920
385 ... 40816

15 CFR

371 ... 40507
377 ... 40507
903 ... 41998

PROPOSED RULES:

80 ... 42209

16 CFR

4 ... 40780
13 ... 40143–40154, 40508, 41071–41081, 41756–41758, 42201–42203, 42742, 43487, 43719
259 ... 42003
1018 ... 43886
1116 ... 42004
1609 ... 43886

16 CFR—Continued

PROPOSED RULES:

445 ... 42757
453 ... 42212, 42371
454 ... 41144
1014 ... 42025, 43231, 43743
1207 ... 42562

17 CFR

17 ... 41117
18 ... 41117
146 ... 41056
200 ... 40512, 44068, 44072
201 ... 42186
240 ... 40512, 41520, 42343
249 ... 40512, 41521
270 ... 41759, 42862
275 ... 44128

PROPOSED RULES:

210 ... 40550
230 ... 40555
231 ... 42212
239 ... 42212
240 ... 40858, 41808, 42212, 42219, 42905, 43743
241 ... 42212
249 ... 40858
259 ... 42212
270 ... 40555, 41818, 42757

18 CFR

1 ... 42005
2 ... 41760, 42005
3 ... 43488, 43892
3b ... 44288
141 ... 43488
154 ... 43889
157 ... 41769
260 ... 43892

PROPOSED RULES:

35 ... 42029
154 ... 41539
157 ... 41539
201 ... 41539
260 ... 41539

19 CFR

10 ... 43021
112 ... 41084
141 ... 44128
148 ... 41084
171 ... 43488, 43894
172 ... 43026

PROPOSED RULES:

12 ... 41118
153 ... 43226
175 ... 43226
201 ... 40173
210 ... 40173

20 CFR

200 ... 41084
260 ... 41084
404 ... 42863
405 ... 42006, 43211, 43895
450 ... 42865

PROPOSED RULES:

405 ... 40171, 40537, 40850
601 ... 43744

21 CFR

Ch. I ... 40520, 43488
29 ... 42866
121 ... 40799, 41085, 42866
123 ... 42343, 43720
431 ... 41522
436 ... 41522
449 ... 41523
452 ... 41773
510 ... 42007, 43213, 43488
520 ... 43488
522 ... 42007
540 ... 42007
556 ... 41085
561 ... 41773, 42343
1010 ... 40800
1040 ... 40800
1304 ... 42866

PROPOSED RULES:

1 ... 40682
2 ... 40682
5 ... 40682
6 ... 40682
8 ... 40682
10 ... 40682
11 ... 40682
80 ... 40682
90 ... 40682
100 ... 40682
102 ... 40682
121 ... 40529, 40682, 41797
202 ... 40682
310 ... 40682, 43513
312 ... 40682
314 ... 40682
328 ... 40682
330 ... 40682
429 ... 40682
430 ... 40682
431 ... 40682
433 ... 40682
511 ... 40682
514 ... 40682
601 ... 40682
640 ... 41799
701 ... 40682
1000 ... 42749
1003 ... 40682
1004 ... 40682
1210 ... 40682

22 CFR

42 ... 42532

PROPOSED RULES:

6a ... 40456

23 CFR

450 ... 42976, 42979
470 ... 42344
633 ... 42867
658 ... 41774, 42186
710 ... 41523
750 ... 42842

24 CFR

25 ... 43026
82 ... 44129
207 ... 43898
220 ... 43898
227 ... 43898
231 ... 43898
234 ... 43898
280 ... 42061, 42007
300 ... 43027

24 CFR—Continued
570 ... 41509, 42347
888 ... 40513
1914 ... 41509, 42009, 42872, 43219, 43720
1915 ... 41510, 42553, 42874, 43220, 43722
1916 ... 42348, 42349, 43027
1917 ... 41108–41115, 42349
1920 ... 41115, 41116, 42557, 42743
1930 ... 44130
1931 ... 44130
PROPOSED RULES:
406 ... 42560
805 ... 43372
865 ... 44159

25 CFR
PROPOSED RULES:
33 ... 40982
43h ... 42020
221 ... 43513
233 ... 42884
401 ... 40982
402 ... 40982
403 ... 40982
404 ... 40982
405 ... 40982
406 ... 42560
407 ... 40982

26 CFR
1 ... 42743, 43034, 43735
31 ... 42349
PROPOSED RULES:
1 ... 41118
31 ... 43226

28 CFR
0 ... 42745
2 ... 41328
PROPOSED RULES:
22 ... 44034

29 CFR
56 ... 43170
57 ... 43170
58 ... 43170
570 ... 40800, 44130
1952 ... 40155–40157, 44130–44133
2530 ... 41654
2550 ... 43726
2602 ... 42876, 43512
2603 ... 43213
2604 ... 42533
2605 ... 43509
2606 ... 42877
PROPOSED RULES:
603 ... 40537
608 ... 40537
609 ... 40537
687 ... 40537
697 ... 44159
1910 ... 40170, 40849, 41530, 41797
1915 ... 41530
1916 ... 41530
1917 ... 41530
1918 ... 41530
1926 ... 40170, 41530
1952 ... 41148, 44157, 44158

30 CFR
77 ... 41775
PROPOSED RULES:
55 ... 44272
56 ... 44272

30 CFR—Continued
PROPOSED RULES—Continued
57 ... 44272
211 ... 41122
216 ... 41122
250 ... 42559, 43036

32 CFR
166 ... 44135
197 ... 42186
299a ... 44294
1808 ... 42736
PROPOSED RULES:
1481 ... 42997
1814 ... 42444
2102 ... 40792

32A CFR
Ch. VI ... 43489

33 CFR
117 ... 41524, 42189, 43213
155 ... 42189
183 ... 43856
265 ... 42652
266 ... 42654
PROPOSED RULES:
1 ... 42210
117 ... 41537
183 ... 43226
209 ... 43918
305 ... 41636

35 CFR
253 ... 42996
PROPOSED RULES:
10 ... 40485

36 CFR
901 ... 41524
1000 ... 40802
PROPOSED RULES:
7 ... 41138, 42364
903 ... 41530

38 CFR
4 ... 42535
21 ... 42878
36 ... 42190
PROPOSED RULES:
3 ... 41540, 42578

39 CFR
111 ... 42541
3002 ... 43033
PROPOSED RULES:
42 ... 43232, 43930
43 ... 43232, 43930
44 ... 43232, 43930
45 ... 43232, 43930
47 ... 43232, 43930
111 ... 43232

40 CFR
52 ... 40158–40160, 41778, 41779, 41787, 41942, 42011, 42012, 42190, 42191, 42351–42357, 42542, 42895–42896, 43214–43216
60 ... 42194, 43850
61 ... 42195
162 ... 41788, 42746
180 ... 40161, 42357, 43727

40 CFR—Continued
230 ... 41292
435 ... 42543
PROPOSED RULES:
16 ... 40792
35 ... 41644, 43231
52 ... 40172, 40854–40856, 42211, 42368, 42369, 42757, 43231, 43923
60 ... 42028
126 ... 41649
142 ... 40538
162 ... 40538, 44162
172 ... 40545, 44162
180 ... 41538, 42757, 43924
246 ... 42986
430 ... 41293
435 ... 42572

41 CFR
1–1 ... 44136, 44137
1–2 ... 44138
1–3 ... 44138
1–4 ... 44139
1–6 ... 44140
1–7 ... 44140
1–8 ... 44140
1–11 ... 44140
1–12 ... 44140
1–14 ... 44141
1–16 ... 44137, 44141
1–18 ... 44141
1–30 ... 43728, 44141
8–1 ... 43217
8–2 ... 40803
8–3 ... 40803
14–3 ... 40517, 42746
101–26 ... 41093
101–35 ... 42358
101–38 ... 42358
101–43 ... 42361
101–44 ... 42361
105–61 ... 42881
114–42 ... 40517
114–60 ... 42746
PROPOSED RULES:
3–4 ... 42673
14H–70 ... 41025
51–8 ... 42444
60–5 ... 41149

42 CFR
110 ... 41095
PROPOSED RULES:
36 ... 42658
67 ... 42890

43 CFR
3300 ... 43489
PUBLIC LAND ORDERS:
2249 (Revoked in part by PLO 5515) ... 40811
4089 (Revoked in part by PLO 5515) ... 40811
4148 (Revoked in part by PLO 5515) ... 40811
4643 (Revoked in part by PLO 5511) ... 40162
4889 (Revoked in part by PLO 5515) ... 40811
5175 (Amended by PLO 5519) ... 40814
5180 (Amended by PLO 5519) ... 40814

43 CFR—Continued

5191 (Amended by PLO 5519) ---- 40814
5394 (Amended by PLO 5519) ---- 40814
5418 (See PLO 5519) ---- 40814
5438 (Amended by PLO 5519) ---- 40814
5511 ---- 40162
5512 ---- 40162
5513 ---- 40162
5514 ---- 40811
5515 ---- 40811
5516 ---- 40814
5517 ---- 40814
5518 ---- 40814
5519 ---- 40814
5520 ---- 40815
5521 ---- 40815
5522 ---- 41096
5523 ---- 41095, 43028
5524 ---- 41095
5525 ---- 41794, 43489
5526 ---- 42195
5527 ---- 42362
5528 ---- 42362
5529 ---- 42551
5530 ---- 42551
5531 ---- 42553, 43732
5532 ---- 42551
5533 ---- 42551
5534 ---- 42552
5535 ---- 42551
5536 ---- 42553
5537 ---- 43028
5538 ---- 43217
5539 ---- 44141

PROPOSED RULES:

4 ---- 42020
23 ---- 41122
2110 ---- 43735
2130 ---- 43735
2270 ---- 43735
3040 ---- 41122
3820 ---- 43735

45 CFR

30 ---- 40162
46 ---- 40163
100 ---- 41795
101 ---- 41795
169 ---- 40518
212 ---- 43218
220 ---- 43182
224 ---- 43182
233 ---- 43182
249 ---- 43901
250 ---- 42013
1208 ---- 40805
1600 ---- 42362

PROPOSED RULES:

56 ---- 41140
160a ---- 41670
233 ---- 41143
249 ---- 42560
706 ---- 40783
1115 ---- 42457
1602 ---- 42374

46 CFR

Ch. I ---- 42195, 42746
32 ---- 40163
35 ---- 40163
50 ---- 40163
52 ---- 40163
53 ---- 40163
54 ---- 40163
56 ---- 40164
58 ---- 40168
63 ---- 40169
146 ---- 41795
252 ---- 43490
410 ---- 41526
402 ---- 41526
530 ---- 43720

PROPOSED RULES:

32 ---- 42751
34 ---- 43739
35 ---- 42751
76 ---- 43739
77 ---- 42751
78 ---- 42751
95 ---- 43739
96 ---- 42751
105 ---- 43739
167 ---- 42751
181 ---- 43739
184 ---- 42751
185 ---- 42751
193 ---- 43739
195 ---- 42751
196 ---- 42751
502 ---- 43925

47 CFR

1 ---- 42882
2 ---- 40810
73 ---- 42882, 43028, 43506, 43507
74 ---- 40810
81 ---- 44142
83 ---- 44142
91 ---- 40169

PROPOSED RULES:

2 ---- 42028, 42577, 42897, 43037, 43924
73 ---- 40172, 42028, 42369, 42577, 42578, 43028, 43514
76 ---- 43925
89 ---- 42577
91 ---- 42028, 42577

49 CFR

1 ---- 43901
25 ---- 41040
171 ---- 41527
172 ---- 41527
173 ---- 41527
174 ---- 41527
175 ---- 41527
177 ---- 41527
178 ---- 41527
325 ---- 42432
385 ---- 40810
Ch. V ---- 41796, 42013

49 CFR—Continued

552 ---- 42013
553 ---- 42015
555 ---- 42015
571 ---- 42746, 42897
613 ---- 42984
1033 ---- 40518, 40519, 43914, 44148
1134 ---- 42343
1306 ---- 40518
1320 ---- 41528
1322 ---- 41528

PROPOSED RULES:

10 ---- 43037
102 ---- 41537
107 ---- 41537
170 ---- 41537
171 ---- 40171, 40853, 40854, 41537
172 ---- 41537
173 ---- 41537
174 ---- 41537
175 ---- 41537
176 ---- 41537
177 ---- 41537
178 ---- 41537
179 ---- 41537
180 ---- 41537
181 ---- 41537
182 ---- 41537
183 ---- 41537
184 ---- 41537
185 ---- 41537
186 ---- 41537
187 ---- 41537
188 ---- 41537
189 ---- 41537
195 ---- 43740
215 ---- 42895
571 ---- 40537, 40853, 42756
573 ---- 43227
583 ---- 42366, 42895
1007 ---- 43689
1037 ---- 42221
1106 ---- 42578
1106 ---- 41153, 40854, 42573
1201 ---- 42899
1307 ---- 42033, 43038

50 CFR

17 ---- 44149
20 ---- 41096, 42015
28 ---- 41105, 42017, 42195, 42748
32 ---- 40519, 40520, 40811, 41105–41108, 42017, 42018, 42196–42201, 42747, 42748, 42883, 43029, 43030, 43032, 43218, 43219, 43732, 43733, 43914–43916, 44151–44155
33 ---- 44155
251 ---- 43508, 43733, 43734
285 ---- 43916

PROPOSED RULES:

17 ---- 40521
216 ---- 41531, 42210, 43040
501 ---- 41066

FEDERAL REGISTER PAGES AND DATES—SEPTEMBER

Pages	*Date*
40139–40500	2
40501–40795	3
40797–41070	4
41071–41507	5
41509–41754	8
41755–41988	9
41989–42163	10
42165–42314	11
42315–42525	12
42527–42723	15
42725–42847	16
42849–43016	17
43017–43196	18
43197–43477	19
43479–43711	22
43713–43871	23
43873–44109	24
44111–44301	25

rules and regulations

This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.

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

Title 5—Administrative Personnel

CHAPTER I—CIVIL SERVICE COMMISSION

PART 213—EXCEPTED SERVICE

Department of Agriculture

Section 213.3113 is amended to show that professional and clerical positions in the Farmers Home Administration concerned with providing financial assistance in the Trust Territory of the Pacific Islands are excepted under Schedule A.

Effective on September 25, 1975, § 213.3113(e)(6) is added as set out below:

§ 213.3113 Department of Agriculture.

* * * * *

(e) *Farmers Home Administration.*

* * *

(6) Professional and clerical positions in the Trust Territory of the Pacific Islands when occupied by indigenous residents of the Territory to provide financial assistance pursuant to current authorizing statutes.

(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.75-25524 Filed 9-24-75;8:45 am]

PART 307—VETERANS READJUSTMENT APPOINTMENTS

Correction

In the FEDERAL REGISTER of July 7, 1975 (FR Doc. 75-17447) appearing on page 28445, § 307.101 was amended by showing a change in paragraph (c). Section 307.101 should have been further amended by revoking paragraph (d).

UNITED STATES CIVIL SERVICE COMMISSION.

[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.75-25525 Filed 9-24-75;8:45 am]

Title 7—Agriculture

SUBTITLE A—OFFICE OF THE SECRETARY OF AGRICULTURE

PART 2—DELEGATIONS OF AUTHORITY BY THE SECRETARY OF AGRICULTURE AND GENERAL OFFICERS OF THE DEPARTMENT

Collection of Certain Data

Part 2, Subtitle A, Title 7, Code of Federal Regulations is amended to delegate responsibilities relating to the collection of certain data relating to sugar, and to amend the delegation relating to the administration of the Sugar Act of 1948, as follows:

Subpart C—Delegations of Authority to the Under Secretary, Assistant Secretaries and Director of Agricultural Economics

1. Section 2.17(a) is amended by adding a new subparagraph (5) to read as follows:

§ 2.17 Delegations of Authority to the Assistant Secretary for Marketing and Consumer Services.

* * * * *

(a) * * *

(5) Collect, summarize, and publish data on the production, distribution, and stocks of sugar.

* * * * *

2. Section 2.21 is amended by revising paragraph (a)(18), by repealing and reserving paragraph (a)(19), and by adding new paragraphs (d) (24) and (25) to read as follows:

§ 2.21 Delegations of Authority to the Assistant Secretary for International Affairs and Commodity Programs.

* * * * *

(a) * * *

(18) Liquidate obligations incurred under the Sugar Act of 1948, as amended (7 U.S.C. 1100 *et seq.*).

* * * * *

(19) [Reserved]

* * * * *

(d) * * *

(24) Conduct economic analyses pertaining to the foreign sugar situation.

(25) Exercise the Department's functions with respect to the International Sugar Agreement or any such future agreements.

* * * * *

3. Section 2.27 is amended by adding new paragraphs (b)(11) and (c)(7) to read as follows:

§ 2.27 Delegations of Authority to the Director of Agricultural Economics.

* * * * *

(b) * * *

(11) Conduct economic analyses pertaining to the domestic and foreign sugar industries, and collect and publish data relating to the returns, costs, and profits of the domestic sugar industry.

(c) * * *

(7) Collect and publish data related to farm acreage, yield, production, and prices paid to farmers for sugarcane and sugar beets, and factory production of sugar and molasses together with associated data including polarization, sucrose, and purity.

* * * * *

Subpart F—Delegations of Authority by the Assistant Secretary for Marketing and Consumer Services

4. Section 2.50 is amended by adding a new paragraph (a)(6) to read as follows:

§ 2.50 Administrator, Agricultural Marketing Service.

(a) * * *

(6) Collect, summarize, and publish data on the production, distribution, and stocks of sugar.

* * * * *

Subpart H—Delegations of Authority by the Assistant Secretary for International Affairs and Commodity Programs

5. Section 2.65(a) is amended by revising paragraph (18) and repealing and reserving paragraph (19) to read as follows:

§ 2.65 Administrator, Agricultural Stabilization and Conservation Service.

(a) * * *

(18) Liquidate obligations incurred under the Sugar Act, as amended (7 U.S.C. 1100 *et seq.*).

(19) [Reserved]

* * * * *

6. Section 2.68 is amended to add a new paragraphs (a)(25) and (26) to read as follows:

§ 2.68 Administrator, Foreign Agricultural Service.

(a) * * *

(25) Conduct economic analyses pertaining to the foreign sugar situation.

(26) Exercise the Department's functions with respect to the International Sugar Agreement or any such future agreements.

* * * * *

Subpart K—Delegations of Authority by the Director of Agricultural Economics

7. Section 2.86 is amended to add a new paragraph (a)(10) to read as follows:

§ 2.86 Administrator, Economic Research Service.

(a) * * *

(10) Conduct economic analyses pertaining to the domestic and foreign sugar industries, and collect and publish data relating to the returns, costs, and profits of the domestic sugar industry.

* * * * *

8. Section 2.87 is amended to add a new paragraph (a)(7) to read as follows:

§ 2.87 Administrator, Statistical Reporting Service.

(a) * * *

(7) Collect and publish data related to farm acreage, yield, production, and prices paid to farmers for sugarcane and sugar beets, and factory production of sugar and molasses together with associated data including polarization, sucrose, and purity.

Signature page for delegation relating to the administration of the Sugar Act of 1948.

Effective date. These amendments shall be effective September 25, 1975.

SEPTEMBER 4, 1975.

For Subpart C.

EARL BUTZ,
Secretary of Agriculture.

SEPTEMBER 19, 1975.

For Subpart F.

RICHARD L. FELTNER,
Assistant Secretary for Marketing and Consumer Services.

SEPTEMBER 19, 1975.

For Subpart H.

RICHARD E. BELL,
Assistant Secretary for International Affairs and Commodity Programs.

SEPTEMBER 19, 1975.

For Subpart K.

DON PAARLBERG,
Director of Agricultural Economics.

SEPTEMBER 19, 1975.

For All Parts.

JOSEPH R. WRIGHT, Jr.,
Assistant Secretary for Administration.

[FR Doc.75-25655 Filed 9-24-75;8:45 am]

CHAPTER I—AGRICULTURAL MARKETING SERVICE (STANDARDS, INSPECTIONS, PRACTICES), DEPARTMENT OF AGRICULTURE

PART 29—TOBACCO INSPECTION

Regulations Governing the Inspection of Tobacco Under the Tobacco Inspection Act

Notice was published in the FEDERAL REGISTER issue of July 16, 1975, that the U.S. Department of Agriculture has under consideration the amendment of Subparts B and F, of 7 CFR Part 29, relating to fees and charges for permissive inspection under the regulations governing the inspection of tobacco pursuant to the authority contained in The Tobacco Inspection Act (49 Stat. 731; 7 U.S.C. 511 et seq.).

Statement of consideration. The Department is amending "Subpart B—Regulations", relating to fees and charges for services performed other than under an agreement (21 FR 3669, May 30, 1956; and 25 FR 4949, June 4, 1960). The Tobacco Inspection Act authorizes official inspection and grading of tobacco. Such inspection and grading service is either mandatory or permissive. Mandatory inspection, as defined in 7 CFR 29.71, consists of inspecting and certifying tobacco, free of charge, on designated markets (as defined in 7 CFR 29.1(e), before it is offered for sale. Permissive inspection, as defined in 7 CFR 29.56, consists of inspecting, including sampling and weighing, and certificating, and is made available to interested parties on a fee basis. The Act requires such fees to be reasonable, and as nearly as possible, to cover the cost of performing the services.

Section 29.122 is amended to delete the second sentence which reads: "Charges as computed in accordance with this part shall be increased by 8 percent to cover administrative expenses."

The current regulations, 7 CFR 29.123, provide that fees and charges for permissive inspection services performed other than under an agreement shall comprise the cost of travel expense, per diem allowance and salaries (21 FR 3669, May 30, 1956; and 25 FR 4949, June 4, 1960). Section 123 is revised to provide that the fee for such service include the cost of related expenses, as well as the cost of salaries, travel, and per diem. This charge will increase the fees for such service to more nearly cover the Department's cost of performing the service. Additionally, a standard hourly rate of compensation is used, rather than a fee based on the salary of the specific inspector who performed the service and that fee is based on the actual time required to render the service calculated to the nearest 30-minute period. Therefore, the base hourly rate is $12.60; the overtime hourly rate for service performed outside the inspector's regularly scheduled tour of duty is $15.00; and the hourly rate for services performed on Sundays or holidays is $18.85. This uniform rate of calculation will substantially reduce administrative record keeping and eliminate the possibility of error caused by the charging of different hourly rates based on the varying GS grades of inspectors as was done heretofore.

The Department is also amending § 29.9252 of 7 CFR Part 29, appearing in Subpart F, which establishes the fees and charges for the permissive inspection of nonquota Maryland tobacco, U.S. Type 32, produced and marketed in a quota area. Heretofore, the regulations, 7 CFR 29.9252, provided that fees and charges for inspection and certification services at receiving points comprise the cost of travel expenses, per diem allowances, and salaries (38 FR 27817, October 9, 1973). Section 29.9252 is amended to provide that the fees charged for such inspection are the same as the fees charged in the amendment to 7 CFR 29.123 discussed above.

Interested persons desiring to submit written data, views, or arguments in connection with the proposed revisions were given until August 15, 1975, to do so. No comments were received. After consideration of all relevant facts, the proposed regulations are hereby adopted without change.

Sections 29.122, 29.123, and 29.9252 are revised as follows:

§ 29.122 Fees and charges for inspection other than under an agreement.

Fees or charges for inspection service shall be fixed in accordance with § 29.123.

§ 29.123 Fees and charges.

The fees and charges for inspection other than under an agreement are as follows:

(a) Fees and charges for inspection at redrying plants and receiving points shall comprise the cost of salaries, travel, per diem, and related expenses to cover the cost of performing the service. Fees shall be for actual time required to render the service calculated to the nearest 30-minute period. The base hourly rate shall be $12.60. The overtime rate for service performed outside the inspector's regularly scheduled tour of duty shall be $15.00. The rate of $18.85 shall be charged for work performed on Sundays or holidays.

(b) The fees or charges for hogshead, bale or case inspection shall comprise the same costs as provided in paragraph (a) of this section.

(c) The fees or charges for sample inspection shall comprise the same costs as provided in paragraph (a) of this section.

§ 29.9252 Fees and charges for inspection and certification services other than under an agreement.

Fees and charges for inspection and certification services at receiving points shall comprise the cost of salaries, travel, per diem, and related expenses to cover the cost of performing the service. Fees shall be for actual time required to render the service calculated to the nearest 30-minute period. The base hourly rate shall be $12.60. The overtime rate for service performed outside the inspector's regularly scheduled tour of duty shall be $15.00. The rate of $18.85 shall be charged for work performed on Sundays or holidays.

Done at Washington, D.C., this 19th day of September, 1975.

WILLIAM H. WALKER, III,
Deputy Administrator, Progam Operations.

[FR Doc.75-25533 Filed 9-24-75;8:45 am]

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

PART 719—RECONSTITUTION OF FARMS AND ALLOTMENTS

On July 28, 1975 there was published in the FEDERAL REGISTER (40 FR 31609) a notice of proposed rulemaking revising the regulations governing the reconstitution of farms and allotments. Interested parties were given the opportunity to submit, not later than August 27, 1975 comments on the proposed revision.

No comments were received pursuant to the notice, and the revision as so pro-

posed is hereby adopted without change. The revised regulations are set forth below.

Effective date: September 25, 1975.

Signed at Washington, D.C. on September 17, 1975.

E. J. PERSON,
Acting Administrator, Agricultural Stabilization and Conservation Service.

Sec.

719.1 Applicability.
719.2 Definitions.
719.3 Farm constitution.
719.4 Guides for determining the land constituting a farm.
719.5 County committee action to reconstitute a farm.
719.6 Farm corporations and trusts.
719.7 Reconstitution of farm allotments and history acreages.
719.8 Rules for determining allotments where reconstitution is made by division.
719.9 Rules for determining farm allotments and history acreages where reconstitution is by combination.
719.10 Preservation of cropland and allotment acreage.
719.11 Eminent domain acquisitions.
719.12 Exempting Federal prison farms and Federal wildlife refuges.
719.13 Supervisory authority of State ASC committee.
719.14 Transfer of allotments—State public lands.

AUTHORITY: Secs. 375, 378, 379, 52 Stat. 66, as amended, 72 Stat. 995, as amended, 79 Stat. 1211, 7 U.S.C. 1375, 1378, 1379; secs. 601, 602, 706, 79 Stat. 1206, as amended, 1210, 7 U.S.C. 1801 note, 1838, 1305; sec. 105, 84 Stat. 1368, 87 Stat. 230, 7 U.S.C. 1441 note.

§ 719.1 Applicability.

The provisions of this part apply to reconstitution of farms and allotments for 1975 and subsequent years under any program administered by the Agricultural Stabilization and Conservation Service through State and county committees. The provisions of §§ 719.1 to 719.15 (36 FR 11271, 36 FR 11802, 37 FR 5481, 37 FR 19340, and 38 FR 7564) are superseded.

§ 719.2 Definitions.

In determining the meaning of the provisions of this part, unless the context indicates otherwise, words importing the singular include and apply to several persons or things, words importing the plural include the singular, words importing the masculine gender include the feminine as well, and words used in the present tense include the future as well as the present. The following terms shall have the following meanings:

(a) *Allotment.* Acreage allocated to a farm for a year for cotton, peanuts, rice, tobacco, corn, grain sorghum, barley (when designated by the Secretary), or wheat, pursuant to the Agricultural Adjustment Act of 1938, as amended, and the Agricultural Act of 1949, as amended.

(b) *Combination.* Consolidation of two or more farms or parts of farms into one farm.

(c) *Committees*—(1) *Community committee.* Persons elected within a community as the community committee under the regulations governing the selection and functions of Agricultural Stabilization and Conservation county and community committees in Part 7 of Subtitle A of this title.

(2) *County committee.* Persons elected within a county as the county committee under the regulations governing the selection and functions of Agricultural Stabilization and Conservation county and community committees in Part 7 of Subtitle A of this title, except that for Puerto Rico and the Virgin Islands, the Caribbean Area Agricultural Stabilization and Conservation Committee shall, insofar as applicable, perform the functions of the county committee.

(3) *State committee.* Persons in a State designated by the Secretary as the Agricultural Stabilization and Conservation State committee under section 8(b) of the Soil Conservation and Domestic Allotment Act, as amended, except that for Puerto Rico and the Virgin Islands, the Caribbean Area Agricultural Stabilization and Conservation Committee shall, insofar as applicable, perform the functions of the State committee.

(d) *County.* County or parish of a State except that for Alaska, Puerto Rico and the Virgin Islands, county shall be an area designated by the State committee with the concurrence of the Deputy Administrator.

(e) *County Executive Director.* Person employed by the county committee to execute the policies of the county committee and be responsible for day-to-day operations of the ASCS county office or the person acting in such capacity.

(f) *Cropland.* Land which the county committee determines meets any of the following conditions:

(1) Is currently being tilled for the production of a crop for harvest.

(2) Has been tilled and is currently devoted to legumes or grasses which were established by a producer.

(3) Is suitable for crop production and although not currently tilled it can be established that the land has been tilled in a prior year.

(4) Has been tilled and is currently devoted to vineyards, orchards, or one-row shelter belt planting (excluding abandoned orchards or vineyards).

(5) Is preserved as cropland under § 719.10. Land classified as cropland shall be removed from such classification upon a determination by the county committee that the land (i) is removed from agricultural production; (ii) is no longer suitable for production of crops; (iii) is devoted to trees (other than orchards or one-row shelter belt plantings) which were planted in the preceding year except that land planted to trees in the fall of the preceding year will retain its cropland classification for the succeeding year; or (iv) is no longer preserved as cropland under the provisions of § 719.10 and does not meet the conditions in subparagraphs (1) through (4) of this paragraph.

(g) *Current year.* Calendar year for which the applicable allotment, base acreage, history acreage, yields, marketing quota penalties, or other program determinations are established or considered.

(h) *Department.* U.S. Department of Agriculture.

(i) *Deputy Administrator.* Deputy Administrator, or acting Deputy Administrator, Programs, Agricultural Stabilization and Conservation Service, U.S. Department of Agriculture.

(j) *Division.* Dividing a farm into two or more farms or parts of farms.

(k) *Farm number.* Serial number assigned to a farm by the county committee for the purpose of identification.

(l) *Federally owned land.* Land owned by the Federal Government or any department, bureau, or agency thereof, or any corporation whose stock is wholly owned by the Federal Government.

(m) *Landlord.* A person who rents or leases farmland to another person.

(n) *OGC representative.* Appropriate Regional Attorney or Attorney-in-Charge, Office of the General Counsel, U.S. Department of Agriculture, or other authorized representative of the Office of the General Counsel.

(o) *Operator.* Person who is in general control of the farming operations on the farm during the program year.

(p) *Owner.* A person who has legal ownership of farmland, including a person who is buying farmland under a purchase agreement.

(q) *Person.* Individual, partnership, association, corporation, estate or trust, or other business enterprise or other legal entity and, whenever applicable, a State, a political subdivision of a State, or any agency thereof.

(r) *Preceding year.* Calendar year immediately preceding the current year.

(s) *Producer.* Person who as owner, landlord, tenant or sharecropper, is entitled to share in the crops available for marketing from the farm or in the proceeds thereof.

(t) *Reconstitution.* Change in the land constituting a farm as a result of combination or division.

(u) *Representative of the State committee.* Member of the State committee or any employee of the State committee.

(v) *Secretary.* Secretary of Agriculture of the United States, or any officer or employee of the Department to whom authority is delegated to act in his stead.

(w) *Sharecropper.* A producer who performs work in connection with the production of a crop under the supervision of the operator and who receives a share of such crop for his labor.

(x) *State executive director.* Person employed by the State committee to execute the policies of the State committee and to be responsible for the day-to-day operations of the State ASCS office, or the person acting in such capacity.

(y) *Tenant.* (1) A person usually called a "cash tenant," "fixed-rent tenant," or "standing-rent tenant," who rents land from another for a fixed amount of cash or a fixed amount of a commodity to be paid as rent; or (2) a person, other than a sharecropper, usually called a "share tenant," who rents land from another person and pays as rent a share of the crops or proceeds therefrom.

(z) *Representative of the county committee.* A member of the county committee or any employee of the county committee.

§ 719.3 Farm constitution.

(a) *Farms constituted under prior regulations.* Land which has been properly constituted under prior regulations shall remain so constituted until a reconstitution is required under paragraph (d) of this section.

(b) *Farms constituted for the first time or reconstituted hereafter.* With respect to the constitution and identification of land as a farm for the first time or the reconstitution of farms made hereafter, a farm shall include all land operated by one person as a single farming unit except that it shall not include land under any of the following conditions:

(1) Land under separate ownership unless the owners agree in writing;

(2) Field-rented tracts under a short-term agreement of 1 year or less (such tracts shall remain with the farm of which they are a part);

(3) Federally owned land except land acquired by an agency having the right of eminent domain and leased back to the former owner with uninterrupted possession.

(4) Federal- and State-owned wildlife land unless the former owner has possession of the land under a leasing agreement.

(5) Land covered by a whole farm cropland conversion program agreement unless all the other land included in the farm is also covered by a whole farm cropland conversion program agreement;

(6) Land covered by a cropland adjustment or cropland conversion program agreement unless (i) the specific commodity diverted under the agreement is also diverted under a cropland adjustment or cropland conversion program agreement covering the other land and having the same expiration date, or (ii) the other land does not have an allotment of the same commodity or (iii) the farm operator agrees to a zero permitted acreage for the commodity under agreement.

(7) Land constituting a farm which is declared ineligible to participate in a program under the regulations governing the program.

(c) *Location of farm for administrative purposes.* (1) If all land in the farm is located in one county, the farm shall be administratively located in such county.

(2) If the land in the farm is located in more than one county, the farm shall be administratively located in either of such counties as the county committee of the receiving county and the farm operator agree. The receiving county is the county in which the farm operator requests that the farm be located. If no agreement can be reached, the farm shall be administratively located in the county (i) where the principal dwelling is situated, or (ii) where the major portion of the farm is located, if there is no dwelling.

(3) Notwithstanding the provisions of subparagraphs (1) and (2) of this paragraph, if the land in the farm is part of an Indian reservation and is operated by a grazing association, the farm may be administratively located in the county where such grazing association has its headquarters if the county committees involved and the farm operator agree to such location, provided the persons using the land do not reside thereon and the geographic features are such that administrative access would be more practical.

(d) *Required reconstitutions.* A reconstitution of a farm either by division or by combination shall be required whenever:

(1) A change has occurred in the operation of the land after the last constitution or reconstitution and as a result of such change the farm does not meet the conditions for constitution of a farm as set forth in paragraph (b) of this section: *Provided*, That no reconstitution shall be made if the county committee determines that the primary purpose of the change in operation is to establish eligibility to transfer allotments subject to sale or lease;

(2) The farm was not properly constituted under the applicable regulations in effect at the time of the last constitution or reconstitution;

(3) An owner requests in writing that his land no longer be included in a farm which is composed of tracts under separate ownership;

(4) The county committee determines that the farm was reconstituted on the basis of false information furnished by the owner or farm operator; or

(5) The county committee determines that the tracts of land included in a farm are not being operated as a single farming unit.

§ 719.4 Guides for determining the land constituting a farm.

(a) *General.* In determining the constitution of a farm, consideration shall be given to provisions such as ownership and operation. A brief explanation of these provisions is outlined in this section to assist committees in properly determining what land is to be included in a farm.

(b) *Ownership.* The county committee shall require specific proof where there is doubt as to ownership.

(c) *Family members.* Land owned by different members of an immediate family living in the same household and operated as a single farming unit shall be considered as being under the same ownership in determining a farm.

(d) *Parent corporations and subsidiaries.* All land which is operated as a single farming unit and which is owned and operated by a parent corporation and subsidiary corporations of which the parent corporation owns more than 50 percent of the value of the outstanding stock (or which is owned and operated by such subsidiary corporations) shall be constituted as one farm.

(e) *Single farming unit.* Land which the committee determines is being operated by one person with cropping practices, equipment, labor, accounting system, and management substantially separate from that of any other unit shall be considered to constitute a single farming unit.

(f) *Operation.* In determining the constitution of a farm, the county committee shall satisfy itself that the operator will be in general control of the farming operations on the farm for the program year.

§ 719.5 County committee action to reconstitute a farm.

Action to reconstitute a farm may be initiated by the county committee, the farm owner, or the operator of the farm. Any request for a farm reconstitution shall be filed with the county committee. The county committee shall act on each proposed reconstitution. All interested operators shall be notified of the action taken by the county committee. All interested owners shall also be notified provided the State committee determines such notification is desirable and this policy is applicable to all counties in the State. If the proposed reconstitution is approved, the notcie shall show the program year in which the reconstitution will become effective for each allotment and program.

§ 719.6 Farm corporations and trusts.

Notwithstanding any other provision of this part, whenever the county committee has reason to believe a farm corporation(s) or trust(s) is formed primarily for the purpose of obtaining additional program benefits under this Title 7, the farm or farms shall not remain as presently constituted, or be reconstituted, when owned and operated, by corporations or trusts listed below without approval of the State committee and concurrence by the Deputy Administrator: (a) Corporations in which more than 50 percent of the shares of stock is owned by members of the same family living in the same household; (b) corporations in which more than 50 percent of the shares of stock is owned by stockholders common to more than one of the corporation; (c) trusts in which the beneficiaries and the trustee are family members living in same household.

§ 719.7 Reconstitution of farm allotments, and history acreages.

(a) *When to reconstitute.* Farms shall be reconstituted as soon as it is determined that the land areas are not properly constituted and, to the extent practicable, shall be based on the facts and conditions existing at the time the change requiring the reconstitution occurred. For each farm reconstituted, the farm allotments and history acreages shall also be reconstituted in accordance with the provisions of this part. County office records shall be corrected as necessary to reflect properly the basic data for each farm as reconstituted.

(b) *Effective date of reconstitutions.* The effective date of the reconstitution shall be as follows:

(1) *Allotment crops.* (i) The reconstitution shall be effective for an allotment crop for the current program year

if such reconstitution is initiated before such crop is or would have been planted.

(ii) The reconstitution may be made effective for the current program year after the crop has been or would have been planted if the county committee determines that no adverse effect to the program will result and the farm owner(s) and operator(s) agree to make the reconstitution effective for such year.

(2) *Cropland Conversion and Cropland Adjustment Programs.* The reconstitution shall be effective for purposes of the Cropland Conversion and Cropland Adjustment Program (CCP and CAP) for the current program year unless the reconstitution would cause noncompliance with the contract or agreement.

(3) *Agricultural Conservation Program.* The reconstitution shall not be effective for purposes of the Agricultural Conservation Program (ACP) for the current program year if the county committee has approved cost-sharing for a producer on the farm for the current program year unless (i) the parent farm on which cost-sharing was approved was not properly constituted at the time of approval, or (ii) the county committee determines that some producer on the farm would not be eligible to participate in the ACP if the reconstitution is not made effective.

(4) *Misrepresentation.* Notwithstanding any other provision of this section, if the county committee determines that the farm was or was not reconstituted because of a misrepresentation by a producer, the farm shall be properly reconstituted, and the effective date of such reconstitution for all purposes shall be retroactive to the date the farm was improperly constituted.

(c) *Maximum and minimum provisions, adjustments, and release and reapportionment.* Allotments for reconstituted farms resulting from the divisions or combinations of parent farms in accordance with this part are subject to maximum and minimum allotment provisions and to adjustments from allotment reserves for the commodity and released farm allotments as provided in the regulations governing the determination of allotments for the commodity.

(d) *Continuous application.* Where a farm reconstitution for the current year is made before the current year's allotments are determined, the history acreages and other basic data for the reconstituted farms shall be used to establish the current year's allotments: *Provided,* That where the current year's preliminary allotment on one or more parent farms involved in a proposed combination would be reduced for underplanting, the allotment shall be determined as follows: (1) The current year's allotment for each parent farm shall be established separately, and then (2) the current year's allotment for the combined farm shall be determined by adding the allotments established for the parent farm.

§ 719.8 Rules for determining allotments where reconstitution is made by division.

The methods for dividing allotments in order of precedence are estate, designation by landowner, contribution (including contribution-cropland and contribution-history), cropland, and history.

(a) *Estate method.* The estate method is the proration of the allotments for a parent farm among the heirs in settling an estate. If the estate sells a tract of land before the farm is divided among the heirs, the allotments for the tract shall be determined by using one of the methods provided in paragraphs (b) through (f) of this section. The allotments shall be divided among the heirs in settling an estate as follows:

(1) In accordance with a will by the testator if the county committee determines that the terms of the will are such that a division can reasonably be made on this basis.

(2) If the provisions of subparagraph (1) of this paragraph are not applicable, the allotments shall be apportioned in the manner agreed to in writing by all interested heirs. An agreement by the administrator or executor shall not be accepted in lieu of an agreement by the heirs.

(3) If the provisions of subparagraphs (1) and (2) of this paragraph do not apply, the allotments shall be divided pursuant to paragraphs (c) through (f) of this section, as applicable.

(b) *Designation of allotments by landowner.* If the ownership of a tract of land is transferred from a parent farm, the county committee shall at the request of the transferring owner divide the allotments between the parent farm and the transferred tract, or between the applicable tracts if the entire farm is sold to two or more purchasers, in the manner designated by the owner of the parent farm subject to conditions set forth in this paragraph. If the county committee determines that the allotments cannot be divided in the manner designated by the owner because of the conditions set forth in this paragraph, the owner shall be notified and permitted to revise the designation so as to meet the conditions in this paragraph. If the owner does not furnish a revised designation of allotments within a reasonable time after such notification or if the revised designation does not meet the conditions of this paragraph, the county committee shall make the proration of allotments in accordance with paragraphs (c) through (f) of this section. If a parent farm is composed of tracts under separate ownership, each separately owned tract being transferred in part shall be considered a separate farm and shall be constituted separately from the parent farm using the rules in paragraphs (c) through (f) of this section, as applicable, prior to application of the provisions of this paragraph. The eligibility conditions that shall be complied with for applying this method of division are:

(1) The interested owners (seller and purchaser) shall file a memorandum of understanding of the designation with the county committee. The heirs of an estate may use this method to designate the allotments for allocation to a tract of land sold prior to dividing the parent farm among the heirs in settling an estate: *Provided, however,* That designation by the administrator or executor shall not be accepted in lieu of designation by the heirs.

(2) Where the land of the parent farm is subject to a deed of trust, lien, or mortgage, the holder of the deed of trust, mortgage, or lien must agree to the division of allotments.

(3) Neither the tract transferred from the parent farm nor the remaining portion of the parent farm shall receive allotments in excess of allotments for similar farms in the same area having allotments of the commodity or commodities involved and such allotments shall be consistent with good land use.

(4) Where the part of the farm from which the ownership is being transferred was owned for a period of less than 3 years, the provisions of this paragraph shall not be applicable to such transfer unless the State committee finds that the primary purpose of the ownership transfer was not to retain or sell an allotment. In the absence of such a finding, and if the farm contains land which has been owned for a period less than 3 years, that part which has been owned for less than 3 years shall be considered as a separate farm and the allotments shall be assigned to that part using the rules in paragraphs (c) through (f) of this section, as applicable. Such apportionment shall be made prior to any designation of allotments with respect to the part which has been owned for 3 years or more.

(5) This method is not applicable to Burley tobacco.

(6) The land for which ownership is being transferred to a Federal, State, or other agency was not or could not have been acquired under the right of eminent domain. If eminent domain is applicable, the provisions of § 719.11 shall apply.

(c) *Contribution method.* The contribution method for dividing allotments is the proration of the parent farm's allotments to each identical tract separated from the parent farm in the same proportion that each tract contributed to the allotments at the time of combination. Unless the provisions of paragraph (a) or (b) of this section are applicable this method shall be used to divide allotments for a farm which resulted from a combination that became effective during the 6-year period immediately prior to the current year. This method for dividing allotments shall be used beyond the 6-year period if records are available to show the contribution of the separate tracts at the time of combination unless the county committee determines with the concurrence of a representative of the State committee that the use of the contribution method would not result in an equitable distribution of the allotments considering available land, cultural operations, and changes in type of farming. The contribution method shall not be used in cases involving the division for any commodity for which there was no allotment established at the time of com-

bination, and a parent farm, in the case of rice, which includes one or more tracts on which an established crop rotation system was being carried out at the time of the combination.

(d) *Contribution-Cropland or Contribution-History method.* In cases where the allotments are divided by the contribution method pursuant to paragraph (c) of this section and a further division of an identical tract is required, the allotments shall first be apportioned to the identical tracts and then apportioned among the parts of the identical tracts by the cropland or history method pursuant to paragraph (e) or (f) of this section, as applicable.

(e) *Cropland method.* The cropland method for dividing allotments is the proration of allotments to the tracts being separated from the parent farm in the same proportion that the cropland acreage for each such tract bears to the cropland for the parent farm. For rice, the acreage of cropland that is available for the production of rice shall be used to make the proration. The county committee shall verify or redetermine, if considered necessary, the cropland on each of the tracts of the parent farm prior to making the proration. This method shall be used if the provisions of paragraphs (a) through (c) of this section are not applicable unless the county committee determines that a division by the history method would result in allotments more representative of the operation normally carried out on each tract during the respective base period for the commodities. Notwithstanding any other provision of this paragraph, the allotments shall be apportioned on the basis of the cropland available for and adapted to the production of the allotment crop on each tract when the owners file with the county office a written agreement as to the amount of available and adapted cropland and the county committee approves such agreement.

(f) *History method.* The history method of division of allotments is the proration of allotments to the tracts being separated from the parent farm on the basis of the acreage determined to be representative of the operations normally carried out on each tract during the respective base period for the commodities. The history method shall be used when the county committee determines that division by the cropland method should not be used.

(g) *Variation in reconstituted allotments.* Allotments apportioned among the divided tracts, pursuant to paragraphs (c) through (f) of this section, may be increased or decreased by as much as 10 percent of the allotment or base established for the parent farm if (1) the interested owners agree in writing, and (2) the county committee determines that the method used did not provide an equitable distribution concerning available land, cultural operations and changes in type of farming. Any increase in an allotment on a tract pursuant to this paragraph shall be offset by a corresponding decrease on the other tract and all variations between tracts must be compensating.

(h) *Adjustments in conserving bases.* Conserving bases for farms divided pursuant to paragraphs (c) through (f) of this section, and apportioned among the tracts, may be adjusted by the county committee taking into consideration the physical location of conserving use acreages, the allotments apportioned to the reconstituted farms, and changes in type of farming. Any decrease in the conserving base on a tract must be offset by a corresponding increase on the other tract and all conserving base adjustments must be compensating.

(i) *Divided history acreage and other data.* The history acreage and other basic data, except commodity yields and minimum allotments, for divided farms shall be determined by using the same percentage figure as was used to apportion the allotment crop for the respective commodity. For commodity yields and minimum allotments applicable commodity regulations shall apply.

§ 719.9 Rules for determining farm allotments and history acreages where reconstitution is by combination.

If two or more farms or tracts are combined for the current year, the current year's allotments, history acreages, planted acreages, and acreages considered planted for the years in the base period for the respective commodities for the reconstituted farm shall be the sum of the allotments, history acreages, planted acreages, and acreages considered planted for each of the tracts comprising the combination, subject to the provisions of § 719.7(c).

§ 719.10 Preservation of cropland and allotment acreage.

(a) *Definitions.* Notwithstanding the definitions in § 719.2, for the purposes of this section, the following terms shall have the following meanings:

(1) *Final acreage.* The actual crop acreage, plus any additional acreage considered planted to the crop under applicable commodity regulations.

(2) *Underplanted acreage.* The acreage by which the allotment for a commodity exceeds the final acreage of the commodity.

(b) *Preservation of cropland and acreage available for diversion credit*—(1) CAP, CCP, CRP, GPCP, *and* RCP. Cropland acreage established and maintained in vegetative cover under the Cropland Adjustment Program, Cropland Conversion Program, Conservation Program, and Regional Conservation Program, shall retain its cropland classification for the period of time the contract or agreement is in effect plus the period of time thereafter that the cover is maintained. Cropland acreage established in trees under one of the programs listed in this section shall retain its cropland classification for the period of time the contract or agreement is in effect plus an equal period thereafter provided the practice is maintained. All acreage under this subparagraph shall be available for diversion credit to the extent of the underplanted acreage of an allotment crop where needed to protect the history for such crop.

(2) *RECP-REAP-ACP and comparable practices carried out without Federal cost-sharing.* Cropland acreage established and maintained in vegetative cover (excluding trees) under the Rural Environmental Conservation Program, the Rural Environmental Assistance Program, the Agricultural Conservation Program, or comparable practices carried out without Federal cost-sharing including approved volunteer cover shall retain its cropland classification for the period of time that the cover is maintained. To qualify for diversion credit under this subparagraph (2), the following conditions shall be met:

(i) Acreage must be in excess of the sum of the conserving base and set-aside acreage requirements under other adjustment programs.

(ii) The practice must have been established and carried out in accordance with good farming practices.

(iii) The producer must report the conserving crop acreage each year preservation credit is desired by a date approved by the Deputy Administrator.

(c) *Termination of diversion credit.* Acreage shall cease to be available for diversion credit when:

(1) The approved vegetation is destroyed or not properly maintained.

(2) The additional period of protection in the case of trees established under a conservation program listed in paragraph (b) of this section expires or the trees are destroyed.

(d) *Diversion credit for divided farms.* When a parent farm is reconstituted by division, future diversion credit shall accrue to the farm or tract on which the vegetative cover is physically located.

(e) *Use of diversion credit.* The diversion credit determined under the provisions of this section for each underplanted allotment crop shall be considered as acreage devoted to the crop and shall be utilized in the establishment of future State, county, and farm allotments.

§ 719.11 Eminent domain acquisitions.

(a) *Commodities covered.* This section provides a uniform method for handling farm allotments for extra long staple cotton, upland cotton, peanuts, rice in farm States, tobacco, wheat, corn, grain sorghums and barley (when designated by the Secretary) on land involved in an eminent domain acquisition. If eligible for pooling under this section, such allotments are pooled for the benefit of the owner who is displaced from his farm by an eminent domain acquisition. Such pooling is for a 3-year period from the date of displacement and during such period the owner so displaced may request transfers of allotments from the pool to other farms in the United States owned by him.

(b) *Eminent domain acquisition.* An eminent domain acquisition is a taking of title to land, or the taking of an impoundment easement to impound water on the land, or the taking of a flowage easement to intermittently flood the land, consumated with respect to land which is, or could be, so taken under the power of eminent domain by a Federal, State,

or other agency. Such acquisition may be by court proceedings to condemn the land or by negotiation between the agency and the owner. Any acquisition by an agency with respect to land not subject to the agency's power of eminent domain shall not be an eminent domain acquisition for purposes of this section. All land acquired by an agency for the intended project, including surrounding land not needed for the project but acquired as a package acquisition, shall be considered to be in the eminent domain acquisition if the agency expended funds for the package acquisition on the basis of its power of eminent domain. For example, a governmental agency acquires 150 acres of land from an owner as a package acquisition and requires 130 acres for the public purpose but supports the expenditure of funds for the unneeded 20 acres on the grounds that no additional cost resulted, or that avoidance of condemnation proceedings warranted the package acquisition.

(c) *Owner.* For purposes of this section, owner means the person, or persons in a joint ownership, having title to the land for a period of at least 12 months immediately prior to the date of transfer of title or grant of impoundment or flowage easement under the eminent domain acquisition. If such person or persons have owned the land for less than such 12-month period, they may, nevertheless, be considered the owner if the State committee determines that such person or persons acquired the land for the purpose of carrying out farming operations and not for the purpose of obtaining status as an owner under this section. However, no person shall be considered the owner if he acquired the land subject to an eminent domain acquisition under an outstanding contract to an agency or an option by an agency or subject to pending condemnation proceedings. In any case where the current titleholders cannot be considered the owner for the purposes of this section, the State committee shall determine the person or persons who previously had title to the land and who qualify for status as the owner under the criteria in this paragraph.

(d) *Displacement.* The owner shall be considered displaced from a farm covered by an eminent domain acquisition on the date (1) the right to produce an allotment crop is relinquished voluntarily even though the owner is not required to give up possession of the land; or (2) in the case of a flowage easement the owner determines it is no longer practical to conduct farming operations on the land; or (3) the owner loses possession of the land as owner or as lessee under a lease from the agency or its designee if the lease provided unbroken possession to the owner from the date of acquisition to the end of the lease or extensions of the lease. In cases where the agency and the owner have executed a binding contract for acquisition of the farm, the owner may be considered displaced prior to completion of the acquisition if he wishes to plant the commodity on other land he owns or buys.

(e) *Notice of displacement.* The owner shall notify the county committee in writing of the eminent domain acquisition and furnish the date of displacement as soon as possible so that the allotments may be pooled in accordance with this section. Failure to so notify the county committee shall not operate to extend the 3-year period of the pool.

(f) *Pool.* Whenever the county committee determines, by notice from the owner or otherwise, that an owner has been displaced, the county committee shall establish in a pool for a 3-year period, beginning on the date of displacement, the allotments eligible for pooling under this section. Pooled allotments shall be considered fully planted and for each year in the pool, shall be established in accordance with applicable commodity regulations.

(g) *Cases where pooling not permitted or required*—(1) *Agency has authority to continue crop production.* If the county committee determines that an agency has authority under its eminent domain powers to acquire a farm for the continued production of an allotment crop and does so acquire a farm only for such purpose and files a written notice with the county committee of the county in which the farm is located within 30 days after the date of acquisition designating the allotment crops to be produced on the farm, there shall be no pooling for such crops, but farm allotments shall be established in accordance with applicable commodity regulations.

(2) *Owner waives right to have pooling.* If the owner files written notice with the county committee of intention to waive his right to have all the allotments, or any part thereof, pooled and the county committee determines that the owner fully understands his right to have allotments pooled and has not been coerced to waive his right, the allotments shall be retained on the agency acquired land.

(3) *Less than 15 percent of cropland acquired.* If an agency acquires part of a farm for nonfarming purposes and the cropland on the land so acquired represents less than 15 percent of the total cropland on the farm, the allotments shall be retained on the portion of the farm not acquired by the agency and shall not be pooled.

(4) *15 percent or more of cropland acquired.* If an agency acquires part of a farm for nonfarming purposes and the cropland on the land so acquired represents 15 percent or more of the total cropland on the farm, the allotments attributable to the acquired land shall be retained on the portion of the farm not acquired by the agency if the owner files a written request with the county committee for such retention. However, only such amounts of allotments may be retained as can be supported on the available cropland and which will not exceed the allotments established on similar farms in the area, taking into consideration the land, labor, and equipment available for the production of the commodity, crop rotation practices and other physical factors affecting production. Allotments not retained shall be pooled.

(5) *In-county transfer upon displacement.* If, prior to pooling, an owner files a request to transfer the allotments to other farms which he owns in the same county, the county committee may approve a direct transfer without formal establishment in the pool. Such transfer shall be subject to the requirements of paragraph (j) of this section.

(h) *Release of pooled allotments.* Pooled allotments may be released on an annual basis by the owner to the county committee during any year for which the allotments are pooled and not otherwise transferred from the pool. The county committee may reapportion such released allotments to other farms in the same county having allotments for such commodity. Pooled allotments shall not be released on a permanent basis or surrendered after release to the State committee for reapportionment in other counties. Reapportionment shall be on the basis of past acreage of the commodity, land, labor, and equipment available for the production of the commodity, crop rotation practices and soil and other physical facilities affecting the production of the commodity. Released pooled allotments shall be regarded as fully planted in the pool and not on the farm receiving reapportionment. This paragraph shall govern the release and reapportionment of pooled allotments notwithstanding other procedures contained in applicable commodity regulations.

(i) *Sale, lease, and owner transfers.* Pooled allotments for which there is statutory authority implemented in the applicable commodity regulations for transfer of allotments on a permanent or temporary basis by sale, lease, or by owner (within the meaning of owner for such purposes) may be transferred permanently from the pool by the owner or temporarily for the life of the pooled allotment, subject to the terms and conditions in the applicable commodity regulations for such transfers.

(j) *Regular transfers from pool*—(1) *General rule.* The owner may request transfer of all or part of the pooled allotments to any farm in the United States of which he is the bona fide owner: *Provided*, That there are farms in the receiving county with allotments for the particular commodity, or if there are no such farms, the county committee determines that farms in the receiving county are suitable for the production of the commodity. For purposes of this paragraph:

(i) Receiving farm means the farm to which transfer from the pool is to be made:

(ii) Receiving State and county committees mean those committees for the State and county in which the receiving farm is located; and

(iii) Transferring State and county committees mean those committees for the State and county in which the agency acquired farm is located.

(2) *Application for transfer.* The owner shall file with the receiving county committee written application for transfer of allotment from the pool within 3 years after the date of displacement. The application shall contain a certification

by the owner that he has made no side agreement with any person for the purpose of obtaining an allotment from the pool for a person other than himself. The owner shall attach to the application all pertinent documents pertaining to his ownership or purchase of land and any leasing arrangements as for example, the deed of trust or mortgage, warranty deed, note sales agreement, and lease.

(3) *Action by receiving county committee.* The receiving county committee shall consider each application and determine whether the transfer from the pool shall be approved. Before an application is acted upon by the receiving county committee, the owner shall personally appear before the receiving county committee after reasonable notice, bring any additional pertinent documents as may be requested for examination by the receiving county committee, and answer all pertinent questions bearing on the proposed transfer: *Provided,* That the personal appearance requirement may be waived if the receiving county committee determines from facts presented to it on behalf of the owner that such personal appearance would unduly inconvenience the owner on account of illness or other good cause and such personal appearance would serve no useful purpose. Any action by the receiving county committee shall be subject to the approval required under subparagraph (5) of this paragraph.

(4) *Elements of bona fide ownership.* The receiving county committee shall approve the transfer from the pool only where the documents and other evidence presented by the owner show conclusively that the owner has made a normal acquisition of the receiving farm for the purpose of bona fide ownership to reestablish his farming operations. The elements of such an acquisition shall include, but are not limited to, the following conditions:

(i) Appropriate legal documents must establish title to the receiving farm;

(ii) If the owner was the operator of the acquired farm at the date of displacement, such owner shall personally operate and be the operator of the receiving farm for the first year that the allotment is transferred;

(iii) If the owner was not the operator of the acquired farm at the date of displacement and he was not a producer because the leasing or rental agreement provided for cash, fixed rent, or standing-rent payment, such owner shall not be required to personally operate and be the operator of the receiving farm but at least 75 percent of the allotment for the receiving farm shall be planted on the receiving farm for the first year;

(iv) If the owner was not the operator of the acquired farm at the date of displacement but he was a producer on the acquired farm at the date of displacement by virtue of receiving a share of the crops produced on the acquired farm, such owner shall not be required to be the operator of the receiving farm but he shall be a producer on the receiving farm the first year that an allotment is transferred;

(v) The contractual arrangements between the owner and the seller of the receiving farm shall not contain a requirement that the receiving farm be leased to the seller or a person designated by or subject to the control of the seller nor shall the seller or a person designated by or subject to the control of the seller lease the receiving farm for the first year the allotment is transferred even though such contractual arrangements are silent as to any lease; and

(vi) Contractual arrangements under which the receiving farm was purchased or leased are customary in the community where the receiving farm is located with respect to purchase price, size of payments due, time when payments are due, and size of rental payments, if any.

(5) *Action of receiving State Committee.* The approval of a transfer from the pool under this paragraph by the receiving county committee shall be effective upon concurrence by the receiving State committee. Notwithstanding any other provision of this section, the receiving State committee may authorize a transfer from the pool in any case where the owner presents evidence satisfactory to the receiving State committee that the eligibility requirements of subparagraph (4) (ii), (iii), or (iv) of this paragraph cannot be met without creating a hardship because of illness, old age, multiple farm ownership, or lack of a dwelling on the farm to which allotment is to be transferred. Notwithstanding any other provisions of this section and particularly subparagraph (4) (v) of this paragraph, the receiving State committee may authorize a transfer from the pool in any case where the owner presents evidence satisfactory to the receiving State committee that the owner has made a normal acquisition of the receiving farm for the purpose of bona fide ownership to reestablish his farming operations although the farm is leased to the seller of the farm for the first year the allotment is transferred.

(6) *Amount of allotment available for transfer.* Upon completion of all necessary approvals under this paragraph, the receiving county committee shall issue an appropriate allotment notice under the applicable commodity regulations, taking into consideration the land, labor, and equipment available for the production of the commodity, crop rotation practices, and the soil and other physical factors affecting the production of the commodity. For purposes of determining the amount of allotment available for transfer, the receiving county committee shall consider the receiving tract as a separate farm when such tract is in combination with land under separate ownership. The acreage transferred from the pool shall not exceed the allotment most recently established for the acquired farm and placed in the pool. When all or part of the allotment placed in the pool is transferred and used to establish or increase the allotment for other farms owned or purchased by the owner, all or the proportionate part of the past acreage history for the acquired farm shall be transferred to and considered for purposes of future allotments to have been planted on the receiving farm for which an allotment is established or increased under this section. If only a part of the available allotment is transferred from the pool, the remaining part of the allotment and past acreage history shall remain in the pool for transfer to other farms of the owner until all such allotment acreage has been transferred or until the period of eligibility for establishing or increasing allotments under this section has expired.

(7) *Cancellation of transfers.* If any allotment is transferred under this paragraph and it is later determined by the receiving county or State committee, or the Deputy Administrator, that the transfer was obtained by misrepresentation by or on behalf of the owner, or the conditions applicable under subparagraph (4) of this paragraph are not met, the allotment for the receiving farm shall be reduced for each year the transfer purportedly was in effect by the amount attributable to the acreage transferred from the pool; and if the time for withdrawal from the pool has not expired, the amount of acreage initially transferred from the pool shall be returned to the pool after the period of time has expired in which the producer could exercise his rights of review and court action. Any cancellation of transfer of allotment by the receiving county committee shall be subject to approval by the receiving State committee. The receiving county committee shall issue any notice of marketing quota and penalty as may be required in accordance with applicable commodity regulations.

(8) *Effect of release of pooled allotment.* Notwithstanding the provisions prescribed in this paragraph, if the displaced owner files a request for the transfer of a pooled allotment within the prescribed period for filing such request but his request for transfer is filed during a year in which all or a part of the pooled allotment was released to the transferring county committee pursuant to paragraph (h) of this section, the application for transfer will be processed in the usual manner but the amount of the commodity released shall not be effective on the receiving farm until the succeeding year. When a request for transfer of a pooled allotment involves a transfer from one State to another the receiving State committee shall obtain information from the transferring State committee as to whether any part of the allotment for which the transfer is requested has been released to the transferring county committee for the current year.

(k) *Constitution of acquired land.* (1) Where the owner leases part but not all of the agency acquired land, such part shall be constituted as a separate farm on the date of his displacement from the land not so leased.

(2) If a parent farm consists of separate ownership tracts, each such tract being acquired in whole or in part shall be considered as a separate farm for purposes of paragraphs (g) (3) and (4) of this section.

(3) If part of a farm is acquired by an agency and the owner is displaced therefrom, such part shall be constituted as a separate farm on the date of displacement unless the allotments are retained on the part not acquired as provided in paragraphs (g) (3) and (4) of this section, in which case the farm shall not be reconstituted but the farmland and cropland data shall be corrected on all appropriate records for the parent farm.

(l) *Successors in interest*—(1) *Designation of beneficiary.* The owner may file with the county committee a written designation of beneficiary of his rights in the allotments attributable to the acquired land in the event of his death and may revise such designation from time to time. The beneficiary of a deceased owner may exercise the right to continue a lease or to negotiate a lease with the agency or its designee and exercise the regular transfer rights with respect to farms owned by such beneficiary and may also exercise the release and sale, lease and owner transfer rights under this section.

(2) *Cases where no beneficiary designated.* If the owner does not file a designation of beneficiary under subparagraph (1) of this paragraph and the owner dies before displacement or after pooling occurs, the following persons shall be considered the beneficiary with the rights as provided under subparagraph (1) of this paragraph:

(i) The surviving joint owner of the farm where two persons own the farm as joint tenants with right of survivorship under which title passes to the survivor;

(ii) The person(s) who succeed to the deceased owner's interest under a will or by intestate succession. However, in the case of intestate succession, such person(s) shall be limited to surviving spouse, mother, father, brothers, sisters, or children of the deceased owner. In the settlement of the estate of the deceased owner, the heirs may file a written agreement with the county committee for the division of the deceased owner's rights under this section.

(m) *Limitations on transfers from pool.* (1) No transfer from the pool under paragraph (h), (i), or (j) of this section shall be approved if there remains unpaid any marketing quota penalty due with respect to the marketing of the commodity from the acquired farm or by the displaced owner; or if any of the commodity produced on the acquired farm has not been accounted for as required under applicable commodity regulations.

(2) If the tobacco or peanut allotment for an acquired farm next established after the date of displacement would have been reduced because of false or improper identification of the commodity produced on or marketed from the farm or due to a false acreage report, the allotment shall be reduced in the pool in accordance with the applicable regulations.

§ 719.12 Exempting Federal prison farms and Federal wildlife refuges.

No marketing penalty shall be assessed or entered on the county or State office debt record for excess acreage of any commodity which may be produced on a Federal prison farm or Federal wildlife refuge: *Provided, however,* That this exception does not apply to penalties incurred by an individual who has a separate interest in a crop which is subject to marketing quotas and which was produced on such Federal prison farms and Federal wildlife refuges.

§ 719.13 Supervisory authority of State ASC committee.

The State committee may take any action required by these regulations which has not been taken by the county committee. The State committee may also (a) correct, or require a county committee to correct any action taken by such county committee which is not in accordance with the regulations of this part, or (b) require a county committee to withhold taking any action which is not in accordance with the regulations of this part.

§ 719.14 Transfer of allotments—State public lands.

(a) *General authority.* Section 706 of the Food and Agriculture Act of 1965 (79 Stat. 1210, 7 U.S.C. 1305) enacted November 3, 1965, authorizes the Secretary to permit transfers of allotments between farms in the same county where both farms are composed of public lands of the State. Such transfers shall be permitted in accordance with the conditions prescribed by this section.

(b) *Applications for transfer.* An application in writing requesting the transfer of one or more of the allotments on a farm entirely composed of public lands of a State shall be filed with the county committee by the agency of the State charged with the administration of the land in such farms. The application shall identify the farms as being within the same county, show that each farm is entirely composed of public lands of the State, and list the acreages requested to be transferred. Additional information as to the present operations on the farms, including all leasing arrangements, shall also be set forth in the application.

(c) *Closing date for filing applications.* The State committee shall establish the closing date for filing applications under paragraph (b) of this section for each year which shall be no later than the date when planting of the commodity involved in the transfer becomes general in the county.

(d) *Productivity adjustments in allotments, and history acreages.* Each transfer of allotment under this section shall be adjusted for differences in farm productivity if the yield (projected for the year the transfer is to take effect) for the farm to which transfer is made exceeds the yield (projected for the year the transfer is to take effect) for the farm from which transfer is made by more than 10 percent. The county committee shall determine the amount of allotment to be transferred where productivity adjustment is required by dividing (1) the product of the yield for the farm from which transfer is made and the acreage to be transferred from such farm, by (2) the yield for the farm to which transfer is made. History acreage for the farm receiving allotment shall be adjusted by the same percentage as the allotment being transferred is adjusted. The amount of allotment and related farm history acreage transferred from the farm from which the transfer is made with respect to that farm shall be the full amount but the amount of allotment and related farm history acreage for the farm to which the transfer is made shall be the adjusted amount. The county acreage history, if applicable, shall be reduced to correspond with the adjusted history transferred to the farm. The history remaining unassigned to the county as a result of such productivity adjustments shall be tabulated by the State committee and included with the sum of county history acreages for purposes of determining the State history acreage.

(e) *Limitation on acreages to be transferred.* The amount of allotment on a farm after a transfer under this section is made shall not exceed the average amount of allotment of at least three but not more than five farms with acreages of cropland similar to the farm receiving the transfer in the community having the applicable allotment on these farms.

(f) *Permanent vegetative cover requirement.* Each transfer of any allotment shall be subject to the condition that an acreage equal to the allotment transferred (before any productivity adjustment) shall be devoted to and maintained in permanent vegetative cover on the farm from which the transfer is made.

(g) *County committee action.* The county committee shall approve transfer under this section only if it determines that a timely filed application has been received, that the conditions of this section have been met, and a representative of the State committee has approved the transfer. The county committee shall issue revised notices of allotments for each farm affected by the transfer. If a county committee obtains evidence that the conditions applicable to any transfer under this section have not been met, a report of the facts shall be made to the State committee. The State committee shall determine whether such conditions have been met and if not met, shall require that the transfer be cancelled and retransferred to the original farm. Where cancellation and retransfer is required, the county committee shall issue revised notices of allotment showing the reasons for cancellation of the transfer.

[FR Doc.75-25535 Filed 9-24-75;8:45 am]

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

[Valencia Orange Reg. 517]

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

Limitation of Handling

This regulation fixes the quantity of California-Arizona Valencia oranges that may be shipped to fresh market during the weekly regulation period Sep.

26–Oct. 2, 1975. It is issued pursuant to the Agricultural Marketing Agreement Act of 1937, as amended, and Marketing Order No. 908. The quantity of Valencia oranges so fixed was arrived at after consideration of the total available supply of Valencia oranges, the quantity of Valencia oranges currently available for market, the fresh market demand for Valencia oranges, Valencia orange prices, and the relationship of season average returns to the parity price for Valencia oranges.

§ 908.817 Valencia Orange Regulation 517.

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

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

(i) The committee has submitted its recommendation with respect to the quantities of Valencia oranges that should be marketed during the next succeeding week. Such recommendation, designed to provide equity of marketing opportunity to handlers in all districts, resulted from consideration of the factors enumerated in the order. The committee further reports that the fresh market demand for Valencia oranges has weakened noticeably since last week. Prices f.o.b. averaged $4.00 per carton on a reported sales volume of 796,000 cartons last week, compared with an average f.o.b. price of $3.67 per carton and sales of 695,000 cartons a week earlier. Track and rolling supplies at 389 cars were up 20 cars from last week.

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

(3) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this regulation until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this regulation is based became available and the time when this regulation must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for Valencia oranges and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this regulation, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such Valencia oranges; it is necessary, in order to effectuate the declared policy of the act, to make this regulation effective during the period herein specified; and compliance with this regulation will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on September 23, 1975.

(b) *Order.* (1) The respective quantities of Valencia oranges grown in Arizona and designated part of California which may be handled during the period September 26, 1975, through October 2, 1975, are hereby fixed as follows:

(i) District 1: 217,000 cartons;

(ii) District 2: 483,000 cartons;

(iii) District 3: Unlimited movement.

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

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

Dated: September 24, 1975.

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

[FR Doc.75-25823 Filed 9-24-75;11:46 am]

PART 910—LEMONS GROWN IN THE STATES OF CALIFORNIA AND ARIZONA

Expenses and Rate of Assessment

This document authorizes expenses of $324,000 for the Lemon Administrative Committee, under Marketing Order No. 910, for the 1975–76 fiscal year and fixes a rate of assessment of $0.027 per carton of lemons handled in such period to be paid to the committee by each first handler as his pro rata share of such expenses.

On September 3, 1975, notice of proposed rule making was published in the FEDERAL REGISTER (40 F.R. 40528) regarding proposed expenses and the proposed rate of assessment, pursuant to the marketing agreement, as amended, and Order No. 910, as amended (7 CFR Part 910), regulating the handling of lemons grown in the States of California and Arizona. This notice allowed interested persons until September 18, 1975, during which they could submit data, views, or arguments pertaining to these proposals. None were submitted. This regulatory program is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674). After consideration of all relevant matters presented, including the proposals set forth in such notice, which were submitted the Lemon Administrative Committee (established pursuant to said marketing agreement and order), it is hereby found and determined that:

§ 910.213 Expenses and rate of assessment.

(a) *Expenses.* Expenses that are reasonable and likely to be incurred by the Lemon Administrative Committee during the period August 1, 1975, through July 31, 1976, will amount to $324,000.

(b) *Rate of assessment.* The rate of assessment for said period payable by each handler in accordance with § 910.41, is fixed at $0.027 per assessable carton of lemons.

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 lemons grown in the designated production area 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 lemons handled during the aforesaid period, and (3) such period began on August 1, 1975, and said rate of assessment will automatically apply to all such lemons beginning with such date.

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

Dated: September 19, 1975.

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

[FR Doc.75-25531 Filed 9-24-75;8:45 am]

[Lemon Reg. 11]

PART 910—LEMONS GROWN IN CALIFORNIA AND ARIZONA

Minimum Size Requirements

This regulation continues the minimum size requirements currently in effect through September 27, 1975, during the period September 28, 1975, through September 25, 1976. The minimum size requirements for lemons are continued at 1.82 inches in diameter (size 235's in cartons). The requirements are those which have been found to provide consumers

with lemons of acceptable size, maturity, and juice content.

Findings. (1) Pursuant to the marketing agreement, as amended, and Order No. 910, as amended (7 CFR Part 910), regulating the handling of lemons grown in Arizona and designated part of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such lemons, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) The recommendation of the Lemon Administrative Committee reflect its appraisal of the crop and current and prospective marketing consideration of factors having a bearing thereon as required by said marketing agreement and order. The committee estimates that the 1975–76 season crop of lemons will be 46,830 carlots, 11,415 less than the 1974–75 crop. It further estimates that regulated fresh market channels will require about 27 percent of this volume, and the remaining 73 percent will be available for utilization in processing, export, and other outlets. The volume and size composition of the crop is expected to be such that ample supplies will be available in a broad range of sizes to satisfy demand in regulated channels and in other markets. The committee advises that lemons smaller than 235's have negligible sales opportunity in fresh form, because they are costly to prepare for market and have lower juice yield than larger lemons. The minimum size requirements are designed to assure consumers of ample supplies of fruit of acceptable sizes, maturity, and juice content and to improve returns to growers consistent with the declared policy of the act.

(3) It is hereby found that good cause exists for not postponing the effective date of this regulation until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 553). Shipments of lemons grown in the production area are currently being regulated as to size by the provisions of Lemon Regulation 656, which, unless continued, will expire on September 27, 1975. The minimum size requirements prescribed by this regulation are the same as those currently in effect, and to be of maximum benefit in the current season such requirements should be continued in effect during the period September 28, 1975, through September 25, 1976. Notice of rule making concerning this regulation, with an effective period as herein specified, was published in the FEDERAL REGISTER (40 F.R. 39882) and no objection to either this regulation or such effective period was received. Compliance with this regulation will not require any special preparation on the part of persons subject thereto which cannot be completed by the effective time thereof.

§ 910.311 Lemon Regulation 11.

Order. (a) From September 28, 1975, through September 25, 1976, no handler shall handle any lemons grown in District 1, District 2, or District 3, which are of a size smaller than 1.82 inches in diameter, which shall be the largest measurement at a right angle to a straight line running from the stem to the blossom end of the fruit: *Provided*, That not to exceed 5 percent, by count, of the lemons in any type of container may measure smaller than 1.82 inches in diameter.

(b) As used in this section "handle", "handler", and "District 1", "District 2", and "District 3" each shall have the same meaning as when used in the said amended marketing agreement and order.

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

It is hereby certified that the economic and inflationary impact of regulations of lemons throughout the 1975–76 season in the form of minimum size has been carefully evaluated in accordance with OMB Circular A–107.

Dated, September 19, 1975, to become effective September 28, 1975.

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

[FR Doc.75–25532 Filed 9–24–75;8:45 am]

PART 991—HOPS OF DOMESTIC PRODUCTION

Expenses of the Hop Administrative Committee and Rate of Assessment for the 1975–76 Marketing Year

Notice of proposed expenses of the Hop Administrative Committee, and rate of assessment, for the 1975–76 marketing year was published in the August 28, 1975, issue of the FEDERAL REGISTER (40 FR 39525). This action is pursuant to §§ 991.55 and 991.56 of Marketing Order No. 991, as amended (7 CFR Part 991), regulating the handling of hops of domestic production. The amended order is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674).

The notice afforded interested persons an opportunity to submit written data, views, or arguments with respect to the proposal. No comments were received.

The proposal was based on a unanimous recommendation of the Hop Administrative Committee. Expenses of the Committee for the 1975–76 marketing year were proposed at $194,040. The assessment rate was proposed at 0.3 cent per pound of salable hops handled by each handler during the 1975–76 marketing year.

After consideration of all relevant matter presented, including that in the notice, the information and recommendation submitted by the Hop Administrative Committee, and other available information, it is found that Subpart—Administrative Rules and Regulations shall be amended.

It is further found that good cause exists for not postponing the effective time of this action until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 553) in that: (1) The relevant provisions of the amended marketing order require that the rate of assessment fixed for a particular marketing year shall be applicable to all salable hops handled during such year; and (2) the current marketing year began on August 1, 1975, and the rate of assessment herein fixed will automatically apply to all such hops beginning with that date.

Subpart—*Administrative Rules and Regulations* is amended by revising § 991.310 as follows:

§ 991.310 Expenses of the Hop Administrative Committee and rate of assessment for the 1975–76 marketing year.

(a) *Expenses.* Expenses in the amount of $194,040 are reasonable and likely to be incurred by the Hop Administrative Committee during the marketing year beginning August 1, 1975 for its maintenance and functioning and for such purposes as the Secretary may, pursuant to the provisions of this part, determine to be appropriate.

(b) *Rate of assessment.* The rate of assessment for said marketing year, payable by each handler in accordance with § 991.56 is fixed at 0.3 cent per pound of salable hops.

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

Dated: September 22, 1975.

CHARLES R. BRADER,
Deputy Director, Fruit and Vegetable Division.

[FR Doc.75–25651 Filed 9–24–75;8:45 am]

CHAPTER XIV—COMMODITY CREDIT CORPORATION, DEPARTMENT OF AGRICULTURE

[CCC Grain Price Support Regs., 1970 and Subsequent Crops Barley Supplement, Amdt. 5]

PART 1421—GRAINS AND SIMILARLY HANDLED COMMODITIES

Adjustment in Support Rates for Shipment

The regulations issued by the Commodity Credit Corporation (CCC), published in the FEDERAL REGISTER at 35 FR 11166 and 11902, as amended, containing provisions for price support loans and purchases applicable to the 1970 and subsequent crops of barley are further amended as follows:

Section 1421.54(d) is revised, to delete "at not to exceed the UGSA rates", to read as follows:

§ 1421.54 Warehouse receipts.

* * * * *

(d) *Liens.* Warehouse receipts and the barley represented thereby stored in an approved warehouse operating under the Uniform Grain Storage Agreement

(hereinafter called "UGSA") may be subject to liens only for warehouse handling charges. However, in no event shall a warehouseman be entitled to satisfy the lien by sale of the barley when CCC is holder of the warehouse receipt.

* * * * *

Since storage is no longer on a uniform-rate basis, it is desirable to delete references to "computed rates" applicable under the Uniform Grain Storage Agreement (UGSA) and to insert "truck receiving and rail loading-out charges in effect for the shipping warehouse." Accordingly, § 1421.58(b) is revised to read as follows, and section 1421.58(c)(2)(i) is revised, to increase the add-on rate for grain stored within the switching limits of designated terminal markets, to read as follows:

§ 1421.58 Support rates.

* * * * *

(b) *Basic support rates for warehouse-stored barley received by rail or utilizing combination barge-rail rates—*(1) *When shipped by rail and stored in transit at interior locations.* The applicable basic support rate for warehouse-storage loans on barley which was received by rail and stored in an approved warehouse at other than a port terminal market shall be determined by adding to the basic support rate established for the county from which the barley was shipped, the amount of freight charges per bushel actually paid in and an amount equal to the truck receiving and rail loading-out charges in effect for the shipping warehouse. The freight rate paid into the storage point shall not exceed the lowest rate which will permit the storage intransit privilege and protect the lowest single car rate applying from origin through point of storage to a terminal market designated in paragraph (c)(2) of this section that would be used in commercial channels of trade. If the barley is stored in an approved warehouse at a transit point which takes a penalty by reason of backhaul or out-of-line movement when destined to a designated terminal market that would be used in commercial channels of trade, such penalty or cost by reason of such movement shall be deducted from the support rates as determined in this paragraph.

(2) *When shipped by rail and stored at designated port terminal market locations.* The applicable basic support rate for warehouse-storage loans on barley which was received by rail and stored in an approved warehouse at a port terminal market designated in paragraph (c)(2)(iii) of this section shall be determined by adding to the basic support rate established for the county from which the barley was shipped, the amount of freight charges per bushel actually paid in and an amount equal to the truck receiving and rail loading-out charges in effect for the shipping warehouse. The freight rate paid into the storage point shall not exceed the lowest applicable freight rate to the port terminal market that would be used in commercial channels of trade.

(3) *When shipped utilizing combination barge-rail rates.* The applicable basic support rate for warehouse storage loans on barley which was shipped utilizing combination barge-rail freight rates which are published and on file with the Interstate Commerce Commission and stored in an approved warehouse shall be determined by adding to the basic support rate established for the county from which the barley was shipped, the amount of freight charges per bushel actually paid in and an amount equal to the truck receiving and rail loading-out charges in effect for the shipping warehouse. The freight rate paid into the storage point shall not exceed a rate which will permit the storage intransit privilege and protect the lowest single car or barge freight rate applying from origin through point of storage to one of the interior or port terminal markets designated in paragraph (c)(2) of this section that would be used in commercial channels of trade. If the barley is stored in an approved warehouse at a transit point which takes a penalty by reason of backhaul or out-of-line movement when destined to the designated interior or port terminal market that would be used in commercial channels of trade, such penalty or cost by reason of such movement shall be deducted from the support rates as determined in this paragraph.

(c) *Basic support rates for warehouse-stored barley received by truck or nontariff barge.* * * *

(2) *Stored within the switching limits of designated terminal markets.* (i) The applicable basic county support rate for warehouse-storage loans on barley which was received by truck, or by barge not utilizing combination barge-rail freight rates, and stored in an approved warehouse located within the switching limits of a terminal market designated in paragraph (c)(2)(ii) or (iii) of this section shall be determined by adding eight cents per bushel to the basic county support rate established for the county (or city) in which the terminal is located.

* * * * *

Inasmuch as barley is currently being harvested in many parts of the barley-producing area, compliance with the notice of proposed rulemaking procedure would be impracticable and contrary to the public interest. Therefore, this amendment is issued without following such procedure.

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

Effective date: September 25, 1975.

Signed at Washington, D.C. on September 17, 1975.

E. J. PERSON,
Acting Executive Vice President, Commodity Credit Corporation.

[FR Doc.75-25540 Filed 9-24-75;8:45 am]

[CCC Grain Price Support Regs, 1970 and Subsequent Crops Corn Supplement, Amdt 5]

PART 1421—GRAINS AND SIMILARLY HANDLED COMMODITIES

Deletion of Uniform Grain Storage Agreement Rates

The regulations issued by the Commodity Credit Corporation (CCC), published in the FEDERAL REGISTER at (35 FR 13969), as amended, containing provisions for price support loans and purchases applicable to the 1970 and subsequent crops of corn are further amended as follows:

Section 1421.94(d) is revised as set forth below, to delete all references to computed rates applicable under the Uniform Grain Storage Agreement.

§ 1421.94 Warehouse receipts.

* * * * *

(d) *Liens.* Warehouse receipts and corn represented thereby stored in an approved warehouse operating under the Uniform Grain Storage Agreement (hereinafter called "UGSA") may be subject to liens only for warehouse handling charges. However, in no event shall a warehouseman be entitled to satisfy the lien by sale of the corn when CCC is the holder of the warehouse receipt.

* * * * *

Inasmuch as corn is currently being harvested in many parts of the corn-producing area, compliance with the notice of proposed rulemaking procedure would be impracticable and contrary to the public interest. Therefore, this amendment is issued without following such procedure.

(Secs. 4 and 5, 62 Stat. 1070, as amended (15 U.S.C. 714b and c); secs. 107, 401, 63 Stat. 1051, as amended (7 U.S.C. 1445a, 1421).)

Effective date: September 25, 1975.

Signed at Washington, D.C. on September 17, 1975.

E. J. PERSON,
Acting Executive Vice President, Commodity Credit Corporation.

[FR Doc.75-25538 Filed 9-24-75;8:45 am]

[CCC Grain Price Support Regs., 1975 Crop Rye Loan and Purchase Supplement, Amdt. 1]

PART 1421—GRAINS AND SIMILARLY HANDLED COMMODITIES

Correction of Loan and Purchase Rates for Washington and West Virginia

The regulations issued by the Commodity Credit Corporation (CCC), published in the FEDERAL REGISTER at 40 FR 23284 and 24717 containing provisions applicable to the 1975 crop of rye are amended as follows:

Section 1421.353 is amended to correct the loan rates shown for Washington and West Virginia.

§ 1421.353 Loan and purchase rates.

* * * * *

WASHINGTON

County:	Rate per bushel
Clark	$1.16
Cowlitz	1.16
King	1.16
Pierce	1.16
All other counties	1.03

WEST VIRGINIA

County:	Rate per bushel
All counties	$1.02

* * * * *

Since the amendment is necessary to carry out the rye loan and purchase program more effectively, compliance with the notice of proposed rulemaking procedure would be impracticable and contrary to the public interest. Therefore, this amendment is issued without following such procedure.

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

Effective date: September 24, 1975.

Signed at Washington, D.C. on September 17, 1975.

E. J. PERSON,
Acting Executive Vice President, Commodity Credit Corporation.

[FR Doc.75-25539 Filed 9-24-75;8:45 am]

Title 9—Animals and Animal Products

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

PART 94—RINDERPEST, FOOT-AND-MOUTH DISEASE, FOWL PEST (FOWL PLAGUE), NEWCASTLE DISEASE (AVIAN PNEUMOENCEPHALITIS), AFRICAN SWINE FEVER, AND HOG CHOLERA: PROHIBITED AND RESTRICTED IMPORTATIONS

Restrictions on Importation of Milk and Milk Products

Statement of considerations. Existing regulations in 9 CFR Part 94 provide a general prohibition against the importation of fresh, chilled, or frozen milk, cream, or other milk products originating in any country considered to be infected with rinderpest or foot-and-mouth disease. There is no provision in the regulations with respect to the import eligibility status of milk and milk products, including those articles and items generally classed as dairy products, which have been subjected to one or more processing procedures, which remove them from the category of fresh, chilled, or frozen.

Research has shown that the virus of rinderpest and foot-and-mouth disease is present in the milk of infected ruminants. Pasteurization is a procedure commonly used in the processing of milk, cream, and most dairy products. While it is known that the application of heat is detrimental to virus survival, scientists of this Department have advised that modern methods of pasteurization cannot be relied upon to provide an acceptable degree of protection if the product reaches susceptible livestock.

Accordingly, on September 6, 1973, there was published in the FEDERAL REGISTER (38 FR 24219-24220) a proposal to regulate the importation of certain milk and milk products in order to prevent the introduction or dissemination of livestock diseases, especially rinderpest and foot-and-mouth disease. A period of 30 days was allowed for submission of comments by interested persons. Based on a review of the many comments received and consideration of additional pertinent information, it appeared that cheese, butter, and butteroil should be exempt from such import restrictions and also consumer size packages containing dry milk products or any formulations thereof provided that such packages were identified thereon as articles prepared for retail sale as human food.

On March 6, 1974, there was published in the FEDERAL REGISTER (39 FR 8619-8620) for further consideration, a new proposal in which such exemptions were provided. In response to publication of this proposal 19 written comments were received, four of which supported the proposal with 15 opposing it.

Among the opposing comments, three respondents indicated an erroneous assumption that existing regulations would be weakened; three were concerned that the regulation may not provide adequate protection to the livestock industry from rinderpest and foot-and-mouth disease; five indicated apprehension that the proposal would severely restrict the importation of certain milk products or constitute a barrier to international trade in such products; and four were opposed pending further clarification of application of the proposal to certain milk products.

After due consideration of all relevant material available to the Department, including that submitted in connection with such notices, the proposal of March 6, 1974, is hereby adopted with the following changes to afford greater protection to the livestock industry from livestock diseases: (1) the provision exempting consumer size packages of dry milk products from import restrictions is deleted since it has been concluded that adequate controls could not be exercised to insure that such product or containers thereof would not reach livestock susceptible to diseases that could be transmitted thereby; (2) in § 94.16, paragraph (b)(2) which made provision for the unrestricted importation of sterilized milk processed in a specified manner is deleted and that category of milk product has been added to the group of products eligible for importation when authorized by the Deputy Administrator, Veterinary Services, under restrictions in specific cases; (3) also deleted is the provision in § 94.16(b)(6) which would have permitted the importation for personal consumption of small quantities of milk products under certain restrictions; and (4) paragraphs 94.16(b) (3), (4), and (5) are redesignated as paragraphs (b) (2), (3), and (4), respectively. Additional information relative to methods of processing sterilized milk was received following publication of the proposed amendment. This information indicated that the proposal was based on an understanding that was not technically correct, so that application of the proposal would be impractical, and that the intent and purpose of the provision could best be accomplished by including this product under the proposed § 94.16(b)(3). It was concluded that the reasons for deletion of the exemption for consumer size packages of dry milk products were also applicable to warrant deletion of the exemption that would have permitted small amounts of milk products to be imported for personal consumption. Other changes are made for clarity and consistency in wording with other sections of Part 94 including the application of specified restrictions to the described products if they are shipped from or transit the designated countries, in addition to those products that originate in such countries. These changes are necessary to prevent the introduction or dissemination of livestock diseases into the United States.

Accordingly, Part 94, Title 9, Code of Federal Regulations is hereby amended in the following respects:

1. Section 94.2 and the heading thereof is revised to read as follows:

§ 94.2 Fresh, chilled, or frozen products (other than meat), and milk and milk products of ruminants and swine.

(a) The importation of fresh, chilled, or frozen products (other than meat and milk and milk products) derived from ruminants or swine, originating in, shipped from, or transiting any country designated in § 94.1(a) as a country infected with rinderpest or foot-and-mouth disease is prohibited, except as provided in § 94.3 and Parts 95 and 96 of this chapter.

(b) The importation of milk and milk products of ruminants and swine originating in, shipped from, or transiting any country designated in § 94.1(a) as a country infected with rinderpest or foot-and-mouth disease is prohibited, except as provided in § 94.16.

§ 94.15 [Reserved]

2. Section 94.15 is reserved and a new § 94.16 is added to read:

§ 94.16 Milk and milk products.

(a) The following milk products are exempt from the provisions of this Part: cheese, butter, and butteroil.

(b) Milk and milk products originating in, or shipped from, any country designated in § 94.1(a) as a country infected with rinderpest or foot-and-mouth disease may be imported into the United States if they meet the requirements of paragraph (b) (1), (2), or (3) of this section:

(1) They are in a concentrated liquid form and have been processed by heat by a commercial method in a container hermetically sealed promptly after filling but before such heating, so as to be shelf stable without refrigeration.

(2) They are dry milk or dry milk products, including dry whole milk, nonfat dry milk, dried whey, dried buttermilk, and formulations which contain any such dry milk products, and are consigned directly to an approved establishment [5] for further processing for human food in a manner approved by the Deputy Administrator, Veterinary Services as adequate to prevent the introduction or dissemination of livestock diseases into the United States. However, in specific cases, upon request by the importer to the Deputy Administrator, Veterinary Services, and approval by the Deputy Administrator, they may be stored for a temporary period in an approved warehouse [5] under the supervision of an inspector of the Animal and Plant Health Inspection Service pending movement to an approved establishment. Such products shall be transported from the United States port of first arrival to an approved establishment [5] or an approved warehouse,[5] and from an approved warehouse [5] to an approved establishment [5] only under Department seals or seals of the U.S. Customs Service. Such seals shall be broken only by such an inspector or other person authorized to do so by the Deputy Administrator, Veterinary Services. Such products shall not be removed from the approved warehouse [5] or approved establishment [5] except upon special permission by the Deputy Administrator, Veterinary Services, and upon compliance with all the conditions and requirements specified by him for such movement in each specific case.

[5] Information as to the identity of approved establishments, warehouses or manner of processing may be obtained from, and request for approval of any such establishment, warehouse or manner of processing may be made to the Deputy Administrator, Veterinary Services, Animal and Plant Health Inspection Service, U.S. Department of Agriculture, Hyattsville, Maryland 20782. Any establishment or warehouse will be approved for the purpose of this section only if the operator has provided the Deputy Administrator, Veterinary Services, with satisfactory evidence that the establishment or warehouse has the equipment, facilities, and capability to store, handle and process the imported dry milk or dry milk product subject to § 94.16(b) (2) in a manner which will prevent the introduction or dissemination or lifestock diseases into the United States. Similarly, processing methods will be approved only if the Deputy Administrator determines they are adequate to prevent the introduction or dissemination of such diseases into the United States. Approval of any establishment or warehouse or processing method may be refused or withdrawn by the Deputy Administrator only after the operator thereof has been given notice of the proposed action and has had an opportunity to present his views thereon, and upon a determination by the Deputy Administrator that the conditions for approval are not met. Approval of an establishment or warehouse may also be withdrawn after such notice and opportunity if the Deputy Administrator determines that such imported dry milk or milk products have been stored, handled, or processed by the operator thereof other than at an approved establishment or warehouse or other than in an approved manner.

(3) Milk and milk products not exempted under paragraph (a) and not of classes included within the provisions of paragraphs (b) (1) or (2) of this section may be imported if the importer first applies to and receives written permission from the Deputy Administrator, Veterinary Services, authorizing such importation. Permission will be granted only when the Deputy Administrator determines that such action will not endanger the health of the livestock of the United States. Products subject to this provision include but are not limited to condensed milk, long-life milks such as sterilized milk, casein and caseinates, lactose, and lactalbumin.

(4) Small amounts of milk and milk products subject to the restrictions of this Part may in specific cases be imported for purposes of examination, testing, or analysis, if the importer applies to and receives written approval for such importation from the Deputy Administrator, Veterinary Services. Approval will be granted only when the Deputy Administrator determines that such action will not endanger the health of the livestock of the United States.

(c) Milk and milk products originating in and shipped from countries listed in § 94.1(a)(2) as free of rinderpest and foot-and-mouth disease but which have entered a port or otherwise transited any country designated in § 94.1(a)(1) as a country infected with rinderpest or foot-and-mouth disease shall not be imported into the United States unless:

(1) The product was transported under serially numbered official seals applied at the point of origin of the shipment by an authorized representative of the country of such origin.

(2) The numbers of such seals are listed on, or are on a list attached to, the bill of lading or similar document accompanying the shipment.

(3) Upon arrival of the carrier at the United States port, an inspector of the Animal and Plant Health Inspection Service determines that the seals are intact and that their numbers are in agreement with the numbers appearing on the accompanying document.

(21 U.S.C. 111; 37 FR 28464, 28477; 38 FR 19141.)

Effective date. The foregoing amendments shall become effective September 25, 1975, except with respect to shipments of milk and milk products consigned to the United States on or before that date. Such shipments so consigned and regulated under the amendments shall upon arrival in the United States be allowed entry only under such specific requirements or be disposed of in such manner as the Deputy Administrator, Veterinary Services, may determine in each specific case to be necessary and adequate to safeguard against the introduction or dissemination of livestock diseases into the United States.

The amendments impose restrictions on the importation of milk and milk products which are necessary in order to prevent the introduction and dissemination of rinderpest and foot-and-mouth disease and other livestock diseases from foreign countries into the United States. It does not appear that further public participation in this rulemaking proceeding would make additional relevant information available to the Department.

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

Done at Washington, D.C., this 22nd day of September, 1975.

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

[FR Doc.75-25652 Filed 9-24-75;8:45 am]

Title 10—Energy

CHAPTER I—NUCLEAR REGULATORY COMMISSION

ENERGY REORGANIZATION ACT

Organizational and Procedural Changes; Correction

In FR Doc. 75-5205, appearing at pages 8774-8794 in the issue for Monday, March 3, 1975, the following amendments were inadvertently omitted. The omitted material, as set forth below, should appear where indicated.

PART 2—RULES OF PRACTICE

1. The following text should be inserted on page 8777 in column three immediately following § 2.785(d).

32a. In § 2.905, paragraphs (a), (e), and (h) are revised to read as follows:

§ 2.905 Access to restricted data for parties; security clearances.

(a) *Access to restricted data introduced into proceedings.* (1) Restricted data introduced into a proceeding subject to this part will be made available to any interested party having the required security clearance; to counsel for an interested party provided the counsel has the required security clearance; and to such additional persons having the required security clearance as the Commission or the presiding officer determines are needed by such party for adequate preparation or presentation of his case. Where the interest of such party will not be prejudiced, the Commission or presiding officer may postpone action upon an application for access under this subparagraph until after a notice of hearing, answers and replies have been filed.

(2) Any party desiring access to Restricted Data introduced into the record of a proceeding subject to this part should file an application for order granting access pursuant to this section.

* * * * *

(e) *Application granting access to restricted data.* An application under this section for orders granting access to restricted data will normally be acted upon by the presiding officer, or if a proceeding is not before a presiding officer, by the Commission.

* * * * *

(h) *Refusal to grant access to restricted data.* The Commission may refuse to grant access to restricted data on a determination that the granting of access will be inimical to the common defense and security.

§ 2.914 [Removed]

32b. § 2.914 is deleted.

PART 10—CRITERIA AND PROCEDURES FOR DETERMINING ELIGIBILITY FOR ACCESS TO RESTRICTED DATA OR NATIONAL SECURITY INFORMATION

2. The following amendments to 10 CFR Part 10 should be inserted on page 8781 in column three in the appropriate numerical order:

§ 10.1 [Amended]

71a. In § 10.1, the words "access permittees" are deleted.

71b. In paragraph (b) of § 10.2, the words "Access permittees and" are deleted. As so amended, paragraph (b) reads as follows:

§ 10.2 Scope.

* * * * *

(b) Licensees of the NRC and their employees (including consultants) and applicants for employment; and

* * * * *

§ 10.5 [Amended]

71c. In paragraph (a) of § 10.5, the words "access permittees" are deleted.

PART 25—[REMOVED]

3. The following text should be inserted on page 8784 in column one immediately preceding Part 30.

112a. Part 25, Permits for Access to Restricted Data, is deleted.

PART 95—[REMOVED]

4. The following text should be inserted on page 8793 in column three immediately preceding Part 100.

252a. Part 95, Safeguarding of Restricted Data, is deleted.

Dated at Washington, D.C. this 19th day of September 1975.

For the Nuclear Regulatory Commission.

SAMUEL J. CHILK,
Secretary of the Commission.

[FR Doc.75-25488 Filed 9-24-75;8:45 am]

Title 12—Banks and Banking

[No. 75-834]

CHAPTER V—FEDERAL HOME LOAN BANK BOARD

PART 541—DEFINITIONS

PART 545—OPERATIONS

Loans on Cooperative Housing Projects

SEPTEMBER 8, 1975.

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

I. *Previous situation.* Conventional loans by Federal associations to housing cooperatives were governed solely by § 545.6-1(b) and limited thereby to a loan-to-value ratio no greater than 80 percent.

II. *Proposed amendment.* Would authorize under certain conditions conventional loans to cooperative housing projects up to 95 percent of value.

III. *Final amendent.* Same as proposal, with the following modifications.

1. Non-profit sponsorship requirement deleted, 90 percent pre-sale requirement added.

2. Non-shareholder cooperatives included in definition of "cooperative housing project"

The Federal Home Loan Bank Board, by Resolution No. 75-206, dated March 5, 1975, proposed to amend Parts 541 and 545 of the Rules and Regulations for the Federal Savings and Loan System (12 CFR Parts 541 and 545) to add thereto provisions which would, respectively, define the term "cooperative housing project" and liberalize under certain conditions the loan-to-value ratios of conventional loans on cooperatives. The purpose of the new provisions was to authorize conventional loans of up to 95 percent loan-to-value ratios on certain cooperatives, defined as "cooperative housing projects", on a basis analogous to loans which Federal associations are authorized to make on condominiums. Notice of such proposed rulemaking was duly published in the FEDERAL REGISTER on April 4, 1975 (40 FR 15096-15097), with an invitation for interested persons to submit written comments by May 5, 1975.

On the basis of its consideration of all relevant material presented by interested persons and otherwise available, the Board considers it advisable to amend Parts 541 and 545 as proposed, with certain modifications, to read as set forth below, effective October 28, 1975.

The amendments comprise three parts: a new "cooperative housing project" definition added at § 541.10-4, a new specific provision for cooperative loans added to § 545.6-1(b) (loans on "other dwelling units"), and a conforming amendment to § 545.6-7(b) (loan percentage-limitations categories).

New § 541.10-4, defining "cooperative housing project", modifies the proposed provision in two respects. Ownership of the project must be in a nonprofit organization, rather than the more restrictive nonprofit stock-issuing corporation provided for in the proposal. Additionally, the nonprofit sponsorship requirement of the proposed definition is deleted, in recognition that the cooperative entity is already in existence (and the sponsorship at an end) by the time the permanent financing is made available.

Revised § 545.6-1(b)(1) is divided into three parts, for (i) regular 80 percent multi-unit loans, (ii) insured or guaranteed loans, and (iii) the new cooperative housing project loans. The latter provision authorizes 90 and 95 percent loan-to-value ratios to cooperative housing projects which are 90 percent presold, provided that the requirements of §§ 545.6-1(a) (4) and (5) for 90 and 95 percent loans on single-family dwellings are met. These requirements include completed construction, limits on loan amounts, prepaid monthly charges, owner-occupancy certifications, percentage-of-asset limitations (all high-ratio loans, including cooperative housing project loans, share the same percentage limitation categories), and, in the case of 95 percent loans, qualified private mortgage insurance or specific reserves. (It is noted that, to the extent that qualified private residential mortgage insurance companies are not permitted under State law to insure loans of cooperative housing projects because they are treated as multi-family housing thereunder, loans in excess of 90 percent loan-to-value ratio on cooperative housing projects will require use of the specific-reserve alternative.) In addition, § 545.6-1(b)(1)(iii) requires maintenance of such reserves as are required for comparable housing project loans insured by the Federal Housing Administration.

The pre-sale requirement of § 545.6-1(b)(1)(iii) is new; its purpose is to preclude association investment in unmarketable projects, and compares with the Federal Housing Authority's successful pre-sale cooperative housing program.

A cooperative housing project loan, like any other loan under § 545.6-1(b)(1), could be combined with a construction loan into a single loan, but under § 545.6-1(a) (4) and (5), as incorporated into § 545.6-1(b)(1)(iii), no disbursement of the permanent financing funds over 80 percent could be made until completion of construction, sale to the cooperative organization, and pre-sale of 90 percent of the cooperative to members.

The maximum amount which may be invested in a cooperative loan is computed by locating the appropriate regulatory provision for a single-family dwelling loan in § 545.6-1(a), and then multiplying the limit provided for therein by the number of units in the cooperative. For example, a 95 percent loan on a

50-unit co-op may not exceed 50 times $42,000 ($50,000 in Alaska, Guam, or Hawaii) which is the loan limit for 95 percent single-family-dwelling loans under § 545.6–1(a)(5)(i)(*a*). A further limitation on the maximum amount of the loan is a "per unit" ceiling for allocation of loan proceeds, which provides that the amount of the loan to be applied to any individual unit may not exceed the regulatory dollar limit.

Cooperative housing loans under § 545.6–1(b) are treated as multi-family dwelling loans for percentage-of-asset-limitation purposes under revised § 545.6–7(b); such loans may be released from the percentage-limitation categories of §§ 545.6–1(a) (4) and (5) when the balances are reduced to 80 percent of value, but continue to be included in the appropriate categories under § 545.6–7(c).

It is noted that both newly-built and converted cooperative housing projects are eligible under the new §545.6–1(b)(1)(iii) lending authority.

Accordingly, the Federal Home Loan Bank Board hereby amends Part 541 by adding thereto a new § 541.10–4 as set forth below and amends Part 545 by revising §§ 545.6–1(b)(1) and 545.6–7(b) to read as set forth below, effective October 28, 1975.

1. A new § 541.10–4 is added to read as follows:

§ 541.10–4 Cooperative housing project.

The term "cooperative housing project" means real estate comprising dwelling units for more than four families in the aggregate, designed primarily for residential use, which is owned by a nonprofit organization whose members certify that they in good faith intend to occupy the project as their principal dwelling.

2. Section 545.6–1(b)(1) is revised to read as follows:

§ 545.6–1 Lending powers under sections 13 and 14 of charter K.

* * * * *

(b) * * *

(1) *Monthly installment loans.* Subject to the limitations of § 545.6–7, monthly installment loans may be made on other dwelling units or combinations of dwelling units, including homes, and business property involving only minor or incidental business use, or cooperative housing projects, for amounts not in excess of:

(i) 50 percent (or if authorized by the members of such an association, not in excess of 80 percent) of the value thereof, repayable within 30 years;

(ii) The maximum percentage of value acceptable to the insuring or guaranteeing agency, in the case of an insured or guaranteed loan, and a repayment period acceptable to such agency; or

(iii) The amounts authorized in paragraphs (a) (4) and (5) of this section, and the repayment periods authorized in those paragraphs, in the case of cooperative housing project loans where dwelling units equalling 90 percent of the value or purchase price of the project, whichever is greater, are presold to bona fide purchasers: Provided, That all the requirements of such paragraphs are met; and provided further, that such cooperative housing projects shall be required to maintain at least such reserves as are required for comparable cooperative housing projects insured by the Federal Housing Administration. For purposes of compliance with this paragraph (b)(1)(iii), the term "single-family dwelling" in paragraph (a)(4)(i) of this section shall read "cooperative housing project"; the words "borrower is", in paragraph (a)(4)(iv)(*b*) of this section, shall read "members of the cooperative housing project are"; and the loan limits of $55,000, or $68,750 in Alaska, Guam and Hawaii, in paragraph (a)(4)(ii)(*a*) of this section, and $42,000, or $50,000 in Alaska, Guam and Hawaii, in paragraph (a)(5)(i)(*a*) of this section, shall read "$55,000, or $68,750 with respect to dwelling units in Alaska, Guam and Hawaii, multiplied by the number of dwelling units" and "$42,000, or $50,000 with respect to dwelling units in Alaska, Guam and Hawaii, multiplied by the number of dwelling units", respectively: *Provided*, That the amount of the loan to be applied to any one dwelling unit may not exceed the applicable limitation per dwelling unit.

* * * * *

3. Section 545.6–7(b) is revised to read as follows:

§ 545.6–7 Percentage limitations on real estate loan investments.

* * * * *

(b) *Percentage limitations for specific types of loans.* Real estate loan investments made under the authority of sections which contain specific percentage limitations shall be subject to those limitations. Sections which contain specific limitations are: § 545.6–14 (land acquisition and development loans), § 545.6–16 (loans for housing for the aging), § 545.6–18 (urban renewal loans), § 545.6–20 (Foreign Assistance Act loans), § 545.6–3(c) (developed building lot loans), § 545.6–1(a) (4) and (5) (loans on single-family dwellings in excess of 80 percent of value), § 545.6–1(a)(3)(iii) (loans to facilitate trade-in or exchange of homes), and § 545.6–26 (non-conforming secured loans). However, whenever the terms of a loan investment under §§ 545.6–16, 545.6–18, or 545.6–26 meet the requirements for a loan under § 545.6–1, the loan may be released from the percentage-limitation category in §§ 545.6–16 or 545.6–18 or 545.6–26 and allocated within an applicable percentage-limitation category in paragraph (c) of this section or released from allocation to any percentage-limitation category if it is a loan specified under paragraph (a) of this section. A loan investment under § 545.6–1(a) (4) or (5) (a loan on a single-family dwelling in excess of 80 percent of value) within the association's regular lending area may be released from its percentage-limitation category when the loan balance has been reduced to not more than 80 percent of value. A loan investment under § 545.6–1(b)(1)(iii) on a cooperative housing project may be released from the percentage-limitation categories of § 545.6–1(a) (4) or (5) when the loan balance has been reduced to not more than 80 percent of value, but shall at all times be included in an appropriate percentage-limitation category of paragraph (c) of this section.

* * * * *

(Sec. 5, 48 Stat., 132, as amended; 12 U.S.C. 1464. Reorg. Plan No. 3 of 1947, 12 FR 4981, 3 CFR, 1943–48 Comp., 1071).

By the Federal Home Loan Bank Board.

[SEAL] J. J. FINN,
Secretary.

[FR Doc.75–25638 Filed 9–24–75;8:45 am]

Title 14—Aeronautics and Space

CHAPTER I—FEDERAL AVIATION ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

[Airspace Docket No. 75–WE–21]

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

Revocation and Realignment of Federal Airways Segment

The purpose of this amendment to Part 71 of the Federal Aviation Regulations is to revoke the west alternate segment of VOR Federal Airway No. 107 between Los Angeles, Calif., and Fillmore, Calif., VORTACs and realign VOR Federal Airway No. 299 between Los Angeles, Calif., and Fillmore, Calif., VORTACs.

Since this amendment changes the name of existing Airways and is a minor matter on which the public would have no particular desire to comment, notice and public procedure thereon are unnecessary.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., December 4, 1975, as hereinafter set forth.

Section 71.123 (40 FR 307) is amended as follows: In V–107 "Fillmore, including a W alternate from Los Angeles to Fillmore via INT Los Angeles 291° and Fillmore 163° radials and Ventura, Calif.," is deleted and "Fillmore;" is substituted therefor.

In V–299 "Fillmore; Gorman, Calif." is deleted and "Ventura, Calif.; Fillmore; to Gorman, Calif." is substituted therefor.

(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 September 19, 1975.

EDWARD J. MALO,
Chief, Airspace and Air Traffic Rules Division.

[FR Doc.75–25520 Filed 9–24–75;8:45 am]

[Airspace Docket No. 75-NW-9]

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

Alteration of Additional Control Area

On May 30, 1975, a Notice of Proposed Rule Making (NPRM) was published in the FEDERAL REGISTER (40 FR 23474) stating that the Federal Aviation Administration (FAA) was considering an amendment to Part 71 of the Federal Aviation Regulations that would alter the description of the Omak, Wash., additional control area.

Interested persons were afforded an opportunity to participate in the proposed rule making through the submission of comments. No comments were received.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., December 4, 1975, as hereinafter set forth.

In § 71.163 (40 FR 346) the description of Omak, Wash., is revised to read as follows:

OMAK, WASHINGTON

That airspace extending upward from 5500 feet MSL within 5 miles each side of a line extending from the Omak RBN to the Ephrata VOR; that airspace extending upward from 8500 feet MSL bounded on the north by the U.S./Canadian border, on the east by Longitude 119°00' W., on the south by Latitude 48°00' N., and on the west by a line from Latitude 48°00' N., Longitude 120°30' W.; to Latitude 49°00' N., Longitude 120°00' W., excluding that airspace below 1200 feet AGL.

(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 September 19, 1975.

EDWARD J. MALO,
Acting Chief, Airspace and Air Traffic Rules Division.

[FR Doc.75-25521;Filed 9-24-75;8:45 a.m.]

[Airspace Docket No. 75-SO-49]

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

Alteration of Transition Area

On May 16, 1975, a Notice of Proposed Rulemaking was published in the FEDERAL REGISTER (40 FR 21484), stating that the Federal Aviation Administration was considering an amendment to Part 71 of the Federal Aviation Regulations that would alter the Tri-City, Tenn., transition area.

Interested persons were afforded an opportunity to participate in the rulemaking through the submission of comments. There were no comments received.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., December 4, 1975, as hereinafter set forth.

In § 71.181 (40 FR 441), the Tri-City, Tenn., transition area is amended as follows: "* * * Virginia Highlands Airport, * * *" would be deleted and "* * * Virginia Highland Airport; within an 8.5-mile radius of Hawkins County Airport, Rogersville, Tenn. (latitude 36°27'27" N, longitude 82°53'05" W) * * *"

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

Issued in East Point, Ga., on September 16, 1975.

PHILLIP M. SWATEK,
Director, Southern Region.

[FR Doc.75-25522 Filed 9-24-75;8:45 am]

[Docket No. 14980; Amdt. No. 987]

PART 97—STANDARD INSTRUMENT APPROACH PROCEDURES

Miscellaneous Amendments

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

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

SIAPs are available for examination at the Rules Docket and at the National Flight Data Center, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, D.C. 20591. Copies of SIAPs adopted in a particular region are also available for examination at the headquarters of that region. Individual copies of SIAPs may be purchased from the FAA Public Information Center, AIS-230, 800 Independence Avenue, SW., Washington, D.C. 20591 or from the applicable FAA regional office in accordance with the fee schedule prescribed in 49 CFR 7.85. This fee is payable in advance and may be paid by check, draft, or postal money order payable to the Treasurer of the United States. A weekly transmittal of all SIAP changes and additions may be obtained by subscription at an annual rate of $150.00 per annum from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402. Additional copies mailed to the same address may be ordered for $30.00 each.

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

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

1. Section 97.23 is amended by originating, amending, or canceling the following VOR-VOR/DME SIAPs, *effective November 6, 1975.*

Bartlesville, OK—Frank Phillips Arpt., VOR Rwy 17, Amdt. 7
Bartlesville, OK—Frank Phillips Arpt., VOR/DME Rwy 35, Amdt. 2
Ellensburg, WA—Bowers Field, VOR-A, Amdt. 1
Fredericksburg, VA—Shannon Arpt., VOR Rwy 23, Amdt. 3
Grain Valley, MO—East Kansas City Arpt., VOR-A, Amdt. 1
Lampasas, TX—Lampasas Arpt., VOR/DME-A, Orig.
Mason, TX—Mason County Arpt., VOR/DME-A, Orig.
Missoula, MT—Johnson-Bell Field, VOR/DME-A, Amdt. 9
Muleshoe, TX—Edward Warren Field, VOR/DME-A, Orig.
New Orleans, LA—Lakefront Arpt., VOR-B, Amdt. 3
Plymouth, MA—Plymouth Municipal Arpt., VOR/DME Rwy 15, Orig., Canceled
Plymouth, MA—Plymouth Municipal Arpt., VOR Rwy 15, Amdt. 2, Canceled
St. Petersburg-Clearwater, FL—St. Petersburg-Clearwater Int'l Arpt., VOR Rwy 17L, Amdt. 7

2. Section 97.25 is amended by originating, amending, or canceling the following SDF-LOC-LDA SIAPs, *effective November 6, 1975.*

Anniston, AL—Anniston-Calhoun County Arpt., LOC Rwy 5, Amdt. 5

. . . . *effective September 12, 1975*

Richmond, VA—Richard Evelyn Byrd Int'l Arpt., LOC(BC) Rwy 15, Orig., Canceled

3. Section 97.27 is amended by originating, amending, or canceling the following NDB/ADF SIAPs, *effective November 6, 1975.*

Anniston, AL—Anniston-Calhoun County Arpt., NDB Rwy 5, Amdt. 11
Dallas-Ft. Worth, TX—Dallas-Ft. Worth Regional Arpt., NDB Rwy 17L, Amdt. 1
Dallas-Ft. Worth, TX—Dallas-Ft. Worth Regional Arpt., NDB Rwy 35R, Amdt. 1
New Orleans, LA—New Orleans Int'l (Moisant Field), NDB Rwy 10, Amdt. 19
St. Petersburg-Clearwater, FL—St. Petersburg-Clearwater Int'l Arpt., NDB Rwy 17L, Amdt. 16

. . . . *effective October 2, 1975*

Cadiz, OH—Harrison County Arpt., NDB Rwy 13, Orig.
Milwaukee, WI—General Mitchell Field, NDB Rwy 1L, Orig.

4. Section 97.29 is amended by originating, amending, or canceling the following ILS SIAPs, *effective November 6, 1975.*

Dallas-Ft. Worth, TX—Dallas-Fort Worth Regional Arpt. ILS Rwy 17L, Amdt. 4
Dallas-Ft. Worth, TX—Dallas-Fort Worth Regional Arpt., ILS Rwy 17R, Amdt. 4
Dallas-Ft. Worth, TX—Dallas-Fort Worth Regional Arpt., ILS Rwy 31R, Amdt. 1
Dallas-Ft. Worth, TX—Dallas-Fort Worth Regional Arpt., ILS Rwy 35L, Amdt. 4
Dallas-Ft. Worth, TX—Dallas-Fort Worth Regional Arpt., ILS Rwy 35R, Amdt. 4
New Orleans, LA—New Orleans Int'l (Moisant Field), ILS Rwy 1, Amdt. 2
St. Petersburg-Clearwater, FL—St. Petersburg-Clearwater Int'l Arpt., ILS Rwy 17L, Amdt. 14

. . . *effective October 9, 1975*

Atlanta, GA—The William B. Hartsfield Atlanta Int'l Arpt., ILS Rwy 8, Amdt. 47

. . . *effective October 2, 1975*

Milwaukee, WI—General Mitchell Field, ILS Rwy 1L, Orig.

New York, NY—John F. Kennedy Int'l Arpt., ILS Rwy 22L, Amdt. 18

5. Section 97.31 is amended by originating, amending, or canceling the following RADAR SIAPs, *effective November 6, 1975.*

Portland, OR—Portland Int'l Arpt., Radar 1, Amdt. 19

6. Section 97.33 is amended by originating, amending, or canceling the following RNAV SIAPs, *effective November 6, 1975.*

Pittsburgh, PA—Greater Pittsburgh Int'l Arpt., RNAV Rwy 5, Amdt. 2, Canceled
Pittsburgh, PA—Greater Pittsburgh Int'l Arpt., RNAV Rwy 23, Amdt. 2, Canceled
Aurora, IL—Aurora Municipal Arpt., RNAV Rwy 9, Amdt. 3

(Secs. 307, 313, 601, 1110, Federal Aviation Act of 1958; 49 U.S.C. 1438, 1354, 1421, 1510, and sec. 6(c) Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in Washington, D.C., on September 18, 1975.

JAMES M. VINES,
Chief,
Aircraft Programs Division.

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

[FR Doc.75-25519 Filed 9-24-75;8:45 am]

CHAPTER II—CIVIL AERONAUTICS BOARD

[Regulation OR-99, Amdt. 47]

PART 385—DELEGATION AND REVIEW OF ACTION UNDER DELEGATION; NON-HEARING MATTERS

Delegations of Authority to Director, Bureau of Operating Rights, Concerning One-Stop-Inclusive Tour Charters and Special Event Charters

Correction

In FR Doc. 75-23451 appearing on page 40816 in the issue for Thursday, September 4, 1975, in the preamble, middle column, fourteenth line, the parenthetical material which presently reads "(§ 386.13 (ff))" should read "(§ 385.13(ff))".

[Regulation OR-99; Amdt. No. 47]

PART 385—DELEGATION AND REVIEW OF ACTION UNDER DELEGATION; NON-HEARING MATTERS

Delegations of Authority to Director, Bureau of Operating Rights, Concerning One-Stop-Inclusive Tour Charters and Special Event Charters; Correction

In FR Doc. 75-23451 appearing on page 40816, second column, the last line of paragraph (v) under the heading § 385.13 Delegation to the Director, Bureau of Operating Rights should read as follows: "this chapter, respectively;" and the second line of paragraph (v)(2) of § 385.13 should read as follows: "spective filing-time requirements of Parts".

By the Civil Aeronautics Board.

Effective: September 13, 1975.

Adopted: August 29, 1975.

Dated: September 18, 1975.

[SEAL] EDWIN Z. HOLLAND,
Secretary.

[FR Doc.75-25315 Filed 9-24-75;8:45 am]

Title 17—Commodity and Securities Exchanges

CHAPTER II—SECURITIES AND EXCHANGE COMMISSION

[Release No. IA-472]

PART 275—RULES AND REGULATIONS, INVESTMENT ADVISERS ACT OF 1940

Adoption of New Instructions To Comply With Privacy Act of 1974 to To Make Social Security Numbers Optional

On September 11, 1975, the Securities and Exchange Commission adopted a new instruction, and amended an existing instruction, to the registration form for investment advisers under the Investment Advisers Act of 1940 ("Advisers Act") [15 U.S.C. 80b-1, et seq.]. Form ADV, promulgated pursuant to Rule 203-1 [17 CFR 275.203-1], is used for application for registration as an investment adviser and for amendments to such registration statement [17 CFR 279.1]. The new instruction, in the form of a legend on the instruction sheet to Form ADV, serves to:

(1) advise applicants that disclosure of social security numbers is no longer mandatory; and

(2) make certain disclosures to applicants required by the Privacy Act of 1974 [5 U.S.C. 552a, et seq.].

The amendment to Instruction 6 is intended to make that instruction consistent with the new instruction.

Inasmuch as the new instruction and the amendment of existing instruction 6 to Form ADV will serve to make disclosures required by the Privacy Act and to relieve applicants from the present mandatory requirement to disclose social security numbers on Form ADV, the Commission finds that notice and public procedure and publication not less than 30 days prior to effectiveness, ordinarily required by the Administrative Procedure Act [5 U.S.C. 553, et seq.] are unnecessary.

The new instruction, and a minor addition to an existing instruction made necessary thereby, are adopted, effective September 27, 1975, pursuant to Sections 203(c), 204, and 211(a) of the Advisers Act [15 U.S.C. 80b-3(c), 80b-4, 80b-11 (a)].

The following new instruction will appear in the form of a new, unnumbered legend on the Form ADV instruction sheet:

Under sections 203(c), 204, and 211(a) of the Investment Advisers Act of 1940 and the rules and regulations thereunder, the commission is authorized to solicit the information required by this form from applicants for registration as investment advisers. Disclosure of the information specified on this form is mandatory prior to processing of such applications, except social security numbers, disclosure of which is voluntary. The information will be used for the principal purpose of determining whether the commission should grant or deny registration to an applicant. Social security numbers, if furnished, will assist the commission in identifying applicants and, therefore, in promptly processing applications. Information supplied on this form will be included routinely in the public files of the commission and will be available for inspection by any interested person.

In addition, the following italicized material is added to existing Instruction 6 on the Form ADV Instruction Sheet:

6. If Form ADV is being filed as an application for registration, all applicable items *except social security numbers* must be answered in full. If any "item" is not applicable, indicate by "none" or "N/A" as appropriate. Items requiring information relating to the business activities of applicant should be answered to disclose what such activities will be when registration becomes effective.

By the Commission.

GEORGE A. FITZSIMMONS,
Secretary.

SEPTEMBER 12, 1975.

[FR Doc.75-25523 Filed 9-24-75;8:45 am]

Title 19—Customs Duties

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

[T.D. 75-239]

PART 141—ENTRY OF MERCHANDISE

Additional Information for Certain Classes

On June 3, 1975, there was published in the FEDERAL REGISTER (40 FR 23874), a notice of a proposed amendment to § 141.89 of the Customs Regulations (19 CFR 141.89), which would require that invoices for certain dairy products imported from France, the United Kingdom, West Germany, Luxembourg, Ireland, the Netherlands, Denmark, Italy, and Belgium, contain (1) in the case of cheese, the generic name of the cheese or, if processed, grated, or powdered, the name or type of cheese from which it was derived, and (2) the 6-digit code number which corresponds to the description for the product in the Common Customs Tariff of the European Communities and is published from time to time in the *Official Journal of the European Communities*. This additional information would facilitate the identification of those products subject to the export refunds referred to in Article 17 of Regulations (EEC) No. 804/68 of 27 June 1968 of the Commission of the European Communities.

Interested persons were given 30 days from the date of publication of the notice to submit relevant data, views, or arguments regarding the proposed amendment to the Regulations. After further

study of the proposal and careful consideration of the comments received, the proposed amendment has been modified by the inclusion of additional clarifying language to provide that, in the case of dairy product importations other than cheese, the invoice shall show the name and/or description of the product which corresponds to the description of the product as it is set forth in the Common Customs Tariff of the European Communities.

Accordingly, § 141.89 of the Customs Regulations (19 CFR 141.89) is amended by adding a new paragraph, in alphabetical sequence, to read as follows:

§ 141.89 Additional information for certain classes of merchandise.

* * * * *

Dairy products from France, the United Kingdom, West Germany, Luxembourg, Ireland, the Netherlands, Denmark, Italy, and Belgium, classifiable under schedule 1, part 4, subparts A, B, C, and D, and item 184.75, Tariff Schedules of the United States (19 U.S.C. 1202)—(1) In the case of cheese, the generic name of the cheese or, if processed, grated, or powdered, the name or type of cheese from which it was derived, and in the case of other dairy products, the name and/or description of the product which corresponds to the description of the product as it is set forth in the Common Customs Tariff of the European Communities; and (2) the 6-digit code number which corresponds to the description for the product in the Common Customs Tariff of the European Communities and is published from time to time in the *Official Journal of the European Communities* in matters pertaining to the export refund.

* * * * *

(R.S. 251, as amended, secs. 481, 484, 624, 46 Stat. 719, 722, as amended, 759 (19 U.S.C. 66, 1481, 1484, 1624))

Effective date. This amendment shall become effective October 28, 1975.

W. A. MAGEE, Jr.,
Acting Commissioner of Customs.

DAVID R. MACDONALD,
Assistant Secretary of the Treasury.

Approved: September 22, 1975.

[FR Doc.75-25781 Filed 9-24-75;8:45 am]

Title 24—Housing and Urban Development

SUBTITLE A—OFFICE OF THE SECRETARY, DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. R-75-318]

PART 82—REAL ESTATE SETTLEMENT PROCEDURES

Interpretation Requiring Disclosures by Seller; RESPA Legal Opinion No. 2

In the matter of application of Real Estate Settlement Procedures Act of 1974, section 7.

24 CFR Part 82 is amended by adding a new Appendix D to read:

[RESPA Legal Opinion No. 2]

APPENDIX D—INTERPRETATION REQUIRING DISCLOSURES BY SELLER

This RESPA Legal Opinion No. 2 is an interpretation under section 18(b) of the Real Estate Settlement Procedures Act of 1974 (RESPA) and under Regulation X, 24 C.F.R., Part 82. This RESPA Legal Opinion No. 2 is issued to reflect the views of the Department of Justice and the Department of Housing and Urban Development, and is issued after consultation with the Administrator of Veterans' Affairs, the Federal Deposit Insurance Corporation, the Federal Home Loan Bank Board, the Comptroller of the Currency, the Federal Home Loan Mortgage Corporation, the Department of Agriculture, the Federal Reserve Board, and the National Credit Union Administration.

Section 7(a) of RESPA provides as follows:

SEC. 7. (a) No lender shall make any commitment for a federally related mortgage loan on a residence on which construction has been completed more than twelve months prior to the date of such commitment unless it has confirmed that the following information has been disclosed in writing by the seller or his agent to the buyer—

(1) the name and address of the present owner of the property being sold;

(2) the date the property was acquired by the present owner (the year only if the property was acquired more than two years previously); and

(3) if the seller has not owned the property for at least two years prior to the date of the loan application and has not used the property as a place of residence, the date and purchase price of the last arm's length transfer of the property, a list of any subsequent improvements made to the property (excluding maintenance repairs) and the cost of such improvements.

1. *Two year and residence rules of section 7(a)(3).* Section 7(a)(3) does not apply unless both the requirement that the seller has not owned the property for at least two years prior to the date of loan application, and the requirement that the seller has not used the property as a place of residence, are met.

2. *Place of residence.* The requirement in Section 7(a)(3) regarding whether seller has used the property "as a place of residence" refers to use by the seller (or at least one of the sellers if there are more than one) as his, her or their place of place of residence.

3. *Multiple sellers, purchasers.* Disclosures required by Section 7 may be made by one seller where there are more than one seller. Disclosures under Section 7 may be made to one purchaser, where there are more than one purchaser. Disclosures under Section 7 may be made by the legal agent of a seller, provided the disclosure states that the person signing the disclosure is the duly authorized agent of the seller.

4. *Good faith estimates.* Where it is not possible for the seller to ascertain the precise cost of an improvement required under Section 7(a), a good faith estimate of the cost of such improvement may be used together with a clear statement that the cost of such item is a good faith estimate.

5. *Acceptance of affidavit.* The lender may accept, in lieu of a copy of a disclosure required by Section 7, an affidavit or affidavits from each and every purchaser which sets forth (a) the specific attempts by the purchaser to obtain the required disclosure from the seller, (b) a statement that the seller has failed or refused to give the required disclosure, and (c) a statement that the purchaser or purchasers desire to proceed to consummate the purchase.

6. *Assumptions not covered.* Section 7(a) prohibits lenders from making any commitment for a federally related mortgage loan in certain circumstances. Section 7 does not apply to approval or any other action (including but not limited to change in interest rate or change of other terms) by a lender with respect to an assumption of, novation, of or sale subject to, an existing mortgage loan except where the lender advances additional funds.

7. *Purchase at forced sales; court-approved sale.* Section 7 does not apply to a commitment to make a mortgage loan for the purpose of financing the purchase of a property at a public foreclosure sale, a public execution sale to enforce a judgment, a tax sale, a public bankruptcy sale, or other similar public forced sale. Section 7 does not apply to a commitment to make a mortgage loan for the purpose of financing a court-approved sale such as a court-approved sale by a guardian ad litem of an infant.

8. *Estates.* For purposes of Section 7(a)(3), where the seller is the executor, administrator or other legal representative of the estate or trustee of a testimentary trust of a decedent, the seller shall be considered to have "owned the property for at least two years prior to the date of the loan application" if the decedent acquired ownership of the property at least two years prior to the date of the loan application and owned the property to the time of his or her death (whether or not the date of death is more than two years prior to the date of loan application). Ownership by an estate or trust for more than two years will satisfy the two year test independent of the previous sentence. For purposes of Section 7(a)(3), the seller shall be considered to have "used the property as a place of residence" if during the decedent's ownership of the property, the decedent used the property as his or her residence. In a disclosure as to sale of a property of a decedent, the name of the decedent may be stated as the owner where there is difficulty ascertaining the names of the legal owners. (If a sale is court-approved, see paragraph 7, above).

9. *Co-owners transfers.* Section 7 does not apply to mortgage loans made to finance the purchase by or transfer to one joint tenant of the interest of another joint tenant in a property, the purchase by or transfer to one tenant in common of the interest of another tenant in common in a property, or the purchase by or transfer to one tenant by the entirety of the interest of another tenant by the entirety in a property.

10. *Newly constructed housing not covered.* Based upon the terms and the intent of the statute and the incongruous result which would otherwise obtain, Section 7(a)(3) is interpreted not to apply to newly constructed housing as to which "construction has been completed" (Section 7(a)) more than twelve months prior to the date of loan commitment but as to which there has not been a previous arm's length transfer to a person for occupancy.

11. *Condominium and cooperatives conversion.* Section 7 is interpreted to cover a mortgage to finance the sale of a unit pursuant to condominium and cooperative conversions of existing properties, with or without substantial rehabilitation. Where there has been no prior arm's length transfer of

the individual unit being transferred pursuant to the conversion, the following disclosures will satisfy the requirements of Section 7(a)(3):

(a) the date(s) and aggregate purchase price of the last arm's length transfer of the project of which the unit is a part;

(b) a list of all improvements made to such project subsequent to such last arm's length transfer and the cost thereof (see paragraph 4, above, regarding good faith estimates of the cost of an improvement);

(c) one or more good faith allocations to the unit of a portion of such price and cost of improvements in proportion to (i) the formula for relative assessments for common charges, or a similar formula or formulae used in the legal documents with respect to the project, or (ii) the relative initial offering price of the unit in relation to the total offering prices of all units; and

(d) a statement of the method or methods used to make such allocation or allocations to the unit.

The seller may in addition disclose other factual information regarding previous transfers or transactions involving the property or other factual information which may be of interest. The disclosures described above comply with Section 7(a)(3); no opinion is expressed as to whether any other alternative types of disclosure comply with Section 7(a)(3).

12. *Lender reliance on copy of waiver.* Section 7(b) provides that the "obligations imposed upon a lender by this section shall be deemed satisfied and a commitment for a federally related mortgage loan may thereafter be made if the lender receives a copy of the written statement provided by the seller to the buyer supplying the information required by subsection (a)." Under subsection (b), the lender, in determining whether the copy of the written statement contains the information required by subsection(a) may rely upon representations set forth in the copy of the written statement as to: (a) whether or not construction has been completed more than twelve months prior to the date of commitment; (b) whether the seller has not owned the property for at least two years prior to the date of the loan application; and (c) whether or not the seller has used the property as a place of residence.

Issued at Washington, D.C. on September 12, 1975.

ROBERT R. ELLIOTT,
General Counsel.

[FR Doc.75-25611 Filed 9-24-75;8:45 am]

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

[Docket No. R-75-109]

PART 1930—DESCRIPTION OF PROGRAM AND OFFER TO AGENTS

PART 1931—PURCHASE OF INSURANCE AND ADJUSTMENT OF CLAIMS

The purpose of this revision to Parts 1930, and 1931, is to update § 1930.6 and § 1931.1, to provide a current list of servicing companies for the Federal Crime Insurance Program and to update the list of States eligible for the sale of crime insurance.

On the basis of the Administrator's continuing review of the crime insurance availability situation in the various States, and on the basis of findings and recommendations by the Governor and the Commissioner of Insurance, it has been determined that a critical market unavailability situation exists in the States set forth in revised § 1931.1 and that as of the effective date of this regulation these States will be made eligible for the sale of crime insurance, or continue to be eligible for such sale. Because the sale of crime insurance is beneficial to the public, it is unnecessary to provide for notice and public procedure, and good cause exists for making these amendments effective on September 15, 1975.

A Finding of Inapplicability respecting the National Environmental Policy Act of 1969 has been made in accordance with HUD Handbook 1390.1. A copy of this Finding of Inapplicability is available for public inspection during regular business hours at the following address:

Rules Docket Clerk, Office of General Counsel, Department of Housing and Urban Development, Room 10245, 451 Seventh Street, SW, Washington, D.C. 20410.

Accordingly, Subchapter C of Chapter X of Title 24 is amended as follows:

1. Section 1930.6 is revised to read as follows:

§ 1930.6 Names and addresses of servicing companies.

The following companies have been designated to act as servicing companies for the Federal Crime Insurance Program in the State indicated:

Colorado, Connecticut, District of Columbia, Georgia, Illinois, Kansas, Maryland, Missouri, Ohio, Rhode Island, and Tennessee: Safety Management Institute, Federal Crime Insurance, P.O. Box 41033, Washington, D.C. 20014. SMI toll-free number is 800-638-8780. In D.C. or Md., 301-652-2637. In Md., call collect if outside Metro. Wash. Area.

Delaware: Insurance Company of North America, 303 East Fayette Street, Baltimore, Maryland 21202 (302-656-8345).

Florida: Aetna Casualty and Surety Company, 5200 Kennedy Boulevard, Tampa, Florida 33609 (813-871-2640).

Massachusetts: Insurance Company of North America, 1 Center Plaza, Boston, Massachusetts 02108 (617-227-7300).

New Jersey: Aetna Casualty and Surety Company, 494 Broad Street, Newark, New Jersey 07102 (201-624-1900).

New York: Insurance Company of North America, 79 John Street, New York, New York 10038 (212-233-5010).

Pennsylvania: Insurance Company of North America, 625 Walnut Street, Philadelphia, Pa. 19105 (215-925-8330).

2. Paragraph (b) of § 1931.1 is revised to read as follows:

§ 1931.1 States eligible for sale of crime insurance.

* * * * *

(b) On the basis of the information available, the Administrator has determined that the States set forth in this paragraph have an unresolved critical market availability situation that requires the operation of the Federal Crime Insurance Program therein. Accordingly, the program is in operation in the following states:

Colorado	Maryland
Connecticut	Massachusetts
Delaware	Missouri
District of Columbia	New Jersey
Florida	New York
Georgia	Ohio
Illinois	Pennsylvania
Kansas	Rhode Island
	Tennessee

* * * * *

(Sec. 7(d), 79 Stat. 670; 42 U.S.C. 3535(d); Sec. 1103, 82 Stat. 566, 12 U.S.C. 1749bbb-17.)

Effective date: September 15, 1975.

FRANCIS V. REILLY,
Acting Federal Insurance Administrator.

[FR Doc.75-25612 Filed 9-24-75;8:45 am]

Title 29—Labor

CHAPTER V—WAGE AND HOUR DIVISION DEPARTMENT OF LABOR

PART 570—CHILD LABOR REGULATIONS, ORDERS AND STATEMENTS OF INTERPRETATION

Employment of Minors Between 14 and 16 Years of Age in Work Experience and Career Exploration Programs; Correction

In FR Doc. 75-23431 appearing at page 40800 in the FEDERAL REGISTER of Thursday, September 4, 1975, the following changes should be made:

1. In paragraph (a) of § 570.35a appearing at page 40801 in the thirteenth line, the word "the" to read "this";

2. In paragraph (b)(2) of § 570.35a appearing at page 40801 in the ninth line, appearing at page 40801 in the ninth line the word "aplication" to read "application";

3. In paragraph (b)(4)(i) of § 570.35a appearing at page 40801 in the third line the word "once" to read "one";

4. In paragraph (c)(3) of § 570.35a appearing at page 40802 in the third line, the word "arrival" to read "approval."

Signed at Washington, D.C. this 22nd day of September, 1975.

BERNARD E. DELURY,
Assistant Secretary for Employment Standards.

[FR Doc.75-25668 Filed 9-24-75;8:45 am]

CHAPTER XVII—OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION, DEPARTMENT OF LABOR

PART 1952—APPROVED STATE PLANS FOR ENFORCEMENT OF STATE STANDARDS

Connecticut Plan; Level of Federal Enforcement

1. *Background.* Part 1954 of Title 29, Code of Federal Regulations, sets out procedures under section 18 of the Occupational Safety and Health Act of 1970 (29 U.S.C. 667) (hereinafter referred to as the Act) for the evaluation and monitoring of State plans which have been

approved under section 18(b) of the Act and 29 CFR Part 1902. Section 1954.3 of this chapter provides guidelines and procedures for the exercise of discretionary Federal enforcement authority under section 18(e) of the Act with regard to Federal standards in issues covered under an approved State plan. In accordance with § 1954.3(b) of this chapter, Federal enforcement authority will not be exercised as to occupational safety and health issues covered under a State plan where a State is operational. A State is determined to be operational under § 1954.3(b) of this chapter when it has provided for the following requirements: enacted enabling legislation, approved State standards, a sufficient number of qualified enforcement personnel and provisions for the review of enforcement actions. In determining whether and to what extent a State plan meets the operational guidelines, the results of evaluations conducted under 29 CFR Part 1954 are taken into consideration. Once this determination has been made, under § 1954.3(f) of this chapter, a notice of the determination of the operational status of a State plan as described in an agreement setting forth the Federal-State responsibilities is to be published in the FEDERAL REGISTER.

2. *Notice of Connecticut operational agreement.* (a) In accordance with the provisions of § 1954.3 of this chapter, notice is hereby given that it has been determined that Connecticut has met the following conditions for operational status:

(1) Enactment of the Connecticut Occupational Safety and Health Act (hereinafter referred to as the Connecticut Act) (substitute House Bill No. 8210, Public Act No. 73-379) effective July 2, 1973, and which was approved as part of the Connecticut Plan (39 FR 1012). Legislative amendments (substitute House Bill No. 5432, Public Act No. 74-137) were enacted and became effective May 8, 1974;

(2) The State, after publication in the Connecticut Law Journal, adopted the Federal standards contained in 29 CFR Part 1910 dated October 18, 1972; and 29 CFR Part 1926 dated December 16, 1972, which became State standards effective September 11, 1974;

(3) A sufficient number of qualified safety and health personnel employed under an approved merit system: namely, twenty-five (25) safety compliance officers and three (3) health compliance officers as of January 10, 1975;

(4) Operation since January 13, 1975, of a review and appeals system under rules and regulations promulgated effective August 20, 1974, which provide an avenue for employers and employees to contest enforcement actions and/or abatement periods;

(5) State enforcement since January 13, 1975, of the State standards described in (2) above, monitored under Subpart C of 29 CFR Part 1954.

(b) In addition, the State has provided under its plan for:

(1) Occupational accident and illness recordkeeping and reporting by employers covered under the plan.

(2) The display of the Federal poster by employers considered to be in compliance with the Connecticut Act until the State poster, submitted as a developmental plan change in accordance with 29 CFR Part 1953 which is approved as recommended by the Assistant Regional Director.

(3) Responding to complaints filed with the Connecticut Department of Labor for violation of the prohibition against employer discrimination against employees for exercising their rights under the Connecticut Act. Section 31-379 of the amended Connecticut Act provides provisions identical to those contained in sections 11(c) (1), (2), and (3) of the Federal Act.

(4) Assurance of the rights of employers and employees and their representatives consistent with the provisions of the Federal Act and its implementing regulations.

Pursuant to this finding, an agreement effective June 25, 1975, and incorporated as part of the Connecticut plan has been entered into between Frank Santaquida, Commissioner of the Connecticut Department of Labor, and Vernon A. Strahm, Assistant Regional Director for Occupational Safety and Health of the U.S. Department of Labor, providing that Federal enforcement activity under section 18(c) of the Act will not be initiated with regard to Federal occupational safety and health standards in issues covered under 29 CFR Parts 1910, 1915, 1916, 1917, 1918, 1919, and 29 CFR Part 1926 where Connecticut occupational safety and health standards are in effect and operational, except as provided below.

Also, in the event that a State inspector makes an inspection of an employer formerly inspected by a Federal Compliance Safety and Health Officer and observes a condition which has not been corrected pursuant to a prior Federal citation, the State inspector shall refer the violation to the Federal OSHA Area Office in Hartford, Connecticut, for appropriate action.

Under the agreement, Federal responsibility under the Act will continue to be exercised, among other things, with regard to complaints about violations of the discrimination provisions of section 11(c) of the Act (29 U.S.C. 660(c)); enforcement of Federal temporary emergency standards until such time as the State shall have adopted such standards, in accordance with 29 CFR Part 1953; enforcement of standards contained in 29 CFR Parts 1915, 1916, 1917, 1918, and 1919, on the U.S. navigable waters including dry docks, graving docks and marine railways; abatement dates established in OSHA-issued citations, which extend beyond the date of State assumption of inspection responsibility; and investigations and inspections for the purposes of evaluating the State plan under sections 18 (e) and (f) of the Act (29 U.S.C. 667 (e) and (f)).

The agreement is subject to revision or termination by the Assistant Secretary of Labor for Occupational Safety and Health upon substantial failure by the State to comply with any of its provisions, or when the results of evaluation under 29 CFR Part 1954 reveal that State operations covered by the agreement fail in a substantial manner to be at least as effective as the Federal program.

In accordance with this agreement and effective as of June 25, 1975, Subpart X of 29 CFR Part 1952 is hereby amended as set forth below.

Section 1952.302 is revised to read as follows:

§ 1952.302 Level of Federal enforcement.

Pursuant to § 1902.20(b)(1)(iii) and § 1954.3 of this chapter under which an agreement has been entered into with Connecticut, effective June 25, 1975, and based on a determination that Connecticut is operational in issues covered by the Connecticut occupational safety and health plan, discretionary Federal enforcement authority under section 18(e) of the Act (29 U.S.C. 667(e)) will not be initiated with regard to Federal occupational safety and health standards in issues covered under 29 CFR Part 1910 and 29 CFR Part 1926. The U.S. Department of Labor will continue to exercise authority, among other things, with regard to: complaints filed with the U.S. Department of Labor about violations of the discrimination provisions of section 11(c) of the Act (29 U.S.C. 660(c)); Federal standards promulgated subsequent to the agreement where necessary to protect employees, as in the case of temporary emergency standards promulgated under section 6(c) of the Act (29 U.S.C. 665(c)), in the issues covered under the plan and the agreement until such time as Connecticut shall have adopted equivalent standards in accordance with Subpart C of 29 CFR Part 1953; Standards in 29 CFR Parts 1915, 1916, 1917, 1918, and 1919 on the U.S. navigable waters including dry docks, graving docks and marine railways; and investigations and inspections for the purpose of the evaluation of the Connecticut plan under section 18 (e) and (f) of the Act (29 U.S.C. 667 (e) and (f)). The Assistant Regional Director for Occupational Safety and Health will make a prompt recommendation for resumption of exercise of Federal enforcement authority under section 18(e) of the Act (29 U.S.C. 667(e)) whenever, and to the degree, necessary to assure occupational safety and health protection to employees in Connecticut.

(Secs. 8(g)(2), 18, Pub. L. 91-956, 84 Stat. 1600, 1608 (29 U.S.C. 657(g)(2), 667))

Signed at Washington, D.C., this 22nd day of September 1975.

[SEAL] JOHN T. DUNLOP,
Secretary of Labor.

[FR Doc.75-25659 Filed 9-24-75;8:45 am]

PART 1952—APPROVED STATE PLANS FOR ENFORCEMENT OF STATE STANDARDS

Approval of Michigan State Poster

1. *Background.* Part 1953 of Title 29, Code of Federal Regulations, provides procedures under section 18 of the Occupational Safety and Health Act of 1970 (29 U.S.C. 667) (hereinafter referred to as the Act), for review of

changes and progress in the development and implementation of State plans which have been approved in accordance with section 18(c) of the Act and Part 1902 of this chapter. On October 3, 1973, a notice was published in the FEDERAL REGISTER (38 FR 27388) of the approval of the Michigan plan and of the adoption of Subpart T of Part 1952 containing the decision of approval. On July 1, 1975, the State of Michigan submitted a supplement to the plan involving the completion of a developmental step (see Subpart B of 29 CFR Part 1953).

2. *Description of the supplement.* The supplement concerns the Michigan State poster which is to be posted at all covered workplaces in the State. Among other things, the poster contains provisions notifying employees of their obligations and protections under the Michigan Act, their right to request workplace inspections and their right to remain anonymous as a result, their protection against discharge or discrimination under both Federal and State laws for the exercise of their rights under the Federal and State laws and their right to file complaints with the Occupational Safety and Health Administration concerning the administration of the State program. The poster also notifies employers of their rights and responsibilities under the law, including their right to accompany a State inspector on an inspection and their obligation to post the poster.

3. *Location of the plan and its supplement for inspection and copying.* A copy of the poster, along with the approved plan, may be inspected and copied during normal business hours at the following locations: Office of the Associate Assistant Secretary for Regional Programs, Occupational Safety and Health Administration, Room N3608, 200 Constitution Avenue NW, Washington, D.C. 20210; Office of the Assistant Regional Director, Occupational Safety and Health Administration, Room 3259, 230 South Dearborn Street, Chicago, Illinois 60604; Michigan Department of Labor, Bureau of Safety and Regulation, 2nd Floor, 300 East Michigan Avenue, Lansing, Michigan 48926; Michigan Department of Public Health, Bureau of Industrial Health, 3500 North Logan Street, Lansing, Michigan 48914.

4. *Public participation.* Under § 1953.2 of this chapter, the Assistant Secretary of Labor for Occupational Safety and Health (hereinafter referred to as the Assistant Secretary) may prescribe alternative procedures to expedite the review process or for any other good cause which may be consistent with applicable law. The Assistant Secretary finds that the Michigan poster incorporates all of the provisions required under 29 CFR 1952.10(a)(5) and 29 CFR 1903.2(a)(3) (39 FR 39306, Nov. 5, 1974). Accordingly, it is believed that further public comment and notice is unnecessary.

5. *Decision.* After careful consideration, the Michigan plan supplement outlined above is approved under Part 1953. This decision incorporates the requirements of the Act and implementing regulations applicable to State plans generally. In addition, Subpart T of 29 CFR Part 1952 is amended to reflect the completion of a developmental step upon the approval of the State poster. Accordingly, Subpart T of Part 1952 is amended as follows:

In §1952.264, the following paragraph (c) is added:

§ 1952.264 Completed developmental steps.

* * * * *

(c) In accordance with the requirements of § 1952.10, the Michigan State poster was approved by the Assistant Secretary on September 22, 1975.

(Secs. 8(g)(2), 18, Pub. L. 91-596, 84 Stat. 1600, 1608 (29 U.S.C. 657(g)(2), 667))

Signed at Washington, D.C., this 22nd day of September 1975.

[SEAL] JOHN T. DUNLOP,
Secretary of Labor.

[FR Doc.75-25660 Filed 9-24-75;8:45 am]

PART 1952—APPROVED STATE PLAN FOR ENFORCEMENT OF STATE STANDARDS

South Carolina; Completion of Developmental Steps

1. *Background.* Part 1953 of Title 29, Code of Federal Regulations, prescribes procedures under section 18 of the Occupational Safety and Health Act of 1970 (29 U.S.C. 667) (hereinafter called the Act) for review of changes and progress in the development and implementation of State plans which have been approved in accordance with section 18(c) of the Act and 29 CFR Part 1902. On December 6, 1972, a notice was published in the FEDERAL REGISTER (37 FR 25932) of the approval of the South Carolina Plan and adoption of Subpart C of Part 1952 containing the decision and describing the plan.

The approval notice stated that the South Carolina plan provides for an approved merit system covering employees. The State Division of Occupational Safety and Health personnel was brought under a State merit system effective May 31, 1973. Revised appendices showing amendments to the organization and workflow charts were submitted in May 1974 (Appendices 8a, 8b, and 8c). An amendment to section 7.07 of the plan narrative was submitted in April 1975, as further documentation of merit system coverage of occupational safety and health personnel.

On January 23, 1975, notice of submission of a number of South Carolina plan supplements involving developmental and State-initiated changes was published in the FEDERAL REGISTER (40 FR 3606). These supplements are described below.

2. *Description of the supplements.* (a) Legislative amendments. In accordance with the commitment expressed in 29 CFR 1952.103(a), the State submitted amendments to its enabling legislation (§§ 40-257.1 through 40-274, South Carolina Code of Laws, 1962) which were designed to bring the plan into conformity with the requirements of 29 CFR Part 1902. The legislation was enacted by the South Carolina Legislature during its 1973 session and became effective on June 12, 1973. The legislation provides for the following:

(1) Employer and employee duties (§ 40-257.1);

(2) Provision for informing employees of their protections and obligations under the State Act (§ 40-257.2);

(3) Provision for public participation in the promulgation, modification or revision of rules and regulations (§ 40-262);

(4) Procedures for the granting or denial of temporary variances (§40-264);

(5) Procedures for the granting or denial of permanent variances (§ 40-265);

(6) Provision for the right of entry of inspectors to workplaces (§ 40-266);

(7) Provision for the posting of citations (§ 40-268);

(8) Procedures governing imminent danger situations (§ 40-269);

(9) Procedures for the right of review of citations, penalties, abatement periods or other actions of the Commissioner of Labor by employers and employees (§ 40-271);

(10) Civil penalties for violations of rules and regulations (§ 40-273);

(11) Monitoring and measuring employee exposure to potentially toxic materials or harmful physical agents (§ 40-258);

(12) Provision for employee participation in inspections by accompanying the inspector, and prohibition against loss of wages because of such participation (§ 40-6.1); and

(13) Prohibition against employee discrimination because of the exercise of rights under the State Act (§§ 40-453, 453.2, 453.3).

(b) Regulations. Amendments to State administrative regulations in response to previous commitments and to achieve compatibility with revised enabling legislation as described in (a) above were adopted as follows:

(1) Temporary variance procedures (Article II, sec. 2.06);

(2) Permanent variance procedures (Article II, sec. 2.07);

(3) Employee complaint procedures (Article V, sec. 5.08);

(4) Employee walkaround procedures (Article V, sec. 5.06);

(5) Prohibition of advance notice of inspections (Article V, sec. 5.04); and

(6) Recording and Reporting of Occupational Injuries and Illnesses (Article III).

(c) Voluntary Compliance Program. The program, to be known as the Taxpayers' Assistance Program, includes both on-site and off-site consultation and employer-employee training and education. As originally submitted, staffing would be by three (3) Safety and Health Assistance Officers under the direction of the Chief Standards Officer.

(d) Plan narrative amendments. As a result of certain administrative actions, the following changes were made in the South Carolina plan narrative:

(1) South Carolina Department of Labor to assume responsibilities originally intended to be delegated to the

State Fire Marshal (secs. 7.03 and 8.02–3);

(2) South Carolina Department of Labor to assume responsibilities originally intended to be delegated to the State Liquefied Petroleum Gas Board (secs. 7.04, 8.01–3, and 8.02–4);

(3) South Carolina Department of Labor to assume responsibilities originally intended to be delegated to the State Department of Agriculture (secs. 7.05 and 11.02);

(4) Standards Advisory Council disbanded as unnecessary since the State is adopting Federal standards; and

(5) Total number of safety inspectors reduced to twenty-nine (29) and industrial hygienists to six (6) (Appendix 7-a).

(e) Occupational Health. New sections 7.02–1 through 7.02–3 describing the State's occupational health program as performed by the Division of Occupational Health, Department of Health and Environmental Control, were added to the plan narrative. A staff of six (6) industrial hygienists will be responsible for compliance activities. An agreement was entered into on July 1, 1974, between the South Carolina Departments of Labor and Health and Environmental Control which formalizes the delegation of certain occupational health responsibilities and establishes methods of coordination between the departments and is included as part of the Plan change.

Interested persons were afforded thirty (30) days from the date of publication to submit written comments concerning these supplements. Interested persons were also afforded an opportunity to request an informal hearing with respect to the supplements.

In addition, on April 10, 1975, a notice was published in the FEDERAL REGISTER (40 FR 16257) concerning the approval of the revised South Carolina standards by the Assistant Regional Director of the Occupational Safety and Health Administration, Region IV.

3. *Issues.* No public comments or requests for a hearing were received in response to the January 23, 1975, notice of South Carolina Plan changes.

The legislative amendments as enacted by South Carolina were fully responsive to developmental commitments as contained in the approved State plan. The wording of the amendments is not identical to that proposed, but in all cases more closely reflects the parallel Federal provision. However, sections 40–453.2, and 453.3 which establish a prohibition against employee discrimination for exercising rights under the South Carolina Act, fail to set a time limit for action by the Commissioner of Labor in considering such complaints. Through an additional plan amendment dated August 6, 1975, (plan narrative sec. 3.06) Edgar L. McGowan, South Carolina Commissioner of Labor, assures that all such complaints will be acted on within 90 days.

Amended South Carolina legislation (section 40–264) and administrative regulation (Article II, section 2.06) establish authority and procedures for the granting of temporary variances. As in the Federal system an initial temporary variance may be for no more than one year with the possibility of two renewals. However, where the Federal Act limits renewals to 180 days each, the South Carolina Act contains no such limitation. Through additional plan amendments dated August 6, and August 11, 1975, Commissioner Edgar L. McGowan has modified Article II, section 2.09 to limit any renewals of temporary variances to 180 day durations, and has modified sections 2.06 and 2.07 to clarify the requirements that employers notify authorized employee representatives of any variance application.

Subsequent to the publication of notice in January 1975, on these South Carolina plan supplements a number of minor modifications were made in several of the change documents: (a) Voluntary Compliance Program. Staffing for the Taxpayers' Assistance Program has been revised by amendment dated April 1975, to show two (2) assistance officers under the direction of the Director of the Office of Education and Training. (b) Occupational Health Program. Rather than developing an independent target health hazard program, South Carolina, by amendment dated April 1975, will utilize the Federal target health hazard substances as part of their priority system for scheduling health inspections. (c) Recordkeeping Regulations. Effective January 1, 1975, with additional amendment in June 1975, the South Carolina recordkeeping and reporting regulations (Article III) were rewritten and repromulgated to more closely reflect the parallel Federal regulations (29 CFR Part 1904). South Carolina has included in its regulations an exemption for employers of 10 or fewer employees from maintaining injury/illness records unless notified of their inclusion in the annual survey. A similar exemption is currently in effect Federally as a result of a restriction on the fiscal 1975 appropriations bill, but not as a provision of 29 CFR Part 1904. South Carolina both in the approved plan and in a supplementary letter dated July 15, 1975, has assured that recordkeeping and reporting requirements will be identical to those in effect federally and that any modification to the Federal small employer exemption policy will be promptly reflected in South Carolina's rules and regulations.

4. *Decision.* The assurances provided by the State concerning discrimination complaints, temporary variances, the Taxpayers' Assistance Program and the recordkeeping regulations correct any deficiencies identified in the submitted plan supplements. Based on determinations for national staffing, the present State staff of trained safety and health officers under the State merit system appears to be sufficient to provide coverage for the enforcement of State standards under the continuing "at least as effective as" criteria, subject to Federal monitoring. Several additional minor changes to the supplements in question are consistent with commitments contained in the approved plan and do not constitute substantive modification of original intentions. Therefore, after careful consideration the South Carolina plan supplements as amended and outlined herein, as well as the plan narrative on the State merit system and the revised appendices of the organization and workflow charts, are hereby approved under 29 CFR Part 1953.

Further, Subpart C of 29 CFR Part 1952 is hereby amended as appropriate, to reflect several of these approved plan changes as completion of certain developmental steps by adding a new § 1952.104, as follows:

§ 1952.104 Completed developmental steps.

(a) In accordance with § 1952.103(a) legislative amendments were introduced into the 1973 South Carolina General Assembly and were enacted effective June 12, 1973. The amendments have been supplemented by State commitments to (1) take action on all employee discrimination complaints within 90 days, and (2) limit the duration of temporary variances to a maximum of two years, inclusive of any renewals.

(b) In accordance with § 1952.103(b) the South Carolina occupational safety and health standards, identical to Federal standards (through December 3, 1974), have been promulgated and were approved by the Assistant Regional Director for Occupational Safety and Health effective April 10, 1975 (40 FR 16257).

(c) In accordance with § 1952.103(d) a voluntary compliance program, to be known as the Taxpayers' Assistance Program, has been developed.

(d) In accordance with § 1952.103(f) coverage of agricultural workers began on July 1, 1973, and was initiated directly by the South Carolina Department of Labor. (The State plan has been amended to delete the proposal to delegate such responsibility to the State Department of Agriculture.)

(e) In accordance with § 1952.103(g) the State plan has been amended to show extensions of merit system coverage to the South Carolina Department of Labor, Division of Occupational Safety and Health. Agreement with the Department of Health and Environmental Control requires that all health personnel cooperating in the State occupational safety and health program be likewise covered by the State merit system.

(Sec. 18, Pub. L. 91–596, 84 Stat. 1608 (29 U.S.C. 667))

Signed at Washington, D.C., this 22d day of September 1975.

JOHN T. DUNLOP,
Secretary of Labor.

[FR Doc.75–25661 Filed 9–24–75;8:45 am]

PART 1952—APPROVED STATE PLANS FOR ENFORCEMENT OF STATE STANDARDS

Washington Plan; Level of Federal Enforcement

1. *Background.* Part 1954 of Title 29, Code of Federal Regulations, sets out procedures under section 18 of the Oc-

cupational Safety and Health Act of 1970 (29 U.S.C. 667) (hereinafter called the Act) for the evaluation and monitoring of State plans which have been approved under section 18(c) of the Act and 29 CFR Part 1902. Section 1954.3 of this chapter provides guidelines and procedures for the exercise of discretionary Federal enforcement authority under section 18(e) of the Act with regard to Federal standards in issues covered under an approved State plan. In accordance with § 1954.3(b) of this chapter, Federal enforcement authority will not be exercised as to occupational safety and health issues covered under a State plan where a State is operational. A State is determined to be operational under § 1954.3(b) of this chapter when it has provided for the following requirements: enacted enabling legislation, approved State standards, a sufficient number of qualified enforcement personnel and provisions for review of enforcement actions. In determining whether and to what extent a State plan meets the operational guidelines, the results of evaluations conducted under 29 CFR Part 1954 are taken into consideration. Once this determination has been made, under § 1954.3(f) of this chapter, a notice of the determination of the operational status of a State plan as described in an agreement setting forth the Federal-State responsibilities is to be published in the FEDERAL REGISTER.

2. *Notice of Washington operational agreement.* (a) In accordance with the provisions of § 1954.3(f) of this chapter, notice is hereby given that it has been determined that Washington has met the following conditions for operational status:

(1) Enactment of the Washington Industrial Safety and Health Act of 1973, hereinafter referred to as WISHA, (Senate Bill No. 2386, RCW Chapter 49.17, effective June 7, 1973) which was approved as completion of a developmental step July 10, 1974 (39 FR 25325);

(2) Promulgation of State standards covering all issues as defined by Subpart B through S of 29 CFR Part 1910 and by 29 CFR Part 1926 which were found in the professional judgment of the Assistant Regional Director for Occupational Safety and Health (hereinafter called the Assistant Regional Director) to provide overall protection equal to the comparable Federal standards in such issues;

Promulgation of revisions and additions to existing State standards to cover issues defined by Subparts D through F and H through Q of 29 CFR Part 1910 which was completed by June 7, 1973;

Promulgation of other necessary revisions and additions to State standards to cover all other issues which was completed by October 20, 1974;

(3) A sufficient number of qualified safety and health personnel who are enforcing State standards in accordance with the State's legislation: namely, sixty-nine (69) safety inspectors and ten (10) health inspectors as of November 30, 1974;

(4) A review and appeals system before the Board of Industrial Insurance Appeals, providing the mechanism for employers and employees to contest enforcement actions and/or abatement dates, which became effective June 7, 1973 (Washington Administrative Code, Chapter 263–12);

(5) State enforcement since June 7, 1973, of the State standards, which was monitored under Subpart C of 29 CFR Part 1954, including three on-site evaluations, covering the period from June 7, 1973 to November 30, 1974.

(b) In addition, the State has provided under its plan for:

(1) Notification to employers and employees since June 7, 1974, of their rights and responsibilities under WISHA, by requiring display in all work places covered by the plan of a State job safety poster which was recommended for approval by the Assistant Regional Director on November 6, 1974;

(2) Occupational accident and illness recordkeeping and reporting by employers covered under the plan, which became effective January 1, 1975 (Washington Administrative Code, Chapter 296–27);

(3) Responding to complaints filed with or referred to the Board of Industrial Insurance Appeals for violation of the prohibition against employer discrimination against employees for exercising their rights under WISHA (RCW 49.17.160);

(4) Assurance of the rights of employers and employees and their representatives consistent with the provisions of the Federal Act and its implementing regulations.

Pursuant to this finding, an agreement effective May 30, 1975, and incorporated as part of the plan has been entered into between William C. Jacobs, Director, Washington Department of Labor and Industries, and James W. Lake, Assistant Regional Director for Occupational Safety and Health for the U.S. Department of Labor, providing that Federal enforcement authority under section 18(e) of the Act will not be initiated with regard to Federal occupational safety and health standards in the issues covered by Subparts B through S of 29 CFR Part 1910, including 29 CFR Parts 1915 through 1918 and Part 1926, where State standards are in effect and operational.

Under the agreement, Federal responsibilities under the Act will continue to be exercised, among other things, with regard to complaints about violations of the discrimination provisions of section 11(c) of the Act (29 U.S.C. 660(c)); enforcement of standards promulgated under the Act subsequent to the agreement where necessary to protect employees as in the case of temporary emergency standards promulgated under section 6(c) of the Act (29 U.S.C. 655(c)), until such time as the State shall have adopted equivalent standards in accordance with Subpart C of 29 CFR Part 1953; enforcement of Federal standards contained in the issues covered by 29 CFR Part 1910, Subpart B—Ship repairing, Shipbuilding, Shipbreaking, and Longshoring, as they relate to employment under the exclusive jurisdiction of the Federal Government on the navigable waters of the United States, including dry docks, graving docks and marine railways; and investigations and inspections for the purpose of evaluation of the State plan under section 18 (e) and (f) of the Act (29 U.S.C. 667 (e) and (f)).

The agreement is subject to revision or termination by the Assistant Secretary of Labor for Occupational Safety and Health upon substantial failure by the State to comply with any of its provisions, or when the results of evaluation under 29 CFR Part 1954 reveal that State operations covered by the agreement fail in a substantial manner to be at least as effective as the Federal program.

In accordance with this agreement and effective as of May 30, 1975, Subpart F of 29 CFR Part 1952 is hereby amended, as set forth below:

Section 1952.122 is revised to read as follows:

§ 1952.122 Level of Federal enforcement.

Pursuant to §§ 1902.20(b)(1)(iii) and 1954.3 of this chapter under which an agreement has been entered into with Washington, effective May 30, 1975, and based on a determination that Washington is operational in the issues covered by the Washington occupational safety and health plan, The U.S. Department of Labor will continue to exercise authority, among other things, with regard to: Federal standards promulgated subsequent to the agreement where necessary to protect employees as in the case of temporary emergency standards promulgated under section 6(c) of the Act (29 U.S.C. 655(c)) in issues covered under 29 CFR Part 1910 and 29 CFR Part 1926, until such time as Washington shall have adopted equivalent standards in accordance with 29 CFR Part 1953, Subpart C; Federal standards contained in the issues covered by Subpart B—Ship repairing, Shipbuilding, Shipbreaking and Longshoring, 29 CFR 1910.13 through 1910.16, as they relate to employment under the exclusive jurisdiction of the Federal government on the navigable waters of the United States, including dry docks and marine railways; complaints about violations of the discrimination provisions of section 11 (c) of the Act (29 U.S.C. 660(c)); and investigations and inspections for the purpose of evaluation of the Washington plan under sections 18 (e) and (f) of the Act (29 U.S.C. 667 (e) and (f)). The Assistant Regional Director for Occupational Safety and Health will make a prompt recommendation for resumption of exercise of Federal enforcement authority under section 18(e) of the Act (29 U.S.C. 667(e)) whenever, and to the degree, necessary to assure occupational safety and health protection to employees in the State of Washington.

(Secs. 8(g)(2), 18, Pub. L. 91-596, 84 Stat. 1600, 1608; (29 U.S.C. 657(g), 667))

Signed at Washington, D.C., this 22nd day of September 1975.

JOHN T. DUNLOP,
Secretary of Labor.

[FR Doc.75-25662; Filed 9-24-75;8:45 am]

Title 32—National Defense

CHAPTER I—OFFICE OF THE SECRETARY OF DEFENSE

PART 166—REPORTING PROCEDURES ON DEFENSE RELATED EMPLOYMENT

The purpose of this Amendment to Part 166(d) is to update the list of DoD Contractors Receiving Negotiated Contract Awards of $10,000,000 or More for FY 1975.

Section 166.11 has been amended by the addition of a new paragraph (d) as follows:

§ 166.11 DOD contractors receiving negotiated contract awards of $10 million or more.

* * * * *

(d) *Fiscal Year 1975*

AAI Corp.
Adobe Refining Co.
Aerojet Electrosystems Co.
Aerojet General Corp.
Aeronutonic Ford Corp.
Aerospace Corp. (The)
Amerada Hess Corp.
American Airlines, Inc.
American Export Isbrandsten Lines
American Petrofina Co. of Texas
American President Lines, Ltd.
American Telephone & Telegraph Co.
Amoco Oil Co.
Amron Corp.
Amstar Corp.
ARO, Inc.
Ashland Oil, Inc.
Atlantic Richfield Co.
Automation Industries, Inc.
Avco Corp.
Ayers, N. W., & Son, Inc.
Baltimore Gas & Electric Co.
Basin Products, Inc.
Bath Iron Works Corp.
Battelle Memorial Institute
Beech Aircraft Corp.
Bell & Howell Co.
Bendix Corp.
Bethlehem Steel Co.
Blair, Algernon, Inc.
Blue Ribbon Frozen Food Corp.
Boeing Co.
Boeing International Corp.
Boeing Vertol Co.
Bolt, Beranek & Newman, Inc.
Booz, Allen & Hamilton, Inc.
Borden, Inc.
Brown & Williamson Tobacco Corp.
Brunswick Corp.
Bunker Ramo Corp.
Burlington Industries, Inc.
Burroughs Corp.
Bush Organization (The)
CCI Corp.
California Physicians Service
California, University of
Calspan Corp.
Caltex Oil Products Co.
Campbell Soup Co.
Carnation Co.
Caterpillar Tractor Co.
Celesco Industries
Chamberlain Mfg. Corp.
Charles Stark Draper Laboratories, Inc.
Chesapeake & Potomac Telephone Co.
Chevron Oil Co.
Chromalloy American Corp.
Chrysler Corp.
Cincinnati Electronics Corp.
Cities Service Oil Co.
City Public Service Board
Coastal States Marketing, Inc.
Computer Sciences Corp.
Condec Corp.
Continental Oil Co.
Control Data Corp.
Cooper Airmotive Corp.
Cubic Corp.
Curtiss Wright Corp.
Cutler Hammer, Inc.
Day & Zimmerman, Inc.
DeLaval Turbine, Inc.
Delta Refining Co.
Donovan Construction Co. of Minnesota
Douglas Oil Co. of California
Dubuque Packing Co.
Dynalectron Corp.
ESL, Inc.
E Systems, Inc.
Eastman Kodak Co.
Ecoscience & Ft. Campbell Assoc. (Joint Venture)
Edgington Oil Co.
Edo Corp.
Electronic Communications, Inc.
Emerson Electric Co.
Exxon Corp.
FMC Corp.
Fairchild Camera & Instrument Corp.
Fairchild Industries, Inc.
Federal Cartridge Corp.
Federal Electric Corp.
Flinchbaugh Products, Inc.
GTE Sylvania, Inc.
Garrett Corp.
General Dynamics Corp.
General Electric Co.
General Foods Corp.
General Mills, Inc.
General Motors Corp.
General Research Corp.
Getty Oil Co.
Global Associates
Gold Pak Meat Co., Inc.
Golden Eagle Refining Co., Inc.
Goodrich, B.F., Co. (The)
Goodyear Aerospace Corp.
Goodyear Tire & Rubber Co.
Gould, Inc.
Grey Advertising, Inc.
Grumman Aerospace Corp.
Guam Oil & Refining Co., Inc.
Gulf & Western Industries, Inc.
Gulf Oil Corp.
HITCO
Hamilton Technology, Inc.
Harris Corp.
Harsco Corp.
Hawaiian Independent Refinery, Inc.
Hayes International Corp.
Hazeltine Corp.
Hercules, Inc.
Hess Oil Virgin Island Corp.
Hewlett Packard Co.
Hoffman Electronics Corp.
Honeywell, Inc.
Honeywell Information Systems, Inc.
Hudson Waterways Corp.
Hughes Aircraft Co.
Hydrosystems, Inc.
ICI United States, Inc.
IIT Research Institute
ITT Arctic Services
ITT Gilfillan, Inc.
ITT World Communications, Inc.
International Business Machines Corp.
International Telephone & Telegraph Corp.
Interstate Electronics Corp.
Island Creek Coal Co.
Itek Corp.
Jacksonville Shipyards, Inc.
Johns Hopkins University
Kaman Aerospace Corp.
Kentron Hawaii, Ltd.
Kings Point Mfg. Co.
Kraftco Corp.
LTV Aerospace Corp.
Lear Siegler, Inc.
Libby Welding Co.
Litton Industries, Inc.
Litton Systems, Inc.
Lockheed Aircraft Corp.
Lockheed Electronics Co., Inc.
Lockheed Missiles & Space Co., Inc.
Lockheed Shipbuilding & Construction Co.
Logicon, Inc.
Loral Corp.
Lykes Bros. Steamship Co., Inc.
Magnavox Co.
Marathon Oil Co.
Maremont Corp.
Marion Corp.
Martin Marietta Aluminum Sales, Inc.
Martin Marietta Corp.
Mason & Hanger-Silas Mason Co.
Massachusetts Institute of Technology
Mayer, Oscar, & Co., Inc.
McDonnell Douglas Corp.
Menasco Mfg. Co., Inc.
Mitre Corp.
Mobil Oil Corp.
Morrison Knudsen & Ecoscience (Joint Venture)
Motorola, Inc.
Mutual of Omaha Insurance Co.
National Presto Industries, Inc.
Navajo Refining Co.
Newport News Shipbuilding & Dry Dock Co.
Norris Industries, Inc.
Northrop Corp.
Northrop Worldwide Aircraft Services, Inc.
Northwest Airlines, Inc.
Ocean Technology, Inc.
Okmulgee Refining Co.
Olin Corp.
Oshkosh Motor Truck, Inc.
Overseas National Airways, Inc.
PRD Electronics, Inc.
Pacific Architects & Engineers, Inc.
Pan American World Airways, Inc.
Perkin Elmer Corp.
Philip Morris, Inc.
Phillips Petroleum Co.
Pittston Coal Sales Corp.
Planning Research Corp.
Powerine Oil Co.
Pride Refining, Inc.
Proctor & Gamble Distributing Co.
Prudential Grace Lines, Inc.
RCA Corp.
RCA Global Communications, Inc.
RAND Corp.
Raytheon Co.
Reflectone, Inc.
Remington Arms Co.
Reynolds, R. J., Industries, Inc.
Rochester, University of
Rockwell International Corp.
Rohr Industries, Inc.
Sanders Associates, Inc.
Science Applications, Inc.
Sea Land Service, Inc.
Seaboard World Airlines, Inc.
Shell Oil Co.
Sierra Research Corp.
Singer Co.
Southern Air Transport, Inc.
Sparton Corp.
Sperry Rand Corp.
Standard Oil Co. of California
Stanford Research Institute
Steuart Petroleum Co.
Stevens Foods, Inc.
Summa Corp.
Sun Oil Co.
Sundstrand Corp.
Supreme Beef Co., Inc.
Swift & Co.
System Development Corp.
Systems Consultants, Inc.
Systems Research Laboratories, Inc.

TRW, Inc.
Teledyne CAE
Teledyne, Inc.
Teledyne Industries, Inc.
Tesoro Alaskan Petroleum Corp.
Tesoro Petroleum Corp.
Texaco Export, Inc.
Texaco, Inc.
Texas Instruments, Inc.
Texas, University of
Textron, Inc.
Thiokol Corp.
Tiger International, Inc.
Titan Atlantic Construction Corp.
Tonkawa Refining Co.
Towne Realty, Woerfel Corp., Etal (Joint Venture)
Tracor, Inc.
Trans International Airlines Corp.
Trans World Airlines, Inc.
Union Carbide Corp.
Union Oil Co. of California
Uniroyal, Inc.
United States Lines Co.
United Technologies Corp.
United Technology Laboratories
Varian Associates
Varo, Inc.
Watkins Johnson Co.
Western Electric Co., Inc.
Western Union International, Inc.
Western Union Telegraph Co.
Westinghouse Electric Corp.
Williams Research Corp.
Wilson & Co., Inc.
World Airways, Inc.

MAURICE W. ROCHE,
Director, Correspondence and Directives OASD (Comptroller).

SEPTEMBER 22, 1975.

[FR Doc.75-25717 Filed 9-24-75;8:45 am]

Title 41—Public Contracts and Property Management

CHAPTER 1—FEDERAL PROCUREMENT REGULATIONS

[FPR Amdt. 154]

SMALL BUSINESS SIZE STANDARDS

This amendment of the Federal Procurement Regulations changes Subparts 1-1.7, Small Business Concerns, and 1-16.4, Forms for Advertised Construction Contracts, to provide new and revised definitions of small business concerns for Government procurement purposes. The changes reflect similar revisions by the Small Business Administration of its regulations in 13 CFR Part 121.

PART 1-1—GENERAL

Subpart 1-1.7—Small Business Concerns

Section 1-1.701-1 is amended to change paragraphs (b)(1), (b)(2), (f), and (g)(3) as follows:

§ 1-1.701-1 Small business concern (for Government procurement).

(b) * * *

(1) *General.* As small if its average annual receipts for its preceding 3 fiscal years do not exceed $12 million: *Provided, however,* That if 75 percent or more (by value) of the work called for by the contract is classified in one of the industries, subindustries, or class of products set forth in this paragraph, it is small if it does not exceed the size standard established therein for that industry. (Notwithstanding the above proviso, for a period of 1 year from September 4, 1975, any concern which from March 18, 1973, to March 18, 1974, was primarily engaged in performing small business set-aside contracts, is small for the purpose of any contract covered by the proviso if its average annual receipts for its preceding 3 fiscal years did not exceed $7.5 million. For the purpose of this rule, a concern was primarily engaged in performing small business set-aside contracts if 50 percent or more of its receipts, including receipts of its affiliates, were attributable to such contracts.) Where a concern which has 50 percent or more of its annual sales or receipts attributable to business activities within Alaska, then, whenever the term "annual sales or annual receipts" is used in any size definition contained in this section, the dollar limitation is increased by 25 percent of the amount set forth therein:

* * * * *

(2) *Dredging.* As small if it is bidding on a contract for dredging and (i) its average annual receipts for its preceding 3 fiscal years do not exceed $9.5 million (except that if the concern is located in Alaska, such receipts do not exceed $11,875,000), and (ii) it performs the dredging of at least 40 percent of the yardage advertised in the plans and specifications with dredging equipment owned by the bidder or obtained from another small business dredging concern.

* * * * *

(f) *Services.* Any concern bidding on a contract for services is classified:

(1) *General.* As small if it is bidding on a contract for services (including but not limited to services set forth in Division I, Services, of the Standard Industrial Classification Manual) not elsewhere defined in this section and its average annual receipts for its preceding 3 fiscal years do not exceed $2 million ($2,500,000 if the concern is located in Alaska).

(2) *Engineering.* As small if it is bidding on a contract for engineering services other than marine engineering service and its average annual receipts for its preceding 3 fiscal years do not exceed $7.5 million ($9,375,000 if the concern is located in Alaska.)

(3) *Motion pictures.* As small if it is bidding on a contract for motion picture production or motion picture services and its average annual receipts for its preceding 3 fiscal years do not exceed $8 million ($10,000,000 if the concern is located in Alaska).

(4) *Janitorial and custodial.* As small if it is bidding on a contract for janitorial and custodial services and its average annual receipts for its preceding 3 fiscal years do not exceed $4.5 million ($5,625,000 if the concern is located in Alaska).

(5) *Base maintenance.* As small if it is bidding on a contract for base maintenance and its average annual receipts for its preceding 3 fiscal years do not exceed $7.5 million ($9,375,000 if the concern in located in Alaska).

(6) *Marine cargo handling.* As small if it is bidding on a contract for marine cargo handling services and its average annual receipts for its preceding 3 fiscal years do not exceed $7.5 million ($9,375,000 if the concern is located in Alaska).

(7) *Naval architectural and marine engineering.* As small if it is bidding on a contract for naval architectural and marine engineering services and its average annual receipts for its preceding 3 fiscal years do not exceed $9 million ($11,250,000 if the concern is located in Alaska).

(8) *Food services.* As small if it is bidding on a contract for food services and its average annual receipts for its preceding 3 fiscal years do not exceed $5.5 million ($6,875,000 if the concern is located in Alaska).

(9) (i) *Laundry.* As small if it is bidding on a contract for laundry services including linen supply, diaper services, and industrial laundering and its average annual receipts for its preceding 3 fiscal years do not exceed $4 million ($5,000,000 if the concern is located in Alaska).

(ii) *Cleaning and dyeing.* As small if it is bidding on a contract for cleaning and dyeing (including rug cleaning) services and its average annual receipts for its preceding 3 fiscal years do not exceed $1.5 million ($1,875,000 if the concern is located in Alaska).

(10) *Computer programing.* As small if it is bidding on a contract for computer programing services and its average annual receipts for its preceding 3 fiscal years do not exceed $4 million ($5,000,000 if the concern is located in Alaska).

(11) *Flight training.* As small if it is bidding on a contract for flight training services and its average annual receipts for its preceding 3 fiscal years do not exceed $7 million ($8,750,000 if the concern is located in Alaska).

(12) *Motorcar and truck rental and leasing.* As small if it is bidding on a contract for motorcar rental and leasing services or truck rental and leasing services and its average annual receipts for its preceding 3 fiscal years do not exceed $7 million ($8,750,000 if the concern is located in Alaska).

(13) *Tire recapping.* As small if it is bidding on a contract for tire recapping services and its average annual receipts for its preceding 3 fiscal years do not exceed $4 million ($5,000,000 if the concern is located in Alaska). This paragraph applies only to procurements requiring the services of tire retreading and repair shops (Standard Industrial Classification Industry No. 7534, Tire Retreading and Repair Shops) and not to procurements for the repairing and/or retreading of pneumatic aircraft tires which, by reason of the extent and nature of the equipment and operations required, are considered for size standards purposes to be manufactured within the meaning of Standard Industrial Classification Industry No. 3011, Tires and Inner Tubes (see § 1-1.701-1(h)).

(14) *Data processing.* As small if it is bidding on a contract for data processing services and its average annual receipts for its preceding 3 fiscal years do not exceed $4 million ($5,000,000 if the concern is located in Alaska).

(15) *Computer maintenance.* As small if it is bidding on a contract for computer maintenance services and its average annual receipts for its preceding 3 fiscal years do not exceed $7 million ($8,750,000 if the concern is located in Alaska).

(16) *Helicopters or fixed-wing aircraft.* As small if it is bidding on a contract for services requiring the use of one or more helicopters or fixed-wing aircraft and its average annual receipts for its preceding 3 fiscal years do not exceed $3.5 million ($4,375,000 if the concern is located in Alaska).

(g) * * *

(3) *Trucking.* As small if it is bidding on a contract for trucking (local and/or long distance), warehousing, packing and crating, and/or freight forwarding, and its annual receipts do not exceed $7 million ($8,750,000 if the concern is located in Alaska).

* * * * *

PART 1–16—PROCUREMENT FORMS

Subpart 1–16.4—Forms for Advertised Construction Contracts

Section 1–16.401 is amended by revising paragraph (c) as follows:

§ 1–16.401 Forms prescribed.

* * * * *

(c) Representations and Certifications (Construction Contract) (Standard Form 19–B, October 1969 edition). Pending the publication of a new edition of the form, the present provision of Item 1 shall be deleted and the following provision substituted therefor:

1. Small business.

He ☐ is, ☐ is not, a small business concern. (A small business concern for the purpose of Government procurement is a concern, including its affiliates, which is independently owned and operated, is not dominant in the field or operations in which it is bidding on Government contracts, and can further qualify under the criteria concerning number of employees, average annual receipts, or other criteria as prescribed by the Small Business Administration. For additional information see governing regulations of the Small Business Administration (13 CFR Part 121)).

* * * * *

Subpart 1–16.7—Forms for Negotiated Architect Engineer Contracts

§ 1–16.701 [Amended]

Section 1–16.701 is amended to delete paragraph (c)(3) in its entirety.

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

Effective date. This amendment is effective for invitations for bids and requests for proposals issued on or after September 4, 1975.

Dated: September 16, 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.

ARTHUR F. SAMPSON,
Administrator of General Services.

[FR Doc.75–25546 Filed 9–24–75;8:45 am]

[FPR Amendment 153]

SMALL PURCHASES

This amendment of the Federal Procurement Regulations implements to the maximum extent practicable at this time Pub. L. 93–356, dated July 25, 1974, which amended the Federal Property and Administrative Services Act of 1949, as amended (40 U.S.C. 471 et seq.) and other statutes to increase the authority to negotiate small purchases from $2,500 to $10,000. This increased negotiation authority for small purchases will make it possible to achieve significant economies in the use of simplified small purchase procedures. However, the full potential for savings will not be completely realized until additional changes are made in a number of other statutes and regulations which impose thresholds less than $10,000 and are related to procurement in the price range between $2,500 and $10,000. This amendment also reflects certain organizational changes and editorial corrections.

PART 1–1—GENERAL

The table of contents for Part 1–1 is amended to add the following new entry:

Sec.
1–1.1002–2 Publicizing proposed small purchases.

Subpart 1–1.3—General Policies

Section 1–1.305–2 is amended to change paragraph (b) as follows:

§ 1–1.305–2 Exceptions to mandatory use of federal specifications.

* * * * *

(b) The total amount of the purchase does not exceed $10,000. (Multiple small purchases of the same item shall not be made for the purpose of avoiding the intent of this exception.)

* * * * *

Subpart 1–1.5—Contingent Fees

Section 1–1.507–3 is amended to change paragraph (b) as follows:

§ 1–1.507–3 Exceptions.

* * * * *

(b) Any negotiated contract in which the aggregate amount involved does not exceed $10,000.

* * * * *

Subpart 1–1.7—Small Business Concerns

1. Section 1–1.710–2 is revised as follows:

§ 1–1.710–2 Small business subcontracting program.

The Government's small business subcontracting program requires Government prime contractors to assume an affirmative obligation with respect to subcontracting with small business concerns. In contracts which range from $10,000 to $500,000, the contractor undertakes the obligation of accomplishing the maximum amount of small business subcontracting which is consistent with the efficient performance of the contract. This undertaking is set forth in the contract clause prescribed in § 1–1.710–3(a). In contracts which may exceed $500,000, the contractor is required, pursuant to the clause set forth in § 1–1.710–3(b), to undertake a number of specific responsibilities designed to assure that small business concerns are considered fairly in the subcontracting role and to impose similar responsibilities on major subcontractors. (The liaison officer required by the latter clause may also serve as liaison officer for labor surplus area and minority business enterprise matters.)

2. Section 1–1.710–3 is amended by revising the introductory language of paragraph (a) as follows:

§ 1–1.710–3 Required clauses.

(a) The Utilization of Small Business Concerns clause, set forth in this § 1–1.710–3, shall be included in all contracts in amounts which may exceed $10,000 except (1) contracts which, including all subcontracts thereunder, are to be performed entirely outside the United States, its possessions, and Puerto Rico, and (2) contracts for services which are personal in nature.

UTILIZATION OF SMALL BUSINESS CONCERNS

* * * * *

Subpart 1–1.8—Labor Surplus Area Concerns

1. Section 1–1.802–2 is amended by revising the introductory text as follows:

§ 1–1.802–2 Specific policies.

To further the general policy, the following specific policies shall be applied to procurements which are estimated to exceed $10,000:

* * * * *

2. Section 1–1.805–2 is revised as follows:

§ 1–1.805–2 Labor surplus area subcontracting program.

The Government's labor surplus area subcontracting program requires Government prime contractors to assume an affirmative obligation with respect to subcontracting with labor surplus area concerns. In contracts which range from $10,000 to $500,000, the contractor undertakes the obligation of using his best efforts to place his subcontracts with concerns which will perform such subcontracts substantially in areas of labor surplus, where this can be done consistent with the efficient performance of the contract and at prices no higher than are obtainable elsewhere. This undertaking is set forth in the contract clause prescribed in § 1–1.805–3(a). In contracts which may exceed $500,000, the contractor is required, pursuant to the clause set forth in § 1–1.805–3(b), to undertake a number of specific responsibilities designed to assure achievement of the objectives referred to above and to impose similar responsibilities on major subcontractors.

3. Section 1–1.805–3 is amended by revising the introductory text of paragraph (a) and amending the contract clause as follows:

§ 1–1.805–3 Required clauses.

(a) The Utilization of Labor Surplus Area Concerns clause, set forth below, shall be inserted in all contracts in amounts which may exceed $10,000 except:

* * * * *

UTILIZATION OF LABOR SURPLUS AREA CONCERNS

(a) * * *

* * * * *

Subpart 1–1.10—Publicizing Procurement Actions

Section 1–1.1002–2 is added as follows:

§ 1–1.1002–2 Publicizing proposed small purchases.

Procuring activities shall ensure that proposed small purchases are publicized to the maximum extent practicable consistent with the dollar value of the actions and any time constraints applicable to the purchases. One or more of the following methods of publicizing shall be used:

(a) Displaying on bulletin boards in the purchasing office and/or other public places.

(b) Preparing periodic handouts listing proposed purchases, and displaying these lists as in (a) above.

(c) Publicizing in local newspapers or other mass communication media.

(d) Encouraging and assisting local area trade associations in disseminating small purchase information to their members.

Subpart 1–1.13—Minority Business Enterprises

§ 1–1.1310–2, paragraph (a) is amended as follows:

§1–1.1310–2 Required clauses.

(a) The Utilization of Minority Business Enterprises clause set forth in this § 1–1.1310–2(a) shall be included in all contracts in amounts which may exceed $10,000 except (1) contracts which, including all subcontracts thereunder, are to be performed entirely outside the United States, its possessions, and Puerto Rico, and (2) contracts for services which are personal in nature.

UTILIZATION OF MINORITY BUSINESS ENTERPRISES

* * * * *

Subpart 1–1.16—Reports of Identical Bids

Section 1–1.1603–1 is revised as follows:

§ 1–1.1603–1 Cases to be reported.

(a) A report shall be submitted by executive agencies to the Attorney General as provided in this § 1–1.1603 whenever (1) the total bid value of all line items covered by an invitation for bids issued under formal advertising procedures, or under small business restricted advertising procedures (see § 1–1.701–9), exceeds $10,000, and (2) identical bids have been received on at least one line item having a bid value of more than $10,000. However, a report will not be submitted where bids are received only from foreign sources in response to invitations for bids requiring delivery and performance outside the United States, its possessions, and the Commonwealth of Puerto Rico.

(b) Reports are required on reportable identical bids regardless of whether an award is made on the line item, the invitation is canceled, or some other disposition is made after bid opening. Line items on which identical bids are received are not reportable if the bid value of the line item is $10,000 or less. Likewise, line items on which no identical bids are received are not reportable.

PART 1–2—PROCUREMENT BY FORMAL ADVERTISING

Subpart 1–2.2—Solicitation of Bids

Section 1–2.201 is amended to delete the text and notices in subparagraphs (a)(29) and (a)(30) and to provide that the subparagraphs are reserved as follows:

§ 1–2.201 Preparation of invitations for bids.

* * * * *

(a) * * *

(29) [Reserved]

(30) [Reserved]

* * * * *

PART 1–3—PROCUREMENT BY NEGOTIATION

The table of contents for Part 1–3 is amended to change the entry for § 1–3.203 to read as follows:

Sec.

1–3.203 Purchases not in excess of $10,000.

Subpart 1–3.1—Use of Negotiation

Section 1–3.101 is amended by revising paragraph (a), as follows:

§ 1–3.101 General requirements for negotiation.

(a) No procurement in excess of $10,000 shall be made by negotiation if the use of formal advertising is possible and practicable under the existing conditions and circumstances even though such conditions and circumstances would otherwise satisfy the requirements of Subpart 1–3.2.

* * * * *

Subpart 1–3.2—Circumstances Permitting Negotiation

Section 1–3.203 is revised as follows:

§ 1–3.203 Purchases not in excess of $10,000.

Pursuant to the authority of section 302(c)(3) of the Act (41 U.S.C. 252(c)(3)), purchases and contracts may be negotiated without formal advertising if "the aggregate amount involved does not exceed $10,000."

(a) *Application.* Contracts or purchases aggregating $10,000 or less shall be made under the authority of this § 1–3.203 rather than under any of the other sections in this Subpart 1–3.2. In arriving at the "aggregate amount involved," there must be included all property and services which would properly be grouped together in a single transaction and which would be included in a single advertisement for bids if the procurements were being effected by formal advertising. Procurements aggregating more than $10,000 shall not be broken down into separate procurements of less than $10,000.

(b) *Procedure.* Purchases and contracts aggregating not more than $10,000 shall be made in accordance with Subpart 1–3.6.

Subpart 1–3.6—Small Purchases

1. Section 1–3.600 is revised as follows:

§ 1–3.600 Scope of subpart.

This subpart prescribes policies and procedures for the purchasing of supplies and nonpersonal services from commercial sources when the aggregate amount involved in any one transaction does not exceed $10,000. Such purchases shall be termed "small purchases." This subpart is not applicable to the procurement of supplies and services initially estimated to exceed $10,000 even though awards under such procurements do not exceed $10,000.

2. Section 1–3.602 is amended by revising paragraph (d) as follows:

§ 1–3.602 Policy.

* * * * *

(d) In arriving at the aggregate amount involved in any one transaction, there must be included all supplies and services which would properly be grouped together in a single transaction and which would be included in a single advertisement for bids if the procurement were being effected by formal advertising. Requirements aggregating more than $10,000 shall not be broken down into several purchases which are less than $10,000 merely for the purpose of permitting negotiation or utilizing the small purchase methods authorized under this Subpart 1–3.6.

* * * * *

3. Section 1–3.603–1 is amended by revising paragraphs (a) and (d) as follows:

§ 1–3.603–1 Solicitation.

(a)(1) Reasonable competition shall be obtained in making small purchases in excess of $500. As used in this § 1–3.603, reasonable competition means obtaining a sufficient number of quotations from qualified sources of supply to assure that the procurement is fair to the Government, price and other factors considered, including the administrative cost of the purchase. In arriving at the number of quotations to be solicited, due consideration should be given to the administrative costs associated with the proposed solicitation in relation to the potential benefits to be derived by the Government, consistent with good business practices. See § 1–1.1002–2 for the requirements regarding publicizing small purchases.

(2) Small purchases not in excess of $500 may be accomplished without securing competitive quotations if the prices quoted are considered to be reasonable. Such purchases shall be distributed equitably among qualified suppliers. When practicable a quotation should be solicited from other than the

previous supplier prior to placing a repeat order. The administrative cost of verifying the reasonableness of the price of purchases not in excess of $500 may more than offset potential savings in detecting instances of overpricing; therefore, action to verify the reasonableness of the price need be taken only when the buyer or contracting officer suspects that, or has information to indicate that, the price may not be reasonable, e.g., comparison to previous price paid, personal knowledge of the item involved, comparison to similar items.

* * * * *

(d) Solicitation of quotations may be effected orally for purchases estimated not to exceed $5,000. Written solicitations shall be used for all purchases estimated to exceed $5,000, and should be used for purchases not in excess of $5,000 in such circumstances as where (1) the suppliers are located outside the local area, (2) special specifications are involved, (3) a large number of items are included in a single proposed procurement, or (4) obtaining oral quotations is not considered efficient. Standard Form 18, Request for Quotations, shall be used for written solicitation of quotations in accordance with § 1–16.201.

* * * * *

4. Section 1–3.604–1 is revised as follows:

§ 1–3.604–1 General.

This § 1–3.604 prescribes policies and procedures for making small purchases of supplies and nonpersonal services through the use of imprest funds. Related policies and regulations concerning the establishment of and accounting for imprest funds are contained in Part IV of the Treasury Fiscal Requirements Manual for Guidance of Departments and Agencies.

5. In § 1–3.604–4 paragraph (a)(6) is added as follows:

§ 1–3.604–4 Use of imprest funds.

* * * * *

(a) * * *

(6) Expenses incident to travel and emergency travel advances (in accordance with Part IV of the Treasury Fiscal Requirements Manual for Guidance of Departments and Agencies, Section 3040).

* * * * *

6. Section 1–3.604–5(a) is revised as follows:

§ 1–3.604–5 Limitations.

(a) Small purchases made pursuant to imprest fund procedures may not exceed $150 for any one transaction, except that under emergency conditions the amount for any one transaction may be increased not to exceed $300. Exceptions or additions needed in connection with procurement matters described in §1–3.604–4, as well as the maximum dollar limitation for any one procurement transaction, should be addressed to the Treasury Department pursuant to Part IV of the Treasury Fiscal Requirements Manual for Guidance of Departments and Agencies. The granting of any such exceptions or additions will be coordinated with the Administrator of General Services or his designee. Approved exceptions now existing will automatically be continued without specific request from the agency to which exceptions have been granted.

* * * * *

7. Section 1–3.605–2 is amended by revising paragraph (a)(3)(i) and adding new paragraphs (b)(3) and (b)(4) as follows:

§ 1–3.605–2 Standard Forms 147 and 148, Order for Supplies or Services.

(a) * * *

(3) * * *

(i) A purchase order for small purchases not in excess of $10,000.

* * * * *

(b) * * *

(3) The following terms and conditions shall be added or incorporated by reference whenever Standard Form 147 is used for small purchases in excess of $2,500:

(i) *Employment of the Handicapped.* Section 1–12.1304–1.

(ii) *Contract Work Hours and Safety Standards Act—Overtime Compensation.* Section 1–12.303.

(4) The following terms and conditions shall be added or incorporated by reference whenever required by these regulations:

(i) *Service Contract Act of 1965.* Section 1–12.904–1 (Service contracts in excess of $2,500.)

(ii) *Service Contract Act of 1965.* Section 1–12.904–2 (Service contracts not exceeding $2,500.)

* * * * *

8. Section 1–3.606–5 is amended by revising paragraph (f) and to add a new paragraph (i) as follows:

§ 1–3.606–5 Agency implementation.

* * * * *

(f) The use of a blanket purchase arrangement does not authorize purchases not otherwise authorized by law or regulation. For example, the blanket purchase arrangement, being a method of simplifying the making of individual small purchases, shall not be used to avoid the $10,000 limitation.

* * * * *

(i) Individual purchases under blanket purchase arrangements shall not be in excess of $5,000.

Subpart 1–3.8—Price Negotiation Policies and Techniques

1. Section 1–3.805–1 is amended by revising the opening statement and paragraph (a)(1) as follows:

§ 1–3.805–1 General.

The procedures set forth in this § 1–3.805–1 are generally applicable to negotiated procurement. However, they are not applicable where their use would be clearly inappropriate. While the lowest price or lowest cost to the Government is properly the deciding factor in source selection in many instances, award of a contract properly may be influenced by the proposal which promises the greatest value to the Government in terms of possible performance, ultimate producibility, growth potential, and other factors as may be the case, for example, when procuring research and development, special or professional services (such as architect-engineer services) or when cost-reimbursement type contracting is anticipated (see § 1–3.805–2).

(a) * * *

(1) Procurements not in excess of $10,000 in accordance with small purchase procedures (see subpart 1–3.6);

* * * * *

2. Section 1–3.814–2 is amended by revising paragraph (c) as follows:

§ 1–3.814–2 Audit and records.

* * * * *

(c) Except as otherwise provided in Subpart 1–6.10 of this chapter, or when independent authority exists for the omission of such clause, the clause in §§ 1–7.103–3 and 1–7.602–7 shall be inserted in all negotiated fixed-price contracts in excess of $10,000, including contracts awarded under a total set-aside smal business restricted advertising, as defined in § 1–1.701–9 or a partial small business restricted advertising set-aside (see §§ 1–1.706 and 1–1.804), and a clause containing substantially the same provisions shall be included in all other negotiated contracts in excess of $10,000 ,the clause prescribed by § 1–7.103–3 of this chapter satisfies this requirement). In addition, the right of the contracting agency to inspect the plant and to audit the books and records of any prime contractor or subcontractor engaged in the performance of a cost-type contract shall be expressly reserved in any such contract. The audit clause inthis § 1–3.814–2(a) may be used for that purpose.

PART 1–4—SPECIAL TYPES AND METHODS OF PROCUREMENT

Subpart 1–4.4—Public Utilities

1. Section 1–4.404 is amended by revising paragraph (b) as follows:

§ 1–4.404 GSA assistance.

* * * * *

(b) Agencies not having personnel technically qualified to deal with specialized utilities problems and requiring GSA technical assistance, and other agencies having technically qualified personnel but desiring GSA consulting assistance should obtain assistance from the Federal Supply Service of GSA in Washington, D.C., at the address listed below in § 1–4.405, or in the nearest of the ten GSA regional offices through the Federal Supply Service Regional Commissioner.

2. Section 1–4.405 is revised as follows:

§ 1–4.405 Submission of information.

All information required by GSA under this Subpart 1–4.4, except where otherwise specified, shall be addressed to the General Services Administration, Federal Supply Service, Public Utilities Management Division, Washington, D.C. 20406.

3. Section 1-4.410-2 is amended by revising paragraph (d) as follows:

§ 1-4.410-2 Documentation of procurements from regulated utility suppliers.

* * * * *

(d) A proposed connection charge for connecting the using agency's facilities to the supplier's facilities, a termination liability for discontinuance of service or removal of facilities, the purchase cost or cumulative leasing cost of special facilities, or any other facilities charge to be paid by the agency (whether or not refundable) is estimated to exceed a total of $10,000.

* * * * *

4. Section 1-4.410-3 is amended by revising paragraphs (c) and (d) as follows:

§ 1-4.410-3 Documentation of procurements from unregulated utility suppliers.

* * * * *

(c) The annual cost of the service to be procured is estimated by the using agency, at the time of initiation of the service or annual review of the expenditure, to be over $10,000.

(d) A proposed connection charge for connecting the using agency's facilities to the supplier's facilities, a termination liability for discontinuance of service or removal of facilities, the purchase cost or cumulative leasing cost of special facilities, or any other facilities charge to be paid by the agency (whether or not refundable) is estimated to exceed a total of $10,000.

* * * * *

5. Section 1-4.411-1 is amended by revising paragraph (a)(2) as follows:

§ 1-4.411-1 General.

(a) * * *

(2) A proposed connection charge, termination liability, or any other facilities charge to be paid by the agency (whether or not refundable) is estimated to exceed a total of $10,000.

* * * * *

PART 1-6—FOREIGN PURCHASES

Subpart 1-6.8—Balance of Payments Program

Section 1-6.805 is amended by revising paragraph (a)(2) and deleting the text and reserve paragraph (a)(3), as follows:

§ 1-6.805 Exceptions.

(a) * * *

(2) Where the estimated cost of the product does not exceed $10,000.

(3) [Reserved]

* * * * *

PART 1-7—CONTRACT CLAUSES

Subpart 1-7.1—Fixed-Price Supply Contracts

1. Section 1-7.102-19 is revised as follows:

§ 1-7.102-19 Termination for convenience of the Government.

Insert the clause set forth in § 1-8.701 in fixed-price supply contracts in excess of $10,000 except as permitted by § 1-8.700-2(a)(2) for contracts not in excess of $100,000.

2. Section 1-7.103-3 is amended as follows:

§ 1-7.103-3 Examination of records by Comptroller General.

The following clause shall be included in fixed-price negotiated contracts and may be included in other than fixed-price negotiated contracts, as provided in 1-3.814-2(c). When contracts involve the use of Standard Forms 2-A and 2-B the clause may be amended to provide for the use of the term "lessor" in lieu of the term "contractor."

EXAMINATION OF RECORDS BY COMPTROLLER GENERAL

(a) This clause is applicable if the amount of this contract exceeds $10,000 and was entered into by means of negotiation, including small business restricted advertising, but is not applicable if this contract was entered into by means of formal advertising.

(c) * * * The term "subcontract" as used in this clause excludes (1) purchase orders not exceeding $10,000 and (2) subcontracts or purchase orders for public utility services at rates established for uniform applicability to the general public.

* * * * *

Subpart 1-7.6—Fixed-Price Construction Contracts

Section 1-7.602-7 is revised as follows:

§ 1-7.602-7 Examination of records by Comptroller General.

The clause set forth in § 1-7.103-3 shall be included in all negotiated fixed-price contracts in excess of $10,000.

Subpart 1-7.7—Transportation Contracts

1. Section 1-7.703-1 is revised as follows:

§ 1-7.703-1 Definitions.

Insert the clause set forth in § 1-7.102-1.

2. Section 1-7.703-3 is revised as follows:

§ 1-7.703-3 Extras.

Insert the clause set forth in § 1-7.102-3.

3. Section 1-7.703-7 is revised as follows:

§ 1-7.703-7 Examination of records by Comptroller General.

Insert the clause set forth in § 1-7.103-3 under the conditions contained therein.

4. Section 1-7.703-9 is revised as follows:

§ 1-7.703-9 Disputes.

Insert the clause set forth in § 1-7.102-12.

5. Section 1-7.703-12 is revised as follows:

§ 1-7.703-12 Officials not to benefit.

Insert the clause set forth in § 1-7.102-17.

PART 1-8—TERMINATION OF CONTRACTS

Subpart 1-8.7—Clauses

Section 1-8.700-2 is amended by revising paragraph (a)(1) as follows:

§ 1-8.700-2 Applicability.

(a) * * *

(1) The clause set forth in § 1-8.701 shall be used, except as otherwise permitted by § 1-8.700-2(a)(2), in any fixed-price contract in excess of $10,000 for (i) supplies, or (ii) experimental, developmental, or research work where a profit is contemplated, when the contract is entered into by formal advertising or by negotiation.

* * * * *

PART 1-11—FEDERAL, STATE, AND LOCAL TAXES

Subpart 1-11-4—Contract Clause

Section 1-11.401-1 is amended to add a reference to subpart 1-3.6 in paragraph (a)(4), which reads as follows:

§ 1-11.401-1 Advertised and certain

(a) * * *

(4) At the discretion of the contracting officer in negotiated fixed-price type contracts in excess of $2,500 but not in excess of $10,000. However, this clause shall not be used in purchases made pursuant to Subpart 1-3.6.

* * * * *

PART 1-12—LABOR

Subpart 1-12.8—Equal Opportunity in Employment

Section 1-12.803-10 is amended to delete paragraph (b) and to reserve the paragraph as follows:

§ 1-12.803-10 Elimination of segregated facilities.

* * * * *

(b) [Reserved]

* * * * *

Subpart 1-12.11—Listing of Employment Openings

Section 1-12.1102-2 is amended as follows:

§ 1-12.1102-2 Clause.

Unless otherwise provided in this subpart, executive agencies shall include, either directly or by reference, the contract clause prescribed by this § 1-12.1102-2 in (a) all invitations for bids and requests for proposals for the procurement of personal property and nonpersonal services (including construction), and (b) all contracts for the procurement of personal property and nonpersonal services (including construction), including contracts resulting from unsolicited proposals, where it is anticipated that a contract will be in an amount of $10,000 or more.

LISTING OF EMPLOYMENT OPENINGS

(This clause is applicable pursuant to 41 CFR 50-250 if this contract is for $10,000 or more.)

(a) The Contractor agrees, in order to provide special emphasis to the employment of qualified disabled veterans and veterans of the Vietnam era, that all suitable employment openings of the contractor which exist at the time of the execution of this contract and those which occur during the performance of this contract, including those not generated by this contract and including those occurring at an establishment other than the one wherein the contract is being

performed but excluding those of independently operated corporate affiliates, shall be offered for listing at an appropriate local office of the State employment service system wherein the opening occurs and to provide such reports to such local office regarding employment openings and hires as may be required. *Provided*, That if this contract is with a State or local government the reports set forth in paragraphs (c) and (d) are not required.

* * * * *

PART 1–14—INSPECTION AND ACCEPTANCE

The table of contents for Part 1–14 is amended to change the entry for § 1–14.106 to read as follows:

Sec.
1–14.106 Inspection of small purchases ($10,000 or less).

Subpart 1–14.1—Inspection

Section 1–14.106 is amended by revising the section caption as follows:

§ 1–14.106 Inspection of small purchases ($10,000 or less).

* * * * *

PART 1–16—PROCUREMENT FORMS

The table of contents for Part 1–16 is amended by revising the entries for §§1–16.201–2 and 1–16.201–3 to read as follows:

Sec.
1–16.201–2 Small procurements ($10,000 or less).
1–16.201–3 Procurement in excess of $10,000.

Subpart 1–16.2—Forms for Negotiated Supply Contracts

1. Section 1–16.201–2 is revised as follows:

§ 1–16.201–2 Small procurements ($10,000 or less).

When written quotations are solicited for small purchases ($10,000 or less) pursuant to § 1–3.603–1(d), Standard Form 18 shall be used, except in special cases where, for cogent reasons, agency needs require that firm offers be obtained.

2. Section 1–16.201–3 is revised as follows:

§ 1–16.201–3 Procurement in excess of $10,000.

Standard Form 18 is authorized for use in negotiated procurements in excess of $10,000 where a written, informational quotation is desired. The form is particularly usable where it appears reasonably certain that the procurement will be consummated by (a) a fixed-price contract involving extensive negotiation, or (b) a cost-reimbursement type contract. The form may also be used, where appropriate, to obtain price information for planning purposes in either negotiated or advertised procurements pursuant to § 1–1.314.

Subpart 1–16.8—Miscellaneous Forms

Section 1–16.804–3 is amended by revising paragraphs (c)(1) and (e) as follows:

§ 1–16.804–3 Standard Form 37, Report on Procurement by Civilian Executive Agencies.

(c) * * *

(1) Procurements awarded by the reporting agency, with breakouts indicating the dollar amounts for advertised and negotiated contracts. The dollar amounts for small purchases under $10,000 may be developed by generally accepted statistical sampling methods in accordance with agency procedures, and purchases under $100 may be excluded.

* * * * *

(e) *Instructions for preparation of Standard Form 37.* Instructions for preparation of Standard Form 37 are provided on the reverse side of the form, which is illustrated in § 1–16.901–37. Pending the publication of a new edition of the form, instruction B of I. GENERAL INSTRUCTIONS may be modified by deleting the amount "$2,500" and substituting "$10,000".

* * * * *

PART 1–18—PROCUREMENT OF CONSTRUCTION

The table of contents for Part 1–18 is amended by revising the entry for § 1–18.302 to read as follows:

Sec.
1–18.302 Contracts estimated not to exceed $10,000.

Subpart 1–18.3—Negotiations

Section 1–18.3—is revised as follows:

§ 1–18.302 Contracts estimated not to exceed $10,000.

Section 302(c)(3) of the Act authorizes the use of negotiation for contracts which do not exceed $10,000. Policies and procedures for the implementation of that authority are prescribed in Subpart 1–3.6, Small Purchases. Notwithstanding the provisions of Subpart 1–3.6, the policies and procedures contained therein shall not be applied to construction contracts estimated to exceed $2,000. However, this prohibition does not apply to the negotiation of a contract where the estimated contract price is $2,0000 or less but the contract price which ultimately is negotiated exceeds that amount. In such cases, if the price does not exceed $10,000, award may be made pursuant to the policies and procedures in Subpart 1–3.6 and the authority in section 302(c)(3) of the Act. If the price exceeds $10,000, other authority for negotiation must be found.

PART 1–30—CONTRACT FINANCING

Subpart 1–30.4—Advance Payments

Section 1–30.419 is revised as follows:

§ 1–30.419 Excluded advance payments.

This Subpart 1–30.4 does not apply to advances authorized by law for payment of rent; payment of tuition; payment of authorized insurance premiums; expenses of investigations in foreign countries; extension or connection of public utilities for Government buildings or installations; subscriptions to newspapers, magazines, periodicals, and other publications; small purchases of goods or services in foreign countries, when the purchase price does not exceed $10,000 (or equivalent amount of applicable foreign currency) and advance payment of the purchase price or a part thereof is required by and made in compliance with the laws or ministerial, i.e., governmental, regulations of the foreign country concerned; and the enforcement of the customs or narcotics laws.

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

Effective date. This amendment is effective November 17, 1975, but may be observed earlier.

Dated: September 12, 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.

DWIGHT A. INK,
Acting Administrator of General Services.

[FR Doc.75–25545 Filed 9–24–75;8:45 am]

Title 43—Public Lands: Interior

CHAPTER II—BUREAU OF LAND MANAGEMENT, DEPARTMENT OF THE INTERIOR

APPENDIX—PUBLIC LAND ORDERS

[Public Land Order 5539; Idaho 8412]

IDAHO

Partial Revocation of Reclamation Project Withdrawal

By virtue of the authority contained in section 3 of the Act of June 17, 1902, as amended and supplemented, 43 U.S.C. 416 (1970), it is ordered as follows:

1. The departmental order dated April 30, 1951, which withdrew lands for the Mountain Home Project, is hereby revoked so far as it affects the following described lands:

BOISE MERIDIAN

T. 1 S., R. 1 W.,
Sec. 26, N½, N½S½;
Sec. 27, N½, NE¼SE¼;
Sec. 28, NE¼.

The area described contains 1,000 acres in Ada County.

2. This revocation is made in furtherance of a private exchange under section 8 of the Taylor Grazing Act of June 28, 1934, 43 U.S.C. 315g (1970), by which the offered lands will benefit a Federal land program.

JACK O. HORTON,
Assistant Secretary of the Interior.

SEPTEMBER 18, 1975.

[FR Doc.75–25549 Filed 9–24–75;8:45 am]

Title 47—Telecommunication

CHAPTER I—FEDERAL COMMUNICATIONS COMMISSION

[#37071]

PART 81—STATIONS ON LAND IN THE MARITIME SERVICES AND ALASKA-PUBLIC FIXED STATIONS

PART 83—STATIONS ON SHIPBOARD IN THE MARITIME SERVICES

Editorial Amendments

In the Matter of General editorial amendments to Parts 81 and 83 of the FCC Rules and Regulations.

1. By this Order, it is intended to editorially update, through the deletion of transpired dates and their appropriate rules provisions or parts thereof, Parts 81 and 83 of the rules. Additionally, obsolete terminologies have been deleted and appropriate substitutions made therefor. Where necessary, individual rule sections have been rephrased only to reflect current context and usage.

2. Authority for these amendments appear in sections 4(i) and 303(r) of the Communications Act of 1934, as amended, and in § 0.231(d) of the Commission's Rules and Regulations. Since the amendments are editorial in nature, intended only to delete obsolete dates and their rules provisions or parts thereof, as well as obsolete terminologies, as described above, the prior notice, procedure and effective date provisions of 5 U.S.C. 553 are not applicable.

3. In view of the above, IT IS ORDERED, That the rule amendments as set forth below shall be adopted effective September 30, 1975.

Adopted: September 10, 1975.

Released: September 18, 1975.

(Secs. 4, 303, 48 Stat., as amended, 1066, 1082; 47 U.S.C. 154, 308)

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

Parts 81 and 83 of Chapter I of Title 47 of the Code of Federal Regulations are amended as follows:

A. Part 81, Stations on Land in the Maritime Services and Alaska-Public Fixed Stations, is amended as follows:

§ 81.2 [Amended]

1. Section 81.2(a) is amended by the deletion of the reference "Geneva, 1959."

§ 81.9 [Amended]

2. Section 81.9(a) is amended by substituting "International Radio Regulations" for "Geneva Radio Regulations, 1959" as it appears in the definition of Alaska area.

3. Section 81.21(b) is amended by the deletion of the phrase "Effective July 14, 1969," appearing in the first sentence thereof and the deletion in its entirety, of the second sentence of the section, to read as follows:

§ 81.21 Authorization required.

* * * * *

(b) A construction permit shall not be required prior to the issuance of a license for the operation of any station subject to this part.

* * * * *

§ 81.32 [Amended]

4. Section 81.32(d) is amended by substituting "Federal Aviation Administration" for "Federal Aviation Agency" at the end of the section.

§ 81.103 [Amended]

5. Sections 81.103(a) and (b) are amended by deleting the phrase, "subsequent to January 1, 1952," where it appears in both sections. Section 81.103(c) is amended by the deletion of the phrase, "subsequent to July 1, 1952."

6. Section 81.110(b) is amended by the deletion in its entirety, of the proviso appearing at the end of the paragraph to read as follows:

§ 81.110 Maintenance of transmitting power.

* * * * *

(b) Each radio transmitter (other than those using single sideband and independent sideband emissions) rated by the manufacturer as being capable of a plate input power in excess of 200 watts or carrier power in excess of 100 watts shall be fitted with the instruments necessary to determine the transmitter power during its operation.

* * * * *

§ 81.113 [Amended]

7. Section 81.131(b) is amended by the deletion of the footnote citations [1] and [2] and the deletion of footnotes [1] and [2]; Section 81.131(c) is amended by the deletion of footnote citation [1] and the deletion of footnote [1]; Section 81.131(d) is amended by the deletion of footnote citation [1] and the deletion of footnote [1]; Section 81.131(g) is amended by the deletion of footnote citation [1] and footnote [1] is designated [Reserved].

§ 81.132 [Amended]

8. Section 81.132(a) is amended by the deletion of the footnote citations [1] and [2] and the deletion of footnotes [1] and [2].

9. Section 81.133(a) is amended by the deletion in footnote [4] thereof, of the phrase "after January 1, 1972,"; Section 81.133(c)(3) is amended by the deletion of the terminology "a frequency deviation of 15 kHz may be employed until March 1, 1969; after March 1, 1969,"; to read as follows:

§ 81.133 Authorized bandwith.

(a) * * *

[4] Transmitters type accepted prior to December 31, 1969, for emissions A3A, A3H and A3J and an authorized bandwidth of 3.5 kHz may continue to be operated. These transmitters will not be authorized in new installations.

* * * * *

(c) * * *

(3) For stations operating in the frequency band 156–162 MHz a deviation of 5 kHz shall be employed.

* * * * *

10. Section 81.134(d) is amended by the deletion of the second sentence of the footnote to the table therein; Section 83.134(e) is amended by the deletion of footnote citation [1] and the deletion of footnote [1] and further amended to read as follows:

§ 81.134 Transmitter power.

* * * * *

(d) * * *

[1] Higher power may be authorized where a satisfactory showing of need has been made.

(e) For marine fixed and marine receiver-test stations, transmitter power shall not exceed 150 watts for A3A, A3H (available on 2182 kHz only), and A3J emissions and 50 watts for F3 emissions.

* * * * *

11. Section 81.136(d) is amended by the deletion of the obsolete reference to § 2.579(f)(1), to read as follows:

§ 81.136 Acceptance of transmitters for licensing.

* * * * *

(d) Equipment to be type accepted under this part shall be tested with ambient temperature variation from −20° to +50° centigrade.

* * * * *

§ 81.137 [Amended]

12. Section 81.137(d) is amended by the deletion of the phrase "after January 1, 1971".

13. Section 81.142 is amended by revising paragraph (d) to delete obsolete dates. Section 81.142(j) is amended by the deletion of obsolete footnote citation [1]. Footnote [1] following Section 81.142 is deleted in its entirety, as follows:

§ 81.142 Modulation requirements.

* * * * *

(d) Until further notice, transmitters with A3J capability which were type accepted prior to December 31, 1969, but not type accepted for operation in all three modes (A3A, A3H and A3J), may continue to operate on the frequencies listed in § 81.361. These transmitters will no longer be authorized in new installations.

* * * * *

(j) Each transmitter operated in the band 156–162 MHz shall be equipped with an audio low-pass filter installed between the modulation limiter and the modulated (radiofrequency) stage and, at audio frequencies between 3 kHz and 20 kHz shall have an attenuation greater than the attenuation at 1 kHz by at least $60\log_{10}(f/3)$ decibels, where "f" is the audio frequency in kHz. At audio frequencies above 20 kHz the attenuation shall be at least 50 decibels greater than the attenuation at 1 kHz.

§ 81.182 [Amended]

14. Section 81.182 is amended by deleting the phrase "Geneva, 1959" in the Note following the section.

§ 81.184 [Amended]

15. Section 81.184 is amended by deleting the phrase "Geneva, 1959" in the Note following the section.

§ 81.187 [Amended]

16. Section 81.187(a) is amended by deleting in the first sentence thereof, the phrase "Radio Regulations, Geneva, 1959" and substituting therefor, "International Radio Regulations."

§ 81.191 [Amended]

17. Section 81.191(d)(3) is amended by deleting, in the first sentence thereof, the phrase "after January 1, 1973."

§ 81.209 [Amended]

18. Section 81.209 is amended by deleting, in the first sentence thereof, the phrase "Geneva, 1959."

§ 81.212 [Amended]

19. Sections 81.212 (b) and (c) are amended by deleting the reference to "Geneva, 1959" where it appears at the end of both sections.

20. Section 81.304(a) is amended as shown. Section 81.304(b) is amended by deleting obsolete subparagraphs 7, 14, 18, 28, 47, 48, 49 and 60 and designating them [Reserved]. Subparagraphs (11), (12), (13) and (23) contain transpired dates and are amended accordingly. Section 81.304(d) is amended by deleting transpired dates in subsections (1), (3) and (5) and by deleting subsections (2), (4) and (6) in their entirety and designating them [Reserved], as follows:

§ 81.304 Frequencies available.

(a) The following table indicates the frequencies which may be the authorized carrier frequencies for use by public coast stations, along with their specific conditions of use. The conditions of use consist of the pertinent section reference(s) and the specific assignment limitations, which are enumerated in paragraph (b) of this section. For single sideband radiotelephone emission, the assigned frequency will be 1.4 kHz above the authorized carrier frequency.

Carrier frequency (kHz)	Conditions of Use	
	Section	Limitations
1619	81.307	29, 43, 45, 50.
1622	81.307	13, 23, 29, 36, 43, 50.
1643	81.308	29, 40, 45.
1646	81.308	13, 23, 29, 30, 33, 35, 37, 42.
1649	81.308	29, 38, 45.
1652	81.308	13, 23, 29, 31, 34, 41.
1705	81.308	29, 39, 40, 45.
1708	81.308	17, 23, 29, 32, 33.
1709	81.308	29, 37, 45.
1712	81.308	13, 23, 29, 30, 34, 41.
2003	81.308	29, 41, 45, 52.
2006	81.308	13, 23, 29, 30, 37, 52.
2086	81.306(c)	3, 21.
2115	81.308	29, 38, 45.
2118	81.308	13, 23, 29, 31, 33, 40, 58.
2182	81.161, 81.305	1, 29, 36, 43, 44, 46.
2309	81.306(d)	29, 45.
2312	81.306(d)	13, 23, 29.
2379	81.307	29, 43, 45.
2382	81.307	13, 23, 29, 36, 43, 50.
2397	81.306(d)	29, 45.
2400	81.306(d)	13, 23, 29.
2409	81.305(c)	23.
2419	81.308	29, 37, 45.
2422	81.308	13, 23, 29, 30, 32, 39.
2427	81.308	29, 40, 45.
2430	81.308	13, 23, 29, 31, 33, 34, 38, 41, 59.
2442	81.306(b)	23.
2447	81.308	29, 40, 45.
2450	81.308	13, 23, 29.
2450	81.306(b)	23.
2466	81.306(b)	23.
2479	81.308	29, 30, 45.
2483	81.308	13, 23, 29, 32, 33, 35, 40, 42, 54, 59.
2482	81.306(b)	23.
2490	81.306(b)	23.
2506	81.308	13, 29, 34, 35, 41, 42, 55.
2506	81.306(a)(b)	23.
2509	81.308	29, 38, 40, 45.
2512	81.308	13, 23, 29, 30, 31, 32, 33, 37, 39.
2514	81.306(b)	2, 23.
2522	81.306(b)	23.
2530	81.306(a)(b)	23.
2535	81.308	29, 30, 45.
2538	81.308	13, 23, 29, 31, 32, 38.
2538	81.306(b)	23.
2550	81.306(b)	2, 23.
2558	81.306(b)	23.
2563	81.308	29, 40, 45.
2566	81.308	13, 23, 29, 30, 33, 34, 37, 41
2566	81.306(b)	23.
2572	81.306(b)	23.
2582	81.306(b)	2, 23.
2585	81.306(b)	21.
2590	81.306(a)(b)	23.
2598	81.306(b)	23.
2616	81.308	13, 23, 29, 30, 37, 52, 56.
2638	81.306(b), 81.360(b)	8, 23.
2738	81.306(c), 81.360(b)	23.
2782	81.306(c)	23.
2784	81.306(c)	23.
3258	81.308	29, 41, 45, 57.
3261	81.308	13, 23, 29, 30, 33, 34, 37, 40, 57.
4069.2	81.306(c)	3, 5, 12.
4072.4	81.306(c)	5, 12.
4088.4	81.306(c)	3, 5, 12, 37.
4367.8	81.306(c)	3, 5, 12.
4371.0	81.306(a)(b)(c).	5, 12.
4380.6	81.307	27, 29, 51, 61.
4383.8	81.307	9, 11, 29, 51, 61.
4387.0	81.306(c)	3, 5, 27.
4390.2	81.306(a)(b)	11.
4390.8	81.306(a)(b)	12.
4399.8	81.308	27, 29, 61.
4403.0	81.306(a)(b)	11.
4403.0	81.308	11, 29, 61.
4412.6	81.306(b)	12.
4415.8	81.306(a)(b)	11.
4419.0	81.306(a)	12.
4422.2	81.306(a)	11.
4425.4	81.306(a)	12.
4425.4	81.308	27, 29, 61.
4428.6	81.306(a)	11.
4428.6	81.308	11, 29, 61.
6147.5	81.306(c)	3, 5, 12.
6200.8	81.306(c)	5, 27.
6451.9	81.306(c)	3, 4, 5, 12.
6455.0	81.306(c)	3, 4, 5, 12.
8207.6	81.306(c)	3, 4, 12.
8210.8	81.306(c)	3, 4, 12.
8246.0	81.306(c)	3, 5, 27.
8735.2	81.306(a)	12.
8738.4	81.306(a)	11.
8748.0	81.306(a)	12.
8751.2	81.306(a)	11.
8754.4	81.306(a)	12.
8757.6	81.306(a)	11.
8773.6	81.306(a)	12.
8776.8	81.306(a)	11.
8780.0	81.306(c)	3, 5, 27.
8783.2	81.306(b)	11.
8792.8	81.306(a)	12.
8796.0	81.306(a)	11.
12379.0	81.306(c)	3, 5, 27.
13137.0	81.306(a)	12.
13140.5	81.306(a)	11.
13151.0	81.306(a)	12.
13154.5	81.306(a)	11.
13158.0	81.306(c)	3, 5, 27.
13161.5	81.306(a)	11.
13172.0	81.306(a)	12.
13175.5	81.306(a)	11.
16488.0	81.306(c)	3, 5, 27.
17269.0	81.306(a)	12.
17272.5	81.306(a)	11.
17283.0	81.306(c)	3, 5, 27.
17286.5	81.306(a)	11.
17304.0	81.306(a)	12.
17307.5	81.306(a)	11.
17318.0	81.306(a)	12.
17321.5	81.306(a)	11.
23653.5	81.306(a)	12.
23657.0	81.306(a)	11.
23667.5	81.306(a)	12.
23671.0	81.306(a)	11.
23688.5	81.306(a)	12.
23692.0	81.306(a)	11.
MHz		
156.750	81.304	26.
156.800	81.304	25.
161.800	81.304	22, 24.
161.825	81.304	22, 24.
161.850	81.304	22, 24.
161.875	81.304	22, 24.
161.900	81.304	22.
161.925	81.304	22.
161.950	81.304	22.
161.975	81.304	22.
162.000	81.304	22.

(b) • • •

(7) [Reserved]

• • • • •

(11) Emission A3A and A3J: *Provided, however,* That until January 1, 1978, emission A3H may be used with foreign ship stations not equipped for single sideband operation.

NOTE: Authorization to use emissions A3B is withdrawn effective January 1, 1978.

(12) Emissions 2.8A3A and 2.8A3J.

(13) Use of DSB emission will not be permitted.

(14) [Reserved]

• • • • •

(18) [Reserved]

• • • • •

(23) Until January 1, 1977, emissions 2.8A3A, 2.8A3H, and 2.8A3J; after January 1, 1977, emissions 2.8A3A and 2.8A3J.

• • • • •

(28) [Reserved]

• • • • •

(47) [Reserved]

(48) [Reserved]

(49) [Reserved]

• • • • •

(60) [Reserved]

• • • • •

(d) • • •

(1) Transmission of DSB emissions will not be permitted.

(2) [Reserved]

(3) Except as provided in 81.142(d), the capability of using A3A, A3H and A3J is required.

(4) [Reserved]

(5) Public coast stations are required to have the capability to receive SSB full carrier and DSB emission on 2182 kHz.

(6) [Reserved]

• • • • •

21. Section 81.306(b) is amended by revising its table through the deletion of obsolete columns (3) and (7) and Notes 1 and 2. Columns (2) and (6) are combined with Columns (4) and (8), respectively. The remaining data has been placed in proper numerical sequence, as follows:

§ 81.306 Frequencies available below 27.5 MHz.

• • • • •

(b) • • •

Coast stations located in the vicinity of—	Coast station transmitting carrier frequency (kilohertz)[1]		Associated coast station receiving carrier frequency (kilohertz)[1]	
	Note 1	Conditions of use, Note 2	Note 1	Conditions of use, Note 2
(1)	(2)	(3)	(4)	(5)
Boston, Mass	2450	None	2366	None
	2506	None	2406	None
	2566	5, 9	2390	5, 9
New York, N.Y	2482	6	2382	6
	2522	None	2126	None
	2558	None	2166	None
	2590	None	2198	None
	4390.2	29, 32	4091.6	33
	4403.0	29, 32	4104.4	33
	4422.2	30, 32	4123.6	33
	4428.6	7, 10, 29, 32	4130.0	3, 7, 10, 33
Wilmington, Del	2558	None	2166	None
Baltimore, Md	2558	None	2166	None
Norfolk-Quantico, Va	2538	None	2142	None
	2450	5, 9	2366	5, 9
Charleston, S.C.-Jacksonville, Fla	2566	None	2390	None
Lake Allatoona-Lake Sidney Lanier, Ga	2450	5	2366	5
Miami, Fla	2442	9	2406	9
	2490	8	2031.5	None
	2514	5, 11	2118	10
	2550	13	2158	12
	4371.0	31, 32	4072.4	33
	4403.2	29, 32	4104.4	33
	4422.2	30, 32	4123.6	33
Tampa, Fla	2466	None	2090	None
	2550	10	2158	10
	4419.0	32, 34	4120.4	33
Mobile, Ala	2572	None	2430	None
	4412.6	32, 35	4114.0	33
New Orleans, La	2598	None	2206	None
	2558	9, 14	2166	9
	2482	None	2382	None
	4419.0	32, 34	4120.4	33
Delcambre, La	2506	5, 9	2458	5, 9
	4412.6	32, 35	4114.0	33
Galveston, Tex	2530	None	2134	None
	2450	9, 16	2366	9, 15
	4425.4	32, 36	4126.8	33
Corpus Christi, Tex	2538	18	2142	17
	4425.4	32, 36	4126.8	33
Ponce, P.R	2585	None	2686	None
San Juan, P.R	2530	None	2134	None
Great Lakes	2514	32	2118	None
	2550	32	2158	None
	2582	32	2206	19
	4415.8	32	4117.2	33
	4423.6	32	4130.0	3, 33
	8783.2	32	8249.2	33
Los Angeles-San Diego, Calif	2566	None	2090	None
	2466	21	2382	20
	2598	22	2206	22
	2522	22	2126	22
San Francisco-Eureka, Calif	2450	24	2003	23
	2506	None	2406	None
	4371.0	31, 32	4072.4	33
	4390.2	29, 32	4091.6	33
	4399.8	31, 32	4101.2	33
Astoria, Oreg	2442	5, 9	2009	5, 9
Astoria-Portland, Oreg	2598	None	2206	None
Coos Bay, Oreg	2566	22	2031.5	5, 22
Seattle, Wash	2522	None	2126	None
	2482	25	2430	25
Kahuku, Hawaii	2530	None	2134	None
	4415.8	32	4117.2	33
Hilo, Hawaii	2582	None	2198	None
Palmyra Island, Hawaii	2530	27	2134	26
St. Thomas Island, Virgin Islands	2506	28	2090	28

[1] In the table for duplex working on frequencies above 2850 kHz, coast station transmitting carrier frequencies appear in col. (2); ship station transmitting carrier frequencies appear in col. (4). Coast and ship station frequencies appearing on the same line are paired as follows: Col. (2) is paired with col. (4).

NOTES.—1: Frequencies above 2850 kHz are available for 2.8A3A and/or 2.8A3J emissions. 2: The conditions of use referred to in cols. (3) and (5) are set forth below the table.

* * * * *

§ 81.308 [Amended]

22. In § 81.308(a), Footnote [2] to Table 2 is revised to read as follows:

§ 81.356 [Amended]

23. In § 81.356(b), subparagraph (13) is revised to read as follows:

(13) Available on an equal-status basis with 156.300 MHz.

24. Section 81.708(a) is amended as shown.

[2] Emissions 2.8A3A and 2.8A3J

§ 81.708(b) is amended by deleting subparagraphs (1), (2), (3), (4), (5), (6), (9), (31) and (32) and designating them [Reserved]. Section 81.708(b) is also amended by the editorial revision of subparagraphs (7), (10), (12) and (14), to read as follows:

§ 81.708 Frequencies available.

(a) The following table indicates the frequencies which may be the authorized carrier frequencies for use by Alaska-public fixed stations, along with their specific conditions of use. The conditions of use consist of the pertinent section reference(s) and the specific assignment limitations, which are enumerated in paragraph (b) of this section. For single sideband radiotelephone emission, the assigned frequency will be 1.4 kHz above the authorized carrier frequency.

Carrier frequency (kHz)	Conditions of Use	
	Section	Limitations
149.6	81.709	13.
1643	81.710	11.
1646	81.710	7, 10.
1649	81.710	11.
1652	81.710	7, 10.
1657	81.710	11.
1660	81.710	7, 10, 21.
1705	81.710	11.
1708	81.710	7, 10, 45.
1709	81.710	11.
1712	81.710	7, 10, 22.
2003	81.710	11, 23.
2006	81.710	7, 10, 23, 24.
2115	81.709	11.
2118	81.709	7, 11, 12.
2253	81.711, 81.713	10, 33.
2256	81.711, 81.713	10, 14, 33.
2312	81.712, 81.713	7, 11, 12, 44.
2400	81.712, 81.713	7, 11, 12, 44.
2419	81.710	11.
2422	81.710	7, 10.
2427	81.710	11, 24.
2430	81.710	7, 10, 24, 30.
2447	81.710	11.
2450	81.710	7, 10, 24.
2463	81.711, 81.713	10, 34, 43.
2466	81.711, 81.713	10, 14, 34, 43.
2471	81.711, 81.713	10, 35, 43.
2474	81.711, 81.713	10, 14, 43.
2479	81.710	11, 24, 30.
2482	81.710	7, 10, 24, 30.
2506	81.710	7, 10, 27.
2509	81.710	11.
2512	81.710	7, 10.
2535	81.710	11, 24.
2538	81.710	7, 10, 24.
2563	81.710	11.
2566	81.710	7, 10, 24.
2601	81.712, 81.713	10.
2604	81.712, 81.713	10, 14.
2616	81.710	7, 10, 24.
2629	81.711, 81.713	10, 36, 43.
2632	81.711, 81.713	10, 14, 36, 43.
2691	81.711, 81.713	10, 37.
2694	81.711, 81.713	10, 14, 37.
2773	81.711	10, 38.
2776	81.711, 81.713	10, 14, 38.
2781	81.712, 81.713	10.
2784	81.712, 81.713	10, 14.
3164.5	81.712, 81.713	10.
3167.5	81.712, 81.713	10, 14.
3180	81.712, 81.713	10.
3183	81.712, 81.713	10, 14.
3198	81.709	11, 17.
3201	81.709	8, 11, 15, 17.
3238	81.712, 81.713	10.
3241	81.712, 81.713	10, 14.
3258	81.710	11, 29.
3361	81.710	7, 10, 29.
3303	81.712, 81.713	10, 14, 45.
3354	81.711, 81.713	10, 39.
3357	81.711, 81.713	10, 14, 39.
3362	81.711, 81.713	10, 40.
3365	81.712, 81.713	10, 14, 40.
4035	81.712, 81.713	10, 14, 45.
4791.5	81.710	20.
5134.5	81.711, 81.713	10, 41, 43.
5137.5	81.711, 81.713	10, 14, 43.
5164.5	81.709	11, 18.
5167.5	81.709	11, 15, 16, 18.
5204.5	81.711, 81.713	10, 42, 43.
5207.5	81.711, 81.713	10, 14, 42, 43.
5297.5	81.711, 81.713	10, 14, 42, 43.
5370	81.712, 81.713	10, 14.
6948.5	81.710	20.
7368.5	81.710	20.
8067	81.709	11, 19.
8070	81.709	11, 15, 16, 19.
11,437.0	81.710	20.
11,601.5	81.710	20.

(b) * * *

(1) [Reserved]

(2) [Reserved]

(3) [Reserved]

(4) [Reserved]

(5) [Reserved]

(6) [Reserved]

(7) Except as provided in 81.142(d), the capability of using SSB emissions A3A, A3H and A3J is required on frequencies shared with the maritime mobile service below 4000 kHz.

* * * * *

(9) [Reserved]

(10) Available for use with emissions 2.8A3A and 2.8A3J.

* * * * *

(12) Available for use with emissions 2.8A3A, 2.8A3H and 2.8A3J until January 1, 1977.

* * * * *

(14) Except as provided in Section 81.142(d), the capability of using SSB emissions A3A, A3H and A3J is required, (i) on frequencies above 4000 kHz which are not shared with the maritime mobile service; and (ii) those available for common carrier use.

* * * * *

(31) [Reserved]

(32) [Reserved]

* * * * *

§ 81.710 [Amended]

25. Section 81.710 is amended by the deletion of all footnote citations [1] appearing in Table 2 thereof. Footnote [1] appearing under Table 2 is deleted.

§ 81.711 [Amended]

26. Section 81.711 is amended by the deletion of the frequency 2240 kHz as it appears in the table, contained therein.

27. Section 81.804 is revised to read as follows:

§ 81.804 Topographical Data.

In the preparation of profile graphs and in determining the location and height above sea level of the antenna site, the elevations or contour intervals shall be taken from U.S. Geological Survey topographic quadrangle maps, or, if not published, U.S. Army Corps of Engineers maps or Tennessee Valley Authority maps, whichever is the latest, for all areas for which such maps are available. If such maps and not published for the area in question, the next best topographic information should be used. Topographic data may sometimes be obtained from State and municipal agencies. Data from sectional aeronautical charts (including bench marks) or railroad depot elevations and highway elevations from roadmaps may be used where no better information is available. In cases where limited topographic data is available use may be made of an altimeter in a car driven along roads extending generally radially from the transmitter site. The maps used must include the principle area to be served. If it appears necessary, additional data may be requested. U.S. Geological Survey topographic quadrangle maps may be obtained from the Branch of Distribution, U.S. Geological Survey, 1200 South Eads Street, Arlington, VA 22202, for maps of areas east of the Mississippi River, including Minnesota, Puerto Rico, and the Virgin Islands, and from the Branch of Distribution, U.S. Geological Survey, Federal Center, Denver, CO 80225, for maps of areas west of the river, including Alaska, Hawaii, Louisiana, Guam and America Samoa. Sectional aeronautical charts are available from the Distribution Division, National Ocean Survey, Riverdale, MD 20840.

B. Part 83—Stations on Shipboard in the Maritime Services—is amended as follows:

§ 83.2 [Amended]

1. Section 83.2(a) is amended by the deletion of the reference "London, 1960." Section 83.2(b) is amended by deleting the reference "Geneva, 1959." Section 83.2(c) is amended by deleting the reference "Geneva, 1959" where it appears at the end of the section. Section 83.2(d) is amended by deletion of the phrase "which came into force on November 13, 1954" as it appears at the end of the section. Section 83.2(t) is amended by substituting "International Radio Regulations" for "Geneva Radio Regulations, 1959" as it appears in the definition of the Alaska area.

§ 83.3 [Amended]

2. Section 83.3(f), subsection (2), subparagraphs (ii) and (iii) are amended by substituting "International Radio Regulations" for "Radio Regulations, Geneva, 1968", where it appears in both subparagraphs.

§ 83.105 [Amended]

3. Section 83.105(c) is amended by the deletion of the reference "Geneva, 1959."

§ 83.106 [Amended]

4. Section 83.106(b), subparagraph (5) is amended by the deletion, in its entirety of the obsolete Note following the section.

5. Section 83.110(b) is amended by the deletion, in its entirety, of the proviso appearing at the end of the section to read as follows:

§ 83.110 Maintenance of transmitter power.

* * * * *

(b) Except for transmitters using single sideband and independent sideband emissions, each radio transmitter rated by the manufacturer as being capable of a plate input power in excess of 200 watts or carrier power in excess of 100 watts shall be fitted with the instruments necessary to determine the transmitter power during its operation.

* * * * *

§ 83.131 [Amended]

6. Section 83.131(b) is amended by the deletion of the obsolete Note following the section; Section 83.131(c) is amended by the deletion of the footnote citation [1] and the deletion of footnote.[1]

§ 83.133 [Amended]

7. Section 83.133(a) is amended by the deletion in footnote [4] thereof, of the phrase "after January 1, 1972."

8. Section 83.134(d) is amended by the deletion of the obsolete references to Sections 83.351(a)(4) and 83.354(a)(2), and the addition of references to Sections 83.360 and 83.351. Section 83.134(d) is further amended by the editorial revision of footnotes [1] and [2]; Section 83.134(e) is deleted in its entirety and designated [Reserved], as follows:

§ 83.134 Transmitter Power.

* * * * *

(d) Other than for the frequencies specified in § 83.360 and as may be specified in § 83.351, transmitter power for telephony on frequencies below 27.5 MHz shall not exceed the following values in watts:

Area	Frequency band	Class of emission	Transmitter power
Great Lakes area and Mississippi River north of Baton Rouge, La., and connecting inland waters.	2 to 27.5 mHz.	Any	150
Other than the above.	2 to 4 MHz.	Ship to shore: A3	[1] [2] 400
		A3H, A3A.	[1] [2] 150
		Ship to ship: A3	150
		A3H, A3A, A3J.	150
	4 to 27.5 MHz.	Any	[3] 1000

[1] Except for distress, urgency, and safety communications, the maximum power which may be used on 2170.5, 2182, and 2191 kHz is as follows: DSB carrier power and SSB PEP is 150 W.

[2] Except as set forth in footnote 1 to this table, passenger vessels of 5,000 gross tons and over may employ a carrier power of 1,000 W.

[3] For passenger vessels of 5,000 gross tons and over this value is 3,000 W.

(e) [Reserved]

* * * * *

9. Section 83.136(c) is amended by deleting obsolete subparagraphs (1), (2) and (3), to read as follows:

§ 83.136 Emission limitations.

* * * * *

(c) The requirements of paragraph (a) of this section shall be applicable to radiotelegraph transmitters operating on any frequency below 27.5 MHz.

10. Section 83.137 is amended by revising Section 83.137(d) to delete obsolete dates. Section 83.137(h) is amended by the deletion of obsolete footnote citation.[1] Footnote [1] following Section 83.137 is deleted in its entirety, as follows:

§ 83.137 Modulation requirements.

* * * * *

(d) Until further notice, transmitters with A3J capability which were type accepted prior to December 31, 1969, but not type accepted for operation in all three modes (A3A, A3H and A3J), may continue to operate on the frequencies to which § 83.351(b)(13) is applicable. These transmitters will no longer be authorized in new installations.

* * * * *

(h) Each transmitter operated in the band 156–162 MHz shall be equipped with an audio low-pass filter installed between the modulation limiter and the modulated (radiofrequency) stage and, at audio frequencies between 3 kHz and 20 kHz shall have an attenuation greater than the attenuation at 1 kHz by at least 60 $\log_{10}$ (f/3) decibels, where "f"

is the audio frequency in kHz. At audio-frequencies above 20 kHz the attenuation shall be at least 50 decibels greater than the attenuation at 1 kHz.

* * * * *

11. Section 83.139(c) is amended by deleting the phrase "Effective January 1, 1972," contained in the first sentence thereof, and by deleting the phrase "expires or" in subparagraph (3), thereof, Section 83.139(d) is amended by deleting the phrase "Effective January 1, 1972," appearing in the first sentence thereof, and by deleting in its entirety the proviso appearing at the end of the section; Section 83.139(e) is amended by deleting all obsolete dates, as follows:

§ 83.139 Acceptability of transmitters for licensing.

* * * * *

(d) DSB transmitters operating in the band 4000–27,500 kHz are not authorized for installations made aboard ship stations.

(e) All radiotelegraph transmitters operating in the band 535–27,500 kHz shall be of a type which has been type accepted by the Commission.

* * * * *

12. Section 83.140(c) is amended by the deletion of the obsolete reference to § 2.579(f)(1) to read as follows:

§ 83.140 Type acceptance of equipment.

* * * * *

(c) Equipment to be type accepted under this part shall be tested with ambient temperature variation from −20° to +50° centigrade.

§ 83.221 [Amended]

13. Section 83.221 is amended by the deletion of the parenthetical phrase "(including maintenance of the watch on 143 kHz as provided by § 83.222)."

§ 83.231 [Amended]

14. Section 83.231 is amended by the deletion of the reference "Geneva, 1959."

§ 83.325 [Amended]

15. Section 83.325 is amended by the deletion of the reference "Geneva, 1959."

16. Sections 83.328 (b) and (c) are amended by deleting the reference to "Geneva, 1959" where it appears at the end of both sections. Section 83.328(d) is amended by substituting "International Radio Regulations" for "ITU Radio Regulations, as amended by Geneva, 1967", to read as follows:

§ 83.328 Radiotelegraph operating procedure.

* * * * *

(d) Operation on frequencies set forth in § 83.315(e) shall, in addition to other applicable provisions, conform to the special calling procedure set forth in Article 29 of the International Radio Regulations.

17. In Section 83.351, paragraphs (a) and (b) are amended as shown. Section 83.351(c)(3)(i) is amended by the deletion of the phrase "on January 1, 1974," contained in the Note following the section.

§ 83.351 Frequencies available.

(a) The following indicates the carrier frequencies available for assignment to ship stations together with their specific conditions of use. The conditions of use consist of the pertinent section reference(s) and the specific assignment limitations, which are given in paragraph (b) of this section:

Carrier frequency (kHz)	Conditions of Use	
	Section	Limitations
1619	83.370	35.
1622	83.370	7, 39.
1643	83.372	35.
1646	83.372	7, 39.
1649	83.372	35.
1652	83.372	7, 39.
1705	83.372	35.
1708	83.372	15, 24.
1709	83.372	7, 39.
1712	83.372	35, 60.
2003	83.366, 83.354	7, 39.
2003	83.372	35, 62.
2003	83.358	7, 39, 40.
2006	83.372	7, 39, 62.
2009	83.354	7, 39.
2031.5	83.354	7, 39.
2065.0	83.362	23, 25.
2079.0	83.362	23, 25.
2082.5	83.358, 83.362	25, 26.
2086.0	83.354	3, 25.
2093.0	83.362	25, 29.
2096.5	83.360	25.
2115	83.372	35.
2118	83.354	7, 39.
2118	83.372	7, 39.
2126	83.354	7, 39.
2131	83.370, 83.371	35, 37.
2134	83.354	7, 39.
2134	83.370, 83.371	7, 37, 39.
2142	83.354	7, 39.
2142	83.358	7, 8, 39, 40.
2158	83.354	7, 39.
2166	83.354	7, 39.
2182	83.106, 83.352 83.353.	1, 43.
2198	83.354	7, 39.
2203	83.358	25, 39, 40.
2206	83.354	7, 39.
2214	83.362	39.
2237	83.370, 83.371	35, 37.
2240	83.370, 83.371	7, 37, 39.
2366	83.354	7, 39.
2379	83.370	35.
2382	83.354	7, 39.
2382	83.370	7, 39.
2390	83.354	7, 39.
2400	83.354	7, 39.
2406	83.354	7, 39.
2419	83.372	35.
2422	83.372	7, 39.
2427	83.372	35.
2430	83.354	7, 39.
2430	83.372	7, 39, 61.
2447	83.372	35.
2450	83.372	7,39.
2458	83.354	7, 39, 51.
2479	83.372	35.
2482	83.372	7, 39.
2506	83.372	7, 39, 67.
2509	83.372	35.
2512	83.372	7, 39.
2514		2, 7.
2535	83.372	35.
2538	83.372	7, 39, 63.
2550		2, 7.
2563	83.372	35.
2566	83.372	7, 39.
2582		2, 7.
2616	83.372	7, 39, 62, 70.
2628	83.358	7, 39, 40.
2670	83.358, 83.363	7, 39.
2738	83.354	7, 39.
2738	83.358	7, 39, 40.
2738	83.362	7, 39, 41.
2782	83.354	7, 39.
2784	83.354	7, 39.
2830	83.358, 83.362	7, 39, 40.
3258	83.372	35, 71.
3261	83.372	7, 39, 68, 71.
4069.2	83.354	3, 15.
4072.4	83.354	15.
4088.4	83.354	3, 66.
4091.6	83.354	14.
4101.2	83.354	15.
4104.4	83.354	14.
4114.0	83.354	15.
4117.2	83.354	14.
4120.4	83.354	15.
4123.6	83.354	14.
4126.8	83.354	15.
4130.0	83.354	14, 15.
4136.3	83.360	13.
4139.5	83.360	13.
4367.8	83.354	3, 15.
4380.6	83.370	15.
4383.8	83.370	15, 36.
4387.0	83.354	3, 66.
4399.8	83.372	15.
4403.0	83.372	15, 69.
4425.4	83.372	15.
4428.6	83.372	15, 69.
4434.9	83.360	13.
6147.6	83.354	3, 5, 15.
6200.8	83.354	5, 15.
6210.4	83.360	13.
6213.5	83.360	13.
6451.9	83.354	3, 5, 15.
6455.0	83.354	3, 4, 15.
6518.6	83.360	13, 16.
8201.2	83.355	15.
8204.4	83.355	14.
8207.6	83.354	3, 15.
8210.8	83.354	3, 15, 25.
8214.0	83.355	15.
8217.2	83.355	14.
8220.4	83.355	15.
8223.6	83.355	14.
8230.6	83.355	15.
8242.8	83.355	14.
8246.0	83.354	3, 66.
8249.2	83.354, 83.355	14.
8258.8	83.355	15.
8262.0	83.355	14, 15.
8281.2	83.360	13.
8284.4	83.360	13.
8780.0	83.354	3, 66.
12,358.0	83.355	15.
12,361.5	83.355	14.
12,372.0	83.355	15.
12,375.5	83.355	14.
12,379.0	83.354	3, 66.
12,382.5	83.355	14.
12,393.0	83.355	15.
12,396.5	83.355	14.
12,421.0	83.360	13.
12,424.5	83.360	13.
12,428.0	83.360	13.
13,158.0	83.354	3, 66.
16,474.0	83.355	15.
16,477.5	83.355	14.
16,488.0	83.354	3, 66.
16,491.5	83.355	14.
16,509.0	83.355	15.
16,512.5	83.355	14.
16,523.0	83.355	15.
16,526.5	83.355	14.
16,565.0	83.360	13.
16,568.5	83.360	13.
16,572.0	83.360	13.
17,283.0	83.354	3, 66.
22,028.0	83.355	15.
22,031.5	83.355	14.
22,042.0	83.355	15.
22,045.5	83.355	14.
22,063.0	83.355	15.
22,066.5	83.355	14.
22,094.5	83.360	13.
22,098.0	83.360	13.
22,101.5	83.360	13.
22,105.0	83.360	13.
22,108.5	83.360	13.
(MHz)		
156.275	83.359	40, 41, 45.
156.300	83.106, 83.359	34, 40, 44.
156.325	83.359	40, 41, 45.
156.350	83.359	40, 41, 49.
156.375	83.359	40, 49.
156.400	83.359	40, 49.
156.425	83.359	40, 41, 50, 54.
156.450	83.359	40, 41, 49, 50.
156.475	83.359	41, 50, 53.
156.500	83.359	40, 41, 49.
156.525	83.359	40, 50, 52.
156.550	83.359	40, 41, 49.
156.575	83.359	41, 50, 53.
156.600	83.359	40, 41, 45.
156.625	83.359	40, 50, 52.
156.650	83.359	40, 41, 46, 59.
156.675	83.359	35, 40, 41, 45.
156.700	83.359	40, 41, 45.
156.725	83.359	35, 40, 41, 45.
156.750	83.359	42, 47, 56.
156.800	83.106, 83.233, 83.359.	40, 41, 43.
156.850	83.359	41, 48, 57.
156.875	83.359	40, 49.
156.900	83.359	40, 41, 49.
156.925	83.359	41, 50, 53.
156.950	83.359	40, 41, 49.
156.975	83.359	40, 41, 49.
157.000	83.359	40, 41, 45.
157.025	83.359	40, 41, 49.
157.100	83.359	6, 40, 41.
157.200	83.359	38, 41, 51.
157.225	83.359	38, 41, 51.

Carrier frequency (kHz)	Conditions of Use	
	Section	Limitations
137.350	83.359	38, 41, 51.
137.375	83.359	38, 41, 51.
137.300	83.359	38, 41, 51.
137.325	83.359	38, 51.
137.350	83.359	38, 41, 51.
137.375	83.359	38, 51.
137.400	83.359	38, 41, 51.
137.425	83.359	40, 49, 55.

(b) * * *

* * * * *

(9) [Reserved]
(10) [Reserved]
(11) [Reserved]
(12) [Reserved]

* * * * *

(14) Use is limited to emissions 5.6A3B, 2.8A3A, and 2.8A3J: *Provided, however,* That authorization to use emission A3B is withdrawn effective January 1, 1978.

* * * * *

(16) [Reserved]
(17) [Reserved]
(18) [Reserved]
(19) [Reserved]
(20) [Reserved]
(21) [Reserved]
(22) [Reserved]

* * * * *

(27) [Reserved]
(28) [Reserved]

* * * * *

(31) [Reserved]
(32) [Reserved]
(33) [Reserved]

* * * * *

(64) [Reserved]
(65) [Reserved]

(66) Limited to emissions 2.8A3A and 2.8A3J, this frequency is available for assignment on a simplex basis in the Mississippi River System.

* * * * *

(72) [Reserved]

* * * * *

18. Section 83.354(b) is amended by revising its table through the deletion of obsolete columns (3) and (7) and Notes 1 and 2. Columns (2) and (6) are combined with columns (4) and (8), respectively. Footnote 1 is editorially amended by the deletion of obsolete dates. The remaining data has been placed in proper numerical sequence, to read as follows:

§ 83.354 Frequencies below 5000 kHz for public correspondence.

(b) * * *

Coast stations located in the vicinity of—	Mobile station transmitting carrier frequency (kilohertz)[1]		Associated coast station transmitting carrier frequency (kilohertz)[1]	
	Note 1	Conditions of use, Note 2	Note 1	Conditions of use, Note 2
(1)	(2)	(3)	(4)	(5)
Boston, Mass	2396	None	2450	None
	2406	None	2506	None
	2390	5, 9	2566	5, 9
	2382	6	2482	6
New York, N.Y.	2126	None	2522	None
	2166	None	2558	None
	2198	None	2590	None
	4091.6	33	4390.2	29, 32
	4104.4	33	4403.0	29, 32
	4123.6	33	4422.2	30, 32
	4130.0	3, 10, 33	4428.6	10, 32
Wilmington, Del.	2166	None	2558	None
Baltimore, Md.	2166	None	2558	None
Norfolk-Quantico, Va.	2142	None	2538	None
	2306	5, 9	2450	5, 9
Charleston, S.C.-Jacksonville, Fla.	2390	None	2566	None
Lake Allatoona-Lake Sidney Lanier, Ga.	2366	5	2450	5
Miami, Fla.	2406	9	2442	9
	2031.5	None	2490	8
	2118	10	2514	5, 11
	2158	12	2550	13
	4072.4	33	4371.0	31, 32
	4104.4	33	4403.0	29, 32
	4123.6	33	4422.0	30, 32
Tampa, Fla.	2009	None	2466	None
	2158	10	2550	10
	4120.4	33	4419.0	32, 34
Mobile, Ala.	2430	None	2372	None
	4114.0	33	4412.6	32, 35
New Orleans, La.	2306	None	2598	None
	2166	9	2558	9, 14
	2382	None	2482	None
	4120.4	33	4419.0	32, 34
Delcambre, La.	2458	5, 9	2506	5, 9
	4114.0	33	4412.6	32, 35
Galveston, Tex.	2134	None	2530	None
	2366	9, 15	2450	9, 16
	4126.8	33	4425.4	32, 36
Corpus Christi, Tex.	2142	17	2538	18
	4126.8	33	4425.4	32, 36
Ponce, P.R.	2086	None	2585	None
San Juan, P.R.	2134	None	2530	None
Great Lakes	2118	None	2514	32
	2158	None	2550	32
	2206	19	2582	32
	4117.2	33	4415.8	32
	4130.0	3, 33	4428.6	32
	8240.2	33	8783.2	32
Los Angeles-San Diego, Calif.	2009	None	2566	None
	2382	20	2466	21
	2206	22	2598	23
	2126	22	2522	23
	2003	23	2450	24
	2406	None	2506	None
	4072.4	33	4371.0	31, 32
	4091.6	33	4390.2	29, 32
	4101.2	33	4399.8	29, 32
Astoria, Oreg.	2009	5, 9	2442	5, 9
Astoria-Portland, Oreg.	2206	None	2598	None
Coos Bay, Oreg.	2031.5	5, 22	2566	22
Seattle, Wash.	2126	None	2522	None
	2430	25	2482	25
Kahuku, Hawaii	2134	None	2530	None
	4117.2	33	4415.8	33
Hilo, Hawaii	2198	None	2582	None
Palmyra Island, Hawaii	2134	26	2530	27
St. Thomas Isl., Virgin Islands	2009	28	2506	28

[1] In the table, for duplex working on frequencies above 2850 kHz, mobile station transmitting carrier frequencies appear in col. (2); coast station transmitting carrier frequencies appear in col. (4). Coast and ship station frequencies appearing on the same line are paired as follows: Col. (2) is paired with col. (4).

NOTE 1.—Frequencies above 2850 kHz are available for 2.8A3A and/or 2.8A3J emissions.

NOTE 2.—The conditions of use referred to in cols. (3) and (5) are set forth below the table.

§ 83.372 [Amended]

19. Section 83.372 is amended to delete transpired dates and obsolete frequencies appearing in Table 2, as follows:

TABLE 2

[In kilohertz]

Zone 1	Zone 2	Zone 3	Zone 4	Zone 5	Zone 6
4403.0	4428.6	4399.8	4425.4	4428.6	4403.0

§ 83.444 [Amended]

20. Section 83.444(c) is amended by deleting, in the first sentence thereof, the phrase "and B emission within the band 485–515 kHz."

§ 83.446 [Amended]

21. Section 83.446(a)(4) is amended by deleting, in the first sentence thereof, the phrase "and B emission within the band 485–515 kHz."

§ 83.453 [Amended]

22. Section 83.453(b) is amended by deleting obsolete subparagraph (1) and designating it [Reserved].

23. Section 83.486 is amended by the deletion of the proviso, appearing at the end of the section, to read as follows:

§ 83.486 Automatic radiotelephone alarm signal generator.

The transmitter provided as a component of the radiotelephone station shall be equipped with a device, of a type approved by the Commission pursuant to § 83.142, capable of automatically generating the international radiotelephone alarm signal.

24. Section 83.713(b) is amended by the deletion, in its entirety of the proviso, contained therein, to read as follows:

§ 83.713 Bridge to Bridge transmitter.

(a) * * *

(b) Each non-portable transmitter shall have a carrier power of at least 8 watts. Each portable transmitter shall have a carrier power of at least 0.75 watt. Each non-portable transmitter, and each portable transmitter having more than 1 watt carrier power shall have provision for readily reducing the carrier power to a value not less than 0.75 watt and not more than 1 watt. The maximum power of all transmitters shall not be more than 25 watts.

§ 83.721 [Amended]

25. Section 83.721 is amended by the deletion of the phrase "Effective January 1, 1974," appearing in the first sentence thereof.

[FR Doc.75-25410 Filed 9-24-75;8:45 am]

Title 49—Transportation

CHAPTER X—INTERSTATE COMMERCE COMMISSION

[Service Order No. 1220]

PART 1033—CAR SERVICE

Reading Co.

At a Session of the INTERSTATE COMMERCE COMMISSION, held in Washington D.C., on the 19th day of September, 1975.

It appearing, That the Lehigh and New England Railway Company (LNE) has notified the Commission that it is unable to transport traffic offered to it because of a lack of sufficient operating funds; that cessation of operations by the LNE would deprive shippers located adjacent to its line of essential railroad services and would result in the closing of certain industries, reduce employment and cause serious economic hardship in the area served by the LNE; that the Reading Company, Andrew L. Lewis, Jr., and Joseph L. Castle, Trustees (Rdg) has consented to operate certain portions of the LNE subject to terms and conditions mutually agreed upon between the parties; that the LNE has consented to use of its tracks by the Rdg; that operation by the Rdg over the aforementioned tracks of the LNE is necessary in the interest of the public and the commerce of the people; that notice and public procedure herein are impracticable and contrary to the public interest; and that good cause exists for making this order effective upon less than thirty days' notice.

It is ordered, That:

§ 1033.1220 Service Order No. 1220.

(a) *Reading Company, Andrew L. Lewis, Jr., and Joseph L. Castle, Trustees, Authorized to Operate over certain portions of Lehigh and New England Railway Company.* The Reading Company, Andrew L. Lewis, Jr., and Joseph L. Castle, Trustees (Rdg), be, and it is hereby authorized to operate over tracks of that portion of the Lehigh and New England Railway Company (LNE), extending between Tamaqua, Pennsylvania, and Hauto, Pennsylvania and known as the Tamaqua Branch.

(b) The operation over the aforementioned portions of the LNE by the Rdg shall be subject to such terms and conditions as have been mutually agreed to by the parties.

(c) *Application.* The provisions of this order shall apply to intrastate, interstate, and foreign traffic.

(d) *Effective date.* This order shall become effective at 11:59 p.m., September 21, 1975.

(e) *Expiration date.* The provisions of this order shall expire at 11:59 p.m., March 1, 1976, unless otherwise modified, changed, or suspended by order of this Commission.

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

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

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.75-25675 Filed 9-24-75;8:45 am]

[Service Order No. 1219]

PART 1033—CAR SERVICE

Lehigh Valley Railroad Co.

At a Session of the INTERSTATE COMMERCE COMMISSION, held in Washington, D.C., on the 19th day of September, 1975.

It appearing, That the Lehigh and New England Railway Company (LNE) has notified the Commission that it is unable to transport traffic offered to it because of a lack of sufficient operating funds; that cessation of operations by the LNE would deprive shippers located adjacent to its line of essential railroad services and would result in the closing of certain industries, reduce employment and cause serious economic hardship in the area served by the LNE; that the Lehigh Valley Railroad Company (Robert C. Haldeman, Trustee) (LV) has consented to operate certain portions of the LNE subject to terms and conditions mutually agreed upon between the parties; that the LNE has consented to use of its tracks by the LV; that operation by the LV over the aforementioned tracks of the LNE is necessary in the interest of the public and the commerce of the people; that notice and public procedure herein are impracticable and contrary to the public interest; and that good cause exists for making this order effective upon less than thirty days' notice.

It is ordered, That:

§ 1033.1219 Service Order 1219.

(a) *Lehigh Valley Railroad Company (Robert C. Haldeman, Trustee) authorized to operate over certain portions of Lehigh and New England Railway Company.* The Lehigh Valley Railroad Company (Robert C. Haldeman, Trustee) (LV) be, and it is hereby authorized to operate over tracks of the Lehigh and New England Railway Company (LNE), except that portion of the LNE extending between Tamaqua, Pennsylvania, and Hauto, Pennsylvania and known as the Tamaqua Branch.

(b) The operation over the aforementioned portions of the LNE by the LV shall be subject to such terms and conditions as have been mutually agreed to by the parties.

(2) *Application.* The provisions of this order shall apply to intrastate, interstate, and foreign traffic.

(d) *Effective date.* This order shall become effective at 11:59 p.m., September 21, 1975.

(e) *Expiration date.* The provisions of this order shall expire at 11:59 p.m., March 1, 1976, unless otherwise modified, changed, or suspended by order of this Commission.

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

It is further ordered, That copies of this order shall be served upon the Association of American Railroads Car Serv-

ice Division, as agent of the railroads subscribing to the car service and car hire agreement under the terms of that agreement, and upon the American Short Line Railroad Association; and that notice of this order shall be given to the general public by depositing a copy in the Office of the Secretary of the Commission at Washington, D.C., and by filing it with the Director, Office of the Federal Register.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.75-25676 Filed 9-24-75;8:45 am]

Title 50—Wildlife and Fisheries

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

PART 17—ENDANGERED AND THREATENED WILDLIFE

Listing of Endangered and Threatened Fauna

In the FEDERAL REGISTER of April 21, 1975 (40 FR 17590), there was published a notice of proposed listing of the following species of fauna as endangered species and threatened species as defined by the Endangered Species Act of 1973 (16 U.S.C. 1531-1543; 87 Stat. 884): Scioto madtom (*Noturus trautmani*); United States population of the American crocodile (*Crocodylus acutus*); Mexican wolf (*Canis Lupus baileyi*); Cedros Island mule deer (*Odocoileus hemionus cerrosensis*); peninsular pronghorn antelope (*Antilocapra americana peninsularis*); Hawaii creeper (*Loxops maculata mana*); po'o uli (*Melamprosops phaeosoma*); Newell's Manx shearwater (*Puffinus puffinus newelli*); Bayou darter (*Etheostoma rubrum*); and gray bat (*Myotis grisescens*).

Supporting data were on file and interested persons were given until July 21, 1975, to submit written comments, suggestions, objections, and factual information regarding these proposed listings. The governors of the States of Alabama, Arizona, Arkansas, Florida, Georgia, Hawaii, Illinois, Indiana, Kentucky, Mississippi, Missouri, New Mexico, North Carolina, Ohio, South Carolina, Tennessee, Texas, Virginia, and West Virginia were notified with respect to this proposed rulemaking and requested to submit comments and recommendations. The Fish and Wildlife Service also consulted with the government of Mexico.

However, with respect to the gray bat (*Myotis grisescens*), the Service inadvertently failed to notify Oklahoma along with the other states. The governor of that State has subsequently been notified and the 90-day comment period has had to be extended accordingly. Therefore, a final rulemaking on the gray bat will be issued at a later date.

Further, with respect to the Mexican wolf (*Canis Lupus baileyi*), the government of Mexico has notified the Service that it wishes to comment and intends to submit a prepared opinion with support data. Therefore, the Service has determined not to take further action on the Mexican wolf at this time.

SUMMARY OF COMMENTS

Seventeen comments were received as follows: (a) The Environmental Defense Fund supported listing of the above animal species as endangered or threatened species, as appropriate.

(b) Ohio concurred with the listing of the Scioto madtom (*Noturus trautmani*) as an endangered species, and noted that this species is included on Ohio's list of endangered species.

(c) Fourteen persons, including the National Wildlife Federation and the International Union for Conservation of Nature and Natural Resources, completely supported listing of the United States population of the American crocodile (*Crocodylus acutus*) as an endangered species. Six of these comments were from scientists, two of whom studied the American crocodile in its habitat over a period of years and included extensive reports containing valuable scientific data. One of these scientists, whose field work has been primarily on the crocodilians of Mexico, Central America, and the West Indies, suggested that the rulemaking go still further, to extend the protection of the Endangered Species Act to *Crocodylus acutus* throughout its range. The State of Florida "heartily" concurred in the listing of the American crocodile as an endangered species.

(d) The governor of Hawaii expressed general agreement with the proposed listing of the Hawaii creeper and the Po'o uli as endangered species, and the Newell's Manx shearwater as a threatened species. However, a promised official response based on a status review was not received by the Director.

(e) Mississippi supported listing of the Bayou darter (*Etheostoma rubrum*) as an endangered species, and noted that its Game and Fish Commission has taken official action to place this species on the State list of endangered species.

ENDANGERED SPECIES

Section 4(a) of the Endangered Species Act of 1973 states that the Secretary of the Interior or the Secretary of Commerce may determine a species to be an endangered species, or a threatened species, because of any of five factors.

The Director has considered the above comments as well as the evidence accompanying such comments. The Director has also considered other information obtained by the Service both before and after the proposed rulemaking, and has determined that the following species of fauna should indeed be listed as endangered species, for the reasons discussed hereafter.

DISCUSSION

1. THE PRESENT OR THREATENED DESTRUCTION, MODIFICATION, OR CURTAILMENT OF ITS HABITAT OR RANGE

Scioto madtom. This fish is known only from one locality in the lower portion of Big Darby Creek, tributary to the Scioto River, Pickaway County, Ohio. In Big Darby Creek the species has been taken in a riffle area with moderate to fast current, where the bottom consists of gravel, sand, silt, and boulders. The Scioto madtom is endangered because of the pollution and siltation of its habitat, and by two proposed impoundments on Big Darby Creek.

American crocodile. This reptile once was a common species in southern Florida, and is known to have bred as far north as Lake Worth. There also are scattered records suggesting its occasional presence considerably farther to the north, both on the Atlantic and Gulf Coasts. By the early Twentieth Century the crocodile still was common throughout Biscayne Bay, as well as along the shores of Florida Bay and in the Florida Keys.

Subsequently, intensive human development of southern Florida eliminated much habitat and also led to excessive killing by man. In the 1950's there still was significant nesting on Key Largo and on islands to the south of Florida Bay, but human pressure has eliminated most of this activity. The last suitable areas on Key Largo are rapidly being destroyed by commercial development. At present there are thought to be only about 10 to 20 breeding females in Florida, with most of these concentrated along the northeast shore of Florida Bay.

Cedros Island mule deer. This deer is known only from Cedros Island off the western coast of Baja California. Currently only a few, perhaps less than a dozen, are thought to survive in restricted sections of the island.

Peninsular pronghorn antelope. This animal once inhabited most of Baja California, but has been greatly reduced in range, and currently only two or three small remnant groups survive.

Hawaii creeper. This bird was endemic to the island of Hawaii, and reportedly was common through the 1890's. Subsequent habitat alteration, and other factors, restricted it primarily to a small area of forest between 5,000 and 6,000 feet elevation, where it is rare and vulnerable to further environmental disruption.

Po'o uli. This species of bird was discovered only in 1973 and is restricted to a small area of forest on the northeastern slope of Haleakala volcano on the island of Maui. Its past history is unknown, but presumably its decline was caused in part by habitat alteration.

2. OVERUTILIZATION FOR COMMERCIAL, SPORTING, SCIENTIFIC, OR EDUCATIONAL PURPOSES

Scioto madtom. Not applicable.

American crocodile. Poaching for skins and eggs still sometimes occurs, and crocodiles occasionally are shot for "sport" from passing boats.

Cedros Island mule deer. Excessive killing has been an important factor in the decline of this deer; illegal poaching continues.

Peninsular pronghorn antelope. Excessive hunting, some of it by visitors from the United States, also seems to have been an important factor in the decline of this animal.

Hawaii creeper. Not applicable.
Po'o uli. Not applicable.

3. DISEASE OR PREDATION

Scioto madtom. Not applicable.
American crocodile. Raccoons prey heavily on the eggs and young of crocodiles, and probably destroy the great majority of the annual increment. Raccoon numbers are thought to have increased considerably after man largely eliminated natural predators, including the crocodiles themselves.
Cedros Island mule deer. Predation by feral dogs is thought to have been a major factor in the decline of this deer.
Peninsular pronghorn antelope. These factors are not known to be applicable.
Hawaii creeper. This bird is thought to have declined through transmission of avian diseases by the introduced mosquito *Culex pipiens quinquefasciatus*, and predation by rats.
Po'o uli. The history of this species is unknown, but it probably declined because of the same factors that affected the Hawaii creeper.

4. THE INADEQUACY OF EXISTING REGULATORY MECHANISMS

Scioto madtom. Not applicable.
American crocodile. Although crocodiles are protected by State law, and by Federal law in Everglades National Park where most of the population occurs, enforcement is difficult. Most nest sites and adult crocodiles are found in exposed areas that cannot be constantly guarded in the face of increasing human presence. Furthermore, present regulations do not restrict the destruction of habitat outside the Park.
Cedros Island mule deer. Although it is illegal to hunt this deer, poaching continues.
Peninsular pronghorn antelope. It also is illegal to hunt this animal, but poaching is a problem.
Hawaii creeper. Not applicable.
Po'o uli. Not applicable.

5. OTHER NATURAL OR MANMADE FACTORS AFFECTING ITS CONTINUED EXISTENCE

Scioto madtom. Not applicable.
American crocodile. The possibility of a hurricane or other major natural disaster is a real threat to such a small, isolated population. The restriction of the flow of fresh water to the Everglades, because of increasing human developments in southern Florida, may affect the crocodiles as well as the entire ecosystems of the area. It is known that the young crocodiles swim up streams and depend for a period on water with low salt content.
Cedros Island mule deer. Not applicable.
Peninsular pronghorn antelope. Competition with domestic livestock for forage has been a factor in the decline.
Hawaii creeper. Competition with introduced birds probably contributed to the decline of this native species.
Po'o uli. This species also may have been affected by competition with nonnative birds.

THREATENED SPECIES

The Director has determined that the Newell's Manx shearwater should indeed be listed as a threatened species. In light of evidence received subsequent to the proposed rulemaking, the Director has determined that the Bayou darter should also be listed as a threatened species, not as an endangered species as originally proposed, for the reasons discussed hereafter.

1. *Present or threatened destruction, modification, or curtailment of habitat or range.*
Newell's Manx shearwater. This bird probably once bred on all of the main Hawaiian islands, but now is known to breed only on a very restricted part of Kauai. Nonetheless, it is thought to number in the low thousands, and does not appear in immediate danger of extinction.
Bayou darter. This fish is known only from Bayou Pierre drainage, a small river tributary to the Mississippi River in west Mississippi. In Bayou Pierre the Bayou darter inhabits most clean, silt-free gravel riffle areas in the lower portion of Turkey, White Oak and Fosters creeks and the main channel from Dentville downstream nearly to Port Gibson, Mississippi. In recent years gravel-pit operations and poor agricultural practices have adversely altered the habitat resulting in a reduction in the population of Bayou darters. The Soil Conservation Service has proposed a watershed project which would result in further degradation of the habitat of the Bayou darter. The proposed project would adversely alter the water chemistry and contribute an additional silt load to the stream. This project, if constructed as proposed, would pose a serious threat to continued existence of the Bayou darter.

The Fish and Wildlife Service is convinced that only the combined effect of both the gravel-pit operations and the watershed project would place the Bayou darter in danger of extinction throughout all or a significant portion of its range. However, the Soil Conservation Service is currently reviewing the environmental impacts of the proposed watershed project. This review could result in modifications to the project which would significantly reduce the threat to the Bayou darter as previously understood when it was proposed on April 21, 1975, to be listed as endangered. Because the threat to the continued existence of the Bayou darter is not as immediate and may not be as significant as earlier believed, listing it as an endangered species would be premature at this time. The Act defines a "threatened species" as one which is likely to become an endangered species within the foreseeable future throughout all or a significant portion of its range. The Fish and Wildlife Service has determined that threatened is a more appropriate description of the Bayou darter's status, at least pending the outcome of the Soil Conservation Service's impact study which may result in modification to the project as originally conceived.

2. *Overutilization for commercial, sporting, scientific or educational purposes.*
Newell's Manx shearwater. Not applicable.
Bayou darter. Not applicable.
3. *Disease or predation.*
Newell's Manx shearwater. Predation by introduced species such as mongooses, dogs, pigs, and rats may have exterminated this species from most of its range.
Bayou darter. Not applicable.
4. *The inadequacy of existing regulatory mechanisms.*
Newell's Manx shearwater. Not applicable.
Bayou darter. Not applicable.
5. *Other natural or manmade factors affecting its continued existence.*
Newell's Manx shearwater. Attraction to lights causes considerable mortality from collisions with cars and lighted towers.
Bayou darter. Not applicable.

NEW FORMAT

In the near future, it is possible that these regulations will be republished in a new format, without substantive change. This new format has been proposed along with the proposal to reclassify the American alligator (40 FR 28712; July 8, 1975). The new format would provide greater ease of reference for all endangered and threatened species, and would consolidate and clarify a number of existing provisions. At the time that that proposal comes into effect, assuming that it does become effective, it will incorporate a republication, in the new format, of this regulation.

FINAL RULEMAKING

For the reasons stated above, it is hereby determined that the Scioto madtom (*Noturus trautmani*), American crocodile (*Crocodylus acutus*), Cedros Island mule deer (*Odocoileus hemionus cerrosensis*), peninsular pronghorn antelope (*Antilocapra americana peninsularis*), Hawaii creeper (*Loxops maculata mana*), and po'o uli (*Melamprosops phaeosoma*) are "endangered species" as defined by the Endangered Species Act of 1973.
It is hereby further determined that the Newell's Manx shearwater (*Puffinus puffinus newelli*) and the Bayou darter (*Etheostoma rubrum*) are "Threatened Species" within the meaning of the Endangered Species Act of 1973 (16 U.S.C. 1531–1543), and that the following regulations are deemed necessary and advisable for the conservation of such species.
Accordingly, Part 17 of Chapter I, Title 50, Code of Federal Regulations, is amended as set forth below.
These amendments will be effective on October 28, 1975.

Dated:

LYNN A. GREENWALT,
Director,
Fish and Wildlife Service.

1. Section 17.12 is amended by adding the following, in alphabetical order:

§ 17.12 Endangered native wildlife.

* * * * *

Fishes:

* * * * *

Madtom, Scioto; *Noturus trautmani*. (Range: Big Darby Creek, Ohio; Portion of range where endangered: Entire range.)

* * * * *

Reptiles and amphibians:

* * * * *

Crocodile, American: *Crocodylus acutus*. (Range: Florida, West Indies, Central America, South America; Portion of range where endangered: Florida.)

* * * * *

Birds:

* * * * *

Creeper, Hawaii: *Loxops maculata mana*. (Range: Island of Hawaii; Portion of range where endangered: Entire range.)

* * * * *

Po'o uli: *Melamprosops phaeosoma*. (Range: Island of Maui; Portion of range where endangered: Entire range.)

* * * * *

Mammals:

* * * * *

Antelope, peninsular pronghorn; *Antilocapra americana peninsularis*. (Range: Baja, California; Portion of range where endangered: Entire range.)

* * * * *

Deer, Cedros Island mule, *Odocoileus hemionus cerrosensis*. (Range: Cedros Island, Mexico; Portion of range where endangered: Entire range.)

2. In § 17.32, (b) (1) (i) and (d) (4) (i) are revised to read as follows:

§ 17.32 Threatened wildlife list.

Common name	Scientific name	Range	Portion of range where threatened
(b) Birds:			
* * * * *			
(1) Newell's Manx shearwater.	*Puffinus puffinus newelli*	Hawaiian Islands	Entire range.

(i) All prohibitions listed in section 9(a)(1) of the Endangered Species Act of 1973 (16 USC 1531-1543) shall apply to the Newell's Manx shearwater.

* * * * *

Common name	Scientific name	Range	Portion of range where threatened
* * * * *			
(d) Fishes:			
(4) Bayou darter.	*Etheostoma rubrum*	Bayou Pierre drainage in Mississippi	Entire range.

(i) *Prohibitions.* All prohibitions listed in section 9(a)(1) of the Endangered Species Act of 1973 (16 USC 1531-1543) shall apply to the Bayou darter, except that they may be taken in accordance with State law.

[FR Doc.75-25481 Filed 9-24-75;8:45 am]

Title 50—Wildlife and Fisheries

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

PART 32—HUNTING

Bombay Hook National Wildlife Refuge, Delaware

The following special regulation is issued and is effective during the period November 1, 1975 through January 31, 1976.

§ 32.12 Special regulations; migratory game birds; for individual wildlife refuge areas.

DELAWARE

BOMBAY HOOK NATIONAL WILDLIFE REFUGE

Public hunting of ducks, geese, and coots on the Bombay Hook National Wildlife Refuge, Delaware, is permitted on areas designated by signs as open to hunting including the South Waterfowl Hunting Area, the West Waterfowl Hunting Area, the Young Waterfowlers Area, and the South Upland Hunting Area. These open areas are delineated on maps available at the refuge headquarters, Smyrna, Delaware, or from the Regional Director, U.S. Fish and Wildlife Service, Post Office and Courthouse Building, Boston, Massachusetts 02109.

Hunting shall be in accordance with all applicable State and Federal regulations covering the hunting of ducks, geese, and coots subject to the following special conditions:

(1) Hunting is permitted on the West Waterfowl Hunting Area from one-half hour before sunrise to 12 noon local standard time, Tuesdays, Thursdays, and Saturdays during the goose season.

(2) Hunting in the South and West Waterfowl Areas and Young Waterfowlers Area shall be from existing numbered blinds. The possession of a loaded gun or shooting while outside of a blind is prohibited on these areas.

(3) No person shall have in their possession or use in one day more than 10 shells on the West Waterfowl Hunting Area or 15 shells on the Young Waterfowlers Hunting Area.

(4) Hunting is permitted in the South Waterfowl Hunting Area only during the State duck season.

(5) The necessary permit to enter the South Waterfowl Hunting Area will be issued each hunting day by a ticket-lottery system at 1½ hours before legal shooting time at the checking station at Port Mahon. Hunters arriving after the lottery will be issued permits on a first-come, first-served basis until 3:00 p.m. Permits will be surrendered at the checking station within one-half hour after sunset. The necessary permit to enter the West Waterfowl Hunting Area may be obtained by applying to the Refuge Manager for advance reservation. The permits for advance reservations wil be canceled if the holder is not present one hour prior to the start of legal shooting time on the date of his reservation. These forfeited permits and permits not reserved by advance reservation will be awarded to other hunters by lot on the morning of the hunt. All hunters will check out through the headquarters checking station prior to leaving the refuge.

(6) Each hunting permittee using the West Waterfowl Hunting Area will pay a recreation fee of $10.00 on the day of the hunt. A recreation fee of $2.00 per hunter will be charged on the South Waterfowl Hunting Area.

(7) Not more than four persons may occupy a blind at any one time on the West Waterfowl Hunting Area nor more than three on the South Waterfowl Hunting Area.

(8) The Young Waterfowlers Area will be open on Saturdays and holidays to young hunters who present evidence of having completed the prescribed training program. Two youths, accompanied by an instructor who may not discharge a firearm, may use one blind.

(9) On Wednesdays, Fridays and Saturdays on the South Waterfowl Hunting Area and Tuesdays and Saturdays on the West Waterfowl Hunting Area, migratory waterfowl will be hunted with 12-gauge shotguns using steel shot. Ammunition will be provided by the refuge at a charge of not less than $0.20 per round. No person shall have in his possession lead shot shells during steel shot hunt days.

(10) Hunters, when requested by Federal or State enforcement officers, must display for inspection all game, hunting equipment, and ammunition.

The provisions of this special regulation supplement the regulations which govern hunting of wildlife refuge areas generally, which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through January 31, 1976.

ROBERT H. SHIELDS,
Acting Regional Director,
U.S. Fish and Wildlife Service.

SEPTEMBER 19, 1975.

[FR Doc.75-25550 Filed 9-24-75;8:45 am]

PART 32—HUNTING

Crab Orchard National Wildlife Refuge, Illinois

The following special regulation is issued and is effective on September 25, 1975.

§ 32.12 Special regulations; migratory game birds; for individual wildlife refuge areas.

ILLINOIS

CRAB ORCHARD NATIONAL WILDLIFE REFUGE

Public hunting of ducks and coots on the Crab Orchard National Wildlife Refuge, Illinois, is permitted from October 22, 1975, 12:00 Noon c.s.t., through December 7, 1975. The hunting of geese is permitted from November 24, 1975 through January 30, 1976. The area open to hunting is designated by green public hunting signs. This open area is delineated on a map available at refuge headquarters, Carterville, Illinois 62918 and from the Regional Director, U.S. Fish and Wildlife Service, Federal Building, Fort Snelling, Twin Cities, Minnesota 55111. Season for hunting geese will be closed when a kill quota of 22,000 geese is reached. Hunting will be in accordance with all applicable State and Federal regulations subject to the following special conditions:

(1) Blinds—the building of permanent blinds of any kind or other structural works on the refuge public hunting area is prohibited. All blinds must be of a portable nature or constructed with dead vegetation located at the blind site and must be removed or dismantled at the end of the day's hunt. Blinds may not be constructed beyond the shoreline on refuge waters.

(2) All waterfowl hunting at the Grassy Point and Carterville Beach areas shall be from blind sites established by the Project Manager.

(3) All blinds located on the following islands will be filled by public drawing prior to each day's hunt. Grassy Island, Turkey Island, Sawmill Island and Orchard Island. This drawing will be conducted two hours prior to legal shooting time during each day of goose season. No blinds may be constructed on these islands. Only the blinds furnished and located by the refuge staff may be used.

(4) No goose pits may be built on the refuge public hunting area.

(5) It is unlawful for any person to establish or use any blind for the taking of migratory waterfowl within 100 yards of any other blind on the refuge public hunting area.

(6) All persons hunting geese on the refuge public hunting area must register before entering and upon leaving the area and must register any geese taken on the area at the locations designated by the Project Manager.

(7) Hunting will not be permitted at the Carterville Beach area as posted by the Project Manager.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuges generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through January 30, 1976.

GALEN L. BUTERBAUGH,
Acting Regional Director.

[FR Doc.75-25553 Filed 9-24-75;8:45 am]

PART 32—HUNTING

Iroquois National Wildlife Refuge, New York

The following special regulation is issued and is effective during the period October 8, 1975 through November 15, 1975.

§ 32.12 Special regulations; migratory game birds, for individual wildlife refuge areas.

NEW YORK

IROQUOIS NATIONAL WILDLIFE REFUGE

Public hunting of migratory waterfowl on the Iroquois National Wildlife Refuge, New York, is permitted in designated areas. Information on this program is available at refuge headquarters, Basom, New York, and from the Regional Director, U.S. Fish and Wildlife Service, Post Office and Courthouse Building, Boston, Massachusetts 02109. Hunting shall be in accordance with all applicable State and Federal regulations covering the hunting of migratory waterfowl subject to the following special conditions:

(1) Waterfowl hunting is by permit only.

(2) Hunting is permitted on Monday, Tuesday, Thursday and Saturday.

(3) On Tuesdays and Thursdays, migratory waterfowl will be hunted with 12 gauge shotguns using steel shot ammunition available at the refuge permit station at a charge of not less than $0.20 per round. No person shall have in his possession lead shot shells during steel shot hunt days.

(4) Prior registration is required for opening day, and the first two Saturdays. On other hunt days permits are issued on the basis of a daily drawing held prior to legal opening time. On prior registration days, hunters will draw for hunting sites on the morning of the hunt. On other hunt days, hunters will have a choice of available hunting sites as their names are drawn.

(5) All hunting ends each day at 12 noon local time, and all hunters must check out and present harvested game at the permit station on Casey Road, not later than 1:00 p.m. local time.

(6) No loaded guns are permitted beyond a 50-foot radius of the hunting stand marker and no more than two hunters are permitted to each stand.

(7) Hunters will be limited to 15 shells each with lead shot size not larger than #2 and steel shot not larger than #1.

(8) Disorderly conduct, intoxication, high shooting or otherwise unsportsmanlike conduct will not be tolerated and the permittee will be ejected from the area.

(9) A hunter who leaves his stand must have permission from official personnel to return.

(10) Hunters who have completed the New York State Waterfowl Hunter Training Course will be given preference for permits on Tuesdays.

(11) No person shall use or hunt from a boat.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally, which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through November 15, 1975.

ROBERT H. SHIELDS,
Acting Regional Director,
U.S. Fish and Wildlife Service.

SEPTEMBER 19, 1975.

[FR Doc.75-25556 Filed 9-24-75;8:45 am]

PART 32—HUNTING

Missisquoi National Wildlife Refuge, Vermont

The following special regulation is issued and is effective during the period September 30, 1975 through December 31, 1975.

§ 32.12 Special regulations; migratory game birds; for individual wildlife refuge areas.

VERMONT

MISSISQUOI NATIONAL WILDLIFE REFUGE

Public hunting of migratory game birds on the Missisquoi National Wildlife Refuge, Vermont is permitted only on the areas delineated on maps available at refuge headquarters, RD 2, Swanton, Vermont 05488, and from the Regional Director, U.S. Fish and Wildlife Service, Post Office and Courthouse Building, Boston, Massachusetts 02109. Hunting shall be in accordance with all applicable Federal and State regulations covering the hunting of migratory game birds subject to the following special condition:

(1) In the open area south and west of State Route 78, with the exception of the lakeshore marsh along Maquam Bay, no permanent blinds are allowed. All material used in blind construction must be removed from the area daily.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally, which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through December 31, 1975.

SEPTEMBER 19, 1975.

ROBERT H. SHIELDS,
Acting Regional Director,
U.S. Fish and Wildlife Service.

[FR Doc.75-25562 Filed 9-24-75;8:45 am]

PART 32—HUNTING

Montezuma National Wildlife Refuge, New York

The following special regulation is issued and is effective during the period October 9, 1975 through December 31, 1975.

§ 32.12 Special regulations; migratory game birds; for individual wildlife refuge areas.

NEW YORK

MONTEZUMA NATIONAL WILDLIFE REFUGE

Public hunting of migratory waterfowl on the Montezuma National Wildlife Refuge, New York, is permitted on the areas designated by the signs as open to waterfowl hunting. The waterfowl hunting area known as the Tachache Pool comprises 1,340 acres and is delineated on maps available at refuge headquarters, Seneca Falls, New York, and from the Regional Director, U.S. Fish and Wildlife Service, Post Office and Courthouse Building, Boston, Massachusetts 02109.

Hunting shall be in accordance with all applicable State and Federal regulations covering the hunting of migratory waterfowl subject to the following special conditions:

(1) Hunting is permitted on Tuesdays, Thursdays, and Saturdays.

(2) On Tuesdays and Saturdays, migratory waterfowl will be hunted with 12-gauge shotguns using steel shot ammunition available at the refuge at a charge of not less than $0.20 per round. No person shall have in his possession lead shot shells during steel shot hunt days.

(3) Applications for hunting reservations received no later than September 25 will be accepted. Reservations for permits for hunting from October 9 through November 15 will be selected by a random drawing. Successful applicants must appear in person at the refuge waterfowl Check Station prior to one hour before legal shooting time on the date reserved. Unreserved and forfeited permits will be awarded by a drawing on the morning of the hunt to hunters without reservations.

(4) The first two Saturdays of the season will be reserved for the Young Waterfowler's Training Program hunt. A brochure describing this program is also available.

(5) No more than two persons per permit will be allowed.

(6) Hunters will be limited to 15 shells each, with shot size no larger than #1 fine shot.

(7) All hunting ends each hunting day at 12 noon local time, and all hunters must check out at the waterfowl Check Station no later than 1:00 p.m. local time.

(8) Hunters who have completed the New York State Waterfowl Hunter Training Course will be given preference for permits on Tuesdays.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally, which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through December 31, 1975.

ROBERT H. SHIELDS,
Acting Regional Director,
U.S. Fish and Wildlife Service.

SEPTEMBER 19, 1975.

[FR Doc.75-26558 Filed 9-24-75;8:45 am]

PART 32—HUNTING

Prime Hook National Wildlife Refuge, Delaware

The following special regulation is issued and is effective during the period November 1, 1975 through January 31, 1976.

§ 32.12 Special regulations; migratory game birds; for individual wildlife refuge areas.

DELAWARE

PRIME HOOK NATIONAL WILDLIFE REFUGE

Public hunting of ducks, geese, and coots on the Prime Hook National Wildlife Refuge, Delaware, is permitted on the Waterfowl Hunting Area. This 1,180-acre open area is delineated on maps available at the refuge headquarters, Milton, Delaware, or from the Regional Director, U.S. Fish and Wildlife Service, Post Office and Courthouse Building, Boston, Massachusetts 02109.

Hunting shall be in accordance with all applicable Federal and State regulations covering the hunting of ducks, geese, and coots subject to the following special conditions:

(1) Permits will be issued by a ticket-lottery system at 2 hours before legal shooting time. Hunters arriving after the lottery will be issued permits on a first-come, first-served basis until 3:00 p.m. Permits will be surrendered at the checking station within one hour after sunset.

(2) Hunting shall be only from blinds at locations designated by refuge personnel. The possession of a loaded gun or shooting outside of a blind while hunting waterfowl and coots is prohibited. Three hunters per blind permitted.

(3) The Area is open each day of the duck hunting season.

(4) Access to the waterfowl hunting area will be at designated boat access points.

(5) On Wednesdays, Fridays, and Saturdays, migratory waterfowl will be hunted with 12-gauge shotguns using steel shot. Ammunition will be provided by the refuge at a charge of not less than $0.20 per round. No person shall have in his possession lead shot shells during steel shot hunt days.

(6) Hunters, when requested by Federal or State enforcement officers, must display for inspection all game, hunting equipment and ammunition.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally, which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through January 31, 1976.

ROBERT H. SHIELDS,
Acting Regional Director,
U.S. Fish and Wildlife Service.

SEPTEMBER 19, 1975.

[FR Doc.75-25552 Filed 9-24-75;8:45 am]

PART 32—HUNTING

Kirwin National Wildlife Refuge, Kansas

The following special regulation is issued and is effective on September 25, 1975.

§ 32.22 Special regulations; upland game; for individual wildlife refuge areas.

KANSAS

KIRWIN NATIONAL WILDLIFE REFUGE

Public hunting of pheasants, quail, cottontail rabbits, and fox squirrels on the Kirwin National Wildlife Refuge, Kansas, is permitted only on the area designated by signs as open to hunting. This open area, comprising 3,700 acres, is delineated on maps available at refuge headquarters, 5 miles west of Kirwin, Kansas, and from the Regional Director, Fish and Wildlife Service, P.O. Box 25486, Denver Federal Center, Denver, Colorado 80225. Hunting shall be in accordance with all applicable State regulations governing the hunting of pheasants, quail, cottontail rabbits, and fox squirrels subject to the following special conditions.

(1) The open season for hunting pheasants on the refuge extends from November 8, 1975, through January 11, 1976, inclusive.

(2) The open season for hunting quail on the refuge extends from November 8, 1975, through January 11, 1976, inclusive.

(3) The open season for hunting cottontail rabbits and fox squirrels on the refuge shall be only on those days during the open season for the hunting of pheasants and quail.

(4) Shotguns and bow and arrows are legal weapons. Rifles or handguns will not be permitted.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through January 11, 1976.

KEITH S. HANSEN,
Refuge Manager, Kirwin National Wildlife Refuge, Kirwin, Kansas.

SEPTEMBER 8, 1975.

[FR Doc.75-25554 Filed 9-24-75;8:45 am]

PART 32—HUNTING

Montezuma National Wildlife Refuge, New York

The following special regulation is issued and is effective during the period December 21, 1975 through February 29, 1976.

§ 32.22 Special regulations; upland game; for individual wildlife refuge areas.

MONTEZUMA NATIONAL WILDLIFE REFUGE

NEW YORK

The public hunting of gray squirrels, cottontail rabbits, raccoons, foxes, and unprotected mammals is permitted from December 21, 1975 through February 29,

1976, inclusive, in the Montezuma National Wildlife Refuge, New York except on areas designated by signs as closed. The open area, comprising 5,285 acres, is delineated on maps available at refuge headquarters, 5 miles east of Seneca Falls, New York; and from the Regional Director, U.S. Fish and Wildlife Service, Post Office and Courthouse Building, Boston, Massachusetts 02109.

Hunting shall be in accordance with all other applicable State regulations governing the hunting of the above mammals.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally, which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through February 29, 1976.

ROBERT H. SHIELDS,
Acting Regional Director,
U.S. Fish and Wildlife Service.

SEPTEMBER 19, 1975.

[FR Doc.75-25559 Filed 9-24-75;8:45 am]

PART 32—HUNTING

Bombay Hook National Wildlife Refuge, Delaware

The following special regulation is issued and is effective during the period October 24, 1975 through October 25, 1975.

§ 32.32 Special regulations; big game; for individual wildlife refuge areas.

DELAWARE

BOMBAY HOOK NATIONAL WILDLIFE REFUGE

Public hunting of deer with primitive weapons on the Bombay Hook National Wildlife Refuge, Delaware, is permitted only on the Deer Hunting Area and South Upland Hunting Area. These open deer hunting areas are delineated on maps available at refuge headquarters, Smyrna, Delaware 19977 and from the Regional Director, U.S. Fish and Wildlife Service, Post Office and Courthouse Building, Boston, Massachusetts 02109. Hunting shall be in accordance with all applicable State and Federal regulations covering the hunting of deer with firearms subject to the following special conditions:

(1) Hunting with primitive weapons on the Deer Hunting Area is permitted only on October 24 through October 25.

(2) The number of hunters admitted to the Deer Hunting Area at any one time will be restricted to 50.

(3) Permits are required for the Deer Hunting Area and will be issued on a first-come, first-served basis one hour before shooting time.

(4) Hunters using the Deer Hunting Area and the South Upland Hunting Area must show proof of completion of a weapons qualification test. This test will consist of placing three consecutive rounds in a 12-inch circle at 50 yards, firing from the offhand position. The type of weapon used for the qualification test must be the same type that is to be used for the hunt—percussion or flintlock.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally, which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through October 25, 1975.

ROBERT H. SHIELDS,
Acting Regional Director,
U.S. Fish and Wildlife Service.

SEPTEMBER 18, 1975.

[FR Doc.75-25551 Filed 9-24-75;8:45 am]

PART 32—HUNTING

Great Swamp National Wildlife Refuge, New Jersey

The following special regulation is issued and is effective during the period December 9, 1975 through December 17, 1975.

§ 32.32 Special regulations; big game for individual wildlife refuge areas.

NEW JERSEY

GREAT SWAMP NATIONAL WILDLIFE REFUGE

Public hunting of deer of either sex with shotguns on the Great Swamp National Wildlife Refuge, New Jersey, is permitted, except on areas designated by signs as closed, during the period of December 9, 1975, to December 13, 1975, inclusive, and December 17, 1975. Hunting of deer with firearms shall be in accordance with all applicable state and Federal Regulations subject to the following special conditions:

Deer may be taken throughout the hunt between the hours of 7 a.m. e.s.t. and 5 p.m. e.s.t. Participation will be limited to the 400 hunter permittees randomly selected for the special Great Swamp hunt. Only 150 hunters will be allowed to hunt on any given day during the hunt period. Armbands and parking area permits will be issued and must be displayed as designated. Armbands and permits must be surrendered prior to departure from the refuge. Hunters must furnish and wear a minimum of 200 square inches of blaze or hunter orange. All deer taken must be checked out at the refuge check station. Vehicles are restricted to public roads and areas designated by parking permits.

A shotgun not smaller than 12 gauge will be permitted for hunting deer, and buckshot not smaller than Number 4 nor larger than Number 000 will be permitted in possession during the hunt. Hunter permittees will be required to have shotguns and loads certified prior to the hunt. Target practice or test firing is not permitted, and guns must be unloaded when in areas posted as "closed". Baiting or hunting with the aid of bait is prohibited.

Regulations, summaries, maps delineating open hunting areas, and shotgun and load certification forms and requirements are available at refuge headquarters, R.D. 1, Box 148, Basking Ridge, New Jersey 07920, or from the Regional Director, U.S. Fish and Wildlife Service, Post Office and Courthouse Building, Boston, Massachusetts 02109.

Other than on the days of the hunt, entry is permitted only on approved Public Use Areas as designated by signs.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally, which are set forth in 50 CFR, Part 32, and are effective through December 17, 1975.

SEPTEMBER 19, 1975.

ROBERT H. SHIELDS,
Acting Regional Director,
U.S. Fish and Wildlife Service.

[FR Doc.75-25555 Filed 9-24-75;8:45 am]

PART 32—HUNTING

Iroquois National Wildlife Refuge, New York

The following special regulation is issued and is effective during the period October 1, 1975 through December 31, 1975.

§ 32.32 Special regulations; big game; for individual wildlife refuge areas.

NEW YORK

IROQUOIS NATIONAL WILDLIFE REFUGE

Public hunting of deer on the Iroquois National Wildlife Refuge, New York, is permitted during the regular State open seasons except on areas designated by signs as closed. This open area is delineated on maps available at refuge headquarters, Basom, New York, and from the Regional Director, U.S. Fish and Wildlife Service, Post Office and Courthouse Building, Boston, Massachusetts 02109. Hunting shall be in accordance with all applicable State regulations covering the hunting of deer.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally, which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through December 31, 1975.

ROBERT H. SHIELDS,
Acting Regional Director,
U.S. Fish and Wildlife Service.

SEPTEMBER 19, 1975.

[FR Doc.75-25557 Filed 9-24-75;8:45 am]

PART 32—HUNTING

Missisquoi National Wildlife Refuge, Vermont

§ 32.32 Special regulations; big game; for individual wildlife refuge areas.

VERMONT

The following special regulation is issued and is effective during the period October 11, 1975 through December 31, 1975.

MISSISQUOI NATIONAL WILDLIFE REFUGE

Public hunting of deer on the Missisquoi National Wildlife Refuge, Vermont is permitted only on the areas delineated on maps available at refuge headquarters, RD 2, Swanton, Vermont 05488, and from the Regional Director, U.S. Fish and Wildlife Service, Post Office and Courthouse Building, Boston, Mas-

sachusetts 02109. Hunting shall be in accordance with all applicable State regulations covering the hunting of deer, subject to the following special condition:

(1) During the regular season, shotguns only may be used on that part of the refuge lying east of the Missisquoi River.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally, which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through December 31, 1975.

ROBERT H. SHIELDS,
Acting Regional Director,
U.S. Fish and Wildlife Service.

SEPTEMBER 19, 1975.

[FR Doc.75-25561 Filed 9-24-75;8:45 am]

PART 32—HUNTING

Montezuma National Wildlife Refuge, New York

The following special regulation is issued and is effective during the period November 17, 1975 through December 9, 1975.

§ 32.32 Special regulations; big game for individual wildlife refuge areas.

NEW YORK

MONTEZUMA NATIONAL WILDLIFE REFUGE

Public hunting of deer on the Montezuma National Wildlife Refuge, New York, is permitted except on the areas designated by signs as closed. The open area, comprising 3,874 acres, is delineated on maps available at refuge headquarters, 5 miles east of Seneca Falls, New York; and from the Regional Director, U.S. Fish and Wildlife Service, Post Office and Courthouse Building, Boston, Massachusetts 02109. Hunting shall be in accordance with all applicable State regulations covering the hunting of deer subject to the following special conditions:

(1) The open season is Monday through Friday from November 17, 1975 to December 9, 1975, inclusive. Actual dates open are November 17, 18, 19, 20, 21, 24, 25, 26, 27, 28, December 1, 2, 3, 4, 5, 8, and 9.

(2) Only longbows may be used. No gun hunting will be allowed.

(3) Successful hunters must register their kill at refuge headquarters.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally, which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through December 9, 1975.

ROBERT H. SHIELDS,
Acting Regional Director,
U.S. Fish and Wildlife Service.

SEPTEMBER 19, 1975.

[FR Doc.75-25560 Filed 9-24-75;8:45 am]

PART 32—HUNTING

Correction

In FR Doc. 75-24117 beginning on page 42197 in the issue of Thursday, September 11, 1975, the heading: "§ 32.32 Special regulations; big game; for individual wildlife refuge areas" appearing in column one on page 42197 should be removed. The insertion of the citation of § 32.32 in the text of this document is in error.

R. KAHLER MARTINSON,
Regional Director,
Fish and Wildlife Service.

[FR Doc.75-25563 Filed 9-24-75;8:45 am]

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

PART 32—HUNTING

Bitter Lake National Wildlife Refuge, New Mexico

The following special regulations are issued and are effective on September 25, 1975.

§ 32.12 Special regulations; migratory game birds; for individual wildlife refuge areas.

NEW MEXICO

BITTER LAKE NATIONAL WILDLIFE REFUGE

The public hunting of mourning and white-winged doves on the Bitter Lake National Wildlife Refuge, New Mexico, is permitted from November 27 through December 26, 1975, inclusive, but only on the areas designated by signs as open to hunting. These areas consist of 1,600 acres on the North Refuge Unit (Area B) and 1,800 acres on the South Refuge Unit (Area C). Hunting areas are delineated on maps available at refuge headquarters, 13 miles northeast of Roswell, New Mexico, and from the Regional Director, U.S. Fish and Wildlife Service, P.O. Box 1306, Albuquerque, New Mexico 87103. Hunting shall be in accordance with all applicable State and Federal regulations governing the hunting of doves.

In addition, steel (iron) shot shotgun ammunition *only* may be used for the taking of doves on the South Refuge Unit (Area C) during this season. Steel (iron) shot shotgun ammunition is available from two (2) commercial outlets in Roswell, New Mexico.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through December 26, 1975.

The public hunting of ducks, geese, coots and lesser sandhill cranes on the Bitter Lake National Wildlife Refuge, New Mexico, is permitted as follows: Ducks, geese and coots, from October 28, 1975 through January 18, 1976, inclusive; and lesser sandhill cranes, from October 25, 1975 through January 25, 1976, inclusive, but only on the areas designated by signs as open to hunting. These areas consist of 1,600 acres on the North Refuge Unit (Area B) and 1,800 acres on the South Refuge Unit (Area C). Hunting areas are delineated on maps available at refuge headquarters, 13 miles northeast of Roswell, New Mexico, and from the Regional Director, U.S. Fish and Wildlife Service, P.O. Box 1306, Albuquerque, New Mexico 87103. Hunting shall be in accordance with all applicable State and Federal regulations covering the hunting of ducks, geese, coots and lesser sandhill cranes.

In addition, steel (iron) shot shotgun ammunition *only* may be used for the taking of ducks, geese, coots and lesser sandhill cranes on the South Refuge Unit (Area C) during the duck season, October 28, 1975 through January 18, 1976, inclusive. Steel (iron) shot shotgun ammunition is available from two (2) commercial outlets in Roswell, New Mexico.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through January 25, 1976.

§ 32.32 Special regulations; upland game; for individual wildlife refuge areas.

The public hunting of ring-necked and white-winged pheasants, quail and rabbits on the Bitter Lake National Wildlife Refuge, New Mexico, is permitted as follows: Pheasants, from December 13 through December 16, 1975, inclusive; quail, from November 27, 1975 through January 25, 1976, inclusive; and rabbits, from October 28, 1975 through January 18, 1976, inclusive, but only on the areas open to waterfowl hunting. These areas consist of 1,600 acres on the North Refuge Unit (Area B) and 1,800 acres on the South Refuge Unit (Area C). Hunting areas are delineated on maps available at refuge headquarters, 13 miles northeast of Roswell, New Mexico, and from the Regional Director, U.S. Fish and Wildlife Service, P.O. Box 1306, Albuquerque, New Mexico 87103. Hunting shall be in accordance with all applicable State regulations governing the hunting of pheasants, quail and rabbits.

In addition, steel (iron) shot shotgun ammunition *only* may be used for the taking of pheasants, quail and rabbits on the South Refuge Unit (Area C) during the duck season, October 28, 1975 through January 18, 1976, inclusive. Steel (iron) shot shotgun ammunition is available from two (2) commercial outlets in Roswell, New Mexico.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through January 25, 1976.

JERRY L. STEGMAN,
Acting Regional Director,
Albuquerque, New Mexico.

SEPTEMBER 18, 1975.

[FR Doc.75-25650 Filed 9-24-75;8:45 am]

PART 33—SPORT FISHING

Long Lake National Wildlife Refuge, North Dakota

The following special regulation is issued and is effective on September 25, 1975.

§ 33.5 Special regulations; sport fishing; for individual wildlife refuge areas.

NORTH DAKOTA

LONG LAKE NATIONAL WILDLIFE REFUGE

Sport fishing on the Long Lake National Wildlife Refuge, Moffit, North Dakota is permitted on refuge waters. These open areas, comprising 3,625 acres, are delineated on maps available at refuge headquarters and from the office of the Regional Director, U.S. Fish and Wildlife Service, 10597 West 6th Avenue, Denver, Colorado 80215. Sport fishing shall be in accordance with all applicable State regulations subject to the following special conditions:

(1) The open season for winter sport fishing on the refuge extends from December 16, 1975 to March 29, 1976.

The provisions of this special regulation supplement the regulations which govern fishing on Wildlife refuge areas generally which are set forth in Title 50, Part 33, and are effective through March 29, 1976.

JAMES W. MATTHEWS,
Refuge Manager, Arrowwood National Wildlife Refuge, Pingree, North Dakota 58476.

SEPTEMBER 19, 1975.

[FR Doc.75-25658 Filed 9-24-75;8:45 am]

proposed rules

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

DEPARTMENT OF AGRICULTURE

Agricultural Stabilization and Conservation Service

[7 CFR Part 725]

FLUE-CURED TOBACCO

Determinations on Marketing Quotas for the 1976–77 Marketing Year; Extension of Time

Notice was given in the FEDERAL REGISTER of August 26, 1975, (40 FR 37221) that the Secretary is preparing to determine and announce the amount of the national marketing quota, the national average yield goal and the national acreage allotment for flue-cured tobacco for the 1976–77 marketing year.

The notice provided that consideration would be given to data, views, and recommendations pertaining to the proposed determinations which are received by the Director, Tobacco and Peanut Division, Agricultural Stabilization and Conservation Service, U.S. Department of Agriculture, Washington, D.C. 20250 no later than September 25, 1975.

A meeting of the National Tobacco Advisory Committee was held August 29 to discuss the supply and demand outlook. It was the consensus that the 1976 crop quota should not be determined before the middle of November to provide later data pertaining to supply and demand. Accordingly, the time for the receipt of data, views and recommendations pertaining to such determinations is hereby extended to October 14, 1975.

Signed at Washington, D.C., September 19, 1975.

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

[FR Doc.75-25534 Filed 9-25-75;8:45 am]

Office of the Secretary

[7 CFR Part 1]

FREEDOM OF INFORMATION

Appendix A—Fee Schedule

Notice is hereby given that the Department of Agriculture (USDA) proposes to amend the fee schedule set forth in 7 CFR, Part 1, Subpart A, 40 FR 7344 on February 19, 1975.

Interested persons may submit written comments on the proposed amendments to: Director, Office of Operations, U.S. Department of Agriculture, Washington, D.C. 20250, on or before October 24, 1975. All comments submitted will be available for public inspection in Room 131-W, Agriculture Administration Building, 14th and Jefferson Drive, S.W., Washington, D.C. from 8:30 a.m. until 5:00 p.m., Monday-Friday (7 CFR 1.27(b)).

The amendments are as follows:

APPENDIX A

1. By revising Section 5b. to read as follows:

Sec. 5. *Limitations of copies.* * * *

b. Single or multiple copies of transcripts, provided the Department under a reporting service contract, may be obtained from the contractor at a cost not to exceed the cost per page charged to the Department for extra copies. The contractor may add a postage charge when mailing orders to the public but no other charge may be added.

* * * * *

2. By revising Section 16(c) to read as follows:

Sec. 16. *Photographic reproduction prices.* * * *

* * * * *

c. *Aerial photographic reproductions.* No minimum charge on aerial photographic reproductions. All prints are furnished unmounted and untrimmed.

1. *Contact prints.* The prices for contact prints are set forth below. The size refers to the approximate size of the contact print.

	Each
Size 9 by 9 in on commercial grade paper	$2.00

For polyester base paper, add $0.75 per contact print (available from ASCS only).

	Each
Size 70 mm contact prints	$1.50
Size 70 mm contact transparencies	3.00

2. *Enlargements* (projection prints). The prices for enlargements of various sizes are set forth below. The size in each case refers to the approximate size of paper required to produce the enlargement ordered.

Size:	Price each
9 by 9 in (from 70 mm)	$3.00
13 by 13 in	4.00
17 by 17 in	5.00
24 by 24 in	6.50
38 by 38 in	13.00

For larger size reproductions, add $2.00 for each additional 12 inches or fraction thereof, linear measurement.

3. *Aerial photo-index sheets.* Size 20 by 24 inches.

Quantity:	Price each
Any quantity	$5.00

4. *Film positives.* Contact printed from aerial negatives, size 9 by 9 inches.

Quantity:	Price each
Any quantity	$3.00

5. *Copy negatives.* On film, aerial exposures, size 9 by 9 inches.

Quantity:	Price each
Any quantity	$3.00

6. *Aperture Cards and Printouts.*

	1st unit	Each additional unit
Duplicate of an aperture card	$1.00	$0.10
Aperture card from photoindex sheet	1.00	.25
Printout from aperture card	1.00	.50

7. *Color Photography.* Furnished only by the Regional Forest Service Aerial Photography Laboratories at Ogden, Utah and San Francisco, California, and the Agricultural Stabilization and Conservation Service Aerial Photography Field Office in Salt Lake City, Utah.

Positive contact print made from negative	$7.00
Transparency 9 by 9 in	12.00
Enlargements:	
13 by 13 in	12.00
17 by 17 in	15.00
24 by 24 in	20.00
38 by 38 in	40.00

8. *Landsat/Skylab Imagery.* Furnished only by the Agricultural Stabilization and Conservation Service Aerial Photography Field Office in Salt Lake City, Utah.

	Black and white	Color
Contact print (70 mm)	$1.50	.....
Transparencies (70 mm)	3.00	$5.00
Contact print 9 by 9	3.00	7.00
Transparencies 9 by 9	5.00	12.00
Enlargements 12 by 12	6.00	15.00
Enlargements 17 by 17	8.00	20.00
Enlargements 24 by 24	15.00	25.00
Enlargements 38 by 38	25.00	40.00
Composite negative 9 by 9		16.00

9. *Special Needs.* For special needs not covered above, persons desiring aerial photographic reproductions should contact the agencies listed in Section 10a or the Coordinator, Aerial Photographic Work of the Department of Agriculture, ASCS, Aerial Photography Field Office, USDA-ASCS-AS Division, 2505 Parley's Way, Salt Lake City, Utah 84109.

(5 USC 301; 5 USC 552; 31 USC 483a; and 7 CFR 2.79(a)(3)(iii))

Done at Washington, D.C., this 22nd day of September 1975.

GEORGE C. KNAPP,
Acting Director.

[FR Doc.75-25656 Filed 9-24-75;8:45 am]

DEPARTMENT OF LABOR

Occupational Safety and Health Administration

[29 CFR Part 1952]

CONNECTICUT PLAN SUPPLEMENTS

Proposed Approval

1. *Background.* Part 1953 of Title 29, Code of Federal Regulations, prescribes procedures under section 18 of the Occupational Safety and Health Act of

1970 (29 U.S.C. 667) (hereinafter referred to as the Act) for review of changes and progress in the development and implementation of State plans which have been approved under section 18(c) of the Act and 29 CFR Part 1902. On January 4, 1974, a notice was published in the Federal Register of the approval of the Connecticut plan and of the adoption of Subpart X of Part 1952 containing the decision (39 FR 1012). On January 30, 1975, the State of Connecticut submitted a supplement to the plan involving a developmental change (see Subpart B of 29 CFR Part 1953). The supplement consists of the statewide Affirmative Action plan.

2. *Issues.* Connecticut's Affirmative Action Plan is in response to the commitment made in the timetable in Appendix IV of its 18(b) plan to implement the Governor's Executive Order Number Eighteen. The Executive Order reaffirms the State's intention to provide equal employment opportunity within the State service for all its citizens. The affirmative Action Plan, among other things, identifies the organization responsible for developing programs, defines specific areas of concern, delegates responsibilities for assessing needs and compiling data, and outlines provisions for monitoring and evaluating the program.

The Assistant Secretary of Labor for Occupational Safety and Health (hereinafter called the Assistant Secretary) has reviewed the supplement and hereby gives notice that its approval is in issue before him.

3. *Location of the supplement for inspection and copying.* A copy of the plan and the supplement may be inspected and copied during normal business hours at the following locations: Office of the Associate Assistant Secretary for Regional Programs, Occupational Safety and Health Administration, Room N-3112, 200 Constitution Ave. NW., Washington, D.C. 20210; Regional Administrator, Occupational Safety and Health Administration, 18 Oliver Street, Fifth Floor, Boston, Massachusetts 02110; and Department of Labor, 200 Folly Brook Blvd., Wethersfield, Connecticut 06109.

4. *Public participation.* Interested persons are hereby given until October 27, 1975, in which to submit written data, views and arguments concerning whether the supplement should be approved. Such submissions are to be addressed to the Associate Assistant Secretary for Regional Programs at his address as set forth above where they will be available for inspection and copying.

Any interested person may request an informal hearing concerning the proposed supplements by filing particularized written objections with respect thereto within the time allowed for comments with the Associate Secretary for Regional Programs. If in the opinion of the Assistant Secretary substantial objections are filed which warrant further public discussion a formal or informal hearing on the subjects and issues involved may be held.

The Assistant Secretary shall consider all relevant comments, arguments and requests submitted in accordance with this approval and shall thereafter issue his decision as to approval or disapproval of the supplements, make appropriate amendments to Subpart X of Part 1952 and initiate appropriate further proceedings if necessary.

Signed at Washington, D.C., this 22nd day of September 1975.

JOHN T. DUNLOP,
Secretary of Labor.

[FR Doc.75-25663 Filed 9-24-75;8:45 am]

[29 CFR Part 1952]

NEVADA PLAN

Proposed Supplements

1. *Background.* Part 1953 of Title 29, Code of Federal Regulations, prescribes procedures under Section 18 of the Occupational Safety and Health Act of 1970 (29 U.S.C. 667) for review of changes and progress in the development and implementation of State plans which have been approved in accordance with section 18(c) of the Act and Part 1902 of this chapter. On January 4, 1974, a notice was published in the FEDERAL REGISTER (39 FR 1008) concerning the approval of the Nevada Plan and of the adoption of Subpart W of Part 1952 containing the decision. Section 1952.293 of Subpart W sets forth the developmental schedule under which the plan will meet the criteria of section 18(c) of the Act and Part 1902 within three years following commencement of operations under the plan. On June 18, 1975, the State of Nevada submitted a supplement to the plan involving an evaluation change and State initiated changes (see Subparts D and E of 29 CFR Part 1953).

The supplements submitted by Nevada concern the establishment of a separate training and consultation staff, additions and transfers of personnel, as well as the upgrading of personnel qualification standards. Nevada's plan called for 19 State safety inspectors and did not provide for a separate consultative staff. The State attempted to meet consultation needs with the inspection staff. The new organization would provide for a separate training and consultation staff to be divided between the Reno and Las Vegas offices serving under a Training and Consultation Chief located in Carson City. The consultation staff would be provided by reducing the number of inspectors to 15 and utilizing four inspectors as trainers/consultants.

Additional personnel are proposed for the administration of the program, raising the total number of administrative personnel from one to three. The two new positions would be that of Principal Safety Officer to provide field coordination and standards interpretations and as Administrative Assistant (Safety Technician) who would have responsibility for federal reporting, personnel coordination, and editing of legislative changes and publications.

The position of Standards Officer is proposed for elimination due to the lack of standards activity. Any remaining standards work would be assumed by the Principal Safety Engineer. The position of statistical clerk is proposed to be changed to Principal Clerk Typist due to the lack of involvement with the Bureau of Labor Statistics' OSH Annual Survey.

The first and second Federal evaluation reports on the Nevada program recommended the upgrading of qualifications of field personnel to increase technical competence at the entry level. The revised job descriptions were drawn in November of 1974 and approved by the Nevada State Personnel Advisory Commission on April 4, 1975.

2. *Location of the plan and its supplements for inspection and copying.* A copy of the plan and its supplements may be inspected and copied during normal business hours at the following locations: Technical Data Center, Occupational Safety and Health Administration, U.S. Department of Labor, 200 Constitution Avenue NW., Room N3620, Washington, D.C. 20210; Office of the Assistant Regional Director for Occupational Safety and Health, Federal Office Building, 450 Golden Gate Avenue, Room 9410, San Francisco, California 94102; Department of Occupational Safety and Health, Nevada Industrial Commission, Room 311, 515 East Musser Street, Carson City, Nevada 89701.

3. *Public participation.* Interested persons are hereby given until October 27, 1975 in which to submit written data, views, and arguments concerning whether the supplement should be approved. Such submissions are to be addressed to the Associate Assistant Secretary for Regional Programs, Occupational Safety and Health Administration, 200 Constitution Avenue NW., Room N3608, Washington, D.C. 20210.

Any interested person may request an informal hearing concerning the proposed supplements by filing particularized written objections with respect thereto within the time allowed for comments with the Associate Assistant Secretary for Regional Programs. If in the opinion of the Assistant Secretary of Labor for Occupational Safety and Health (hereinafter called the Assistant Secretary) substantial objections are filed, which warrant further public discussion, a formal or informal hearing on the subjects and issues involved may be held.

The Assistant Secretary shall consider all relevant comments, arguments, and requests submitted in accordance with this notice and shall thereafter issue his decision as to approval or disapproval of the supplements, make appropriate amendments to Subpart W of Part 1952, and initiate further appropriate proceedings if necessary.

(Secs. 8(g), 18, Pub. L. 91-956, 84 Stat. 1600, 1608 (29 U.S.C. 657(g), 667))

Signed at Washington, D.C., this 22nd day of September, 1975.

JOHN T. DUNLOP,
Secretary of Labor.

[FR Doc.75-25664 Filed 9-24-75;8:45 am]

Wage and Hour Division

[29 CFR Part 697]

[Administrative Order No. 640]

SPECIAL INDUSTRY COMMITTEE FOR ALL INDUSTRY IN AMERICAN SAMOA

Appointment; Convention; Notice of Hearing

Pursuant to sections 5 and 6(a)(3) of the Fair Labor Standards Act of 1938, as amended (29 U.S.C. 205, 206(a)(3)), and Reorganization Plan No. 6 of 1950 (3 CFR, 1949–53 Comp., p. 1004), I hereby appoint Special Industry Committee No. 12 for American Samoa. Pursuant to section 6(a)(3) and section 8 of the Act, as amended (29 U.S.C. 206(a)(3), 208) and Reorganization Plan No. 6 of 1950, I hereby convene this committee, refer to it the question of the minimum wage rate or rates for all industry in American Samoa to be paid under section 6(a)(3) of the Act, as amended, and give notice of the hearing to be held by it.

The Committee shall meet in executive session to commence its investigation at 9:00 a.m. and begin its public hearing at 11:00 a.m. on February 2, 1976, in the Conference Room of the Lyndon B. Johnson Tropical Medical Center, Faga'alu, American Samoa. The industry committee shall investigate conditions in such industry and the committee, or any authorized subcommittee thereof, shall hear such witnesses and receive such evidence as may be necessary or appropriate to enable the committee to perform its duties and functions under the Act.

The committee shall recommend to the Administrator of the Wage and Hour Division of the Department of Labor the highest minimum rate or rates of wages for such industry which it determines, having due regard to economic and competitive conditions, will not substantially curtail employment in such industry, and will not give any industry in American Samoa a competitive advantage over any industry in the United States outside of Puerto Rico, the Virgin Islands and American Samoa. The committee shall not, however, recommend minimum wage rates in excess of those under the Fair Labor Standards Act for classifications in the United States, as provided in section 6 of the Act.

Thus, for employees covered by the Act prior to the 1966 amendments, the rates recommended shall not exceed those specified in section 6(a)(1), namely $2.30 an hour; and for those employees brought within the purview of the Act by the Fair Labor Amendments of 1966, title IX of the Education Amendments of 1972, or the Fair Labor Standards Amendments of 1974, the rates shall not exceed those specified in section 6(b) of the Act, $2.20 an hour through December 31, 1976; and $2.30 an hour after December 31, 1976.

Where the committee finds that a higher minimum wage may be determined for employees engaged in certain activities or in the manufacture of certain products in such industry than may be determined for other employees in such industry, the committee shall recommend such reasonable classifications within such industry as it determines to be necessary for the purpose of fixing for each classification the highest minimum wage rate that can be determined for it, under the principles set forth herein, which will not substantially curtail employment in such classification and will not give a competitive advantage to any group in the industry. No classification shall be made, however, and no minimum wage rate shall be fixed solely on a regional basis or on the basis of age or sex. In determining whether there should be classifications within the industry, in making such classifications, the committee shall consider, among other relevant factors, the following: (1) Competitive conditions as affected by transportation, living and production costs; (2) wages established for work of like or comparable character by collective labor agreements negotiated between employers and employees by representatives of their own choosing; and (3) wages paid for work of like or comparable character by employers who voluntarily maintain minimum wage standards.

The Administrator of the Wage and Hour Division, U.S. Department of Labor, shall prepare an economic report containing the information he has assembled pertinent to the matters referred to the committee. Copies of this report may be obtained at the Office of the Governor, Pago Pago, American Samoa, and the National Office of Wage and Hour Division, U.S. Department of Labor, Washington, D.C. 20210, as soon as it is completed. The committee will take official notice of the facts stated in this report. Parties, however, shall be afforded an opportunity to refute such facts by evidence received at the hearing.

The procedure of this industry committee will be governed by the provisions of Title 29, Code of Federal Regulations, Part 511. Copies of this part of the regulations will be available at the Office of the Governor in Pago Pago, American Samoa, and at the National Office of the Wage and Hour Division. The proceedings will be conducted in English but in the event a witness should wish to testify in Samoan, an interpreter will be provided. As a prerequisite to participation as a party, interested persons shall file six copies of a prehearing statement at the aforementioned Office of the Governor of American Samoa and six copies at the National Office of the Wage and Hour Division, U.S. Department of Labor, Washington, D.C. 20210. Each prehearing statement shall contain the data specified in § 511.8 of the regulations and shall be filed not later than January 12, 1976. If such statements are sent by airmail between American Samoa and the mainland, such filing shall be deemed timely if postmarked within the time provided.

Signed at Washington, D.C., this 19th day of September 1975.

JOHN T. DUNLOP,
Secretary of Labor.

[FR Doc.75-25499 Filed 9-24-75;8:45 am]

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of Assistant Secretary for Housing Management

[24 CFR Part 865]

[Docket No. R-75-354]

PHA-OWNED PROJECTS—PROJECT MANAGEMENT

Notice of Proposed Rulemaking

The Department proposes to amend Title 24 by adopting a new Part 865 PHA-Owned Projects—Project Management, a new Subpart D—Utilities, and a new § 865.401 through § 865.408 Individual Metering of Utilities for Existing PHA-Owned Projects. This amendment would implement HUD policies in support of national energy conservation goals by reducing energy consumption with consequent reduction of operating costs for housing units in existing PHA-owned projects assisted under the United States Housing Act of 1937, by requiring that, to the extent practicable, all Utilities consumed directly by tenants shall be individually metered.

Where a Public Housing Agency (PHA) obtains Utility service from a supplier under a Mastermeter System and tenant usage is not measured by Checkmeters, its tenants receive Utility service as a part of their contract rents, whether their Utility consumption is large or small. Under either the Checkmeter or Retail Service System, a PHA provides a reasonable Utility allowance to its tenants, and the tenants must pay for Utilities consumed in excess of those covered by their allowances.

The proposed rule provides that individual metering may be accomplished either by (1) direct billing of charges to tenants by the Utility supplier and with tenants receiving a reasonable allowance from the PHA for tenant-supplied Utilities or (2) by utilizing a Mastermeter System with Checkmeters operated by the PHA and with tenants Surcharged for Utility consumption in excess of a reasonable allowance.

The proposed rule further provides that conversion of an existing Utilities System either to direct Retail Utility Service to tenants or to measurement of tenant use by Checkmeters will be made only where such conversion is cost effective. A conversion to either Retail Service or the installation of Checkmeters will be cost effective if the cost of (a) debt service (interest and amortization on any attendant capital expenditures); (b) the operating costs in the case of Checkmeters and (c) any adjustment in Utility rates will be less than the amount of PHA Utility expenditures under the existing Mastermeter System. HUD studies demonstrate that, on a national basis, individual metering results in savings from 10 to 30 percent in energy consumption. These studies, which are documented in HUD Bulletin No. LR-11 "Selection of Utilities Low-Rent Housing", an official HUD technical bulletin published in 1962, are confirmed by studies performed within the past two years and

form the basis for the factors set forth in the proposed rule to represent savings in Utility consumption as the result of change to individual metering. Accordingly, a Benefit/Cost analysis will be undertaken in all cases where Mastermetering Systems are utilized to determine whether a change to individual metering will be cost effective. The proposed rule specifies the order in which conversions to individually metered Utility Service shall be accomplished.

The proposed rule also contains provisions with respect to revision of rent schedules when the tenants are to be furnished Retail Service by the Utility supplier, for changes in tenant leases, for participation of tenant organizations for planning for Utility Service conversions and for a transition period in implementing a Checkmeter System.

Interested persons are invited to participate in the making of this rule by furnishing written comments, data and suggestions. All such materials should refer to the Docket No. and should be filed with the Rules Docket Clerk, Office of General Counsel, Room 10245, Department of Housing and Urban Development, 451 7th Street, SW., Washington, D.C. 20410. All comments received on or before October 29, 1975 will be considered before adoption of a final rule in this matter. Copies of all comments will be available for public inspection at the above address during regular business hours both before and after the close of the comment period.

A finding of Inapplicability of section 102(2)(C), National Environmental Policy Act of 1969, has been made in connection with these regulations, in accordance with HUD procedures set forth in HUD Handbook 1390.1 (38 FR 19182). A copy of this Finding of Inapplicability is available for public inspection at the above address.

Accordingly, it is proposed to amend Title 24 by adding a new Part 865, PHA-owned Projects—Project Management to Chapter VIII to read as follows:

PART 865—PHA-OWNED PROJECTS—PROJECT MANAGEMENT

Subpart D—Utilities

INDIVIDUAL METERING OF UTILITIES FOR EXISTING PHA-OWNED PROJECTS

Sec.

865.401 Purpose.
865.402 Definitions.
865.403 Individually metered service.
865.404 Benefit/Cost Analysis.
865.405 Funding.
865.406 Order of conversion.
865.407 Actions affecting tenants.
865.408 Compliance schedule.

AUTHORITY: Section 6(a)(4) United States Housing Act of 1937 (42 U.S.C. 1437d); section 7(d) Department of Housing and Urban Development Act (42 U.S.C. 3535(d)).

Subpart D—Utilities

INDIVIDUAL METERING OF UTILITIES FOR EXISTING PHA-OWNED HOUSING PROJECTS

§ 865.401 Purpose.

The purpose of §§ 865.401–865.408 of this subpart is to implement HUD policies in support of national energy conservation goals by reducing energy consumption with consequent reduction of operating costs for existing PHA-owned housing projects assisted under the United States Housing Act of 1937, (the Act), by requiring that, to the extent practicable, all Utilities consumed directly by tenants shall be individually metered. Such individual metering will be accomplished either by (a) direct billing of charges to tenants by the Utility supplier with tenants receiving a reasonable allowance from the PHA for the tenant-supplied Utilities; or (b) utilizing a Mastermeter system with Checkmeters operated by the PHA and with tenants Surcharged for Utility consumption in excess of reasonable requirements.

§ 865.402 Definitions.

(a) "Benefit/Cost Analysis" means a direct comparison of the present worth of any savings generated by a given system with the cost of the change.

(b) "Checkmeter" means a device for measuring Utility consumption within each individual dwelling unit where the Utility Service is supplied to the PHA through a Mastermeter. The PHA then ascertains from its reading of the Checkmeter it has installed the amount of tenant usage and Surcharges the tenants for excess usage.

(c) "HUD Field Office" means the HUD Regional, Area or Insuring Office which has been delegated authority under the United States Housing Act of 1937 to perform functions pertaining to this Subpart for the area in which the PHA is located.

(d) "Mastermeter System" means a Utility distribution system in which a PHA is supplied Utility Service by a Utility supplier through a system meter or meters and distributes the Utility Service to its tenants.

(e) "Meter Loops" means a device provided to accommodate future installation of a Utility meter.

(f) "Minimum Loan Interest Rate" means the rate of interest determined periodically by HUD applicable to loans and loan commitments made by HUD to PHAs.

(g) "Modernization Program" means the provision of financial assistance to PHAs under the Act for the purpose of upgrading living conditions, correcting serious physical deficiencies and achieving operating efficiency and economy with respect to PHA-owned housing assisted under the Act.

(h) "Retail Service" means purchase of Utility Service by PHA tenants directly from the Utility supplier.

(i) "Surcharge" means the amount charged to tenants for consumption of Utilities in excess of a reasonable allowance therefor, based on Utility use determined by means of a Checkmeter.

(j) "Utilities or Utility Service" means electricity, gas, heating fuel and water.

§ 865.403 Individually metered services.

(a) All Utility Service shall be individually metered to tenants, either through provision of Retail Service to the tenants by the Utility supplier or through the use of Checkmeters, unless:

(1) Individual Metering is impracticable, such as in the case of a central heating system in an apartment building;

(2) Change from a Mastermetering System to individual meters would not be financially justified based upon a Benefit/Cost Analysis; or

(3) Checkmetering is not permissible under state or local law, or under the policies of the particular Utility Supplier or public service commission.

(b) If Checkmetering is not permissible, Retail Service must be considered. Where Checkmetering is permissible the type of individual metering offering the most savings to the PHA shall be selected.

§ 865.404 Benefit/Cost Analysis.

(a) A Benefit/Cost Analysis shall be made to determine whether a change from a Mastermetering System to individual meters will be cost effective, except as otherwise provided in § 865.407. In making this analysis the following percentage factors shall be used to estimate the Utility consumption resulting from changes from a Mastermeter System without Checkmeters to systems with individual meters.

[In percent]

Utility function	Tenant retail service	Checkmeters
Lighting and refrigeration	75	85
Cooking	75	85
Domestic hot water	75	85
Space heating	65	75

(b) Proposed installation of Checkmeters must be justified on the basis that the cost of debt service (interest and amortization) of the estimated installation costs plus the operating costs of the Checkmeters will be more than offset by reduction in future Utilities expenditures to the PHA under the Mastermeter System. The following steps will normally be performed in making this analysis:

(1) Ascertain current Utility cost in terms of consumption by tenants and the applicable rate utilizing monthly billings and data from the Utility supplier. The monthly average should be based on data for the preceding 12-month period.

(2) Estimate changes in consumption after installation of Checkmeters utilizing the table set forth in paragraph (a) of this section.

(3) Compute Utility cost after installation of Checkmeters using the applicable rate.

(4) Compute the gross annual savings resulting from use of Checkmeters.

(5) Estimate the costs of operation of the Checkmeter System, including maintenance, repairs, meter reading, and billing.

(6) Compute the net annual savings.

(7) Compute the present worth of savings for a 20-year period using the current Minimum Loan Interest Rate.

(8) Estimate costs of Checkmeter purchase and installation, including cost of meters, meter loops, labor, and materials.

(9) Compare paragraphs (b), (7) and (8) of this section. If paragraphs (b),

(7) of this section are greater than paragraphs (b), (8) of this section the conversion is cost effective.

Example:

1. Electricity is used for tenant lighting and refrigeration in a 210-unit family project. Average monthly billing is $3,120 for 120,000 Kwh. Annual cost of electricity is: $3,120×12=$37,400.

2. After installation of Checkmeters (with surcharging of tenants for excess consumption) tenant electric consumption will be reduced to 85% of consumption under Mastermetering without Checkmeters. Estimated consumption, 120,000 Kwh×0.85=102,000 Kwh.

3. Compute expense of electricity after installation of Checkmeters. Applicable electric rate schedule, obtained from electric company is:

Energy charge—
3.50¢ per Kwh first 20,000 Kwh.
2.50¢ per Kwh next 30,000 Kwh.
1.50¢ per Kwh next 50,000 Kwh.
1.00¢ per Kwh all additional.
Fuel adjustment is 0.6¢ Kwh for all power sold. Application of the above light and power rate, computed on the basis of consumption is:
20,000 Kwh at 3.5¢ per Kwh, $700.
30,000 Kwh at 2.5¢ per Kwh, $750.
50,000 Kwh at 1.5¢ per Kwh, $750.
2,000 Kwh at 1.0¢ per Kwh, $20.
Fuel adjustment—
102,000 Kwh at 0.6¢ per Kwh, $612.
Average monthly expense, $2,832.

Total annual expense for electricity after installation of Checkmeters is: $2,832 × 12, $33,984.

4. Gross annual savings is: $37,440—$33,984=$3,456.

5. Cost of operating Checkmeters is estimated to be $683 annually.

6. Net annual savings: $3,456—$683=$2,773.

7. Compute present worth of savings using present worth factor from interest tables (present worth factor used is for a 5% Minimum Loan Interest Rate and a 20-year period). $2,773×12.462=$34,557.

8. Estimated installation cost of Checkmeters is $10,500.

9. (7) is greater than (8) therefore conversion is cost effective.

(c) Proposed conversion to Retail Service must be justified on the basis of net savings to the PHA. This determination involves making a comparison between the reduction in Utility expense obtained through eliminating the expense to the PHA for PHA-supplied Utilities compared to the resultant allowance for tenant-supplied Utilities based on the cost of Utility Service to the tenants after conversion. The following steps will normally be performed in making this analysis:

(1) Ascertain current Utility costs in terms of consumption by tenants and the applicable rate utilizing monthly billings and data from the Utility supplier, based on data for the preceding 12-month period.

(2) Estimate annual cost of maintenance and repair of existing Utility system for the same 12-month period.

(3) Compute total annual expense of Utility service (sum of paragraphs (c) (1) and (2)) of this section.

(4) Estimate changes in consumption after conversion to Retail Service, utilizing the table set forth in paragraph (a) of this section.

(5) Compute Utility cost after conversion to Retail Service using the applicable Retail Service schedule.

(6) Compare paragraphs (c) (3) and (5) of this section. If paragraph (c) (3) of this section is greater, conversion to Retail Service will be cost effective.

Example:

1. Electricity is used for tenant lighting and refrigeration for a 505-unit family project. Average monthly billing is $7,807 for 237,400 Kwh. Annual cost of electricity is: $7,807×12=$93,684

2. Estimated average cost of maintenance and repair to the Mastermeter System is $754 per month. (Assume the system can be converted to Retail Service without cost to the PHA). Annual expense is: $754×12=$9,048.

3. The total annual expense of Utility service is: $93,684+$9,048=$102,732.

4. The estimated average tenant monthly consumption after conversion to Retail Service is 75% of consumption under Mastermetering without Checkmeters: (237,400 Kwh ×0.75)÷505=353 Kwh.

5. Applicable residential electric rate schedule obtained from power company is:
$2.00 for first 10 Kwh.
5.0¢ per Kwh per next 40 Kwh.
4.0¢ per Kwh for next 50 Kwh.
2.5¢ per Kwh for all additional.
Fuel adjustment is 0.5¢ per Kwh for all power sold.

6. Annual cost of electricity based on foregoing schedule and estimated average tenant monthly consumption is: $14.10×12×505 is cost effective.

7. Since (3) is larger than (6) conversion is cost effective.

§ 865.405 Funding.

The cost to change Mastermeter Systems to individual metering of tenant consumption including the costs of Benefit/Cost Analysis, and installation of Checkmeters shall be funded from operating funds of the PHA to the extent feasible. When sufficient operating funds are not available for this purpose, such costs are eligible for inclusion in a Modernization Program.

§ 865.406 Order of conversion.

Conversions to individually metered Utility Service shall be accomplished in the following order where a PHA has projects of two or more of the designated categories, unless otherwise approved by the HUD Field Office:

(a) In projects where Retail Service is provided by the Utility supplier and the PHA is paying all the individual Utility bills, no Benefit/Cost Analysis is necessary and tenants shall be billed directly after the PHA adopts revised rent schedules providing appropriate allowances for tenant-supplied utilities.

(b) In projects where Checkmeters have been installed but are not being utilized as the basis for determining Utility charges to tenants, no Benefit/Cost Analysis is necessary and the Checkmeters shall be utilized as the basis for such charges, and tenants shall be Surcharged for excess Utility use.

(c) Projects where Meter Loops have been installed for utilization of Checkmeters, shall be analyzed both for the installation of Checkmeters and for conversion to Retail Service.

(d) Low or medium rise family units with a Mastermeter System should be analyzed for both Checkmetering and conversion to Retail Service, because of their large potential for energy savings.

(e) Low or medium rise housing for elderly should next be analyzed for both Checkmetering and conversion to Retail Service, since the potential for energy saving is less than for family units.

(f) Electric Service under Mastermeters for high rise buildings, including projects for the elderly, should be analyzed for both use of Retail Service and of Checkmeters.

§ 865.407 Actions affecting tenants.

(a) Prior to making any conversion to Retail Service the PHA shall adopt revised rent schedules providing appropriate allowances for the tenant-supplied Utilities resulting from the conversion.

(b) Prior to implementing any modifications to Utility Services arrangements with the tenants or charges with respect thereto, the requisite changes shall be made in tenant dwelling leases in accordance with the requirements of 24 CFR Part 866.

(c) To the extent practicable, PHAs should work closely with tenant organizations in making plans for conversion of Utility Service to individual metering, explaining the national policy objectives of energy conservation, the changes in charges and rent structure which will result, and the goals of achieving an equitable structure which will be advantageous to tenants who conserve energy.

(d) A transition period of at least six months shall be provided in the case of initiation of Checkmeters during which tenants will be advised of the charges but during which no Surcharge will be made, based on such readings. This trial period will afford tenants ample notice of the effects the Checkmetering System will have on their individual Utility charges and also afford a test period for the adequacy of the Utility allowances established.

§ 865.408 Compliance schedule.

(a) PHAs shall complete Benefit/Cost Analysis for all Mastermetered projects within eighteen (18) months after the effective date of the final rule.

(b) Mastermetered projects determined to be cost effective for conversion to Retail Service or Checkmetering shall be so converted within thirty (30) months after issuance of the final rule unless the HUD Field Office determines that funds are not available for this purpose.

Issued at Washington, D.C., September 19, 1975.

H. R. CRAWFORD,
Assistant Secretary for Housing Management.

[FR Doc.75-25613 Filed 9-24-75;8:45 am]

ENVIRONMENTAL PROTECTION AGENCY

[40 CFR Part 162]

[OPP-30003A; FRL 435-2]

PESTICIDE PROGRAMS

Regulations for State Registration of Pesticides To Meet Special Local Needs; Correction

In FR Doc. 75-23350 appearing at page 40538 in the issue of September 3, 1975, the following changes should be made.

On page 40543, the last phrase in the second line in the first column should read "§ 162.158(c)" instead of "§ 162.58 (c)".

On page 40544, the last line of the first paragraph in the second column should read "(pur-)suant to § 162.155(e) of this Subpart);" instead of "(pur-)suant to § 162.155(e);"

Dated: September 19, 1975.

ANDREW W. BREIDENBACH,
Acting Assistant Administrator for Water and Hazardous Materials.

[FR Doc.75-25502 Filed 9-24-75;8:45 am]

[40 CFR Part 172]

[OPP-50008A; FRC 435-3]

PESTICIDE PROGRAMS

Regulations for State Issuance of Experimental Use Permits; Corrections

In FR Doc. 75-23349 appearing at page 40545 in the issue of September 3, 1975, the following changes should be made.

On page 40546, the fourth line of the third paragraph, first column, should read "(cate-)gories established by 40 CFR 162.153(b)" instead of "(cate-)gories established by 40 CFR 162.53(b)".

On that same page, in the third column, beginning with the sixth line of the section entitled "Public Comment", the sentence should read "Comments should be filed in triplicate and addressed to the Federal Register Section, Technical Services Division (WH-569), Office of Pesticide Programs, EPA, Room E-401, 401 M St., S.W., Washington, D.C. 20460." The remainder of that section is correct as published.

Dated: September 19, 1975.

ANDREW W. BREIDENBACH,
Acting Assistant Administrator for Water and Hazardous Materials.

[FR Doc.75-25503 Filed 9-24-75;8:45 am]

notices

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF STATE

[Pub. Notice CM-5/100]

STUDY GROUP CMTT OF THE U.S. NATIONAL COMMITTEE FOR THE INTERNATIONAL RADIO CONSULTATIVE COMMITTEE (CCIR)

Meeting

The Department of State announces that Study Group CMTT of the U.S. National Committee for the International Radio Consultative Committee (CCIR) will meet on October 21, 1975, at 10 a.m. in Room 7071, ComSat Headquarters, 950 L'Enfant Plaza South, SW., Washington, D.C.

Study Group CMTT deals with technical standards for telecommunication systems to permit the transmission of sound and television programs over long distances. The purpose of the meeting on October 21 is to review the work under way in preparation for the international meeting of CMTT in 1976.

Members of the general public may attend the meeting and join in the discussions subject to instructions of the Chairman. Admittance of public members will be limited to the seating available.

Dated: September 17, 1975.

GORDON L. HUFFCUTT,
Chairman,
U.S. CCIR National Committee.

[FR Doc.75-25577 Filed 9-24-75;8:45 am]

[Public Notice CM-5/101]

STUDY GROUP 1 OF THE U.S. NATIONAL COMMITTEE FOR THE INTERNATIONAL RADIO CONSULTATIVE COMMITTEE (CCIR)

Meeting

The Department of State announces that Study Group 1 of the U.S. National Committee for the International Radio Consultative Committee (CCIR) will meet on November 25, 1975, in Room 6802, Department of Commerce, 14th Street and Constitution Avenue NW., Washington, D.C., at 8:30 a.m.

Study Group 1 deals with: Matters relating to efficient use of the radio frequency spectrum, and in particular, with problems of frequency sharing, taking into account the attainable characteristics of radio equipment and systems; principles for classifying emissions; and the measurement of emission characteristics and spectrum occupancy. The purpose of the meeting will be a review of the work programs of U.S. Study Group 1 in preparation for the international meeting of Study Group 1 in May–June 1976.

Members of the general public may attend the meetings and join in the discussions subject to instructions of the Chairman. Admittance of public members will be limited to the seating available.

Date: September 18, 1975.

GORDON L. HUFFCUTT,
Chairman,
U.S. CCIR National Committee.

[FR Doc.75-25578 Filed 9-24-75;8:45 am]

[Public Notice CM-5/98]

STUDY GROUPS 10 AND 11 OF THE U.S. NATIONAL COMMITTEE FOR THE INTERNATIONAL RADIO CONSULTATIVE COMMITTEE (CCIR)

Meeting

The Department of State announces that Study Groups 10 and 11 of the U.S. National Committee for the International Radio Consultative Committee (CCIR) will meet jointly on October 15, 1975, under the chairmanship of Mr. Harold L. Kassens. The meeting will convene at 9 a.m., in Room 8210, Federal Communications Commission, 2025 M Street NW., Washington, D.C.

Study Group 10 deals with questions relating to sound broadcasting; Study Group 11 deals with questions relating to television broadcasting. The agenda for the meeting is:

1. Approval of the agenda.

2. Approval of minutes of September 16 meeting.

3. Reports on preparations for the 1976 meetings of the international Study Groups 10 and 11.

4. Any further business.

Members of the general public may attend the meeting and join in the discussions subject to instructions of the Chairman. Admittance of public members will be limited to the seating available.

Dated: September 16, 1975.

GORDON L. HUFFCUTT,
Chairman, U.S. CCIR
National Committee.

[FR Doc.75-25576 Filed 9-24-75;8:45 am]

DEPARTMENT OF THE TREASURY

Office of the Secretary

DEBT MANAGEMENT ADVISORY COMMITTEES

Notice of Meetings and Determination

Notice is hereby given, pursuant to section 10 of Public Law 92-463, that meetings will be held in Washington on October 21 and 22, 1975, of the following debt management advisory committees:

American Bankers Association, Government Borrowing Committee.

Securities Industry Association, Government Securities and Federal Agencies Committee.

The agenda for the meetings will include a briefing for the advisory committees by Treasury staff on current debt management problems, deliberations by the two committees, and reports to the Secretary of the Treasury and Treasury staff.

Pursuant to the authority placed in Heads of Departments by section 10(d) of Public Law 92-463 and vested in me by Treasury Department Order 190, revised, I hereby determine that these meetings are concerned with information exempt from disclosure under section 552 (b)(4) of Title 5 of the United States Code, and that the public interest requires that such meetings be closed to the public.

My reasons for this determination are as follows. The Treasury Department requires frank and full advice from representatives of the financial community prior to making its final decision on major financing operations. Historically, this advice has been offered by debt management advisory committees established by the several major segments of the financial community, which committees are utilized by this Department at meetings called by representatives of this office. When so utilized they are recognized to be advisory committees under Public Law 92-463. The advice provided consists of commercial and financial information given and received in confidence in order to avoid adverse effects of premature disclosure on the financial markets and the economy. As such these debt management advisory committee activities concern matters which fall within the exemption covered by section 552(b)(4) of Title 5 of the United States Code for matters which are "trade secrets and commercial or financial information obtained from a person and privileged or confidential".

The Special Assistant to the Secretary (Debt Management) shall be responsible for maintaining records of the meetings of these committees and for providing annual reports setting forth a summary of their activities and such other matters as may be informative to the public consistent with the provisions of 5 U.S.C. 552(b)(4).

EDWIN H. YEO III,
Under Secretary
for Monetary Affairs.

SEPTEMBER 19, 1975.

[FR Doc.75-25639 Filed 9-24-75;8:45 am]

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

MARIHUANA

Scheduling

This matter concerns the scheduling of marihuana under the Comprehensive Drug Abuse Prevention and Control Act of 1970, 21 U.S.C. 801 et seq. It involves a rulemaking proceeding conducted pursuant to the remand of the United States Court of Appeals for the District of Columbia Circuit in The National Organization for the Reform of Marijuana Laws (NORML) et al., Petitioners v. John E. Ingersoll et al., Respondents, 497 F. 2d 654.

The responsibility of the Acting Administrator of the Drug Enforcement Administration (DEA) is twofold. First, the record of the proceeding must be considered to determine if there has been compliance with the directions of the court. Second, if the terms of the remand have been met, the record must be considered to determine if the recommended decision of the administrative law judge shall be accepted or rejected in the light of all the evidence.

I. The Remand and the Record

PHASE I

On January 15, 1974, the decision of the Court of Appeals was published. Since the opinion by Circuit Judge Leventhal sets forth the history of the proceedings to that date, it need not be detailed here. Suffice it to say that the court ordered the Bureau of Narcotics and Dangerous Drugs (a predecessor agency of the Drug Enforcement Administration) to hold an administrative hearing on the petition of NORML and other organizations to remove marihuana from control of the Act or, in the alternative, to transfer marihuana from Schedule I to Schedule V. The petition had previously been rejected by the Director, BNDD, on the ground that marihuana was included in an international treaty to which the United States was a signatory. That treaty—The Single Convention on Narcotic Drugs, 1961, 18 U.S.T. 1407 (1967)—imposed certain obligations on the United States concerning marihuana and thus, the Director contended, control of marihuana was governed by Section 201(d) of the Act, 21 U.S.C. 811(d), which provides that "if control is required by United States obligations under international treaties . . . the Attorney General shall issue an order controlling such drug under the schedule he deems most appropriate to carry out such obligations . . . ." It should be noted that as to substances not covered by international treaty the Act sets forth certain criteria for placement in one of the five schedules of the Act and requires the Attorney General to request from the Secretary of Health, Education, and Welfare "a scientific and medical evaluation and his recommendations as to whether such drug or other substance should be so controlled . . . ." (Sections 201 (a) and (b), 21 U.S.C. 811 (a) and (b))

The principal contrary position asserted by the petitioners, as seen by the court, was that "the Single Convention on Narcotic Drugs does not regulate marihuana as such, that it regulates 'cannabis' and 'cannibis resin' and these are carefully defined so as to be inapplicable to the *leaves* of the cannabis plant." (Italics in opinion.)

The court took no position on the merits. It called for a focused consideration of the issues and outlined the nature and extent of that consideration. Since the fulcrum of the contest was an international treaty the court called for "the views of sources in the State Department and the international organizations involved." Then the court said, "if it should develop as petitioners suggest, that there is latitude in treaty obligations depending on the country's assessment of the health aspects of the problem involved, a substantial question would arise whether the Department of Justice may insist on making these determinations without obtaining the appraisal of the Department of Health, Education, and Welfare."

The court proposed a rulemaking proceeding in phases:

> In the first phase the Department of Justice could consider whether there is any latitude consistent with treaty obligations and herein receive expert testimony limited to this treaty issue.
>
> The second phase would arise only if some latitude were found and would consider how the pertinent executive discretion should be exercised.

The following series of events occurred subsequent to the remand:

1. On June 26, 1974, the Administrator published a notice in the Federal Register announcing that DEA was "prepared to hold a hearing limited to the petitioners or any of them, for the purpose of receiving factual evidence and expert opinion on the issue and by the method described by the court as 'whether there is any latitude (on the scheduling of marihuana under the Controlled Substances Act) consistent with treaty obligations, and herein receive expert testimony limited to this treaty issue.' " The notice included a lengthy letter addressed to the Chief Counsel, DEA, by the Assistant Legal Adviser of the Department of State setting forth in detail that Department's position on the obligations imposed by the Single Convention on the United States in regard to marihuana. Certain United Nations documents on the subject were attached to the original letter and these were identified in the notice and subsequently made available to the petitioners. (39 FR 23072–75)

2. By letter dated July 19, 1974, two of the original three petitioners, NORML and the American Public Health Association, responded to the notice by requesting an administrative hearing. The letter observed that "the issue as framed in the notice will focus entirely on the treaty issue—whether the Administrator of DEA has any discretion, under the Single Convention, to remove marijuana from Schedule I." Petitioners saw "three specific subparts" to this issue:

(a) Whether there is any discretion to remove marihuana from Schedule I.

(b) Whether there is any discretion to remove the leaves or seeds of the plant from Schedule I.

(c) Whether there is any discretion to remove marihuana from the Act insofar as marihuana is privately possessed and used.

On the last point petitioners contended that if the Single Convention was construed to require a criminal sanction for private possession and use of marihuana such a treaty obligation would be void as "repugnant to the United States Constitution, especially the Right of Privacy." (The issue set forth in this last subpart had not been designated for consideration by the remand. Further, an administrative law judge or an agency head has no authority (even assuming the competency) to resolve constitutional issues).

3. Pursuant to an order of Administrative Law Judge Lewis F. Parker, counsel for petitioners and counsel for the government met in the absence of the judge on September 18, 1974. Prehearing conferences, presided over by Judge Parker, took place on September 23, 1974 and October 23, 1974. At the September 23, 1974 conference, petitioners sought to clarify the issues. It was their position that "the medical-pharmacological aspects of marihuana" should not be considered; that the hearing should be concerned only with "interpreting a treaty." Judge Parker and the government agreed with this position.

4. An administrative hearing was held before Judge Parker from January 28 through January 30, 1975. On April 18, 1975, the government submitted Government Exhibit 79 which was received without objection by the petitioners. Extended oral argument covering the entire record then followed.

5. The record of the administrative hearing and the findings of fact, conclusions of law, and reply briefs submitted by the parties have been reviewed to determine if they reached the issue of whether the Single Convention provided any latitude in U.S. control of marihuana.

Petitioners' two witnesses, Lawrence Hoover, a former State Department legal adviser, and Dr. Joel Fort, a former consultant to the World Health Organization, were qualified as experts to give their opinions on this question as was Donald E. Miller, Chief Counsel of DEA and a State Department consultant on narcotics and dangerous drugs, who testified for the government. Other government testimony was received from Philip P. Porto, Director of DEA's Northeastern Regional Laboratories, on the composition of marihuana in the illicit traffic in the United States and from Dr. Carlton E. Turner whose testimony was addressed to the component parts of the marihuana plant and the various preparations which can be derived from each part. Dr. Turner is Director of the National Institute on Drug Abuse Marihuana Project.

In addition the record, beginning with the Federal Register notice which set forth the views of the Department of State, is replete with documents on the Single Convention and the positions of international organizations and foreign governments. I conclude, therefore, that the administrative proceeding met the "first phase" direction of the court.

II. THE REMAND AND THE RECORD

PHASE 2

The question then becomes whether the administrative hearing did more than comply with the "first phase" direction. As noted above the court questioned whether, if it should develop there was latitude in treaty obligations, the Department of Justice could determine the scheduling of marihuana absent the appraisal of the Department of Health, Education, and Welfare. To that question the court suggested a "second phase" which would arise "only if some latitude were found and would consider how the pertinent executive discretion should be exercised."

On January 29, 1975, Dr. Joel Fort testified for the petitioners. As a former consultant to the World Health Organization and the United Nations Division on Narcotic Drugs, Dr. Fort was qualified to express opinions on the Single Convention and marihuana control and he did so. But Dr. Fort exceeded this "first phase" question. On direct examination he was permitted to testify on whether marihuana now has, or could have, a currently accepted medical use in treatment in the United States.

Attorney for the government, DEA's Deputy Chief Counsel Robert J. Rosthal, pointed out that such testimony was not strictly relevant to the first phase of the hearing as had been agreed by all parties during the prehearing conference of September 23, 1974. Judge Parker, however, allowed the witness to describe numerous illnesses and diseases for which, in the witness's opinion, marihuana could usefully be prescribed.

At this point the hearing had gone far beyond the "phase one" issue and had entered the "medical-pharmacological aspects of marihuana" which petitioners had earlier stated should not be the subject of that phase.

On April 18, 1975, there was received in evidence Government Exhibit 79. In introducing the exhibit Mr. Rosthal noted that it was intended to counter the testimony of Dr. Fort which had created "a medical issue that I was not prepared to discuss at the time of the hearing because NORML after asking for the stipulation violated it, and they were permitted to violate it."

Government Exhibit 79, consists of a letter dated April 17, 1975, addressed to Peter H. Meyers, counsel for the petitioners, by Mr. Rosthal, enclosing a copy of a letter dated April 14, 1975 addressed to then DEA Acting Deputy Administrator Jerry N. Jenson by Dr. Theodore Cooper, then Acting Assistant Secretary for Health, Department of Health, Education, and Welfare. Mr. Rosthal's letter offered to join petitioners in a motion for postponement of oral argument to give petitioners additional time to consider Dr. Cooper's letter.

Dr. Cooper's letter reads as follows:

APRIL 14, 1975.

JERRY N. JENSON,
Acting Deputy Administrator, Drug Enforcement Administration, Department of Justice, 1405 I Street NW., Washington, D.C. 20537.

DEAR MR. JENSON: At your request, we have prepared the following statement giving our position on the medical uses of Cannabis sativa L. (marihuana).

There is currently no accepted medical use of marihuana in the United States. There is no approved New Drug Application for Cannabis sativa L. (marihuana) or tetrahydrocannabinol, the active principle in marihuana. There are Investigational New Drug Applications on file to determine possible therapeutic uses and potential toxic effects of the substance.

We have included for your information a copy of the most recent report on these studies and a copy of the PDA policy regarding clinical studies with marihuana.

Sincerely yours,

THEODORE COOPER, M.D.,
Acting Assistant Secretary for Health.

This letter resolves the "substantial question" which the court found might exist if the Single Convention permitted latitude and the Attorney General acted to control marihuana "without obtaining the appraisal of the Department of Health, Education, and Welfare." It is unnecessary to decide whether Section 201(d) requires the Attorney General to seek the views of HEW on a substance included in an international treaty. In the instance of marihuana he has done so and he has received a reply.

Three federal statutes are noted at this point. Title 21 U.S.C. 812(b) defines the five schedules of controlled substances established by the Comprehensive Drug Abuse Prevention and Control Act of 1970. Only Schedule I is reserved for substances which have no currently accepted medical use in treatment in the United States. Title 21 U.S.C. 355(a) prohibits the introduction into interstate commerce of any new drug unless that drug has received an approved New Drug Application from HEW and Section 355(d) provides, in pertinent part, that to receive a New Drug Application a drug must be effective for a particular medical purpose and safe for use.

III. FINDINGS OF THE ADMINISTRATIVE LAW JUDGE

"Cannabis" (marihuana) is defined in the Single Convention as "the flowering or fruiting tops of the cannabis plant (excluding the seeds and leaves when not accompanied by the tops) from which the resin has not been extracted." "Cannabis resin" is defined as "the separated resin, whether crude or purified obtained from the cannabis plant."

As to these defined substances the Single Convention imposes certain obligations on the United States:

(a) To limit the use of cannabis and cannabis resin to medical and scientific research or to medical and scientific purposes;

(b) To report estimates of cannabis and cannabis resin to be consumed in the next year and statistics on those drugs for the past year;

(c) To establish quotas for cannabis and cannabis resin;

(d) To establish a national cannabis agency;

(e) To license producers of cannabis and cannabis resin;

(f) To control domestic and international distribution of cannabis and cannabis resin; and

(g) To provide a penalty scheme for violation of the treaty and seize drugs used in such violations.

As noted, the seeds and leaves of the cannabis plant are included in the definition of "cannabis" when they accompany "the flowering or fruiting tops" of the plant. The leaves or seeds are excluded from the definition when they are entirely separated from the tops.

1. *Judge Parker found* that "when the leaves and seeds of cannabis accompany the tops, they come within the definition of cannabis adopted by the Single Convention, are subject to the same controls as the tops, and the United States has an obligation under the Convention to control them."

The Acting Administrator accepts this finding.

Seeds not accompanied by tops are not specifically controlled by the Single Convention.

2. *Judge Parker found* that "if the United States decided to decontrol cannabis seeds, that action would not violate any existing international obligations."

The Acting Administrator does not accept this finding since it is obvious that the seeds of a plant can be used to grow other plants. A finding that the Single Convention intended to ignore separated seeds capable of germination does not comport with the treaty's direction in Article 2, paragraph 8 which specifies "the parties shall use their best endeavors to apply to substances which do not fall under this Convention, but which may be used in the illicit manufacture of drugs, such measures of supervision as may be practicable." The Acting Administrator finds that the rigid controls imposed by the Single Convention on seeds when they accompany the tops do not apply to separated seeds which are capable of germination. He finds further that the Single Convention intended that such separated seeds be controlled.

With regard to leaves not accompanied by the tops the Single Convention directs that "the parties shall adopt such measures as may be necessary to prevent the misuse of, and illicit traffic in, the leaves of the cannabis plant."

3. *Judge Parker found* that "while the United States is obligated by the Single Convention to adopt specific controls over cannabis and cannabis resin . . . the Convention, in Article 28, paragraph 3, contains only a general admonition with respect to leaves." However, the article "does not give the parties the option of deciding *not* to control cannabis

leaves, and I find that it imposes an obligation on all parties to apply some measure of control, however slight, to prevent misuse of, and illicit traffic in, the leaves." (Word within quotation italicized by Judge Parker.)

The Acting Administrator accepts the substance of this finding but not the suggestion implicit in its language. The Acting Administrator construes Article 28, paragraph 3 as more than an "admonition." It intends that the United States make a full effort, in good faith, to prevent misuse of, or illicit traffic in, separated leaves. A "slight" effort or even a less than our best effort would denigrate the Single Convention.

4. *Judge Parker found* that the Single Convention does not apply to artificial cannabis.

The Acting Administrator finds that "artificial cannabis" does not exist and what the judge intended is synthetic tetrahydrocannabinol. This manufactured substance is not covered by the Single Convention and is not at issue in this proceeding.

The administrative hearing developed certain facts which were not included in Judge Parker's findings:

1. The plant material of what is commonly called marihuana in the United States consists of a mixture of crushed leaves, flowers and twigs of the Indian Hemp plant, an annual belonging to the single species of Cannabis sativa.

2. Resin is found in all parts of the cannabis plant including the leaves and the psychoactive element tetrahydrocannabinol (THC) is found in all parts of the plant. It is possible to extract THC from a separated cannabis leaf to make hash oil—a highly potent drug. THC is controlled in Schedule I of the Act.

3. It is the position of the Department of State, as set forth in the FEDERAL REGISTER notice of June 26, 1974, that "the Department of State is vitally interested in the effective enforcement of all the international obligations undertaken by the United States under the Single Convention on Narcotic Drugs, to which the United States became a party on June 24, 1967, and continues to be a party. The United States gave its consent to be bound by the Single Convention without any reservations or conditions and, accordingly, undertook to abide by all the obligations of that Convention."

4. It is the position of the Department of State, as set forth in the FEDERAL REGISTER notice of June 26, 1974, that the flowering or fruiting tops of the cannabis plant and cannabis resin must be included in Schedule I or Schedule II of the Act since these schedules are the only ones providing sufficient controls to meet the obligations which the Single Convention imposes as to those substances. The Department further considers that the Single Convention requires control of the leaves of the plant and that "the practice of mixing the flowering or fruiting tops, cannabis resin, (sometimes referred to as hashish), or a concentrated cannabis extract with the leaves, seems to present a serious problem of determining whether one level of control can be applied to the leaves alone when other more potent substances are mixed with them which at the present time seems to be impossible except in a laboratory."

In discussing "the seriousness of the international situation with respect to illicit traffic in substances derived from the marihuana plant" the Department of State cites the statements made in the Report for 1973 of the International Narcotic Control Board (the control organ under the Single Convention) to the United Nations Economic and Social Counsel. This report, issued on February 22, 1974 states:

> The Board notes in its report that cannabis continues to be the most prevalent drug in the illicit traffic. While there have been many seizures of substantial quantities of cannabis in 1973, the stream of the drug from countries where it is grown to countries where it is consumed has apparently not significantly diminished. The problem is exacerbated by the appearance of stronger concentrated forms which are easier to transport and are more potentially dangerous to the user. The Board is encouraged by the increase in basic research on cannabis, and calls for further studies on the effects of long-term consumption.

It is apparent that Judge Parker did not make these findings because of his understanding of the "first phase." He writes, "the only issue which must be decided is whether there is any latitude with respect to the scheduling of marihuana, consistent with treaty obligations. If there is, the extent to which such latitude permits descheduling or rescheduling is an issue which would more properly be decided in the second phase proceeding after the views of the Secretary of Health, Education, and Welfare are considered by the Acting Administrator of DEA."

The Acting Administrator does not interpret the "first phase" as limited to a sterile reading of the treaty's words and phrases. To discuss "flowering or fruiting tops", "seeds and leaves", "resin" without knowing what they are and how they are used is to ignore why they appear in the Single Convention at all. Also, the court called for "the views of sources in the State Department and the international organizations involved" and since those views appeared in detail in the FEDERAL REGISTER notice of June 26, 1974, they require the closest attention. Accordingly, while the four findings immediately above were not "found" by the administrative law judge, they are "found" by the Acting Administrator.

Finally, the Acting Administrator finds that it is the position of the Secretary of Health, Education, and Welfare that "there is no currently accepted medical use of marihuana in the United States. There is no approved New Drug Application for Cannabis sativa L. (marihuana). There are Investigational New Drug Applications on file to determine possible therapeutic uses and potential toxic effects of the substance." The "substance" referred to by Dr. Cooper in his letter of April 14, 1975, to Mr. Jenson is the substance defined in Section 102 (15) of the Act, 21 U.S.C. 802(15). Here marihuana is described as "all parts of the plant Cannabis sativa L., whether growing or not; the seeds thereof; the resin extracted from any part of such plant; and every compound, manufacture, salt, derivative, mixture, or preparation of such plant, its seeds or resin." Excluded from the definition are seeds incapable of germination and certain other parts of the plant and products which may be derived from the plant. These parts and products are not pertinent to this discussion.

Congress placed all parts of marihuana as defined in the Act under Schedule I of the Act.

Comparing the description of "marihuana" in the Act with the description of "cannabis" in the Single Convention it is noted that the Act applies complete and equal coverage to flowering or fruiting tops, to seeds capable of germination and leaves whether or not accompanied by the tops, and to resin, while the Convention applies specific controls to the tops and to the seeds and leaves when they accompany the tops and to resin. The Convention assigns nonspecific controls to leaves and to seeds capable of germination when separated from the tops.

IV. THE RECOMMENDED DECISION OF THE ADMINISTRATIVE LAW JUDGE

Judge Parker's recommended decision reads as follows:

> The United States is not required by any treaty, convention, or protocol to control cannabis seeds or artificial cannabis (Findings 22, 25 and 26(b) (1), (2)). Therefore, I recommend that the Administrator, pursuant to § 201(b) of the Controlled Substances Act, 21 U.S.C. 811(b), request from the Secretary of Health, Education, and Welfare a scientific and medical evaluation and the Secretary's recommendation as to the appropriate schedule in which cannabis seeds and artificial cannabis should be placed or whether these drugs should be removed from the schedules as controlled substances. After receiving these recommendations, the Administrator should hold hearings pursuant to § 201(a).
>
> The United States is required by the Single Convention to control cannabis, cannabis resin, and cannabis leaves (Findings 21, 23, 24 and 26(a) (1) and (2)). However, its obligations thereunder can be satisfied if cannabis and cannabis resin are placed in Schedule II of the Controlled Substances Act and if cannabis leaves are placed in Schedule V of the Act. Therefore, I recommend that the Administrator, pursuant to § 201(b), 21 U.S.C. 811(b), of the Controlled Substances Act, request from the Secretary of Health, Education, and Welfare a scientific and medical evaluation and the Secretary's recommendation as to the appropriate schedule (within the limits of the United States' treaty obligations)* in which cannabis, cannabis resin and cannabis leaves should be placed. After receiving these rec-

*This phrase is included to make it clear that the Secretary, while he might recommend it, could not bind the Attorney General to place cannabis and cannabis resin in Schedules III–V or decontrol cannabis leaves since such action would violate the United States' treaty obligations.

ommendations, the Administrator should hold hearings pursuant to § 201(a).

V. ACTING ADMINISTRATOR'S DISCUSSION OF THE RECOMMENDED DECISION

The Acting Administrator agrees that "artificial cannabis" (actually synthetic tetrahydrocannabinol) is not controlled by any treaty to which the United States is a signatory. Therefore, U.S. control of synthetic tetrahydrocannabinol is not an issue in this proceeding.

The recommendation concerning "cannabis seeds" is confusing since it does not differentiate between seeds capable of germination and those which are not. As to those capable of germination, the Acting Administrator, as noted above, considers them covered by the treaty. Seeds incapable of germination are not controlled by either the Convention or the Act and are not an issue in this proceeding.

The Acting Administrator agrees that the Single Convention requires the United States to control cannabis, cannabis resin, and cannabis leaves. He agrees that the control mechanisms of the Act relating to Schedule I or Schedule II are sufficient to meet the requirements of the Single Convention as to cannabis and cannabis resin. (These requirements are listed above as (a) through (g) in the second paragraph under "Findings of the Administrative Law Judge")

So that there be no confusion, the term "cannabis" includes the seeds and leaves when they accompany the tops and Judge Parker's reference to "cannabis leaves" is taken to mean leaves which do not accompany, and are entirely separated from the tops. As to such separated leaves, the judge believes the control mechanisms of Schedule V to be sufficient. If the Acting Administrator were faced with this question in the framework of an academic discussion, he might agree that Schedule V controls could technically so limit separated leaves (and seeds capable of germination) as to meet the bare bones language of the treaty.

However, marihuana in the illicit traffic is a mixture of crushed leaves, flowers, and twigs, and THC can be extracted from the leaves to make hash oil. Thus, the misuse to which the leaves can be put and the form in which marihuana appears illicitly, make it obvious that Schedule V controls, which permit over-the-counter sales for a "medical purpose" would fall far short of the contemplated restrictions and purposes of the Single Convention and the intent of the Comprehensive Drug Abuse Prevention and Control Act of 1970.

Having found that the Single Convention obligates the United States to control cannabis, and cannabis resin and that this obligation could be met by placement in Schedule II, Judge Parker appears to recommend that, under Section 201(b) of the Act, the Acting Administrator request a scientific and medical evaluation from the Secretary, HEW, and then hold a hearing under Section 201(a). The identical procedural recommendation appears to be made as to leaves entirely separated from the tops.

The Acting Administrator uses the phrase "appears to recommend" because under Judge Parker's total recommendation the Secretary of HEW is not really to be permitted to make the medical and scientific evaluation contemplated by Section 201(b). As the footnote to the recommendation shows, the Secretary is to make an evaluation limited by legal interpretations of an international treaty. This situation demonstrates the problem which faced the Congress on the subject of drugs which are controlled by domestic law *and* international agreement.

The solution, as Congress resolved it, was to place in the Attorney General the ability to resolve the mixed questions of law and science and medicine. What the Court of Appeals feared was that this official conceivably might act without due regard for the views of other officials with an interest in the subject matter and in a special position to offer him advice. The court did not repeal Section 201(d). It referred to it as "establishing a basis for control under the Act if required by treaty obligations" and it strongly suggests that the Attorney General employ the appropriate talents available in the federal government in reaching a decision. In short, as the court projected Phase II, there would be a "pertinent executive discretion" when latitude exists as to a drug controlled by treaty. Judge Parker sees this executive discretion as a Section 201(a) hearing surrounded by a thicket of international legal inhibitions. If the court intended this result it might well have written, "the second phase would arise only if some latitude were found and would consist of a hearing under Section 201(a)."

Judge Parker's refusal to weigh the impact of Dr. Cooper's letter, or even to recognize that it exists in the record, is not explained. He may consider as mandatory the court's suggestion that the rulemaking proceed in two phases even where, as here, the second phase has been permitted to invade the first. The Acting Administrator does not regard the remand as an exercise in form. The court ordered the resolution of *issues*.

Whether Judge Parker has followed the logical extension of his recommendations does not appear, but in any hearing pursuant to Section 201(a), Dr. Cooper's letter would permeate the proceedings. First, under Section 201(b) it would represent the position of the Secretary of HEW on a medical-scientific matter. From that position would flow the statutory domestic prohibitions on marihuana as a drug without a New Drug Application. Second, since the Attorney General would be bound by the Secretary's position he could issue no order at the conclusion of a hearing inconsistent with it (unless of course, as Judge Parker footnotes, the Secretary's position is inconsistent with the Single Convention). Thus, no matter the weight of the scientific or medical evidence which petitioners might adduce, the Attorney General could not remove marihuana from Schedule I. That schedule is the only schedule reserved for drugs without a currently accepted medical use in treatment in the United States. Dr. Cooper's letter states that marihuana, as defined in the Act, has no currently accepted medical use in treatment in the United States.

Conceivably, Judge Parker foresaw the Section 201(a) hearing as a forum for resolving conflicting medical and scientific views in which petitioners' experts would so overwhelm the government's that the Secretary of HEW would change his mind on marihuana. Such a forum exists but not within the Drug Enforcement Administration.

Dr. Cooper's letter refers to "Investigational New Drug Applications on file to determine possible therapeutic uses and potential toxic effects of the substance." Clearly then there are ongoing studies aimed at demonstrating that all or part of the plant Cannabis sativa L. may be effective for a particular medical purpose and safe for use. Should these studies result in the granting of a New Drug Application by HEW, the Acting Administrator could move promptly to determine the proper schedule for the drug, consistent with federal law and the Single Convention.

VI. SUMMARY OF THE ACTING ADMINISTRATOR'S FINDINGS

Based on the record,[1] the Acting Administrator concludes as follows:

1. There is currently no accepted medical use of any part of the cannabis plant or of marihuana in the United States; there are studies in progress, authorized by HEW, to determine the possible therapeutic uses and potential toxic effect of the substance.

2. Under the Comprehensive Drug Abuse Prevention and Control Act of 1970, five schedules for controlled substances are established. Of these, only Schedule I is reserved for substances having no accepted medical use in the United States. Congress placed marihuana, as described in the Act, in Schedule I.

3. The Single Convention obligates the United States to control the flowering or fruiting tops of the plant from which the resin has not been extracted, the separated resin (whether crude or purified), the seeds capable of germination and the leaves. Therefore, none of these materials may be decontrolled.

4. The control mechanisms of the Act for Schedule I or Schedule II are sufficient to meet the obligations of the

[1] By a written communication dated June 13, 1975, counsel for petitioners asked the Acting Administrator to overrule the Administrative Law Judge's ruling admitting certain government exhibits into evidence. These exhibits consisted of cannabis materials and photographs and slides of various cannabis materials. The Acting Administrator has not found it necessary to consider these exhibits.

Single Convention as to the flowering or fruiting tops, seeds, and leaves when they accompany such tops, and resin.

5. The control mechanisms of the Act for Schedule III or Schedule IV are sufficient to meet the obligations of the Single Convention as to leaves which are capable of germination.

6. The United States Department of State interprets the Single Convention to require U.S. control of the flowering or fruiting tops of the cannabis plant and cannabis resin in Schedule I or Schedule II of the Act. The Department further interprets the Single Convention to require U.S. control of the leaves of the plant and it questions whether it is practical to apply one level of control to the leaves alone and another level of control when other parts of the cannabis plant are mixed with the leaves.

7. The International Narcotics Control Board report to the United Nations Economic and Social Counsel issued February 22, 1974, finds that cannabis is the most prevalent drug in the illicit traffic. It has appeared recently in stronger concentrated forms which are easier to transport and are potentially more dangerous to the user.

8. Seeds capable of germination are controlled by the Single Convention and the Act.

9. Synthetic tetrahydrocannabinol and seeds incapable of germination are not controlled by the Single Convention and therefore are not issues to be considered by the Acting Administrator.

VII. Exercise of the Pertinent Executive Discretion

This second phase would arise only if some latitude were found and would consider how the pertinent executive discretion should be exercised.

Congress enacted the Comprehensive Drug Abuse Prevention and Control Act of 1970 with the Single Convention on Narcotic Drugs, 1961, firmly in mind. (See the following sections of Title 21, United States Code in which the treaty is considered: Section 801(7), Section 811(d), Section 812(b), Section 823(a), Section 953(a)C, Section 953(b), Section 958(a)).

The Act then is the cutting edge of federal law which enforces the treaty as Congress sees the treaty. Whenever the federal law meets an obligation imposed by the treaty, the federal law has been designed to meet that obligation. In short, Congress intended (and must have believed) that the Act and the treaty would be *consistent*.

This is not to say that the Act is merely a restatement of the treaty in statutory language. Domestic considerations of public health and safety and criminal conduct intrude. The consistency sought by Congress was consistency within the framework of our own national problems, interests, and policies. Therefore the pertinent executive discretion cannot be exercised in the light of the Single Convention alone. It is required that the treaty and the Act be considered always together.

To find that the control mechanisms of Schedule I or II are sufficient to meet the obligations imposed on the United States by the treaty as to flowering or fruiting tops, seeds and leaves when they accompany the tops, and resin, is not to find that Schedule I and II are equally acceptable under the Act. Similarly, to find that the control mechanisms of Schedule III, Schedule IV, or even Schedule V are sufficient to meet the obligations imposed on the United States by the treaty as to leaves entirely detached from the tops and separated seeds capable of germination is not to find each of these three schedules equally acceptable (or acceptable at all) under the Act. The available discretion does not permit violation of the treaty or violation of the Act.

Looking first at the treaty, there is no latitude to decontrol any part of the cannabis plant, except seeds incapable of germination. Turning to the Act, Schedule II, Schedule III, Schedule IV and Schedule V are confined to drugs having a currently accepted medical use in treatment in the United States. Seeking now the appraisal of the Secretary of Health, Education, and Welfare, we are instructed that there is no part of the cannabis plant which has such use. Placement of marihuana in Schedule I is therefore less discretionary than mandatory. Considering the Single Convention and the Act together there is in fact no discretion unless the appraisal of the Secretary, HEW, can be ignored. The Court of Appeals indicates that it should not be ignored and we have not done so here.

The conclusion now reached may be altered by time. Congress may amend the Drug Abuse Prevention and Control Act of 1970. Certainly petitioners and others have the right to seek a hearing from HEW under the Federal Food, Drug, and Cosmetic Act to demonstrate that all or part of the cannabis plant has a particular medical usefulness and that it is safe for that use.

Order

Under the authority vested in the Attorney General by Section 201(d), of the Comprehensive Drug Abuse Prevention and Control Act of 1970, 21 USC 811(d), and redelegated to the Acting Administrator of the Drug Enforcement Administration by Section 0.100, as amended, Title 28, Code of Federal Regulations, and having been duly designated as Acting Administrator by Order No. 607-75 of the Attorney General dated May 30, 1975, in accordance with the authority stated therein and pursuant to the authority delegated to the Acting Administrator by Section 0.132(d) of Title 28, Code of Federal Regulations, *and*

Having considered the recommended decision of the Administrative Law Judge, the Single Convention on Narcotic Drugs, 1961, the applicable statutes, the findings of fact and conclusions of law, and the record of the hearing which includes the views of the Secretary of Health, Education, and Welfare, the Department of State, and international organizations, it is *Ordered* that the petition of the National Organization for the Reform of Marijuana Laws (NORML) and the American Public Health Association dated May 18, 1972 is, in all respects, denied.

Dated: September 22, 1975.

HENRY S. DOGIN,
Acting Administrator,
Drug Enforcement Administration.

[FR Doc.75-25677 Filed 9-24-75;8:45 am]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[Power Project 2405]

ALASKA

Opening of Lands

SEPTEMBER 17, 1975.

1. In order issued September 3, 1975, the Federal Power Commission partially vacated the power withdrawal created by the filing of an application by the City of Anchorage for a preliminary permit for Project No. 2405 (proposed Eagle River Project). The withdrawal was vacated as to the following described lands:

T. 14 N., R. 2 W., Seward Meridian, Alaska.
Section 13: Those portions of the NW¼NE¼ and N½NW¼ included in highway right-of-way application AA-9101 (Bureau of Land Management serial number).
Containing approximately 6.67 acres.

2. The State of Alaska, Department of Highways has filed an application with the Bureau of Land Management (serial No. AA-9101) for a highway right-of-way pursuant to the act of August 27, 1958 (72 Stat. 885), that includes the above-described lands. Pursuant to section 11(a)(1) of the Alaska Native Claims Settlement Act (85 Stat. 688), the lands described in paragraph 1 are withdrawn for selection by the village of Eklutna and the Cook Inlet Region, Inc.

In accordance with section 22(i) of the Alaska Native Claims Settlement Act, the Secretary has interim administration of the lands described in paragraph 1, including the authority to grant rights-of-way. After December 18, 1975, any of the lands described in paragraph 1 not selected by the village or regional corporation shall be withdrawn by Public Land Order No. 5418 of March 29, 1974, as modified or amended, for classification and protection of the public interest.

CURTIS V. MCVEE,
State Director.

[FR Doc.75-25649 Filed 9-24-75;8:45 am]

[Serial No. A-8918]

ARIZONA

Designation of Paiute Primitive Area

Pursuant to the authority in 43 CFR, Subpart 2070, and authorization from the Director dated August 18, 1975, I hereby designate the National Resource Lands in the following described area as the Paiute Primitive Area:

GILA AND SALT RIVER MERIDIAN, ARIZONA—MOHAVE COUNTY

T. 39 N., R. 14 W.,
Sec. 2: W½NW¼, NW¼SW¼;
Sec. 3: All;
Sec. 4: All;
Sec. 5: All;
Sec. 6: All;
Sec. 7: E½, lots 1, 2, 3, and 4, E½NW¼, NE¼SW¼;
Sec. 8: All;
Sec. 9: All;
Sec. 17: NE¼NE¼, W½NE¼, NW¼;
Sec. 18: E½, E½SW¼;
Sec. 19: N½.
T. 39 N., R. 15 W.,
Sec. 1: All;
Sec. 2: All;
Sec. 3: All;
Sec. 4: SE¼;
Sec. 9: E½;
Sec. 10: All;
Sec. 11: All;
Sec. 12: All;
Sec. 13: NE¼, W½, NW¼SE¼;
Sec. 14: All;
Sec. 15: All;
Sec. 16: E½;
Sec. 21: N½NE¼, SE¼NE¼;
T. 39 N., R. 15 W., (cont.)
Sec. 22: N½, N½SE¼, NE¼SW¼;
Sec. 23: N½, N½SW¼, NW¼SE¼;
Sec. 24: N½NW¼, SW¼NW¼.
T. 40 N., R. 14 W.,
Sec. 3: W½;
Sec. 4: All;
Sec. 5: S½, lots 1, 2, and 3;
Sec. 6: SE¼, E½SW¼, lots 4, 5, 6, 7, 8, and 9;
Sec. 7: All;
Sec. 8: All;
Sec. 9: All;
Sec. 10: W½;
Sec. 15: NW¼NE¼, S½NE¼, NW¼, S½;
Secs. 16 through 22: All;
Secs. 27 through 34: All;
Sec. 35: W½.
T. 40 N., R. 15 W.,
Sec. 1: lots 1, 2, and 3, SE¼NW¼, S½NE¼, E½SW¼, SE¼;
Sec. 11: SE¼, SE¼NE¼;
Sec. 12: All;
Sec. 13: All;
Sec. 14: E½;
Sec. 23: E½, SW¼;
Sec. 24: All;
Sec. 25: All;
Sec. 26: All;
Sec. 34: E½;
Sec. 35: All;
Sec. 36: All.
T. 41 N., R. 14 W.,
Sec. 31: lots 3 and 4, E½SW¼, W½SE¼;
Sec. 33: SE¼, SE¼NE¼;
Sec. 34: S½, S½N½.

The area described aggregates about 35,092 acres of National Resource Lands. The Paiute Primitive Area is Class V Primitive Area under the Bureau of Outdoor Recreation system of classification. This Paiute Primitive Area will be managed pursuant to the provisions of 43 CFR, Subpart 6221.

ROBERT O. BUFFINGTON,
State Director.

SEPTEMBER 15, 1975.

[FR Doc.75-25547 Filed 9-24-75;8:45 am]

[Wyoming 52260]

WYOMING

Notice of Application

Notice is hereby given that pursuant to Section 28 of the Mineral Leasing Act of 1920, as amended (30 U.S.C. 185), Mountain Fuel Supply Company has applied for a natural gas pipeline right-of-way across the following lands:

SIXTH PRINCIPAL MERIDIAN, WYOMING

T. 18 N., R. 104 W.,
Sec. 32.

The pipeline will convey natural gas from the Polumbus Well 31–1 in sec. 31 to the applicant's existing pipeline in sec. 29, all in T. 18 N., R. 104 W., in Sweetwater County, Wyoming.

The purpose of this notice is to inform the public that the Bureau will be proceding with consideration of whether the application should be approved and, if so, under what terms and conditions.

Interested persons desiring to express their views should send their name and address to the District Manager, Bureau of Land Management, P.O. Box 1869, Rock Springs, WY 82901.

GLENNA M. LANE,
Acting Chief, Branch of Lands and Minerals Operations.

[FR Doc.75-25548 Filed 9-24-75;8:45 am]

Geological Survey

[Coal Land Classification Order Wyoming No. 152]

WYOMING

Coal Land Classification

Pursuant to authority under the Act of March 3, 1879 (20 Stat. 394; 43 U.S.C. 31), and as delegated to me by Departmental Order 2563, May 2, 1950, under authority of Reorganization Plan No. 3 of 1950 (64 Stat. 1262), the following described lands, insofar as title thereto remains in the United States, are hereby classified as shown:

SIXTH PRINCIPAL MERIDIAN, WYOMING

COAL LANDS

T. 21 N., R. 80 W.,
Sec. 3, lot 3, SE¼NW¼, E½SW¼;
Sec. 6, lots 3 to 7, inclusive, SE¼NW¼, E½SW¼;
Sec. 7, lots 1 and 2;
Sec. 10, SE¼NE¼;
Sec. 13, NW¼SE¼;
Sec. 32, SE¼SW¼.
T. 21 N., R. 81 W.,
Sec. 3, lots 2 to 4, inclusive, SW¼NW¼;
Sec. 4, lots 1 to 4, inclusive, S½N½, N½SW¼;
Sec. 5;
Sec. 6, lots 1 to 5, inclusive, S½NE¼, SE¼NW¼, NE¼SW¼, N½SE¼;
Sec. 15, SW¼SW¼;
Sec. 16, SE¼SE¼;
Sec. 21, NW¼NE¼, E½NW¼, NW¼SW¼.
T. 21 N., R. 82 W.,
Sec. 1, lots 1 to 4, inclusive, S½N½;
Sec. 2, lots 1 to 4, inclusive, S½N½;
Sec. 5, lots 2 to 4, inclusive, SW¼NE¼.
T. 21 N., R. 84 W.,
Sec. 14, SW¼SW¼, NW¼SE¼;
Sec. 23, NE¼NE¼.
T. 22 N., 79 W.,
Sec. 9, SE¼SW¼, SW¼SE¼;
Sec. 15, SW¼SW¼;
Sec. 16, W½NE¼, W½, SE¼;
Sec. 17, E½E½, SW¼SE¼;
Sec. 20, NE¼, N½SE¼, SE¼SE¼;
Sec. 21;
Sec. 22, SE¼NE¼, W½NE¼, W½, SE¼;
Sec. 27, N½, N½SW¼, NW¼SE¼;
Sec. 28, N½N½, S½NE¼, SE¼NW¼, N½SE¼;
Sec. 29, NE¼NE¼.
T. 22 N., R. 80 W.,
Sec. 1, SW¼SW¼;
Sec. 2, S½SE¼;
Sec. 4, lots 3 and 4, S½NW¼, NW¼SW¼;
Sec. 5, lots 1 to 4, inclusive, S½N½, SW¼N½SE¼, SW¼SE¼;
Sec. 6;
Sec. 7, lots 1 and 2, N½NE¼, NE¼NW¼;
Sec. 8, NW¼NW¼, S½SE¼, NE¼SE¼;
Sec. 9, SW¼NW¼, SW¼;
Sec. 11, E½, E½W½;
Sec. 12, W½NW¼, NE¼SW¼;
Sec. 14, NW¼NE¼, NE¼NW¼, SW¼NW¼;
Sec. 15, NE¼SE¼;
Sec. 17, E½NW¼, W½SW¼;
Sec. 19, E½NE¼, SE¼;
Sec. 20, W½NW¼;
Sec. 22, SE¼SE¼;
Sec. 23, S½S½;
Sec. 24, W½E½, SE¼NW¼, SW¼;
Sec. 25, W½E½, E½W½, W½NW¼;
Sec. 26, N½NE¼, NW¼NW¼;
Sec. 27, NE¼, W½SE¼;
Sec. 30, W½NE¼, SE¼NW¼, E½SW¼;
Sec. 31, SE¼NW¼, E½SW¼, SE¼SE¼;
Sec. 34, SW¼NE¼, NW¼SE¼;
Sec. 36, W½NE¼, E½NW¼, NE¼SW¼.
T. 22 N., R. 81 W.,
Sec. 1;
Sec. 2, E½SE¼;
Sec. 6, lots 4, 5 and 7, SE¼SW¼;
Sec. 11, E½, SE¼NW¼, SW¼;
Sec. 12, N½, N½S½, S½SW¼, SW¼SE¼;
Sec. 13, NW¼NE¼, W½;
Sec. 14;
Sec. 15, SE¼NE¼, E½SW¼, SE¼;
Sec. 21, SE¼SE¼;
Sec. 22;
Sec. 23;
Sec. 24, W½NW¼, NW¼SW¼;
Sec. 26, E½NE¼, W½E½, W½;
Sec. 27, N½, E½SW¼, SE¼;
Sec. 28, E½NE¼, SE¼SW¼;
Sec. 31, lots 2 to 4, inclusive, SE¼NW¼, E½SW¼;
Sec. 32, S½SE¼;
Sec. 33, E½, E½W½, NW¼NW¼, W½SW¼;
Sec. 34;
Sec. 35, NW¼NE¼, E½NW¼, W½W½, NE¼SW¼.
T. 22 N., R. 82 W.,
Sec. 1, lots 1 to 4, inclusive, S½NE¼, SE¼NW¼, SE¼SW¼, NW¼SE¼;
Sec. 12, SE¼NW¼;
Sec. 26, SW¼NE¼;
Sec. 30, lots 3 and 4, E½SW¼, SW¼SE¼;
Sec. 31, lots 1 and 2, NE¼, E½NW¼, NE¼SW¼, SE¼;
Sec. 32, SW¼NW¼, W½SW¼, SE¼SW¼;
Sec. 35, W½NE¼, SE¼NE¼, SE¼NW¼, SW¼SW¼, E½SW¼, SE¼;
Sec. 36, SE¼.
T. 22 N., R. 83 W.,
Sec. 7, lot 4, SE¼SW¼;
Sec. 17, SW¼NW¼, SW¼, W½SE¼, SE¼SE¼;
Sec. 18;
Sec. 19, lots 1 and 2, NE¼, E½NW¼, N½SE¼;
Sec. 20;
Sec. 21, S½NE¼, W½, SE¼;
Sec. 22, NW¼SW¼, S½S½;
Sec. 23, SW¼SW¼;
Secs. 25 to 27, inclusive;
Sec. 28, N½, N½SE¼;
Sec. 29, N½NE¼;
Sec. 31, lot 1;
Sec. 34, N½NE¼;
Sec. 35, N½N½, S½NE¼;
Sec. 36, N½.

T. 22 N., R. 84 W.,
Sec. 2, lot 4, SW¼NW¼, SW¼, S½SE¼;
Sec. 3;
Sec. 10, NE¼, E½NW¼, N½SE¼;
Sec. 11;
Sec. 12, NW¼NW¼, S½NW¼, S½;
Sec. 13;
Sec. 14, NE¼, NE¼NW¼, NE¼SE¼;
Sec. 24, N½NE¼;
Sec. 36, N½NE¼.
T. 23 N., R. 80 W.,
Sec. 3, SW¼SW¼;
Sec. 4, W½, W½SE¼, SE¼SE¼;
Sec. 5, E½, E½W½, NW¼SW¼;
Sec. 6, lot 2, E½SE¼;
Sec. 8, NE¼NE¼;
Sec. 9, N½, NE¼SW¼, SE¼;
Sec. 10, E½NW¼, W½W½, NE¼SW¼;
Sec. 15, W½NW¼, N½SW¼, SE¼SW¼, W½SE¼;
Sec. 16, NE¼;
Sec. 18, N½NE¼, NE¼NW¼;
Sec. 21, E½E½;
Sec. 22, N½, SW¼, W½SE¼;
Sec. 28, E½E½, SW¼NE¼, SE¼SW¼, W½SE¼;
Sec. 31, lot 4, SE¼SW¼, SE¼;
Sec. 32, NE¼NE¼, S½NE¼, SE¼NW¼, S½;
Sec. 33, N½, N½SW¼, SW¼SW¼.
T. 23 N., R. 81 W.,
Sec. 4, lots 1 and 2;
Sec. 5, lots 2 to 4, inclusive, S½NW¼, SW¼, S½SE¼;
Sec. 6;
Sec. 18, lots 2 to 4, inclusive, E½SW¼, SW¼SE¼;
Sec. 19, lots 1 to 4, inclusive, NE¼, E½W½, W½SE¼, SE¼SE¼;
Sec. 20, SW¼NE¼, S½NW¼;
Sec. 28, SE¼SW¼;
Sec. 30, N½NE¼, SE¼NE¼;
Sec. 36, S½SE¼.
T. 23 N., R. 82 W.,
Sec. 1;
Sec. 2, lots 1 and 2, S½N½, S½;
Sec. 3, SE¼SE¼;
Sec. 10, E½E½, W½SE¼;
Sec. 11, NW¼NE¼, S½NE¼, W½, SE¼;
Sec. 12, W½SW¼, SE¼SW¼;
Sec. 13;
Sec. 14;
Sec. 15, E½, E½W½, W½SW¼;
Sec. 21, E½E½, SE¼SW¼, W½SE¼;
Secs. 22 to 24, inclusive;
Sec. 25, SW¼NE¼, W½, W½SE¼;
Sec. 26;
Sec. 27;
Sec. 28, N½, N½SE¼, SE¼SE¼;
Sec. 34, NE¼NE¼;
Sec. 35, N½N½, SE¼NE¼, NE¼SE¼;
Sec. 36.
T. 23 N., R. 83 W.,
Sec. 3, lots 3 and 4, SW¼NE¼, S½NW¼, SW¼, W½SE¼;
Sec. 4;
Sec. 5, lot 1, S½N½, S½;
Sec. 6, SE¼NE¼;
Sec. 7, E½NE¼, SW¼NE¼, E½NW¼, N½SE¼;
Sec. 8, N½NW¼, SW¼NW¼;
Sec. 9, E½, E½W½, NW¼NW¼;
Sec. 10, SE¼NE¼, W½NE¼, NW¼, S½;
Sec. 14, SW¼NW¼;
Sec. 15, N½NE¼, SE¼NE¼, W½;
Sec. 16, E½E½, W½NE¼, NE¼NW¼;
Sec. 21, SE¼NE¼, NE¼SE¼, SW¼SE¼;
Sec. 22, NW¼NW¼;
Sec. 23, E½W½, SW¼SW¼.
T. 23 N., R. 84 W.,
Sec. 2, lot 4, SW¼NW¼, W½SW¼;
Sec. 3, lot 1, S½NE¼, E½SW¼, SE¼;
Sec. 9, E½SE¼;
Sec. 10;
Sec. 11, NE¼NW¼, W½W½;
Sec. 14, W½W½, E½SW¼;
Sec. 15;
Sec. 16, E½E½;
Sec. 21, E½E½;
Sec. 22;
Sec. 23, NE¼NW¼, W½W½;
Sec. 26, W½W½;
Sec. 27;
Sec. 28, E½E½;
Sec. 34;
Sec. 35, NW¼SW¼.
T. 23 N., R. 85 W.,
Sec. 1, lots 1 to 4, inclusive, S½N½, N½S½;
Sec. 2, lots 1 to 4, inclusive, S½N½, N½S½;
Sec. 3, lots 1 to 4, inclusive, S½NE¼, SE¼NW¼, NE¼SE¼;
Sec. 10, SE¼SW¼, S½SE¼;
Sec. 11, S½SW¼, SW¼SE¼;
Sec. 13, SW¼NW¼, W½SW¼;
Sec. 14, N½, E½SW¼, SE¼;
Sec. 15, N½NE¼;
Sec. 22, W½W½;
Sec. 23, NE¼, E½NW¼, SW¼NW¼, NE¼SW¼, W½SE¼, NE¼SE¼;
Sec. 24, W½W½;
Sec. 26, W½NE¼;
Sec. 27, W½NW¼.
T. 24 N., R. 80 W.,
Sec. 30, lots 3 and 4, E½SW¼, S½SE¼;
Sec. 31, lot 1, E½, E½NW¼;
Sec. 32, W½W½, SE¼NW¼, E½SW¼, W½SE¼, SE¼SE¼.
T. 24 N., R. 81 W.,
Sec. 25, S½NW¼, N½S½, SW¼SW¼;
Sec. 26, S½N½, S½;
Sec. 27, S½NE¼, S½;
Sec. 28, S½SW¼, SE¼;
Sec. 29, S½SE¼;
Sec. 31, lots 3 and 4, NE¼NE¼, S½NE¼, SE¼NW¼, E½SW¼, SE¼;
Sec. 32;
Sec. 33, N½, W½SW¼, SE¼SW¼, NW¼SE¼;
Sec. 34, N½N½, SW¼NE¼, S½NW¼;
Sec. 35, N½NW¼.
T. 24 N., R. 82 W.,
Sec. 7, SW¼SE¼;
Sec. 9, NE¼, S½SW¼, N½SE¼, SW¼SE¼;
Sec. 10, W½NW¼;
Sec. 16, NW¼NW¼;
Sec. 17, N½N½;
Sec. 18, lot 1, N½NE¼, NE¼NW¼;
Sec. 36, SE¼SW¼, NE¼SE¼, S½SE¼.
T. 24 N., R. 83 W.,
Sec. 7, lots 2 to 4, inclusive, E½, SE¼NW¼, E½SW¼;
Sec. 8;
Sec. 9, S½NE¼, W½, SE¼;
Sec. 10, S½NW¼, S½;
Sec. 11, SW¼, W½SE¼, SE¼SE¼;
Sec. 12, S½S½;
Sec. 13, N½N½;
Sec. 16, N½NW¼, SW¼SW¼;
Sec. 17, N½N½, S½S½;
Sec. 18, lot 1, N½NE¼, NE¼NW¼;
Sec. 19, lots 2 to 4, inclusive, E½, E½W½;
Sec. 20, N½, N½SW¼, SW¼SW¼;
Sec. 21, W½NE¼, NW¼, N½SW¼, SE¼SW¼;
Sec. 29, NW¼NW¼;
Sec. 30, lots 1 to 4, inclusive, NE¼, E½W½, NW¼SE¼;
Sec. 33, E½SE¼, SW¼SE¼;
Sec. 34, S½NW¼, SW¼.
T. 24 N., R. 84 W.,
Sec. 10, E½, N½NW¼;
Sec. 11, S½N½, S½;
Sec. 12, SE¼NE¼, SE¼NW¼, S½;
Sec. 13, N½N½;
Sec. 14, N½N½;
Sec. 15, N½NE¼;
Sec. 19, lot 4;
Sec. 24, S½SE¼, NE¼SE¼;
Sec. 25, NE¼, E½NW¼, S½;
Sec. 26, SE¼SE¼;
Sec. 30, lots 1 to 4, inclusive, E½W½, W½SE¼;
Sec. 31, lots 1 to 4, inclusive, W½NE¼, E½W½, NW¼SE¼;
Sec. 35, NE¼, SE¼NW¼, SW¼SW¼;
Sec. 36, N½NW¼, SW¼NW¼.

The area described aggregates 74,514 acres, more or less, of which all are classified as coal.

W. A. RADLINSKI,
Acting Director.

SEPTEMBER 18, 1975.

[FR Doc.75-25564 Filed 9-24-75;8:45 am]

National Park Service

NATIONAL CAPITAL MEMORIAL ADVISORY COMMITTEE

Meeting

Notice is hereby given in accordance with the Federal Advisory Committee Act that a meeting of the National Capital Memorial Advisory Committee will be held at 1:30 p.m. on Monday, October 20, 1975, in Room 234 at the National Capital Parks Headquarters, 1100 Ohio Drive, SW., Washington, D.C.

The Committee was established for the purpose of preparing and recommending to the Secretary broad criteria, guidelines, and policies for memorializing persons and events on Federal lands in the National Capital Region (as defined in the National Capital Planning Act of 1952, as amended) through the media of monuments, memorials, and statues. It is to examine each memorial proposal for adequacy and appropriateness, make recommendations to the Secretary with respect to site location on Federal land in the National Capital Region and to serve as an information focal point for those seeking to erect memorials on Federal land in the National Capital Region.

The members of the Committee are as follows:

Mr. Gary E. Everhardt (Chairman), Director, National Park Service, Washington, D.C.
Mr. George M. White, Architect of the Capitol, Washington, D.C.
General Mark W. Clark, Chairman, American Battle Monuments Commission, Washington, D.C.
Mr. J. Carter Brown, Chairman, Fine Arts Commission, Washington, D.C.
Mr. David Childs, Chairman, National Capital Planning Commission, Washington, D.C.
Honorable Walter E. Washington, Mayor of the District of Columbia, Washington, D.C.
Mr. Larry F. Roush, Commissioner, Public Buildings Service, Washington, D.C.

The purpose of the meeting is to consider:

H.R. 3685—To authorize the Secretary of the Interior to establish a National Law Enforcement Heroes Memorial within the District of Columbia, and for other purposes;

H.R. 7711—To authorize the construction and maintenance of the General Draza Mihailovich Monument in Washington, District of Columbia, in recognition of the role he played in saving the lives of approximately five hundred United States airmen in Yugoslavia during World War II;

H.R. 3710—To authorize the One Hundred and First Airborne Division Associ-

ation to erect a memorial in the District of Columbia or its environs;

S. 64—Addition of names of the States of Alaska and Hawaii on the walls of the Lincoln Memorial;

S. 1847—To authorize the One Hundred and First Airborne Division Association to erect a memorial in the District of Columbia or its environs;

and the planting of memorial trees in the Nation's Capital.

The meeting will be open to the public. Any person may file with the Committee a written statement concerning the matters to be discussed. Persons who wish to file a written statement or who want further information concerning the meeting may contact Mr. Richard L. Stanton, Associate Director, Cooperative Activities, National Capital Parks, at area code 202–426–6715. Minutes of the meeting will be available for public inspection 2 weeks after the meeting at the Office of National Capital Parks, Room 208, 1100 Ohio Drive, SW., Washington, D.C.

Dated: September 16, 1975.

ABNER M. BRADLEY,
Acting Director,
National Capital Parks.

[FR Doc.75-25631 Filed 9-24-75;8:45 am]

OZARK NATIONAL SCENIC RIVERWAYS ADVISORY COMMISSION

Meeting

Notice is hereby given in accordance with Public Law 92–463 that a meeting of the Ozark National Scenic Riverways Advisory Commission will be held on Friday, October 17, 1975 at 10:00 a.m., at the Welch Spring Education Center, one-quarter mile off State Route K, 24 miles southwest of Salem in Shannon County, Missouri.

The Commission was established by Public Law 88–492 to meet and consult with the Secretary of the Interior on general policies and specific matters related to the administration and development of the Ozark National Scenic Riverways.

The members of the Commission are as follows:

Mr. William C. Schock, St. Louis, Missouri; Mr. Kirby Hart, Houston, Missouri; Mr. Robert G. Kelley, Ellsinore, Missouri; Mr. Carlton E. Bay, Salem, Missouri; Mr. Edward Hodge, Eminence, Missouri; Lt. Col. William Moore, USAR Ret., Ellington, Missouri; Mr. James Grassham, Van Buren, Missouri.

The purpose of the meeting is to consider the following agenda items:

1. Review of the draft master plan and environmental impact statement.
2. Progress report covering current problems and major activities.
3. Progress report on research programs.

The meeting will be open to the public. However, facilities and space of accommodating members of the public are limited and it is expected that not more than 15 persons will be able to attend the session. Any member of the public may file with the Committee a written statement concerning the matters to be discussed.

Persons wishing further information concerning this meeting, or who wish to submit written statements, may contact Randall R. Pope, Superintendent, Ozark National Scenic Riverways at (314) 323–4236. Minutes of the meeting will be available four weeks after the meeting at the office of Ozark National Scenic Riverways, Van Buren, Missouri 63965.

Dated: September 17, 1975.

MERRILL D. BEAL,
Regional Director,
Midwest Region.

[FR Doc.75-25632 Filed 9-24-75;8:45 am]

MIDWEST REGIONAL ADVISORY COMMITTEE

Meeting

Notice is hereby given in accordance with the Federal Advisory Committee Act that a meeting of the Midwest Regional Advisory Committee will be held beginning at 8:30 a.m. (CDT) on Wednesday, October 22, 1975, and continuing until approximately 12 noon (CST) on Friday, October 24, 1975, at Welch Cave Environmental Center, Ozark National Scenic Riverways, Missouri. Welch Cave is approximately 17 miles south of Salem, Missouri. It may be reached via State Highway 19, turning west on County Road J and continuing on County Road KK to a junction with County Road K at Akers Ferry. Welch Cave is a short distance north of the intersection on K.

The Committee was established pursuant to Public Law 91–383 to provide for free exchange of ideas between the National Park Service and the public, and to facilitate the solicitation of advice or other counsel from members of the public on programs and problems pertinent to the Midwest Region of the National Park Service.

The members of the committee are:

Honorable Robert W. Berry III (Chairman), Mrs. Mildred Curtis, Mr. Norman G. Duke, Mr. John J. Franke, Jr., Mr. Glenn C. Gregg, Mr. Fred D. Hartley, Mr. Lewis W. Jones, Mr. William L. Lieber, Mr. Erwin D. Sias.

The committee plans to devote as much of Wednesday, October 22, as necessary to discussion of testimony taken in Minnesota public meetings concerning the draft master plan for Voyageurs National Park. Other matters to be discussed at the meeting include:

1. Concession management.
2. River running.
3. The National Park Service land acquisition program.
4. The Youth Conservation Corps program.

The meeting will be open to the public. It is expected that in addition to the committee and staff about 20 persons will be able to attend. Any member of the public may file with the committee a written statement concerning matters to be discussed.

Persons wishing further information concerning this meeting, or who wish to submit written statements, may contact Bill W. Dean, Associate Regional Director, Cooperative Activities, Midwest Regional Office at Area Code 402, 221–3481. Minutes of the meeting will be available for public inspection four weeks after the meeting at the office of the Midwest Region, 1709 Jackson Street, Omaha, Nebraska 68102.

Dated: September 11, 1975.

MERRILL D. BEAL,
Regional Director,
Midwest Region.

[FR Doc.75-25635 Filed 9-24-75;8:45 am]

PINE SPRING CANYON, GUADALUPE MOUNTAINS NATIONAL PARK, TEXAS

Proposed Development Concept Plan

Public workshops will be held beginning at 7 p.m. on November 5, 1975 in the Rodeway Inn, 3804 National Parks Highway at Carlsbad, New Mexico and at 7 p.m. on November 6 in the Howard Johnson's Motor Lodge, 8887 Gateway West (Interstate 10 at Hawkins Road) at El Paso, Texas, to elicit the public's views on alternative development plans for the Pine Spring Canyon area of Guadalupe Mountains National Park.

The purpose of the workshop is to inform the public about the several alternative plans under consideration by the National Park Service for providing visitor facilities and a park headquarters facilities in the Pine Spring Canyon area. One of the main issues is a means of access to the higher portions of the park.

An environmental assessment of alternatives for development of the area is available at the following locations: Southwest Regional Office, National Park Service, Old Santa Fe Trail, P.O. Box 728, Santa Fe, New Mexico, 87501; Guadalupe Mountains National Park, 3225 El Paso Road, Carlsbad, New Mexico, 88220; and Chamizal National Memorial, Room 620, Southwest National Bank Building, 300 East Main Drive, El Paso, Texas, 79901.

Dated: September 9, 1975.

JOSEPH C. RUMBURG, JR.,
Regional Director,
Southwest Region.

[FR Doc.75-25633 Filed 9-24-75;8:45 am]

SLEEPING BEAR DUNES NATIONAL LAKESHORE ADVISORY COMMISSION

Meeting

Notice is hereby given in accordance with the Federal Advisory Committee Act that a meeting of the Sleeping Bear Dunes National Lakeshore Advisory Commission will be held at 1 p.m., October 24, 1975, Veterans of Foreign Wars Hall, 1144 Beulah Highway, Beulah, Michigan.

The Commission was established by Public Law 91–479 to meet and consult with the Secretary of the Interior on general policies and specific matters related to the administration and develop-

ment of the Sleeping Bear Dunes National Lakeshore.

The members of the Commission are as follows:

Mr. John B. Daugherty, Mr. Noble D. Travis, Mr. William B. Bolton, Mr. Samuel Eberly, Mr. Carl T. Johnson, Mr. John A. Stahlin, Mr. John D. Stanz, Mr. Louis F. Twardzik, Mrs. Charles R. Williams, Mr. Charles H. Yeates.

The matters to be discussed at this meeting include:

1. Identification and swearing in of new Commission members.
2. Status of Lakeshore land acquisition program.
3. Superintendent's report.
4. Advisory Commission Committee reports.
5. Review of 1975 seasonal operation.
6. Response to written statements as submitted by public attendees.

The meeting will be open to the public. It is expected 100 members of the public will be able to attend the session. Any member of the public may file with the Commission a written statement concerning the matters to be discussed.

Persons wishing further information concerning this meeting, or who wish to submit written statements, may contact J. A. Martinek, Superintendent, Sleeping Bear Dunes National Lakeshore, Frankfort, Michigan, at 616-352-9611. Minutes of the meeting will be available for public inspection four weeks after the meeting at the office of the Superintendent, Sleeping Bear Dunes National Lakeshore, 400½ Main Street, Frankfort, Michigan 49635.

Dated: September 17, 1975.

MERRILL D. BEAL,
Regional Director,
Midwest Region.

[FR Doc.75-25634 Filed 9-24-75;8:45 am]

DEPARTMENT OF AGRICULTURE

Commodity Credit Corporation

[Amdt. 2]

SALES OF CERTAIN COMMODITIES

Monthly Sales List (Fiscal Year Ending June 30, 1976); Butter

The CCC Monthly Sales List for the fiscal year ending June 30, 1976, published at FR 30510 is amended by adding section 29 as follows:

29. *Butter—Unrestricted use sales.* Market price but not less than 10½ cents per pound over CCC's purchase price at each location. Sales are in carlots only instore at storage location of products. Sales are made under Announcement MP-14.

(Sec. 4, 62 Stat. 1070, as amended (15 U.S.C. 714b); sec. 407, 63 Stat. 1055, as amended (7 U.S.C. 1427))

Effective Date: 9:05 a.m. (EDT), August 12, 1975.

Signed at Washington, D.C. on September 17, 1975.

E. J. PERSON,
Acting Executive Vice President,
Commodity Credit Corporation.

[FR Doc.75-25536 Filed 9-24-75;8:45 am]

[Amdt. 3]

SALES OF CERTAIN COMMODITIES

Monthly Sales List (Fiscal Year Ending June 30, 1976); Deletion of Rice

The Commodity Credit Corporation Monthly Sales List for the fiscal yeaf ending June 30, 1976, published at 40 FR 30510, as amended at 40 FR 34621 is amended by deleting the provisions of Section 25 entitled "Rice, rough—Unrestricted use sales—FOB warehouse."

(Sec. 4, 62 Stat. 1070, as amended (15 U.S.C. 714b); sec. 407, 63 Stat. 1055, as amended (7 U.S.C. 1427))

Effective Date: 2:30 p.m. (EDT) August 29, 1975.

Signed at Washington, D.C. on September 17, 1975.

E. J. PERSON,
Acting Executive Vice President,
Commodity Credit Corporation.

[FR Doc.75-25537 Filed 9-24-75;8:45 am]

Forest Service

BIGHORN NATIONAL FOREST GRAZING ADVISORY BOARD

Notice of Meeting

The Bighorn National Forest Grazing Advisory Board will meet at 10:00 a.m. on October 29, 1975, at the Trails End Motel meeting room in Sheridan, Wyoming.

The purpose of the meeting is to elect officers and to consider and discuss:

1. The operation and function of the board;
2. Committee rules for public participation;
3. A draft of the revised Forest Service Manual on National Forest grazing practices and policies.

The meeting will be open to the public. Persons who wish to attend may notify Jack Booth, Bighorn National Forest Supervisor, Sheridan, Wyoming 82801 (phone 307-672-2457). Written statements may be filed with the Advisory Board before or after the meeting.

JAMES R. SCHOENBAUM,
Acting Forest Supervisor.

SEPTEMBER 19, 1975.

[FR Doc.75-25644 Filed 9-24-75;8:45 am]

EAST DEER CREEK PLANNING UNIT LAND USE PLAN, COLVILLE NATIONAL FOREST

Notice of Availability of Draft Environmental Statement

Pursuant to section 102(2)(c) of the National Environmental Policy Act of 1969, the Forest Service, Department of Agriculture, has prepared a draft environmental statement for the East Deer Creek Planning Unit Land Use Plan, USDA-FS-R6-DES (Adm.) 75-20.

The environmental statement concerns a proposal land use plan for the East Deer Creek Watershed which provides municipal water for the unincorporated town of Orient, Ferry County, Washington. The land use plan identifies eight management areas and outlines broad management guidelines for each area. General policies and guidelines for water quality protection are proposed that permit limited development and logging within the unit.

This draft environmental statement was transmitted to CEQ on September 19, 1975.

Copies are available for inspection during regular working hours at the following locations:

USDA, Forest Service, South Agriculture Bldg., Room 3230, 12th & Independence Ave., SW., Washington, D.C. 20250.
USDA, Forest Service, Pacific Northwest Region, 319 SW. Pine Street, Portland, Oregon 97204.
Colville National Forest, 695 S. Main, Colville, WA 99114.

A limited number of single copies are available upon request to: Robert B. Terrill, Forest Supervisor, Colville National Forest, Federal Building, Colville, Washington 99114.

Copies of the environmental statement have been sent to various Federal, State and local agencies as outlined in the CEQ guidelines.

Comments are invited from the public, and from State and local agencies, which are authorized to develop and enforce environmental standards, and from Federal agencies having jurisdiction by law or special expertise with respect to any environmental impact involved for which comments have not been requested specifically.

Comments concerning the proposed action and requests for additional information should be addressed to Forest Supervisor, Robert B. Terrill, Colville National Forest, Federal Building, Colville, Washington 99114. Comments must be received by November 18, 1975 in order to be considered in the preparation of the final environmental statement.

CURTIS L. SWANSON,
Regional Environmental Coordinator, Planning, Programing & Budgeting.

SEPTEMBER 19, 1975.

[FR Doc.75-25543 Filed 9-24-75;8:45 am]

GUNNISON VALLEY FOREST GRAZING ADVISORY BOARD

Notice of Meeting

The Gunnison Valley Forest Grazing Advisory Board will meet at 1:30 P.M., October 23, 1975, at the Cebolla and Taylor River District Office, Gunnison, Colorado.

The purpose of this meeting is to (1) review the revision of the range portion of the Forest Service Manual and (2) review any other recommendations concerning management and administration of National Forest grazing lands.

The meeting will be open to the public. Persons who wish to attend should notify Donald M. Smith, Forester, 216 North Colorado, Gunnison, Colorado 81230, telephone 303-641-0471. Written statements may be filed with the committee before or after the meeting.

JIMMY R. WILKINS,
Forest Supervisor.

SEPTEMBER 19, 1975.

[FR Doc.7-25645 Filed 9-24-75;8:45 am]

NATIONAL FOREST ADVISORY BOARDS

Notice of Meeting

The Miguel District Advisory Board and the Ouray District Advisory Board will meet at 7:00 P.M., October 21, 1975, at the Shavano Building, 101 North Uncompahgre Avenue, Montrose, Colorado.

The purpose of this meeting is to (1) review the revision of the range portion of the Forest Service Manual, (2) elect officers, (3) review any other recommendations concerning management and administration of National Forest grazing lands.

The meeting will be open to the public. Persons who wish to attend should notify the Miguel District Ranger or the Ouray District Ranger, 101 North Uncompahgre, Montrose, Colorado 81401, telephone number 303–249–3711. Written statements may be filed with committee before or after the meeting.

JIMMY R. WILKINS,
Forest Supervisor.

SEPTEMBER 19, 1975.

[FR Doc.75–25646 Filed 9–24–75;8:45 am]

NEBRASKA NATIONAL FOREST LIVESTOCK ADVISORY BOARD

Meeting

The Nebraska National Forest Livestock Advisory Board will meet at 8:00 P.M., CDT, October 22, 1975, at the Forest Service Office, Halsey, Nebraska.

The purpose of this meeting is to review and comment on the draft copy of the revised instructions on Range Management to be issued by the Chief of the Forest Service.

The meeting will be open to the public. Persons who wish to attend should notify the District Ranger, Bessey Ranger District, Halsey, Nebraska 69142, phone (308) 533–2257.

The Committee has established the following rules for public participation:

1. Members of the public may present oral statements at any time during discussions.

2. Any member of the public who wishes to do so should file a written statement with the Committee, either before or after the meeting.

LAWRENCE C. SUTTON,
Forest Supervisor.

SEPTEMBER 18, 1975.

[FR Doc.75–25541 Filed 9–24–75;8:45 am]

NORWOOD DISTRICT ADVISORY BOARD

Notice of Meeting

The Norwood District Advisory Board will meet at 7:30 P.M., October 16, 1975 at the Norwood District Office.

The purpose of this meeting is to (1) review the revision of the range portion of the Forest Service Manual, (2) elect officers, (3) review any other recommendations concerning management and administration of National Forest grazing lands.

The meeting will be open to the public. Persons who wish to attend should notify the District Ranger, Norwood Ranger District, P.O. Box 388, Norwood, Colorado 81423, telephone number 327–4343. Written statements may be filed with the committee before or after the meeting.

JIMMY R. WILKINS,
Forest Supervisor.

SEPTEMBER 19, 1975.

[FR Doc.75–25647 Filed 9–24–75;8:45 am]

PAONIA AREA FOREST GRAZING ADVISORY BOARD

Notice of Meeting

The Paonia Area Forest Grazing Advisory Board will meet at 7:30 P.M., October 23, 1975 at the Paonia District Office.

The purpose of this meeting is to (1) review the revision of the range portion of the Forest Service Manual, (2) elect officers, (3) review any other recommendations concerning management and administration of National Forest grazing lands.

The meeting will be open to the public. Persons who wish to attend should notify the District Ranger, Norwood Ranger District, P.O. Box 388, Norwood, Colorado 81423, telephone number 327–4343. Written statements may be filed with the committee before or after the meeting.

JIMMY R. WILKINS,
Forest Supervisor.

SEPTEMBER 19, 1975.

[FR Doc.75–25648 Filed 9–24–75;8:45 am]

RIO GRANDE NATIONAL FOREST GRAZING ADVISORY BOARD

Meeting

The Rio Grande National Forest Grazing Advisory Board will meet at 7:30 p.m. on October 8, 1975 at the Forest Supervisor's Office, Monte Vista, Colorado.

The purpose of this meeting is to review and receive recommendations on proposed changes to instructions contained in the grazing section of the Forest Service Manual.

The meeting will be open to the public and written statements may be filed with the board before or after the meeting. Persons who wish to attend should contact Forest Supervisor James R. Mathers, telephone 303–852–5941, or Board Chairman Axtell Byles, Del Norte, Colorado. Participation by the public during the meeting will be at the pleasure of the board chairman.

RONALD R. SCHULZ,
Acting Forest Supervisor.

SEPTEMBER 17, 1975.

[FR Doc.75–25542 Filed 9–24–75;8:45 am]

WEST KOOTENAI PLANNING UNIT MULTIPLE USE PLAN

Notice of Availability of Draft Environmental Statement

Pursuant to section 102(2)(c) of the National Environmental Policy Act of 1969, the Forest Service, Department of Agriculture has prepared a draft environmental statement for West Kootenai Planning Unit, Forest Service Report Number USDA–FS–DES (Adm) R1–76–6.

The environmental statement concerns a proposed implementation of a revised multiple use plan for the West Kootenai Planning Unit, Rexford Ranger District, Kootenai National Forest, and located in Lincoln County, Montana. The proposal affects approximately 68,976 acres of National Forest lands which have been stratified into nine management situations or units with similar resource implications.

This draft environmental statement was filed with CEQ on September 16, 1975.

Copies are available for inspection during regular working hours at the following locations:

USDA, Forest Service, South Agriculture Bldg., Room 3231, 12th St. and Independence Ave., SW., Washington, D.C. 20250.

USDA, Forest Service, Northern Region, Federal Building, Missoula, MT 59801.

Supervisor's Office, Kootenai National Forest, 418 Mineral Avenue, Libby, MT 59923.

USDA, Forest Service, Rexford Ranger District, Eureka Ranger Station, Eureka, MT 59917.

A limited number of single copies are available upon request to Forest Supervisor, Floyd J. Marita, Kootenai National Forest, Box AS, Libby, MT 59923.

Copies of the environmental statement have been sent to various Federal, State, and local agencies as outlined in the CEQ guidelines.

Comments are invited from the public, and from state and local agencies which are authorized to develop and enforce environmental standards, and from Federal agencies having jurisdiction by law or special expertise with respect to any environmental impact involved for which comments have not been requested specifically.

Comments concerning the proposed action and requests for additional information should be addressed to Forest Supervisor, Floyd J. Marita, Kootenai National Forest, 418 Mineral Avenue, Libby, MT 59923. Comments must be received by November 17, 1975, in order to be considered in the preparation of the final environmental statement.

FLOYD J. MARITA,
Forest Supervisor, Kootenai National Forest, Northern Region.

[FR Doc.75–25643 Filed 9–24–75;8:45 am]

Rural Electrification Administration

ARIZONA ELECTRIC POWER COOPERATIVE, INC.

Draft Environmental Impact Statement

Notice is hereby given that the Rural Electrification Administration has prepared a Draft Environmental Impact Statement in accordance with section 102(2)(C) of the National Environmental Policy Act of 1969, in connection

with a proposed loan application for Arizona Electric Cooperative, Inc., P.O. Box 670, Benson, Arizona 85602. This loan application, together with funds from other sources, includes financing for two (2) 175 MW coal-fired generating units, approximately 56 miles of 230 kV transmission line with related substation facilities, and approximately 23 miles of 345 kV transmission line with related substation facilities.

Additional information may be secured by request submitted to the Assistant Administrator-Electric, Rural Electrification Administration, U.S. Department of Agriculture, Washington, D.C. 20250. Comments are particularly invited from State and local agencies which are authorized to develop and enforce environmental standards, and from Federal agencies having jurisdiction by law or special expertise with respect to any environmental impact involved from which comments have not been requested specifically.

Copies of the REA Draft Environmental Impact Statement have been sent to various Federal, State and local agencies, as outlined in the Council on Environmental Quality Guidelines. The Draft Environmental Impact Statement may be examined during regular business hours at the offices of REA in the South Agriculture Building, 12th Street and Independence Avenue, SW., Washington, D.C., Room 4310, or at the borrower's address indicated above.

Comments concerning the environmental impact of the construction proposed should be addressed to the Assistant Administrator-Electric, at the address given above. Comments must be received within sixty (60) days of the date of publication of this notice to be considered in connection with the proposed action.

Final REA action with respect to this matter (including any release of funds) will be taken 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 18th day of September, 1975.

DAVID H. ASKEGAARD,
Acting Administrator,
Rural Electrification Administration.

[FR Doc.75-25654 Filed 9-24-75;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Center for Disease Control

COAL MINE HEALTH RESEARCH ADVISORY COMMITTEE

Meeting

In accordance with section 10(a)(2) of the Federal Advisory Committee Act (Public Law 92-463), the Center for Disease Control announces the following National Institute for Occupational Safety and Health Committee meeting:

Name: Coal Mine Health Research Advisory Committee.

Date: October 23, 1975.

Place: Room 138, ACOSH Building, 944 Chestnut Ridge Road, Morgantown, West Virginia 26505.

Time: 9 a.m.

Type of Meeting: Open: 9 a.m. to 2:15 p.m. Closed: Remainder of meeting.

Contact Person: Jack Butler, M.D., Interim Executive Secretary, Park Building, Room 3-30, NIOSH, 5600 Fishers Lane, Rockville, Maryland 20852. Phone: 301-443-6437.

Purpose: The Committee is charged with advising the Secretary, Department of Health, Education, and Welfare on matters involving or relating to coal mine health research, including grants and contracts for such research.

Agenda: Agenda items for the open portion of the meeting will include announcements, consideration of minutes of previous meeting, administrative and staff reports, summary of the American College of Radiology Pneumoconiosis Conference, and Review of Research Projects FY-76. During the closed session beginning at 2:15 p.m., the Committee will be performing the final review of coal research grant applications for Federal assistance, and will not be open to the public, in accordance with the provisions set forth in Section 552(b) (4), (5), and (6), Title 5, U.S. Code, and the Determination by the Director, Center for Disease Control, pursuant to Public Law 92-463.

Agenda items are subject to change as priorities dictate.

The portion of the meeting so indicated is open to the public for observation and participation. A roster of members and other relevant information regarding the meeting may be obtained from the contact person listed above.

Dated: September 16, 1975.

DAVID J. SENCER,
Director,
Center for Disease Control.

[FR Doc.75-25722 Filed 9-24-75;8:45 am]

National Institutes of Health

NANCDS COUNCIL PLANNING SUBCOMMITTEE

Meeting

Pursuant to Public Law 92-463, notice is hereby given of the meeting of the NANCDS Council Planning Subcommittee, November 6, 1975, at 8:30 A.M. in the Connecticut Room, Holiday Inn, 8120 Wisconsin Avenue, Bethesda, Maryland. The meeting will be open to the public from 8:30 A.M. to 10:30 A.M. on November 6, 1975, to discuss program planning and program accomplishments. Attendance by the public will be limited to space available. In accordance with the provisions set forth in Sections 552(b)((4), 552(b)(5), and 552(b)(6) of Title 5, U.S. Code and Section 10(d) of P.L. 92-463, the meeting will be closed to the public from 10:30 A.M. on November 6, 1975, to adjournment on November 6, 1975 for the review, discussion and evaluation of individual initial pending and renewal grant applications. The closed portion of the meeting involves solely the internal expression of views and judgments of committee members on individual grant applications which contain information of a proprietary or confidential nature, including detailed research protocols, designs, and other technical information; financial data, such as salaries; and personal information concerning individuals associated with applications for research grants.

The Chief, Office of Scientific and Health Reports, Mrs. Ruth Dudley, Building 31, Room 8A03, NIH, NINCDS, Bethesda, Maryland, phone: (301) 496-5751, will furnish summaries of the meeting and rosters of committee members.

Dr. O. Malcolm Ray, Executive Secretary of the Committee, Room 7A18A, Westwood Building, NIH, NINCDS, Bethesda, Maryland, phone: (301) 496-7220, will provide substantive program information.

(Catalog of Federal Domestic Assistance Program Nos. 13.851, 13.852, 13.853, 13.854, National Institutes of Health.)

Dated: September 19, 1975.

SUZANNE L. FREMEAU,
Committee Management Officer,
National Institutes of Health.

[FR Doc.75-25516 Filed 9-24-75;8:45 am]

NATIONAL ADVISORY CHILD HEALTH AND HUMAN DEVELOPMENT COUNCIL

Meeting

Pursuant to Public Law 92-463, notice is hereby given of the meeting of the National Advisory Child Health and Human Development Council, November 17-18, 1975, Building 31, Conference Room 10, National Institutes of Health, Bethesda, Maryland. The meeting will be open to the public on November 17 from 9:00 a.m. to 5:00 p.m. with current status reports, a scientific presentation, and review of the Mental Retardation Program. Attendance by the public will be limited to space available.

In accordance with the provisions set forth in Sections 552(b)(4), 552(b)(5), and 552(b)(6), Title 5, U.S. Code and Section 10(d) of Public Law 92-463, the meeting will be closed to the public on November 18 from 9:00 a.m. to adjournment for the review, discussion and evaluation of individual initial pending, supplemental, and renewal grant applications. The closed portion of the meeting involves solely the internal expression of views and judgments of committee members on individual grant applications containing detailed research protocols, designs, and other technical information; financial data, such as salaries; and personal information concerning individuals associated with the applications.

Mrs. Marjorie Neff, Council Secretary, NICHD, Building 31, Room 2A-04, National Institutes of Health, Bethesda,

Maryland, Area Code 301, 496–1848, will provide summaries of meetings and a roster of Council members as well as substantive program information.

(Catalog of Federal Domestic Assistance Program No. 13.317, National Institutes of Health.)

Dated: September 19, 1975.

SUZANNE L. FREMEAU,
Committee Management Officer,
National Institutes of Health.

[FR Doc.75-25515 Filed 9-24-75;8:45 am]

NATIONAL ADVISORY COUNCIL ON AGING

Meeting

Pursuant to Public Law 92–463, notice is hereby given of the meeting of the National Advisory Council on Aging, November 20–22, 1975, at the National Institutes of Health, Bethesda, Maryland. On November 20 the meeting will be held in Buildling 31, Conference Room 5, and on November 21–22 the meeting will convene in Building 31, Conference Room 8. The meeting will be open to the public on November 20 from 9:00 a.m. to 5:00 p.m. and on November 22 from 9:00 a.m. to adjournment for current status reports and discussion of the development of the research plan. Attendance by the public will be limited to space available.

In accordance with the provisions set forth in Sections 552(b)(4), 552(b)(5), and 552(b)(6), Title 5, U.S. Code and Section 10(d) of Public Law 92–463, the meeting will be closed to the public on November 21 from 9:00 a.m. to 5:00 p.m. for the review, discussion, and evaluation of individual initial pending, supplemental, and renewal grant applications. The closed portion of the meeting will involve solely the internal expression of views and judgments of committee members on individual grant applications containing detailed research protocols, designs, and other technical information; financial data, such as salaries; and personal information concerning individuals associated with the applications.

Mr. Michael Machesko, Administrative Officer, National Institute on Aging, Building 31, Room 4B–63, National Institutes of Health, Bethesda, Maryland, Aread Code 301, 496–5345, will provide summaries of the meeting and a roster of Council members as well as substantive program information.

(Catalog of Federal Domestic Assistance Program No. 13.866, National Institutes of Health.)

Dated: September 19, 1975.

SUZANNE L. FREMEAU,
Committee Management Officer,
National Institutes of Health.

[FR Doc.75-25514 Filed 9-24-75;8:45 am]

NATIONAL ADVISORY RESEARCH RESOURCES COUNCIL

Meeting

Pursuant to Public Law 92–463, notice is hereby given of the meeting of the National Advisory Research Resources Council, Division of Research Resources, November 20–21, 1975, Conference Room #9, Building 31, Bethesda, Maryland 20014.

The meeting will be open to the public from 9:00 a.m. to recess on November 20 for: the conduct of Council business; the report of the Director, DRR; the report of the Assistant Director, DRR; a discussion of the President's Biomedical Research Panel; a status report on the DRR Scientific Mission Study; a status report on the Biomedical Research Support/Biomedical Research Development Program; and a review of the functions of the Office of the Director, DRR. Attendance by the public will be limited to space available. In accordance with the provisions set forth in Sections 552(b)(4), 552(b)(5), and 552(b)(6), Title 5, U.S. Code and Section 10(d) of Public Law 92–463, the meeting of the Council will be closed to the public on November 21 from 9:00 a.m. to adjournment for the review, discussion, and evaluation of individual initial pending, supplemental, renewal grant applications, and individual and institutional fellowship applications. The closed portions of the meeting involve solely the internal expression of views and judgments of committee members on individual grant applications containing detailed research protocols, designs, and other technical information; financial data, such as salaries; and personal information concerning individuals associated with the applications.

Mr. James Augustine, Chief, Office of Science and Health Reports, Division of Research Resources, National Institutes of Health, Room 5B39, Building 31, Bethesda, Maryland 20014, (301) 496–5545, will provide summaries of the meeting and rosters of the Council members. Dr. James F. O'Donnell, Assistant Director, Division of Research Resources, National Institutes of Health, Room 5B03, Building 31, Bethesda, Maryland 20014, (301) 496–6611, will furnish substantive program information.

(Catalog of Federal Domestic Assistance Program Nos. 13.306, 13.333, 13.337, 13.371, 13.375, National Institutes of Health.)

Dated: September 19, 1975.

SUZANNE L. FREMEAU,
Committee Management Officer,
National Institutes of Health.

[FR Doc.75-25508 Filed 9-24-75;8:45 am]

NATIONAL CANCER ADVISORY BOARD

Meeting

Pursuant to Public Law 92–463, notice is hereby given of the meeting of the National Cancer Advisory Board, National Cancer Institute, November 17–18, 1975, National Institutes of Health, Building 31, Conference Room 6. The Board Subcommittees on Diagnosis and Treatment and Carcinogenesis and Prevention will also meet November 16, 1975, at 4:00 p.m., National Institutes of Health, Building 31, Conference Rooms 6 and 8, respectively.

The Board meeting will be open to the public on November 17 from 9:00 a.m. to 9:15 a.m. and on November 18 from 9:00 a.m. to 12:00 noon. Reports will be presented by the Chairman, President's Cancer Panel and the Director, National Cancer Program, NCI. Various NCI activities will also be discussed. The Board Subcommittees will be open to the public on November 16 from 4:00 p.m. to 4:30 p.m. to review administrative details. Attendance by the public at these meetings will be limited to space available.

In accordance with the provisions set forth in Sections 552(b)(4), 552(b)(5), and 552(b)(6), Title 5, U.S. Code and Section 10(d) of Public Law 92–463, the Board meeting will be closed to the public on November 17 from 9:15 a.m. to 5:00 p.m. and on November 18 from 1:30 p.m. to adjournment, and the Subcommittee meetings on November 16 from 4:30 p.m. to adjournment, for the review, discussion and evaluation of individual initial pending, supplemental, and renewal grant applications. The closed portions of the meetings involve solely the internal expression of views and judgments of Board members on individual grant applications containing detailed research protocols, designs, and other technical information; financial data, such as salaries; and personal information concerning individuals associated with the applications. During the closed session of the Board meeting, the National Cancer Institute budget for fiscal year 1977 will be reviewed, in accordance with the provisions of Section 552(b)(5) of Title 5, U.S. Code and Section 10(d) of P.L. 92–463.

Dr. Richard A. Tjalma, Assistant Director, NCI, Building 31, Room 11A46, National Institutes of Health, Bethesda, Maryland 20014 (301/496–5854) will provide summaries of the meetings, substantive program information, and rosters of Board members.

(Catalog of Federal Domestic Assistance Program Nos. 13.312; 13.314; 13.391; 13.392, National Institutes of Health)

Dated: September 19, 1975.

SUZANNE L. FREMEAU,
Committee Management Officer,
National Institutes of Health.

[FR Doc.75-25509 Filed 9-24-75;8:45 am]

NATIONAL CANCER ADVISORY BOARD SUBCOMMITTEE ON NATIONAL ORGAN SITE PROGRAMS

Meeting

Pursuant to Public Law 92–463, notice is hereby given of the meeting of the National Cancer Advisory Board Subcommittee on National Organ Site Programs, National Cancer Institute, October 30–31, 1975, National Institutes of Health, Building 31, Conference Room 5, Bethesda, Maryland. The meeting will be open to the public from 9:00 a.m.–2:00 p.m., on October 31, 1975, to review the National Organ Site Programs. Attendance by the public will be limited to space available.

In accordance with the provisions set forth in Sections 552(b)(5) and 552(b)(6), Title 5, U.S. Code and Section 10(d) of Public Law 92–463, the meeting of the Subcommittee will be closed to the pub-

lic on October 30 from 9:00 a.m. to 5:00 p.m., for the review, discussion and evaluation of renewal grant applications. The closed portion of the meeting involves solely the internal expression of views and judgments of committee members on individual grant applications containing detailed research protocols, designs, and other technical information; financial data, such as salaries; and personal information concerning individuals associated with the applications.

Mrs. Marjorie F. Early, Committee Management Officer, NCI, Building 31, Room 3A16, National Institutes of Health, Bethesda, Maryland 20014 (301/496-5708) will furnish summaries of the meeting and roster of committee members.

Dr. David L. Joftes, Executive Secretary, Westwood Building, Room 853, National Institutes of Health, Bethesda, Maryland 20014, (301/496-7194) will provide substantive program information.

(Catalog of Federal Domestic Assistance Program No. 13.391)

Dated: September 19, 1975.

SUZANNE L. FREMEAU,
Committee Management Officer,
National Institutes of Health.

[FR Doc.75-25511 Filed 9-24-75;8:45 am]

PULMONARY SPECIALIZED CENTERS OF RESEARCH (SCOR) AD HOC REVIEW COMMITTEE

Meeting

Pursuant to Public Law 92-463, notice is hereby given of the meeting of the Pulmonary Specialized Centers of Research (SCOR) *ad hoc* Review Committee, National Heart and Lung Institute, October 16-17, 1975, National Institutes of Health, Building 31, Conference Room 6. This meeting will be open to the public on October 16, 1975, from 8:00 a.m. to approximately 8:30 a.m. to discuss administrative details and the criteria to be used in the review of the Pulmonary SCOR applications. Attendance by the public will be limited to space available.

In accordance with the provisions set forth in Sections 552(b)(4), 552(b)(5) and 552(b)(6), Title 5, U.S. Code and Section 10(d) of P.L. 92-463, the meeting of the Pulmonary Specialized Centers of Research (SCOR) *ad hoc* Review Committee will be closed to the public on October 16, 1975, from 8:30 a.m. until the adjournment on October 17, 1975, for the review, discussion, and evaluation of individual initial pending and renewal grant applications. The closed portion of the meeting involves solely the internal expression of views and judgments of committee members on individual grant applications containing detailed research protocols, designs, and other technical information; financial data, such as salaries; and personal information concerning individuals associated with the applications.

Mr. York E. Onnen, Chief, Public Inquiries and Reports Branch, NHLI, NIH, Building 31, Room 5A21, Bethesda, Maryland 20014, telephone 301/496-4236, will provide summaries of the meeting and rosters of the committee members. Dr. Robert C. Stroud, Executive Secretary, NHLI, NIH, Westwood Building, Room 552, telephone 301/496-7915, will furnish substantive program information.

(Catalog of Federal Domestic Assistance Program No. 13.838, National Institutes of Health.)

Dated: September 19, 1975.

SUZANNE L. FREMEAU,
Committee Management Officer,
National Institutes of Health.

[FR Doc.75-25513 Filed 9-24-75;8:45 am]

RETINOIDS AND CANCER PREVENTION

Meeting

Notice is hereby given of a workshop discussion on the subject of "Retinoids and Cancer Prevention," Lung Cancer Branch, Carcinogenesis Program, Division of Cancer Cause and Prevention, National Cancer Institute, to be held on November 20 and 21, 1975, Building 31, A Wing, Conference Room 4.

This meeting will be open to the public from 8:45 a.m. to 5:00 p.m. on November 20 and 21, 1975. Attendance by the public will be limited to space available.

For additional information, please contact: Dr. Michael B. Sporn, Building 37, Room 3C-09, Lung Cancer Branch, Cancinogenesis Program, Division of Cancer Cause and Prevention, National Cancer Institute, National Institutes of Health, Bethesda, Maryland 20014, 301/496-5391.

Dated: September 19, 1975.

SUZANNE L. FREMEAU,
Committee Management Officer,
National Institutes of Health.

[FR Doc.75-25512 Filed 9-24-75;8:45 am]

VIRUS CANCER PROGRAM JOINT WORKING CONFERENCE

Meeting

Notice is hereby given of the Tenth Annual Joint Working Conference of the Virus Cancer Program, Hershey Motor Lodge, Hershey, Pennsylvania, November 3, 4, 5, 1975.

This meeting will be open to the public from 9:00 a.m. to 5:30 p.m. November 3 and 4 and from 9:00 a.m. to 12:30 p.m. November 5, 1975 for presentation of scientific papers. Attendance by the public will be limited to space available.

For additional information, please contact: Louis R. Sibal, Ph.D., Building 37, Room 1A15, Division of Cancer Cause and Prevention, National Cancer Institute, National Institutes of Health, Bethesda, Maryland 20014, (301) 496-2796.

Dated: September 19, 1975.

SUZANNE L. FREMEAU,
Committee Management Officer,
National Institutes of Health.

[FR Doc.75-25510 Filed 9-24-75;8:45 am]

Office of Education

ETHNIC HERITAGE STUDIES PROGRAM

Closing Date for Receipt of Applications

Notice is hereby given that pursuant to the authority contained in Title IX of the Elementary and Secondary Education Act of 1965, as amended (20 U.S.C. 900 to 900a-5), applications are being accepted from public and private nonprofit educational agencies, institutions, and organizations for grants under the Ethnic Heritage Studies Program. Process of these applications will be subject to the availability of funds.

Applications must be received by the U.S. Office of Education Application Control Center on or before December 8, 1975.

A. *Application sent by mail.* An application sent by mail should be addressed as follows: U.S. Office of Education, Application Control Center, 400 Maryland Avenue SW., Washington, D.C. 20202, Attention: 13.549. An application sent by mail will be considered to be received on time by the Application Control Center if:

(1) The application was sent by registered or certified mail not later than December 3, 1975, as evidenced by the U.S. Postal Service postmark on the wrapper or envelope, or on the original receipt from the U.S. Postal Service; or

(2) The application is received on or before the closing date by either the Department of Health, Education, and Welfare, or the U.S. Office of Education mail room in Washington, D.C. In establishing the date of receipt, the Commissioner will rely on the time-date stamp of such mail rooms or other documentary evidence of receipt maintained by the Department of Health, Education, and Welfare, or the U.S. Office of Education.

B. *Hand delivered applications.* An application to be hand delivered must be taken to the U.S. Office of Education Application Control Center, Room 5673, Regional Office Building Three, 7th and D Streets SW., Washington, D.C. Hand delivered applications will be accepted daily between the hours of 8 a.m. and 4 p.m. Washington, D.C. time, except Saturdays, Sundays, or Federal holidays. Applications will not be accepted after 4 p.m. on the closing date.

C. *Program information and forms.* Information and application forms may be obtained from the Ethnic Heritage Studies Branch, Division of International Education, Bureau of Postsecondary Education, Office of Education, Room 3907, 7th and D Streets SW., Washington, D.C. 20202.

D. *Applicable regulations.* The regulations applicable to this program include the Office of Education General Provisions Regulations (45 CFR Part 100a) and the Ethnic Heritage Studies regulations published in the FEDERAL REGISTER on May 20, 1975 at 21954. (20 U.S.C. 900 to 900a-5)

(Catalog of Federal Domestic Assistance Number 13.549; Ethnic Heritage Studies Program)

Dated: September 19, 1975.

DUANE J. MATTHEIS,
Acting U.S. Commissioner of Education.

[FR Doc.75-25617 Filed 9-24-75;8:45 am]

NATIONAL ADVISORY COUNCIL ON INDIAN EDUCATION

Meeting and Agenda

Notice is hereby given, pursuant to Section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), that the next meeting of the Full Council of the National Advisory Council on Indian Education will be held October 16, 17, 18, and 19, 1975, at 9 a.m. at the University Tower Hotel, 4507 Brooklyn Avenue NE., Seattle, Washington 98105.

The National Advisory Council on Indian Education is established under Section 442 of the Indian Education Act (Pub. L. 92-318, Title IV, 20 U.S.C. 1221 g). The Council, among other things, is directed to:

(1) Advise the Commissioner of Education with respect to the administration (including the development of regulations and of administrative practices and policies) of any program in which Indian children or adults participate from which they can benefit, including sections 241aa to 241ff and 887c of this title and with respect to adequate funding thereof;

(2) Review applications for assistance under sections 241aa to 241ff, 887c, and 1211a of this title, and make recommendations to the Commissioner with respect to their approval;

(3) Evaluate program and projects carried out under any program of the Department of Health, Education, and Welfare in which Indian children or adults can participate or from which they can benefit, and disseminate the results of such evaluations;

(4) Provide technical assistance to local educational agencies and to Indian educational agencies, institutions, and organizations to assist them in improving the education of the Indian children;

(5) Assist the Commissioner in developing criteria and regulations for the administration and evaluation of grants made under section 241bb(b) of this title; and

(6) Submit to the Congress not later than March 31 of each year a report on its activities, which shall include any recommendations it may deem necessary for the improvement of Federal education programs in which Indian children and adults participate, or from which they can benefit, which report shall include statement of the National Council's recommendations to the Commissioner with respect to the funding of any such programs.

The meetings on October 16, 17, 18, and 19, 1975, will be open to the public beginning at 9:00 AM. These meetings will be held at the University Tower Hotel.

The proposed agenda includes:

October 16, 1975: (1) Committee discussions.

October 17, 18, 19, 1975:

(1) Executive director report.

(2) Planning future NACIE activities.

(3) Regular council business.

(4) Committee reports.

(5) On-site visitation title IV project.

Records shall be kept of all Council proceedings (and shall be available for public inspection) at the Office of the National Advisory Council on Indian Education located at 425 13th Street NW., Suite 326, Washington, D.C. 20004.

Signed at Washington, D.C. on September 12, 1975.

LINCOLN C. WHITE,
Executive Director, NACIE.

[FR Doc.75-25507 Filed 9-24-75;8:45 am]

PROGRAM FOR THE GIFTED AND TALENTED

Closing Date for Receipt of Applications

Notice is hereby given that pursuant to the authority contained in Section 404, Pub. L. 93-380, Education Amendments of 1974 (20 U.S.C. 1863), the U.S. Commissioner of Education has established closing dates for receipt of applications for grants for the Program for the Gifted and Talented as follows:

Grants to institutions of higher education and other appropriate non-profit institutions or agencies to provide training to leadership personnel for the education of gifted and talented children and youth through graduate training programs, internships, and training institutes under Section 404(e) of the Act, November 14, 1975.

Applications for grants to State and local educational agencies for programs and projects designed to meet the special educational needs of gifted and talented children at the preschool and elementary and secondary school levels under Section 404(c) of the Act, and grants to State educational agencies for training programs under Section 404(d) of the Act, November 24, 1975:

A. *Applications sent by mail.* An application sent by mail should be addressed as follows: U.S. Office of Education, Application Control Center, 400 Maryland Avenue SW., Washington, D.C. 20202, Attention: 13.562 (Gifted and Talented). An application sent by mail will be considered to be received on time by the Application Control Center if:

(1) The application was sent by registered or certified mail no later than November 19, 1975, for State and local education agency programs, or November 10, 1975, for training programs, as evidenced by the U.S. Postal Service postmark on the wrapper or envelope, or on the original receipt from the U.S. Postal Service; or

(2) The application is received on or before the closing date by either the Department of Health, Education, and Welfare, or the U.S. Office of Education mailrooms in Washington, D.C. In establishing the date of receipt, the Commissioner will rely on the time-date stamp of such mailrooms or other documentary evidence of receipt maintained by the Department of Health, Education, and Welfare, or the U.S. Office of Education.

B. *Hand delivered applications.* An application to be hand delivered must be taken to the U.S. Office of Education, Application Control Center, Room 5673, Regional Office Building Three, 7th and D Streets SW., Washington, D.C. Hand delivered applications will be accepted daily between the hours of 8 a.m. and 4 p.m., Washington time, except Saturdays, Sundays, or Federal holidays. Applications will not be accepted after 4 p.m. on the closing date.

C. *Program information and forms.* Further information and forms may be obtained from Office of Gifted and Talented, U.S. Office of Education, 400 Maryland Avenue SW., Washington, D.C. 20202. (Telephone 202-245-2482.)

D. *Applicable regulations.* Proposed regulations for the Program for Gifted and Talented were published in the FEDERAL REGISTER on July 22, 1975, at 40 FR 30662. Subject to revision, when these proposed regulations are published as a final rule, they will govern operation of the program, including grants made under the above noted closing dates. If substantive changes are made in the final regulation affecting the preparation of applications, applicants will be afforded additional time to respond to such changes.

In addition, awards under the Program for the Gifted and Talented will be governed by the Office of Education General Provisions Regulation (45 CFR Part 100a).

(Catalog of Federal Domestic Assistance No. 13.562, Gifted and Talented)

Dated: September 19, 1975.

DUANE J. MATTHEIS,
(Acting) U.S. Commissioner of Education.

[FR Doc.75-25618 Filed 9-24-75;8:45 am]

Office of the Secretary

OFFICE OF THE REGIONAL DIRECTOR, REGION I, BOSTON, MASS.

Statement of Organization, Functions, and Delegations of Authority

Part 1 of the Statement of Organization, Functions, and Delegations of Authority of the Department of Health, Education, and Welfare, Office of the Secretary is amended to delete Chapters 1E (35 FR 13546), 8/25/70, and 1E8109 (39 FR 20713) 6/13/74. Chapter 1E85, Assistant Regional Director for Human Development (38 FR 17262) 6/29/73, is retained and redesignated 1R95. New sections are added for the several regions. Chapter 1E81 reflects the official organization of the Office of the Regional Director, Region I, whose headquarters is Boston, Massachusetts. The new Chapter reads as follows:

Section 1E81.00 Mission. The Regional Director represents the Secretary in his Region. Under his direction, the Office of the Regional Director provides leadership and coordination in various Department programs and activities within the Region and represents the

Department in direct official dealings with State and other governmental units, representatives of the Congress, and the general public.

Section 1E81.10 Organization. The Office of the Regional Director, Region I, is under the direction and control of the Regional Director who reports directly to the Secretary and Under Secretary, and consists of the following:

Regional Director.
Deputy Regional Director.
Office of the Regional Attorney.
Office of Equal Employment Opportunity.
Executive Secretariat.
Office for Civil Rights.
Office of Audit.
Office of Assistant Regional Director (ARD) for Public Affairs.
Office of ARD for Planning and Evaluation.
Office of ARD for Intergovernmental Affairs.
Office of ARD for Financial Management.
Office of ARD for Administration and Management.
Office of ARD for Human Development.
Office of Long Term Care Standards Enforcement.
Special Assistant for External Affairs.

Section 1E81.20 Functions. A. Regional Director (1E8101). The functions of the Regional Director are:

1. Serves as the Secretary's representative in direct official dealings with State and other governmental units, and evaluates Regional, State, and local activities related to the Department's programs.

2. Develops regional priorities which emphasize the Department goals and highlight areas of particular needs or opportunities in the region, so that efforts and resources may be brought to bear on them. Formulates regional plans for each priority and assures that regional agency heads achieve all their objectives in accordance with their plans. Conducts formalized planning conferences with regional representatives to assure a complete exchange of significant management information.

3. Exercises general coordination and supervision of personnel and activities in the region to ensure proper execution of policies, regulations, and instructions applicable to the Department as a whole. Recognizes interprogram disparities, exercises leadership to keep these disparities within constructive limits to assure effective, efficient, and responsive actions in the interest of total service to the public.

4. Assures that staff offices provide full support to agency operating programs.

5. Provides coordination of the activities of the principal representatives of the principal operating components who are stationed in or detailed to the region, including determination of regional program priorities and official communications with respresentatives of State or other Federal agencies.

6. Through coordination and superabout necessary awareness of the vision, exercises leadership in bringing status of programs of the Regional Office, and fosters cooperative relationships among program and staff representatives in seeing that plans are effectively made, operations are smoothly carried out, and performance is adequately evaluated.

7. Promotes general public understanding of the programs, policies, and objectives of the Department, and participates in the development and carrying out of a Regionwide information and public information program.

8. Establishes and maintains working relationships with Governors and key State and local officials; furnishes advice and assistance and strives to develop a mutually beneficial Federal-State-local partnership. Provides guidance to regional staff members on the priorities, emphases, and merits of various requirements based on expressions of need and analyses by governors, mayors, and other key officials.

9. Maintains working relationships with private agencies and institutions; develops ways in which their plans and programs and those of the Department can actively complement each other.

10. Develops continuing cooperative relationships with officials of the Federal agencies in the Region; through the medium of Regional Councils seeks ways in which interdepartmental delivery of program services can be made more effective.

11. In accordance with regulations and guidelines established at headquarters, administers the child development programs in the region, including the Head Start program. Makes certain Head Start grants and takes other grants actions, as required.

12. Through liaison, periodic conferences, and other means, takes action to coordinate and integrate activities which are not directly associated with the regional office with regional office activities.

13. Develops plans for emergency preparedness and directs all Department activities necessary to ensure continuity of essential functions within the Region in case of an emergency due to enemy action; maintains a written plan for regional emergency operations; maintains liaison with all Federal authorities engaged in mobilization planning; acts in cooperation with them in an emergency situation; directs on behalf of Secretary all Department activities in the Region if communications with national headquarters are cut off.

14. Directs regional activities for assistance and alleviation of distress within the region resulting from natural disasters; maintains a plan for regional response to natural disasters, including emergencies and major disasters under the Disaster Relief Act of 1974 (Public Law 93-288); takes all necessary and appropriate action in connection with disaster situations and reports thereon.

15. In accordance with regulations and guidelines established at headquarters, administers, through the Office of Long Term Care Standards Enforcement, activities as herein described relating to participation by Skilled Nursing Facilities in the Medicare (Title XVIII) and Medicaid (Title XIX) programs and participation by Intermediate Care Facilities in the Medicaid program.

B. *Deputy Regional Director (1E8102).* Assists in the performance of the Regional Director's functions, carrying out the full range of such functions in the absence of the Regional Director, while at other times focusing on such program coordination, administrative operations, or other management functions as the Regional Director specifies.

C. *Executive Secretariat (1E8105).* Assists the Regional Director and Deputy Regional Director to discharge the full range of their responsibilities, as follows:

1. Identifies policy and procedural problems which require attention and prepares analyses and recommendations.

2. Represents the Regional Director in maintaining liaison with senior Washington officials and with other Regional Directors, and in discussions and negotiations on sensitive matters with a wide range of individuals and groups.

3. Helps the Regional Director and Deputy Regional Director to divide functions and manage their personal schedules so that all essential activities are carried out on a timely basis.

4. Prepares correspondence and other materials in all areas of the Regional Director's responsibilities, including action memoranda on decisions made by the Regional Director or Deputy Regional Director, and provides administrative support to other parts of the Regional Office as determined necessary by the Regional Director.

5. Promotes open communications between the Regional Director/Deputy Regional Director and other senior staff members in the Regional Office, assuring that the Regional Director and Deputy Regional Director respond promptly to problems of concern to senior staff members.

6. Interprets the objectives, priorities and standards set by the Regional Director to individuals and offices involved in the preparation of correspondence and other assignments.

7. Screens Regional Director's correspondence and filters out those items which require immediate attention by the Regional Director, Deputy Regional Director, and Regional Director's staff, as well as the assignment of time deadlines for Regional Director's action items. Takes appropriate action to clarify issues and instructions before a request for information is forwarded to the appropriate action office. Provides current and consolidated information or indicates where such information may be obtained for all policy issues and projects in the Region.

8. Operates a comprehensive system for tracking action items and ensures that the Regional Director has timely and quality input from all appropriate offices on which to base his decisions. Assures that all outgoing correspondence are quality products that represent the best possible presentation of the Regional Director's views; synthesizes detailed re-

sponses from various offices into a single document for out-going correspondence going to the Secretary and other headquarters units, and for Regional Director's decision memoranda.

9. Provides for feedback to the Regional Director on the impact of his decisions. By obtaining periodic status reports on selected key issues and projects, ensures proper compliance with past decisions, highlights problem areas for renewed Regional Director's attention, and develops an ever current supply of data for management conferences and for responding to incoming request from the Secretary, various elected officials, and regional staff.

D. *Office of the Regional Attorney (1E8103)*. The functions of the Office of the Regional Attorney are as follows:

1. Advises and counsels the Regional Director and operating program personnel on legal issues relating to their responsibilities within the Region. On all matters within the competence of the legal profession the Regional Attorney is subject to the supervision of the General Counsel; on all other matters he is subject to the supervision of the Regional Director.

2. As requested by the Regional Director, assists in legal aspects of program development and of policy problem solution.

3. Provides professional legal services, such as preparation of legal instruments, memoranda, reports, and interpretive analyses.

4. Represents or counsels the Regional Director in negotiations to resolve actual and potential problems of a legal nature.

5. Provides appropriate legal assistance to state agencies and officials in connection with DHEW programs, as requested by the Regional Director.

6. As requested by the General Counsel, prepares for and conducts administrative hearings, aids the U.S. Attorney in preparation for and conduct of litigation, and performs such other duties as may be requested by the General Counsel.

7. Seeks to so order his time and workload priorities as to meet the needs of the Regional Office as determined by the Regional Director.

8. Subject to final approval by the Regional Director, selects, promotes, and takes all personnel actions with respect to his professional and clerical staff, in accordance with the personnel policies of the Office of the General Counsel.

E. *Office of Equal Employment Opportunity (1E8104)*. Serves as the Regional Director's staff for the establishment and maintenance of a positive program of non-discrimination in Departmental employment in the Region. Has responsibility for the Regional HEW Federal Women's Program and the Regional Spanish-Surnamed Program. Monitors the OS EEO complaint system and issues proposed dispositions on all OS formal complaints. Prepares the Regional Annual Affirmative Action Plan.

F. *Office of Long Term Care Standards Enforcement (1E8171)*. Performs functions as follows:

1. Provides recommendations to the Regional Director on administrative actions necessary to carry out those portions of Title XVIII and XIX of the Social Security Act related to the certification by State agencies of skilled nursing facilities (SNFs) for participation in the Medicare and Medicaid programs. Those activities, within the region, which pertain to Title XVIII and the Title XIX certification include: the Issuance of Title XVIII time limited agreements; for homes participating under Title XVIII or under both Titles XVIII and XIX, the approval of corrective plans of action for deficiencies in SNFs which participate either as components of larger institutions or as free standing units; granting waivers of provisions of the Life Safety Code of the National Fire Protection Association (21st edition, 1967) or provisions of Standard No. A117.1 of the American National Standards Institute, and waivers of certain other provisions of physical environment standards as they pertain to SNFs; public disclosure of State agency reports of deficiencies in SNF compliance with standards in accordance with section 1864(a) of the Social Security Act; approval of State fire codes in lieu of the Life Safety Code; and granting waivers, under specified circumstances, of the requirement that a SNF have on duty more than one registered nurse more than 40 hours per week.

2. Establishes and maintains close working relationships with administrators of State health, welfare, and other departments involved under established agreements in the certification of and assistance to SNFs and Intermediate Care Facilities (ICFs). Performs evaluations of: State agency performance with respect to enforcing health and safety standards for SNFs and ICFs; and the State agencies' recommendations for waivers of provisions of the 1967 Life Safety Code with respect to SNFs and ICFs. Monitors States' Implementation of the ICF regulations.

3. Participates in the negotiations of budgets with State survey agencies for their services and reviews those portions of the State agency budget relative to SNF/ICF certification and the provision of state consultative services to SNFs and ICFs and recommends to the Social Security Administration (SSA), Regional Commissioner, and to the Social and Rehabilitation Service (SRS), Regional Commissioner, amounts that should be approved for SNF and ICF certification and certification-related activities.

4. Participates with other appropriate Federal programs in evaluations of State agency certification operations which are designed to assess State survey agency performance in program management, in applying established health, safety, and Life Safety Code standards and in evaluating quality of care (e.g., participate in SSA's comprehensive program reviews of State survey agency performance and in SRS's program reviews of the Title XIX single state agency).

5. Develops and implements procedures to assure the timely and effective conduct of the following: (a) State surveys of individual SNFs and ICFs, (b) Federal review and processing of State agency certifications and documentation pertaining to SNF compliance, (c) Federal decisions approving agreements, terminations or the granting of waivers to SNFs and (d) Federal direct validation surveys of selected SNF and ICF facilities.

6. Provides technical assistance for the professional training of State agency personnel on their duties in survey/certification and evaluation of the functional performance of SNFs and ICFs with respect to the quality of health care delivered.

7. Assists State agencies to develop their capabilities for the provision of specialized technical assistance to SNFs and ICFs on highly complex aspects of the survey requirements and on the development of acceptable plans of corrective action for overcoming deficiencies.

8. Assists States, provider organizations, and educational institutions in the stimulation, development, and implementation of training opportunities for SNF and ICF personnel in order to correct deficiencies and upgrade the quality of care offered, including mental health aspects of long term care.

9. Reviews complaints received by the Regional Director concerning State agency and SNF/ICF activities and initiates appropriate action for investigation and resolution.

10. With SSA, SRS and the Public Health Service (PHS), as appropriate, provides information and interpretations concerning standards for the delivery of SNF and ICF services to media, consumer and provider groups, professional health associations, and other health and welfare groups.

11. Based on regional conditions and trends related to SNFs and ICFs, makes recommendations to the Office of Nursing Home Affairs (ONHA) or through ONHA, to the headquarters components of SSA, PHS, and SRS, as appropriate, on revisions to present program policies criteria, standards or procedures.

12. Provides data and reports to ONHA on SNF/ICF survey/certification activities on SNF and ICF health service utilization and on the impact of certification and assessment procedures on the delivery of SNF and ICF health service utilization and on the impact of certification and assessment procedures on the delivery of SNF and ICF health services. Provides reports to SSA, SRS, and PHS on the status of SNF and ICF facility compliance in the region.

13. Works with and provides information as requested to the Social Security Administration, on the following SNF related activities:

a. Utilization review processes of SNFs;

b. Change of Provider status in the Medicare program (e.g., change of ownership, termination because of failure to provide proper financial information or, because of requests for payment substan-

tially in excess of costs or for improper or unnecessary services, or withdrawal from program);

c. Certification of SNFs as a "distinct part" of another facility; and

d. Requests for hearings on terminated SNFs participating in Medicare.

14. Works with, and provides information as requested to, the Social and Rehabilitation Service, on the following SNF and ICF related activities:

a. Utilization and periodic medical review procedures for SNFs;

b. Utilization and independent professional review procedures for ICFs;

c. Level of care determinations;

d. Recipient eligibility issues; and

e. Cost-sharing requirements.

15. Works with, and provides information as requested to, the Public Health Service on the following SNF and ICF related activities:

a. Health care standards development efforts of the Bureau of Quality Assurance;

b. Utilization review determinations under Professional Standards Review Organizations;

c. Provider improvement program initiatives of the Health Resources Administration;

d. Comprehensive health planning determinations under section 1122 of the Social Security Act; and

e. Other relevant SNF and ICF program activities conducted by the Health Resources Administration, Health Services Administration, Alcohol, Drug Abuse, and Mental Health Administration, National Institute of Health, Center for Disease Control, and the Food and Drug Administration.

16. Coordinates with the Office of Human Development in the areas of their delegated responsibilities for, and concern with, the mentally retarded and aging.

17. Coordinates with the Office for Civil Rights in monitoring the implementation of Title VI of the Civil Rights Act of 1964 with respect to SNFs and ICFs.

18. Coordinates with regional personnel of the Regional Office, Division of Regional Operations for Facilities Engineering and Construction, on matters relating to the interpretation and enforcement of provisions of the Life Safety Code.

19. Coordinates with the Department of Housing and Urban Development in implementation of Public Law 93-204.

G. *Office of the Assistant Regional Director for Public Affairs (1E8151).* 1. Serves as a principal advisor to Regional Director in formulation of policies, approaches, and procedures in the field of public information and in the formulation of approaches to major policy issues and has a broad range of responsibility in developing overall strategies and techniques for long range Public Affairs activities, in line with the Secretary's policy and the trend toward interagency coordination and Departmental control.

2. Provides briefing material and other intelligence for visits to the region by the President, Vice President, the Secretary, the Under Secretary, and other top officials, including members of Congress.

3. Maintains close liaison with groups outside the Federal government—national media, publication houses, constituent agencies in State and Local government, major health/education/welfare organizations, governors' offices, and mayors of various cities.

4. Advises key officials of the Regional Office, including the Regional Director and agency representatives on public information, public reporting, and related aspects of program matters.

5. Serves as a central point of communication with the press, radio and TV news media, issuing all news materials originating within the Regional Office and amplifying, clarifying or explaining the impact and effect within the Region of national news issued by Departmental headquarters.

6. Is responsible for overall program supervision of the Regional Office's total public information program. Coordinates and exercises functional supervision over information services and all other activities of the Regional Office related to publications, public reports, and other informational and public affairs matters. Is responsible for the clearance of all information for public distribution before its release and certification as to the necessity for illustrations and related materials.

7. Prescribes procedures for planning, production, clearance, release, and distribution of all material prepared with the Region for release through Government channels.

8. Issues policies, standards, and procedures as may be necessary to carry out the public affairs functions and responsibilities of the Regional Office.

9. Serves as the initial denial authority for all regional documents requested under the Freedom of Information Act.

H. *Office of the Assistant Regional Director for Planning and Evaluation (1E8161).* 1. Serves as a principal advisor to the Regional Director in identifying and directing activities to meet the needs and requirements for the planning and evaluation of HEW and related Federal, State, local, and private human resources programs within the Region.

2. Identifies needs, opportunities, and mechanisms for Regional Office interagency coordination in planning and evaluation activities, in order to better accomplish Regional Office goals and objectives.

3. Establishes and maintains an intergovernmental issues identification and a resolution process, in coordination with the Assistant Regional Director, Intergovernmental Affairs (ARD/IGA). In this regard:

a. Coordinates identification and analysis of HEW-related issues needing policy clarification, and facilitates resolution of such issues; and

b. Identifies on a geographic basis needs and problems in the Region, and compiles information and analyzes resources available to respond to those problems.

4. Establishes with the ARD/IGA an intergovernmental review and comment process in order to:

a. Disseminate proposed National policies, legislation, and regulations within the Region;

b. Analyze these proposals for Regional implications, especially in light of regional observations of needs; and

c. Participates in Master Planning Calendar activities, including the forward planning process and development of model State legislation.

5. Coordinates an evaluation planning and management process which:

a. Provides an interface with central office evaluation planning process;

b. Identifies information needs for Regional decisionmaking, and prepares a Regional Office plan for developing, implementing, and utilizing evaluation results;

c. Develops instrument and techniques for measuring progress in reaching program goals; and

d. Ensures for all DHEW programs dissemination of evaluation results within the Region.

6. Works with Regional Agencies, the Audit Agency, and other Regional Office components to improve evaluation and monitoring capabilities within the Region.

7. Develops and monitors implementation of a Regional capacity-building plan, in coordination with ARD/IGA and Regional Agencies. Identifies and assesses the constraints which impede current and/or potential participants from preparing effective program designs. Develops strategies for eliminating constraints and improving capacities. Plans for and monitors the provisions of technical or financial assistance to general purpose governments in the development of integrated services and management systems.

8. Develops procedural and substantive criteria for the management review of project grants covered by the Regional Director Review and Sign-off System (RDRS); coordinates reviews of proposed grants and contracts and recommends positions to be taken by the Regional Director thereon.

9. Manages the Regional Director's Operational Planning System (OPS); recommends priorities; coordinates development of proposed work-plans; reviews progress; develops reports for the Regional Director and Office of the Secretary.

I. *Office of the Assistant Regional Director for Intergovernmental Affairs (1E8141).* 1. Serves as a principal representative to the Regional Director and supervises a staff unit to help accomplish the Department's Intergovernmental, technical assistance and program coordination mission in the Region.

2. Serves as the Regional Director's representative in establishing and maintaining systematic contacts with the office of governors, Congressmen, State legislators, county executives and mayors. Recommends alternative methods

for achieving goals and objectives, exercising priorities and implementing policies pertaining to relationships with State and local general purpose governments.

3. Establishes and maintains a process for the identification of intergovernmental issues; refers these issues to the Regional Director, Assistant Regional Director, Planning and Evaluation (ARD/P&E), and the regional agency heads for analysis and resolution; and coordinates the dissemination of information on problems that have been resolved to State and local governments and representatives of private interest groups.

4. In cooperation with the ARD/P&E and regional agency heads, coordinates and monitors procedures for securing timely State and local GPG review and comment on appropriate policies, legislation and regulations; keeps Regional Office and Headquarters Staff informed about current developments concerning major new human resource legislation and policies at the State and local levels.

5. Identifies and brings to the attention of the ARD/P&E problems and issues in the States that may be amenable to DHEW evaluation efforts; facilitates in coordination with the ARD/P&E, the dissemination of significant human resource evaluation, and monitoring findings to and from State and local governments.

6. Ensures that the Regional Office role in the implementation of DHEW policies, through such systems as OPS, is clearly spelled out to State and local general purpose governments. In cooperation with the ARD/P&E, develops a process for disseminating information on operational objectives to State and local governments and special concerns groups. In cooperation with the ARD/P&E and the regional agency heads, attempts to ensure that State and local governments institute adequate mechanisms for implementing major common operational objectives. Provides for an exchange of information and interfaces with other Departments where interdepartmental efforts are required to implement policies.

7. Coordinates the planning and delivery of technical assistance to assist States and local general purpose government in the accomplishment of common program objectives.

8. Develops and monitors, in coordination with ARD/P&E and Regional Agencies, implementation of efforts to help State and local governments strengthen their capacities for planning and management of human services programs. Identifies and assesses the constraints which impede current and/or potential participants from developing effective delivery systems. Develops strategies for eliminating constraints and improving capacities. Plans for and monitors the provision of technical or financial assistance to general purpose governments in the development of integrated services and management systems.

9. Participates in interagency or interdepartmental studies with responsibility for fact-finding, analysis, and making recommendations to top level policy making officials about National and intergovernmental program planning.

10. Provides supplemental staff support to the Federal Regional Council (FRC) in coordination with the Special Assistant to the Regional Director for FRC matters. Coordinates Regional participation on the Federal Executive Board, its committees and task forces.

11. Has leadership responsibility for carrying out the Regional Office responsibilities for the Comprehensive Employment and Training Act (CETA) programs. Administers and assures that the Regional Office CETA work plan is being accomplished. Participates actively in the implementation of Departmental policy for CETA through the Regional Office Manpower Coordinator and regional agency program-related staff. Assures and identifies the interrelationships of DHEW CETA activities with related Departmental initiatives such as capacity building and services integration.

12. Works closely with the Special Assistant to the Regional Director for Education and Special Concerns in providing as much assistance as possible to racial and ethnic minority groups, and to assure that both HEW and State and local orginzations which administer HEW resources have open, continuous communications with such groups.

13. Provides staff support for & coordinates performance of the Regional Director's emergency preparedness and disaster response functions.

J. *Office of the Assistant Regional Director for Financial Management (1E-8121).* 1. Provides financial management support to the Regional Director and regional agency heads for decentralized programs and activities. Under policies and procedures established by the Office of the Assistant Secretary, Comptroller, supervises the performance of the following financial management functions: accounting and financial reporting, budget formulation and execution, and work with state and local government and HEW grantees to include indirect cost negotiation, single letter-of-credit implementation, technical assistance, and audit follow-up.

2. On behalf of the Regional Director provides coordination and liaison with the HEW Audit Agency, the Treasury Department, the General Services Administration and the General Accounting Office on financial management matters.

3. Is responsible for the financial administration and management of allotments or allowances which are issued to the Regional Director.

4. Performs regional accounting and reporting activities: accounting, controlling, fiscal services, and reporting for all HEW activities for which the Regional Director is delegated the authority to provide such services.

5. Performs budget activities as follows: prepares the regional budget for activities for which the Regional Director has delegated authority and assists other regional staffs in developing their budgets; prepares consolidated regional budget estimates and justifications and assists the Regional Director and regional agency heads in advocating program budget priorities for centralized and decentralized programs based on regional needs and characteristics; supervises budget execution in the region, including the recording and distribution of budget resources based on allocations, allotments and allowances for regional activities; prepares recommended allowances and manpower allocations for activities delegated directly to the Regional Director; oversees the development of financial operating plans for other regional activities, reviews these plans, and provides comments to the Regional Director and other regional personnel; develops and implements a budget data system capable of monitoring financial operating plans and maintaining current information on fund availability for regional programs; and receives regional personnel ceiling allowances and monitors recruitment and employment against these allowances.

6. Carries on cost allocation and payment systems activities as follows: Pursuant to delegations of authority from the Regional Director is responsible for indirect cost rate negotiations (including state and local cost allocation plans) based on cost policies and procedures established by the Division of Financial Management Standards and Procedures, provides financial management technical assistance to state and local governments and to other HEW grantees and contractors; assists the Regional Director and regional agency heads in assuring effective follow-up of audit findings of major managerial significance as disclosed by reviews of grantees' management systems.

K. *Office of the Assistant Regional Director for Administration and Management (1E8111).* 1. Serves as the principal advisor to the Regional Director on and directs or participates actively in all aspects of administrative management, including organization, procedures, management systems, delegations of authority, management surveys and studies, and paperwork management.

2. Serves as the principal advisor to the Regional Director on matters of administrative management. Administers the regional personnel program, including the position management classification of positions, the merit promotion program, the processing of appointments, and selected training and career development activities.

3. Provides the leadership in the establishment, maintenance, and effective use of management information and the system related thereto.

4. The Division of Federal Property Assistance, under a Director who reports to the Assistant Regional Director for Administration and Management, is responsible for:

a. Serving as principal advisor in the Region on all matters relating to Federal surplus property, real and personal;

b. Allocating Federal surplus personal property to State agencies for distribution to eligible institutions and organizations;

c. Transferring Federal surplus real property to eligible education and health organizations;

d. Exercising compliance responsibility of the donee for both personal and real property transfers;

e. Providing technical assistance and direction to State agencies under the Federal Property Assistance Program, including the approval of State plans of operation.

5. Establishes a system of effective property management, including the maintenance of item and financial property accounts.

6. Conducts periodic inspections of regional space and facilities to assure the application of optimum standards and practices related to physical and personnel safety and security.

7. Provides office services to all activities in and near the regional headquarters location, including mail pick-up and delivery; procurement, stocking, and distribution of common supplies; maintenance of the official regional files; printing and reproduction services, moving and storage services.

8. Coordinates the delivery of architectural engineering services in support of regional program operations, including property management activities for HEW owned and utilized facilities.

9. Insures regional office compliance with the National Environmental Policy Act, National Historic Preservation Act, National Archeological Preservation Act, related laws, executive orders, regulations and guidelines. Recommends regional office policy and develops procedures to insure a coordinated and interdisciplinary approach to assist programs in the conduct of environmental analysis and preparation of documents for activities subject to the above-mentioned requirements in accordance with Departmental procedures. Identifies and advises the Regional Director as to a recommended course of action with respect to emerging environmental issues of concern to the Department and coordinates environmental reviews by regional program staff in response to other Federal agency requests for input. Apprises general purpose government, Federal Regional Councils, clearinghouses and other concerned organizations with respect to HEW NEPA requirements and proposed actions impacting on the community. Serves as the principal regional contact point with the Department's Chief Environmental Officer and notifies him of key issues and emerging problems on which the Secretary should be advised. Participates in and coordinates regional input to environmentally related interagency studies and task forces.

L. *Office of the Assistant Regional Director for Human Development.* (See Chapter 1R95, HEW Organization Manual (38 FR 17262 6/29/73) (formerly numbered as 1E80).) [1E8131]

M. *Special Assistant for External Affairs. (1E8101).* Serves as liaison to special interest groups, key institutions and organizations, and private citizens with specific needs, facilitating the dissemination of information of Departmental plans and program developments of concern to them. Maintains contact with community organizations and particular target populations, insuring that there is an adequate mechanism for exchange of ideas on current issues. Frequently serves as point of contact for community leaders and public and private agencies. Serves as expediter in carrying out ad hoc assignments, particularly those that cut across agency or programmatic lines.

Section 1E81.30 Relationships to Agency Regional Staffs and Regional Audit and Regional Civil Rights Staff. Agency regional staffs and Regional Civil Rights and Regional Audit staffs are under the line direction and control of their parent headquarters organizations. The regional staffs are subject to the general leadership and coordination of the Regional Director and receive administrative, financial, and other support services from him and his staff. The functional statements for these offices are to be found with the statements of their parent organizations.

Section 1E81.40 Order of Succession. In the absence or disability of the Regional Director, the Deputy Regional Director serves as acting Regional Director. In the event of the absence or disability of both the Regional Director and the Deputy Regional Director and where there is a vacancy in both positions, the Secretary or Under Secretary will designate the acting Regional Director.

Section 1E81.50 Delegations of Authority. The delegations of authority of the Regional Director are:

A. *Surplus Property Utilization.* 1. Regional Directors have been delegated certain authority which may not be redelegated as follows:

a. *Real Property.* This delegation relates to the conveyance and utilization of surplus real property and related personal property for educational and public health purposes, pursuant to section 203(k) of the Federal Property and Administrative Services Act of 1949, as amended. Each Regional Director, consistent with policies and procedures set forth in applicable regulations of the Department is authorized:

(1) To execute deeds, contracts of sale, and all instruments incident or corollary to the transfer of land and improvements thereon, or in modification of previous transfers with respect to land and improvement cost of property was less than $1 million;

(2) To execute all instruments of conveyance or in modification of previous transfers with respect to land and improvements thereon where the acquisition and improvement cost was $1 million or more and the Office of Federal Property Assistance, specifically authorizes closing the transaction by the Regional Office; and

(3) To execute all instruments of conveyance relating to the transfer of improvements located outside his jurisdiction and intended for removal to and use within his jurisdiction.

b. *Personal Property.* To act or designate a member of his staff (other than the Director, Division of Federal Property Assistance, to act as reviewing officer to approve or disapprove determinations by the Director, FPA, authorizing State Agencies to abandon or destroy surplus personal property having a line item acquisition cost of $1,000 or more.

2. Regional Directors have been delegated certain authority related to real property which they may redelegate in writing to the Director, Division of FPA, as follows:

a. Consistent with policies and procedures set forth in applicable regulations of the Department, to perform or take the actions stated below, with respect to disposal and utilization of surplus real and related personal property.

(1) To request and accept assignments from Federal Agencies of:

(a) Improvements for removal and use away from the site;

(b) Improvements for removal to and use in another regional jurisdiction;

(c) Land and improvements thereon where the acquisition and improvement cost of the property was less than $1 million.

(2) To make determinations incident to the disposal of assigned property described in a(1)(a) and a(1)(a) and a(1)(c) above;

(3) To issue and execute licenses and interim permits affecting assigned property described in a(1)(a) and a(1)(c) above;

(4) To execute instruments of transfer relative to property described in a(1)a above; except in those cases provided for in a(1)a(3);

(5) Except for execution of instruments of conveyance or in modification of previous transfers, to take all action with respect to land and improvements thereon where the acquisition and improvement cost was $1 million or more and the Office of Federal Property Assistance specifically authorizes closing of the transaction by the Regional Director; and

(6) Incident to the exercise of the authority hereinbefore provided to receive remittances and performance guarantee deposits and bonds, to request refunds or payments, and to request forfeiture or release of performance bonds.

b. Consistent with the policies and procedures set forth in applicable regulations of the Department, with respect to the disposal of educational and public health purposes of surplus real property improvements and related personal property located outside his jurisdiction, but intended for removal to and use within his jurisdiction, to take actions set forth in a(2), a(3), and a(6) above.

c. Consistent with the policies and procedures set forth in applicable regulations of the Department, with respect to property within his jurisdiction previously conveyed for educational and public health purposes:

(1) To make determinations concerning the utilization and the enforcement of compliance with the terms and conditions of disposal of:

(a) Improvements for removal and use away from the site; and

(b) Land and any improvements thereon regardless of the acquisition and improvement cost;

(2) To accept voluntary reconveyances and to effect reverter of title to land and improvements located thereon, without regard to acquisition cost;

(3) To report to the General Services Administration revested properties excess to program requirements in accordance with applicable regulations;

(4) To execute instruments necessary to carry out, or incident to the exercise of, the authority delegated in this paragraph; and

(5) Incident to the exercise of the authority delegated in this paragraph, to receive remittances and performance guarantee deposits and bonds, to request refunds or payments, and to request forfeiture or release of performance bonds.

d. With respect to the States within the jurisdiction of his region, consistent with the policies and procedures of the Department, to enter into cooperative agreements, under section 203(n) of the Act, with State Agencies for Surplus Property.

3. Regional Directors may redelegate in writing the following authority related to personal property to the FPA Director; the latter may likewise redelegate in writing the authority to the Deputy Director, Division of FPA; Deputy Director, Division of FPA may also redelegate in writing to his allocator(s) the authority stipulated in a(1)(a), a(1)(b), and a(1)(e), insofar as a(1)(e) pertains to a(1)(a) and a(1)(b):

a. Consistent with policies set forth in applicable regulations and procedures of the Department.

(1) To perform or take the actions stated be-

and (e) above in connection with any property that is available for transfer to his jurisdiction from another region.

(4) With respect to personal property located within his jurisdiction and in possession of State agencies for subsequent donation for education, public health, and civil defense purposes;

(a) To effect redistribution of usable and needed property to other State Agencies;

(b) To authorize and execute instruments necessary to carry out cannibalization, secondary utilization, and revision of acquisition cost of property;

(c) To recommend to GSA for disposal, property excess to the needs of State Agencies; and

(5) With respect to personal property located within his jurisdiction previously donated for educational and public health purposes;

(a) To make determinations and take actions appropriate thereto concerning the utilization of such property, including retransfer and the enforcement of compliance with terms and conditions which may have been imposed on and which are currently applicable to such property;

(b) To execute instruments necessary to carry out, or incident to the exercise of, the authority delegated in (a) above;

(c) To recommend to GSA for disposal, property excess to the needs of donees, except boats over 50 feet in length and aircraft;

(d) Incident to the exercise of the authority delegated in this paragraph, to request refunds or payments; and

(e) To authorize and execute instruments necessary to carry out sales, abrogations, revision of the period of restriction, secondary utilization or cannibalization, revision of acquisition cost, trade-in of an item on a similar replacement, and destruction or abandonment of property in the custody of donees.

(6) With respect to the States within the jurisdiction of his region, to approve State plans of operation and amendments thereto submitted by State Agencies for surplus property: Provided, however, that disapproval of a State plan in whole or in part is concurred in by the Director, Office of Federal Property Assistance.

(7) With respect to the States within the jurisdiction of his region, to enter into cooperative agreements, under section 203(n) of the Act, with State Agencies for surplus property of such States, either individually or collectively.

B. *Human Development.* 1. Regional Directors have been delegated the certain authorities by the Assistant Secretary for Human Development as follows:

a. Under the general policies and in such form as prescribed by the Director, Office of Child Development (and approved by the Assistant Secretary for Human Development) and in conformity to the allocations and financial guidelines of the Director, Office of Child Development to make grants under section 222(a)(1) of the Economic Opportunity Act of 1964 (Project Head Start), except insofar as such grants are for programs which primarily serve migrants or Indians living on Federal reservations. This authority may be redelegated.

b. Under the general policies and in such form as prescribed by the Assistant Secretary for Human Development and in conformance with the allocations and financial guidelines issued by him, Regional Directors are authorized to make grants or contracts under the authority of Title I of the Juvenile Delinquency Prevention Act. The Regional Director is authorized to redelegate this authority only to the Assistant Regional Director for Human Development without the concurrence of the Assistant Secretary for Human Development.

c. Under the general policies and in such form as prescribed by the Director of the Office of Child Development (and approved by the Assistant Secretary for Human Development) and in conformance with the allocations and financial guidelines issued by him, Regional Directors are authorized to make grants under section 4(b)(1) of the Child Abuse Prevention and Treatment Act of 1974. This authority may be redelegated.

d. Under the general policies and in such form as prescribed by the Assistant Secretary for Human Development and in conformance with the allocations and financial guidelines issued by him, Regional Directors are authorized to make grants and contracts and administer the urban Indian projects of the Office of Native American Programs, pursuant to the authorities under section 222(a) of the Economic Opportunity Act of 1964. This authority may not be redelegated without prior approval by the Assistant Secretary for Human Development.

e. To make, amend, suspend, and cancel the grants and contracts authorized in "a", "b", "c", and "d" above and to issue audit disallowances as well as to receive appeals on and make final decisions on such disallowances.

C. *Long Term Care Standards Enforcement.* 1. Regional Directors have been delegated the following authorities under Title XVIII of the Social Security Act, as amended, which pertain to skilled nursing facility standards enforcement and which may be redelegated only to the Director, Office of Long Term Care Standards Enforcement:

a. To approve or disapprove certifications made by State Agencies under the provisions of section 1864(a), that a health care institution is or is not a skilled nursing facility as defined in section 1861(j);

b. To enter into agreements with skilled nursing facilities as provided in section 1866(a), including authority to determine the term of such agreements;

c. To terminate agreements, under the provisions of section 1866(b)(2)(B), with skilled nursing facilities where such facilities no longer substantially meet the requirements of section 1861(j);

d. To waive, for such periods as are deemed appropriate, specific provisions of the Life Safety Code of the National Fire Protection Association (21st edition, 1967) as provided in section 1861(j)(13);

e. To determine, in accordance with section 1861(j)(13), that the Life Safety Code of the National Fire Protection Association (21st edition, 1967) is not applicable in a State because a fire and safety code, imposed by State law, adequately protects patients in skilled nursing facilities;

f. To waive the requirement that a skilled nursing facility engage the services of a registered professional nurse for more than 40 hours a week as provided in section 1861(j)(15);

g. To waive in accordance with 20 CFR 405.1134(c), for such periods as are deemed appropriate, specific provisions of American National Standards Institute Standard No. A117.1, American Standard Specifications for Making Buildings and Facilities Accessible to, and Usable by, the Physically Handicapped;

h. To waive, based on regulations, 28 CFR 405.1134(e), requirements relating to the number of beds per room and the minimum size for rooms in skilled nursing facilities; and

i. To determine, under the provisions of section 1864(a), that State Agency

survey reports (including reports of follow-up reviews), and statements of deficiencies based upon official survey reports, relating to the certification of skilled nursing facilities for compliance with the applicable provisions of section 1861 are final and official. This includes the authority to: (1) Assure that references to internal tolerance rules and practices are excluded from such reports or deficiency statements; (2) determine that such reports and deficiency statements have not identified individual patients, physicians, other practitioners, or individuals; (3) determine that involved skilled nursing facilities have been afforded a reasonable opportunity to offer comments; and (4) make final and official reports and deficiency statements available to the public in readily accessible form and place, along with any pertinent written statements submitted by skilled nursing facilities.

2. Regional Directors have been delegated the following authorities under Title XIX of the Social Security Act, as amended, which pertain to nursing facility standards enforcement and which may be redelegated only to the Director, Office of Long Term Care Standards Enforcement:

a. Authority under the provisions of section 1910(b) to notify the State agency administering the Title XIX State plan of the approval or disapproval of any institution which has applied for certification under Title XVIII, and the term of such approval.

b. Authority to waive, for Title XIX skilled nursing facilities for such periods as are deemed appropriate, specific provisions of the Life Safety Code of the National Fire Protection Association (21st edition, 1967) as provided in section 1861(j)(13) of the Social Security Act.

c. Authority to waive for Title XIX skilled nursing facilities the requirement that a skilled nursing facility engage the services of a registered professional nurse for more than 40 hours a week as provided in section 1861(j)(15) of the Social Security Act.

d. Authority vested in the Secretary under section 1905(c) of the Social Security Act to certify intermediate care facilities located on Indian reservations.

e. Authority vested in the Secretary under section 1905(b) of the Social Security Act to certify skilled nursing facilities located on Indian reservations.

D. *Environmental Affairs.* Under the authority of the National Environmental Policy Act of 1969 (NEPA), Regional Directors are authorized:

a. To issue Determinations of Inapplicability and Marginal Impact Statements, based on the application of the appropriate criteria, for individual actions which you have the authority to take.

b. To approve Determinations of Inapplicability for all decentralized Departmental and agency individual actions, based on the Initial Criteria.

c. To issue Marginal Impact Statements (MIS) for all decentralized Departmental and agency individual actions which meet the Initial Criteria, but do not meet the Significance Criteria.

d. To approve the issuance of a MIS for actions which are not decentralized but are locale specific.

e. To recommend to the AS/AM the issuance of draft EIS's for:

(1) Those actions for which you have the delegation of authority.

(2) Those individual Department and agency actions which have been decentralized.

f. To receive, distribute for review, and issue DHEW comments on externally developed environmental statements concerning effects which are specific to each Regional Director's region, except for those kinds of actions otherwise designated by the Assistant Secretary for Administration and Management.

g. To monitor the extent and quality of compliance with the Act and the Departmental procedures within the regional offices and agency regional offices and institute such procedures as may be necessary to insure compliance.

2. This authority may be redelegated except that part involving coordination and approval which would be redelegated only to an individual within the immediate office of the Regional Director.

Dated: September 11, 1975.

THOMAS S. MCFEE,
Acting Assistant Secretary for Administration and Management.

[FR Doc.75-25637 Filed 9-24-75;8:45 am]

Office of the Assistant Secretary for Health

NATIONAL COMMISSION FOR THE PROTECTION OF HUMAN SUBJECTS OF BIOMEDICAL AND BEHAVIORAL RESEARCH

Notice of Meeting

Notice is hereby given that the National Commission for the Protection of Human Subjects of Biomedical and Behavioral Research will meet on October 11, 1975, in the Terrace Room at the Holiday Inn of Waltham, 455 Totten Pond Road, Waltham, Massachusetts 02154. The meeting will convene at 9 a.m. and will be open to the public, subject to the limitation of available space.

On October 10, 1975, the Commission will make a site visit to the Walter E. Fernald State School in Waltham. The Commission will not hold a meeting during the site visit, which will be conducted in a manner to insure the privacy of the patients at the school. Discussion of the site visit and other matters identified in the legislative mandate to the Commission under P.L. 93-348 will be included in the agenda for the public meeting on October 11.

Requests for information should be directed to Ms. Anne Ballard (301) 496-7776, Room 125, Westwood Building, 5333 Westbard Avenue, Bethesda, Maryland 20016.

Dated: September 18, 1975.

CHARLES U. LOWE,
Executive Director, National Commission for the Protection of Human Subjects of Biomedical and Behavioral Research.

[FR Doc.75-25636 Filed 9-24-75;8:45 am]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[Docket No. 15020; Reference Notice No. 75-35]

AIRCRAFT NOISE ABATEMENT APPROACH PROCEDURES FOR TURBOJET ENGINE-POWERED AIRCRAFT: REDUCED FLAP SETTING, VISUAL TWO-SEGMENT, AND TWO-SEGMENT ILS PROCEDURES

Public Hearing

The Federal Aviation Administration will hold a public hearing November 5, 1975, on proposed amendments to the Federal Aviation Regulations (14 CFR Chapter I) submitted to the FAA by the Environmental Protection Agency (EPA) under Section 611(c)(1) of the Federal Aviation Act of 1958, as amended by the Noise Control Act of 1972 (Pub. L. 92-574). This hearing will afford interested persons the opportunity to present views, data, and arguments regarding the substance and issues raised in the proposals contained in Notice 75-35 (published elsewhere in this issue of the FEDERAL REGISTER), which contains the following three EPA proposals:

EPA Proposal I—"Reduced Flap Setting Noise Abatement Approach for Turbojet Engine-Powered Airplanes."

EPA Proposal II—"Visual Two-Segment Noise Abatement Approach for Turbojet Engine-Powered Airplanes."

EPA Proposal III—"Two-Segment ILS Noise Abatement Approach for Turbojet Engine-Powered Airplanes."

The hearing will be conducted in the Auditorium on the 3rd Floor of the Federal Aviation Administration Building, 800 Independence Avenue SW., Washington, D.C., convening at 9:00 a.m. In the event that response to this notice exceeds the time allotted to the hearing, it will be continued to 9:00 a.m., November 6, 1975, in the FAA Auditorium.

The hearings will be informal in nature and will be conducted by a designated representative of the Administrator under 14 CFR 11.33. At the hearing, FAA spokesmen will make a brief opening statement regarding the proposals contained in the notice. Since the hearings will not be evidentiary or judicial in nature, there will be no cross-examination or other adjudicatory procedure applied to the presentations. However, interested persons wishing to make rebuttal statements will be given an opportunity to do so at the conclusion of the

presentations in the same order in which initial statements are made.

Interested persons are invited to attend the hearings and to participate by making oral or written statements concerning the respective proposals. Written statements should be submitted in duplicate and will be made a part of the regulatory docket. Persons wishing to make oral statements at the hearings must notify the FAA that they desire to be heard, and indicate the amount of time requested for their initial statements. Presentations will be scheduled on a first-come-first-served basis, as time may permit. Requests to be heard should be addressed:

PUBLIC HEARING ON NOTICE NO. 75-35,

ATTENTION: CHIEF, SAFETY REGULATIONS DIVISION (AFS-900), FLIGHT STANDARDS SERVICE,

FEDERAL AVIATION ADMINISTRATION,

800 INDEPENDENCE AVENUE, SW.,

WASHINGTON, D.C. 20591

or telephone: (202) 426-7815.

In addition to material presented for the purpose of the hearings, persons not participating in the hearings are invited to submit relevant written comments to the regulatory docket established for the notice of proposed rule making. As stated in the notice, such written comments should identify the notice or docket number and be submitted in duplicate to: Federal Aviation Administration, Office of the Chief Counsel, Attention: Rules Docket, AGC-24, 800 Independence Avenue SW., Washington, D.C. 20591. The closing date for submitting written comments is November 26, 1975. All comments will be available for examination in the FAA Rules Docket both before and after the closing date for comments.

Notice No. 75-35 was issued by the FAA in accordance with § 611(c)(1) of the Federal Aviation Act of 1958, as amended by the Noise Control Act of 1972 (Pub. L. 92-574). The notice contains proposed regulations submitted to the FAA by EPA to provide such control and abatement of aircraft noise as EPA determines is necessary to protect the public health and welfare. The notice presents EPA's analysis of the background of the respective proposals and contains the material that is the subject of the public hearings. While all relevant comments are of interest, the FAA specifically invites relevant statements or comments concerning the following:

(a) Available data relating to aircraft noise, including the results of research, development, testing, and related evaluation activities.

(b) The views and positions of other Federal, State, and interstate agencies.

(c) Whether the proposed regulations would be consistent with the highest degree of safety in air commerce and air transportation in the public interest.

(d) Whether the proposed regulations would be—

(1) economically reasonable;

(2) technologically practicable; and

(3) appropriate for the particular types of aircraft, aircraft engines, appliances, or certificates to which they would apply.

(e) The extent to which the proposed regulations would contribute to providing protection to the public health and welfare by carrying out the purposes of § 611 of the Federal Aviation Act of 1958, as amended.

(f) The overall environmental impacts of the proposed regulations (including environmental factors other than noise).

(g) The economic (inflationary) impact that might result because of adoption of the proposed rules.

Before taking further action under § 611(c) of the Federal Aviation Act of 1958, the FAA will consider all statements presented at the hearings and all written statements and comments submitted to the regulatory docket. The specific terms and substance of proposals contained in the notice may be changed in the light of those statements and comments presented.

Transcripts of the hearings will be made and anyone may purchase copies from the reporter. A transcript of each hearing will be available for examination in the Rules Docket.

(Secs. 307, 313(a), 601, 603, and 611(c) of the Federal Aviation Act of 1958, as amended (49 U.S.C. 1348, 1354(a), 1421, 1423, and 1431(c)); sec. 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)); and 44 U.S.C. 1508)

Issued in Washington, D.C., on September 24, 1975.

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

[FR Doc.75-25812 Filed 9-24-75;11:09 am]

COMMISSION OF FINE ARTS

MEETING

SEPTEMBER 19, 1975.

The Commission of Fine Arts will meet on Wednesday, October 15, 1975, at 11:00 a.m. in the Commission offices at 708 Jackson Place, NW., Washington, D.C. 20006 to discuss various public projects affecting the appearance of Washington, D.C. Inquiries regarding the agenda or requests to submit written or verbal statements should be addressed to Charles H. Atherton, Secretary, Commission of Fine Arts, at 708 Jackson Place, NW., Washington, D.C. 20006, 202-343-5324.

Signed,

CHARLES H. ATHERTON,
Secretary.

[FR Doc.75-25544 Filed 9-24-75;8:45 am]

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

CERTAIN COTTON TEXTILES AND COTTON TEXTILE PRODUCTS PRODUCED OR MANUFACTURED IN HAITI

Entrance of Withdrawal from Warehouse for Consumption

SEPTEMBER 22, 1975.

On November 3, 1971, the United States Government concluded a comprehensive Bilateral Cotton Textile Agreement with the Government of Haiti concerning exports of cotton textiles and cotton textile products from Haiti to the United States over a five-year period beginning on October 1, 1971, and extending through September 30, 1976. The agreement was amended by an exchange of notes dated November 13 and 23, 1973. Among the provisions of the agreement, as amended, are those establishing an aggregate limit for the 64 categories; within the aggregate limit, specific limits on Categories 39, 51, 53, and 63; and consultation levels for Categories 45, 46, 47, 52, and 62, among others, for the agreement year beginning on October 1, 1975.

There is published below a letter of September 22, 1975 from the Chairman of the Committee for the Implementation of Textile Agreements to the Commissioner of Customs, directing that the amounts of cotton textile products in the above categories, produced or manufactured in Haiti, which may be entered or withdrawn from warehouse for consumption in the United States during the twelve-month period beginning October 1, 1975, and extending through September 30, 1976, be limited to the designated levels.

The letter published below and the actions pursuant thereto are not designed to implement all of the provisions of the bilateral agreement, as amended, but are designed to assist only in the implementation of certain of its provisions.

ALAN POLANSKY,
Chairman, Committee for the Implementation of Textile Agreements, and Deputy Assistant Secretary for Resources and Trade Assistance.

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

COMMISSIONER OF CUSTOMS,
Department of the Treasury,
Washington, D.C. 20229.

SEPTEMBER 22, 1975.

DEAR MR. COMMISSIONER: Pursuant to the Bilateral Cotton Textile Agreement of November 3, 1971, as amended, between the Governments of the United States and Haiti, and in accordance with the provisions of Executive Order 11651 of March 3, 1972, you are directed to prohibit, effective October 1, 1975, and for the twelve-month period extending through September 30, 1976, entry into the United States for consumption and withdrawal from warehouse for consumption of

cotton textiles and cotton textile products in Categories 1 through 64 and in individual Categories 39, 45, 46, 47, 51, 52, 53, 62, and 63, produced or manufactured in Haiti, in excess of the following levels of restraint:

Category:		Twelve-Month Level of Restraints
1 through 64	square yards equivalent	5,469,779
39	dozen pairs	243,101
45	dozen	19,175
46	do	17,395
47	do	19,175
51	do	61,948
52	do	29,279
53	do	22,807
62	pounds	92,484
63	do	431,412

The levels of restraint set forth above are subject to adjustment pursuant to the provisions of the bilateral agreement of November 3, 1971, as amended, between the Governments of the United States and Haiti, which provide, in part, that within the aggregate limit, the limits on certain categories may be exceeded by not more than a certain percentage; for the limited carryover of shortfalls in certain categories to the next agreement year; and for administrative arrangements. Any appropriate adjustments pursuant to the provisions of the bilateral agreement referred to above will be made to you by further letter.

A detailed description of the categories in terms of T.S.U.S.A. numbers and factors for converting category units into equivalent square yards was published in the FEDERAL REGISTER on February 3, 1975 (40 FR 5010).

In carrying out the above directions, entry into the United States for consumption shall be construed to include entry for consumption into the Commonwealth of Puerto Rico.

The actions taken with respect to the Government of Haiti with respect to imports of cotton textiles and cotton textile products from Haiti have been determined by the Committee for the Implementation of Textile Agreements to involve foreign affairs functions of the United States. Therefore, the directions to the Commissioner of Customs, being necessary to the implementation of such actions, fall within the foreign affairs exception to the rule-making provisions of 5 U.S.C. 553. This letter will be published in the FEDERAL REGISTER.

Sincerely,

ALAN POLANSKY,
Chairman, Committee for the Implementation of Textile Agreements, and Deputy Assistant Secretary for Resources and Trade Assistance.

[FR Doc.75-25657 Filed 9-24-75;8:45 am]

CONSUMER PRODUCT SAFETY COMMISSION

NATIONAL ADVISORY COMMITTEE FOR THE FLAMMABLE FABRICS ACT

Meeting

Notice is given that a meeting of the National Advisory Committee for the Flammable Fabrics Act will be held on Tuesday, October 28, 1975 (10:00 a.m. to 5:00 p.m.) and Wednesday, October 29 (9:00 a.m. to 2:00 p.m.) in the 6th Floor Conference Room, Consumer Product Safety Commission, 1750 K Street, N.W., Washington, D.C.

The National Advisory Committee provides advice and recommendations on the Commission's proposals and plans for reducing the frequency and severity of burn injuries involving flammable fabrics.

This meeting will be devoted primarily to a briefing/orientation for new committee members on the activities of the Consumer Product Safety Commission under the Flammable Fabrics Act.

Persons wishing to make oral or written presentations to the National Advisory Committee should notify the Secretary at least 5 days in advance of the meeting.

The meeting is open to the public, however, space is limited. Further information concerning this meeting and specific agenda topics may be obtained from the Secretary, Consumer Product Safety Commission, Washington, D.C. 20207, phone (202) 634-7700.

Dated: September 22, 1975.

SADYE E. DUNN,
Secretary, Consumer Product Safety Commission.

[FR Doc.75-25073 Filed 9-24-75;8:45 am]

ENVIRONMENTAL PROTECTION AGENCY

[PP4G1511/T13 (FRL 435-5)]

COLLETOTRICHUM GLOEOSPORIOIDES

Renewal of Temporary Exemption from Requirement of a Tolerance for Microbial Pesticide

On September 27, 1974, the Environmental Protection Agency (EPA) gave notice (39 FR 34706) that the University of Arkansas, Fayetteville AR 72701, had been granted a temporary exemption from the requirement of a tolerance for residues of the mycoherbicide *Colletotrichum gloeosporioides* f. sp. *aeschynomene* (ATCC #20358) in or on rice when used as a herbicide to control northern jointvetch (*Aeschynomene Virginica*). This temporary exemption was scheduled to expire September 23, 1975.

The petitioner has requested a 99 day extension of the temporary exemption from the requirement of a tolerance to permit continued testing to obtain additional data, and to permit the marketing of rice treated with the mycoherbicide in accordance with an experimental use permit that is being renewed concurrently for the University of Arkansas under the Federal Insecticide, Fungicide, and Rodenticide Act.

Based on a review of the reported scientific data, it is concluded that a renewal of the temporary exemption from the requirement of a tolerance will protect the public health. The temporary exemption, therefore, is being renewed for *Colletotrichum gloeosporioides* f. sp. *aeschynomene* on condition that the pesticide be used in accordance with the experimental use permit with the following provisions:

1. The total amount of the active mycoherbicide to be used must not exceed the quantity authorized by the experimental use permit.

2. The University of Arkansas must immediately notify the EPA of any findings from the experimental use that have a bearing on safety. The University must also keep records of distribution and performance and on request make the records available to any authorized officer or employee of the EPA or the 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 the expiration of this temporary exemption 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 from the requirement of a tolerance.

Dated: September 19, 1975.

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

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

[FR Doc.75-25505 Filed 9-24-75;8:45 am]

[PP5G1626/T12 (FRL 435-6)]

SODIUM AZIDE

Establishment of Temporary Tolerance

PPG Industries Inc., Biochemicals Inc., One Gateway Center, Pittsburgh PA 15222, submitted a pesticide petition (PP 5G1626) to the Environmental Protection Agency (EPA). This petition requested that a temporary tolerance be established for residues of the fungicide sodium azide (expressed as the azide ion (N_3)) in or on the raw agricultural commodities green beans (pole and snap), tomatoes, and potatoes at 0.1 part per million.

This temporary tolerance will permit the marketing of the above raw agricultural commodities treated in accordance with an experimental use permit which is being issued concurrently under the Federal Insecticide, Fungicide, and Rodenticide Act.

The data submitted in the petition and other relevant material have been evaluated, and it has been determined that the tolerance is adequate to cover residues resulting from the proposed experimental use, and that such tolerance will protect the public health. The temporary tolerance is, therefore, established for sodium azide on condition that the insecticide be used in accordance with the experimental use permit with the following provisions:

1. The total amount of the active fungicide to be used must not exceed the quantity authorized by the experimental use permit.

2. PPG Industries, Inc. must immediately notify the EPA of any findings from the experimental use that have a bearing on safety. The firm must 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 the Food and Drug Administration.

This temporary tolerance expires September 19, 1976. Residues not in excess of this temporary tolerance remaining in or on the above raw agricultural commodities 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 tolerance. The temporary tolerance may be revoked if the experimental use permit is revoked or if any scientific data or experience with this pesticide indicate such revocation is necessary to protect the public health.

Dated September 19, 1975.

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

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

[FR Doc.75-25506 Filed 9-24-75;8:45 am]

[OPP 180042 (FRL 435-4)]

TEXAS STATE DEPARTMENT OF HEALTH

Issuance of Specific Exemptions To Control Rabid Skunks in Mason and Uvalde Counties

Pursuant to the provisions of section 18 of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended (86 Stat. 973; 7 U.S.C. 136), notice is hereby given that the Environmental Protection Agency (EPA) has granted specific exemptions to the Texas State Department of Health (hereafter referred to as the "Applicant") to use strychnine alkaloid or strychnine sulfate baits to suppress rabid skunks in defined areas in Mason and Uvalde Counties, Texas. The control program is designed to reduce the probability of exposure of domestic animals and man to rabies. These exemptions were granted in accordance with, and are subject to, the provisions of 40 CFR Part 166, issued December 3, 1973 (38 FR 33303), which prescribes requirements for exemption of Federal and State agencies for use of pesticides under emergency conditions. The section 18 regulations provide that the Administrator may grant an emergency exemption to a Federal or State agency when the following conditions exist:

"(a) A pest outbreak has or is about to occur and no pesticide registered for the particular use, or alternative method of control, is available to eradicate or control the pest, (b) significant economic or health problems will occur without the use of the pesticide, and (c) the time available from discovery or prediction of the pest outbreak is insufficient for a pesticide to be registered for the particular use." 40 CFR 166.1.

The exemption is also subject to the provisions of 40 CFR Part 164, specifically, the new Subpart D, published in the FEDERAL REGISTER on March 18, 1975 (40 FR 12261). In cases such as the one presented by this Applicant, if the request is for the use of a pesticide which has been finally cancelled or suspended, then the application constitutes a petition for reconsideration of such cancellation or suspension order. Therefore, the exemption cannot be granted without the requirement of a prior public hearing, unless certain conditions are found to exist.

Subpart D of the section 6 regulations provides that in emergency circumstances the Administrator may rule on the application without convening a formal hearing and without making a finding as to the question of substantial new evidence when he determines:

"(1) That the application presents a situation involving need to use the pesticide to prevent an unacceptable risk: (i) to human health, or (ii) to fish or wildlife populations when such use would not pose a human health hazard; and

(2) That there is no other feasible solution to such risk; and

(3) That the time available to avert the risk to human health or fish and wildlife is insufficient to permit convening a hearing as required by section 164.131; and

(4) That the public interest requires the granting of the requested use as soon as possible." 40 CFR 164.133.

The primary objective of the requested strychnine bait programs is the reduction of the skunk population. Secondary target species in the areas capable of rabies transmission are: bobcats, coyotes, foxes, opossums, raccoons, and ringtail cats. According to the U.S. Department of the Interior, no endangered species are known to occur in either Mason or Uvalde County. A report entitled "Control of Rabies", published by the National Academy of Sciences, indicates that a distinctive feature of rabies epidemics in wildlife is the tendency to be limited to a single species population in a given geographical area. Although interspecies transmission does occur, endemic rabies tends to be confined to a single reservoir species in a given area and appears to become established in other species only after prolonged exposure. However, studies by the Center for Disease Control, Atlanta, Georgia, identified six areas in the United States where interspecific rabies transmission from bats to carnivores is important—four in Texas and two in New Mexico. Two of these areas (caves), Mason and Frio Caves, are located in Mason and Uvalde Counties, respectively.

Mason County. During the month of January 1975, six (6) cases of laboratory-confirmed rabies were found in a 12,000 acre area in Mason County (two skunks, two foxes, one dog, and one cow). Five (5) persons were exposed to the infected cow and received post-exposure immunization treatment. The control program was completed by June 30, 1975. The total amount of strychnine used was approximately eight (8) ounces; the total number of baits used in the area designated in the application did not exceed 2,250.

Uvalde County. Since January 1975, four (4) cases of rabies have been confirmed in a 7,000 acre area in Uvalde County (two foxes, one bobcat, and one bat). Human exposure in these incidents, including one bovine rabies case in 1974, resulted in eight (8) persons receiving post-exposure immunization treatment. This control program was completed by July 31, 1975. The total amount of strychnine used was approximately seven (7) ounces; the total number of baits used in the area designated in the application did not exceed 2,000.

The areas in each county were treated within a seven (7) day period. Because of the short treatment period, it is likely that any mortality incurred by non-target species will be compensated by normal reproduction and migration cycles. Exposure time at any one bait site ranged from a minimum of three (3) to a maximum of five (5) days. Each bait station was placed so as to minimize exposure of non-target species; no bait station was placed within 300–500 yards of any area of human habitation.

Bait stations contained pork tallow baits treated with not more than one-fourth grain of strychnine sulfate or strychnine alkaloid. Application was by experienced personnel of the Texas State Department of Health. All persons residing on treated properties were notified of the day bait would be placed, in order to assure the protection of domestic pets and small children. Warning signs were posted at each entrance to baited property from public roads and at each bait station. All bait stations were mapped and marked to monitor effectiveness and to account for all of the toxicant used. Each landowner or his representative accompanied the baiter on his property to ensure the property owners' awareness of the locations of baits; each property owner ensured that his property would be surveyed daily for kills. A thorough documentation of the bait effects was recorded for each bait site and premises. Finally, all unused poison bait and recovered bait was destroyed by incineration.

In light of the above and pursuant to the controlling regulations, the Administrator determined that (a) a pest outbreak of rabid skunks had occurred; (b) there was no pesticide presently registered for use in suppressing populations of rabid skunks in Texas; (c) the application presented a situation involving a need to use the pesticide as requested to prevent an unacceptable risk to human health; (d) there was no other feasible solution to such human risk; (e) the time available to avert the risk to human health was not sufficient to convene a hearing; and (f) the public interest required the granting of the requested use as soon as possible. Accordingly, the Applicant was granted specific exemptions to use the pesticide noted above in defined areas in Mason and Uvalde Counties to the extent and in the manner set forth in this issuance. The Applicant has

satisfied the requirements of Section 166.5, "Procedure to be followed upon approval of a specific exemption".

This notice contains a summary of certain information set forth in the applications for the specific exemptions. For more detailed information, interested parties are referred to the Registration Division (WH-567), Office of Pesticide Programs, EPA, 401 M St., S.W., Room 315, Washington, D.C. 20460.

Dated September 19, 1975.

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

[FR Doc.75-25504 Filed 9-24-75;8:45 am]

FEDERAL ENERGY ADMINISTRATION

PETROLEUM COMPANY FINANCIAL REPORT

Notice of Proposed Report

Correction to Procedural Dates

In FR Doc. 75-25016, appearing on page 43611 in the issue for Monday, September 22, 1975 the following changes should be made:

The date in the 12th line of the 5th full paragraph of the middle column on page 43612, now reading "October 16, 1975", should read "October 24, 1975".

The date in the 2nd line of the 6th full paragraph of the middle column on page 43612, now reading "October 14, 1975" should read "October 20, 1975".

The date in the 6th line of the 6th full paragraph of the middle column on page 43612, now reading "October 15,", should read "October 21".

The date in the 16th line of the 6th full paragraph of the middle column on page 43612, now reading "October 2, 1975," should read "October 3, 1975".

The date in the 10th line of the third column on page 43612, now reading "October 14, 1975", should read "October 20, 1975".

The date in the 13th line of the third column on page 43612, now reading "October 9, 1975", should read "October 10, 1975".

The date in the 17th line of the third column on page 43612, now reading "October 10, 1975", should read "October 16, 1975".

The date in the 5th line of the 3rd full paragraph of the third column on page 43612, now reading "October 9, 1975", should read "October 16, 1975".

FEDERAL MARITIME COMMISSION

MARITIME SERVICE CORP.

Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington Office of the Federal Maritime Commission, 1100 L Street NW., Room 10126; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, Louisiana, San Francisco, California, and Old San Juan, Puerto Rico. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, on or before October 15, 1975. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of agreement filed by

Messrs. John Mason and Paul McElligott, Ragan & Mason, The Farragut Building, 900 Seventeenth Street NW., Washington, D.C. 20006.

By order dated January 14, 1975, the Commission approved Agreement No. DC-79 for a period of one year. The agreement, which is between Sea-Land Service, Inc., Seatrain Lines, Inc., Transamerican Trailer Transport, Inc., and Gulf Puerto Rico Lines, Inc., is a cooperative working arrangement which provides for the continuation of the Maritime Service Corporation (MSC), the purposes of which are to perform the billing, collecting and enforcing of demurrage accrued pursuant to tariffs filed in the Puerto Rico ocean carriage trade.

Current Commission approval of the Agreement No. DC-79 will expire January 14, 1976. MSC has reported to us, however, that termination of all pending legal actions for the collection of outstanding past due demurrage is not likely by that date, despite the progress made so far towards realizing that goal. At this point, MSC advises us that it is unable to determine precisely how long of an extension would be necessary to liquidate remaining demurrage and has accordingly requested that this Commission grant further approval to Agreement No. DC-79 for as long as is needed to liquidate past due demurrage.

By Order of the Federal Maritime Commission.

FRANCIS C. HURNEY,
Secretary.

Dated: September 22, 1975.

[FR Doc.75-25680 Filed 9-24-75;8:45 am]

FEDERAL POWER COMMISSION

[Docket Nos. E-7775, E-9101, and E-9518]

APPALACHIAN POWER CO.

Order Denying Application for Rehearing

SEPTEMBER 16, 1975.

On August 18, 1975, Appalachian Power Company (APCO) filed an Application for Rehearing (Application) of our order of July 18, 1975, in the instant dockets. APCO limits its application for rehearing to "the apparent failure of the Commission * * * to treat APCO's filing [in Docket No. E-9518] totally and separately apart from the proceeding in Docket Nos. E-7775 and E-9101 * * *", (APCO Application at 1) and, presumably, the Commission's failure to grant APCO's request that its rates for service to Virginia Polytechnic Institute and State University (VPI) be permitted to become effective without refund obligation.[1]

In the first instance, we did treat the request for elimination of the refund condition for rates and charges for service by APCO to VPI separately and apart from the proceedings in Docket Nos. E-7775 and E-9101. We denied that request.[2] Our reasons for denying the request are, however, related to the profrom the proceedings in Docket Nos. E-9101.

The rates in question are currently in effect, subject to refund, pending a hearing and decision as to their justness and reasonableness in Docket Nos. E-7775 and E-9101. We continue to believe that the appropriate forum to test the justness and reasonableness of these rates is in the hearing established in these proceedings. The filing of a cost of service study which purports to demonstrate that the rates are just and reasonable is not sufficient to remove the current refund obligation. Instead, APCO should go forward with whatever evidence it believes is convincing at the hearing. Its evidence would therein be subject to cross-examination and contrary showings by VPI, our Staff, or other interested parties. The just and reasonable rates would then be established based on the evidence adduced at the hearing and not on the basis of the untested data filed by APCO. Accordingly, APCO's Application for Rehearing must be denied. The just and reasonable rates would then be established based on the evidence adduced at the hearing and not on the basis of the untested data filed by APCO.

[1] APCO's pleading is confusing in this regard. The language of limitation is as quoted. This language is followed by a declaratory sentence arguing that APCO's request for elimination of the refund obligation was consistent with its filing for reasons sufficient to APCO. However, the final paragraph of the application states that the Commission erred "in not permitting the rates proposed by Appalachian Power Company to become effective without suspension, without a hearing and without a refund obligation" (Application at 3).

[2] Paragraph B of our order of July 18, 1975.

The Commission finds:

APCO's Application for Rehearing raises no new issues of fact or law to justify granting rehearing of our order of July 18, 1975.

The Commission orders:

(A) APCO's Application for Rehearing is hereby denied.

(B) The Secretary shall cause prompt publication of this order in the FEDERAL REGISTER.

By the Commission.

[SEAL] KENNETH F. PLUMB, *Secretary.*

[FR Doc.75-25586 Filed 9-24-75;8:45 am]

[Docket No. ER76-110]

ARKANSAS POWER & LIGHT CO.

Change in Rates and Charges

SEPTEMBER 17, 1975.

Take notice that Arkansas Power & Light Company (AP&L), on September 8, 1975, tendered for filing proposed changes in its rates for service to municipally owned and privately owned electric distribution systems, presently served under AP&L's Rate Schedule U3; rural electric cooperatives, presently served under AP&L's Rate Schedule B1; and a proposed rate change amendment to the January 23, 1973 contract between AP&L and the City Water & Light Plant of the City of Jonesboro, Arkansas. The proposed changes would increase revenues from jurisdictional sales and service by $8,411,559.13 based on the 12-month period ending October 8, 1976.

AP&L states that copies of applicable portions of the filing were served upon its jurisdictional customers and the Public Service Commissions of Arkansas, Louisiana, and Tennessee.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with sections 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before September 29, 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.75-25587 Filed 9-24-75;8:45 am]

[Docket No. ER76-99]

BLACK HILLS POWER AND LIGHT CO.

Cancellation

SEPTEMBER 17, 1975.

Take notice that on August 29, 1975, the Black Hills Power and Light Company (the Company) tendered for filing a notice of cancellation, effective October 1, 1975, of its FPC Rate Schedule No. 13. The cancellation would terminate the agreement, dated August 25, 1961, to interconnect the Company with the Nebraska Public Power District at the Nebraska-South Dakota, state line near Chadron, Nebraska.

The Company states that the interconnection is being terminated because the Company's electrical system is being placed to the west of the so-called East-West tie.

Notice of this proposed cancellation has been served upon the Public Service Commission of Wyoming, the Public Utilities Commission of South Dakota, and the Nebraska Public Power District.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with sections 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before September 19, 1975. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB, *Secretary.*

[FR Doc.75-25588 Filed 9-24-75;8:45 am]

[Docket No. CP73-47, etc.]

EASCOGAS LNG, INC. ET AL.

Extension of Time

SEPTEMBER 17, 1975.

In the matter of Eascogas LNG, Inc., et al., Docket Nos. CP73-47, etc.; and Distrigas Corporation, et al., Docket Nos. CP73-132, etc.

On September 8, 1975, the Nuclear Regulatory Commission filed a request to extend the time within which to file comments on the supplement to the Draft Environmental Impact Statement for the construction and operation of an LNG import terminal at Raccoon Island, Gloucester County, New Jersey, in the above-designated proceeding.

Notice is hereby given that the time within which to file comments on the supplement to the Draft Environmental Impact Statement in the above matter is extended for all parties from September 15, 1975, to and including September 30, 1975.

KENNETH F. PLUMB, *Secretary.*

[FR Doc.75-25589 Filed 9-24-75;8:45 am]

[Docket No. CP76-75]

EL PASO NATURAL GAS CO.

Application

SEPTEMBER 17, 1975.

Take notice that on September 4, 1975, El Paso Natural Gas Company (Applicant), P.O. Box 1492, El Paso, Texas 79978, filed in Docket No. CP76-75 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the relocation of its existing City of Morton, Texas (Morton), meter station, and the establishment of an additional delivery point in Hocking County, Texas, all as more fully set forth in the application on file with the Commission and open to public inspection.

Applicant states that natural gas sold to Morton is presently being transported by Morton through approximately 18 miles of 3½-inch pipeline which has deteriorated and results in large unaccounted-for gas loss, lack of ability to meet required capacity due to operating pressure limitations, and failure to meet safety standards of the Department of Transportation. Applicant states further that Morton has requested that Applicant relocate its meter station from milepost 87.6 to milepost 90.1 on Applicant's Dumas-Eunice pipeline in Hocking County, Texas, from which point Morton is constructing a new pipeline. It is stated that Morton estimates that the cost of a pipeline along the route from the proposed location of the meter station would be $300,130, compared to $411,404 for replacing the pipeline on the old route. Cost of the proposed relocation is estimated at approximately $5,450 by Applicant, which cost would be reimbursed by Morton.

In addition to the relocation of the Morton meter station, Applicant proposes to utilize one existing tap and valve assembly at the existing meter station to deliver gas to Morton for resale to Mr. E. C. White, Jr. Mr. White would continue to be served by a two-mile segment of the existing pipeline which is said to be safe for such purpose.

It is proposed that Morton's maximum contract volumes of 1,012 Mcf of gas per day be apportioned between the two delivery points, with 1,001 Mcf being delivered to the proposed meter station and 11 Mcf being delivered to the existing tap and valve assembly. Applicant states that the additional delivery point would not enable Mortion to obtain more natural gas than it is presently entitled, but would only allow Applicant to continue its service to Morton.

Any person desiring to be heard or to make any protest with reference to said application should on or before October 3, 1975, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-25590 Filed 9-24-75;8:45 am]

[Docket No. CP76-71]

FLORIDA GAS TRANSMISSION CO.

Application

SEPTEMBER 18, 1975.

Take notice that on September 2, 1975, Florida Gas Transmission Company (Applicant), P.O. Box 44, Winter Park, Florida 32789, filed in Docket No. CP76-71 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of facilities for the receipt of natural gas in the Vatican Field, Lafayette Parish, Louisiana, from Washington Gas Light Company (WGL) and authorizing the transportation of natural gas for WGL from said point to Vermillion Parish, Louisiana, all as more fully set forth in the application on file with the Commission and open to public inspection.

Applicant requests authorization to construct on its 18 and 22-inch East White Lake lateral pipeline in the Vatican Field a line tap and appurtenant facilities. The estimated cost of the facilities is approximately $3,800, which cost WGL would reimburse Applicant.

The transportation service proposed by Applicant in the instant application is stated to be pursuant to a gas transportation contract between it and WGL dated June 24, 1975. The contract is said to provide that Applicant would transport for WGL up to 5,000 Mcf of gas per day at 15.025 psia and that WGL would pay Applicant 2.0 cents per Mcf of gas transported. The proposed point of delivery by WGL to Applicant is the tap in the Vatican Field, and the point of redelivery is on the 18 and 30-inch Central Louisiana lateral pipeline of Transcontinental Pipe Line Corporation (Transco) in Vermilion Parish, Louisiana, from which point Transco would transport the gas for WGL to Fairfax County, Virginia. The gas which would be transported is said to be produced by Crab Run Gas Company, a wholly owned subsidiary of WGL, and is said to be owned by WGL at the time of delivery to Applicant.

The gas transported would increase the amount of gas available for resale in the interstate market and would not preempt Applicant's pipeline capacity otherwise available for high priority use, it is stated.

Any person desiring to be heard or to make any protest with reference to said application should on or before October 10, 1975, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-25600 Filed 9-24-75;8:45 am]

[Docket Nos. E-8769, E-8770 and E-9119]

FLORIDA POWER AND LIGHT CO.

Further Extension of Procedural Dates

SEPTEMBER 18, 1975.

On September 15, 1975, Florida Power and Light Company filed a motion to extend the procedural dates fixed by order issued July 3, 1975, as most recently modified by notice issued August 13, 1975, in the above-designated matter.

Upon consideration, notice is hereby given that the procedural dates in the above matter are modified as follows:

Service of Company Testimony, November 21, 1975.

Service of Staff Testimony, January 20, 1976.

Service of Intervenor Testimony, February 3, 1976.

Service of Company Rebuttal, February 13, 1976.

Hearing, March 2, 1976, (10 a.m. e.d.t.).

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-25601;Filed 9-24-75;8:45 a.m.]

[Docket No. ER76-109]

ILLINOIS POWER CO.

Filing of Interconnection Agreement

SEPTEMBER 17, 1975.

Take notice that on September 8, 1975, Illinois Power Company tendered for filing an Interconnection Agreement dated July 25, 1975, between Illinois Power Company and Western Illinois Power Cooperative, Inc.

The purpose of the Interconnection Agreement is to seek and realize all benefits practicable which can be effected through coordination in the operation and development of the parties respective electric systems. The principal benefits envisioned are deferral of the installation of new generating capacity and a reduction in power production costs through the interchange of power.

Article IV, Sections 1 through 7, of the proposed Interconnection Agreement specifies the types of service and rates of compensation contemplated. Both service and rates are the same as those contained in Illinois Power Company's Rate Schedule FPC No. 50, previously accepted for filing by the Commission. Also, the Agreement includes Exhibit A, which sets forth the points of interconnection between the parties' systems (which consist of one 138 Kv connection scheduled for operation in 1978), and the facilities to be provided by each party.

Any person desiring to be heard or to make any protest with reference to the subject matter of this notice should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before September 27, 1975. Protests will be considered by the Commission in determining the appropriate action to be taken but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of the filing referred to herein are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 75-25591 Filed 9-24-75;8:45 am]

[Docket No. E-9239]

INDIANA & MICHIGAN ELECTRIC CO.

Order Denying Applications for Rehearing, Amending Prior Order, and Reestablishing Procedural Dates

SEPTEMBER 17, 1975.

On June 20, 1975, Indiana & Michigan Electric Company (I&M) tendered for filing proposed changes in its wholesale for resale rate to Richmond Power & Light of the City of Richmond, Indiana (Richmond).[1] Such filing had the effect of: (1) placing a surcharge of 27.52% on all charges, exclusive of fuel cost adjustment, then being collected from Richmond; (2) replacing the then-effective 100% minimum billing demand provision (100% ratchet) with a 60% minimum billing demand provision (60% ratchet); and (3) revising the then-effective fuel clause for service to Richmond.[2]

I&M stated that the proposed revisions were intended to track revisions in I&M's retail Tariff IP which became effective pursuant to May 28, 1975, and June 4, 1975, orders of the Public Service Commission of Indiana (PSCI).

In its June 20, 1975, filing, I&M contended that the net effect of the 27.52% surcharge and the substitution of the 100% ratchet with a 60% ratchet is to reduce charges to Richmond by $208,392 annually, based on comparisons of rate levels for the 12-month period ended December 31, 1974. Further, I&M requested that such filing be made effective for all service rendered Richmond on and after May 28, 1975, the date on which the subject revisions became effective to I&M's retail Tariff IP customers.

In response to public notice of I&M's filing, Richmond timely filed a petition to intervene, together with a motion to reject or, in the alternative, for suspension of the proposed tariff revisions.[3]

By order issued July 18, 1975, we accepted for filing I&M's proposed revisions for service to Richmond, suspended their use for one day, and established hearing procedures to determine the justness and reasonableness of the proposed rates, charges, terms and conditions of service. Construing I&M's request for a retroactive effective date as an application for waiver of our 30-day notice requirement,[4] we granted such application to permit the proposed changes to become effective, subject to refund, on June 21, 1975, one day after the date of filing. In addition, Richmond's petition to intervene was granted, and I&M was ordered to submit, within 45 days, testimony and exhibits supporting the proposed rates, charges, terms and conditions.

On August 18, 1975, both I&M and Richmond filed applications for rehearing of our July 18, 1975, order. On August 22, I&M moved to defer the procedural dates established in said order.[5] Also on August 22, Richmond filed a "Motion for Leave to File Limited Response to Application for Rehearing." On August 29, I&M filed a response to Richmond's August 22 pleading.[6]

The first contention set forth in I&M's application for rehearing is that we erred in refusing to permit the June 20, 1975, filing to become effective retroactively as of May 28, 1975, the date the proposed revisions were permitted to become effective in Indiana. We disagree for the reasons set forth in our orders of November 2, 1973, and December 28, 1973, in *Indiana & Michigan Electric Company*, Docket No. E-7740. Moreover, since those orders and our decisions therein have been affirmed in *Indiana & Michigan Electric Company* v. *Federal Power Commission*, — F. 2d — (D.C. Cir. Case Nos. 73-2193, et al., decided March 13, 1975), we believe that further discussion of this issue is unnecessary.

I&M also contends that we erred in characterizing the 60% ratchet included in its June 20, 1975, filing as a "proposed" provision, since a similar provision was previously accepted by this Commission for service to the Cities of Anderson and Auburn, Indiana. Because of such previous acceptance, I&M argues, "* * * neither testimony nor other support [for the 60% ratchet] is required in this Docket."[7] Notwithstanding these arguments, the fact remains that the 60% ratchet contained in I&M's June 20, 1975, filing was intended to replace the previously-effective 100% ratchet applicable to service to Richmond. Thus, the ratchet included in the instant filing is clearly a change in the terms and conditions of service to Richmond. Even though a 60% ratchet is obviously less burdensome than a 100% ratchet, we, nevertheless, believe that the 60% ratchet should be subjected to the scrutiny of a formal hearing to determine its justness and reasonableness as applied to Richmond. Accordingly, we affirm the findings of our July 18 order that the 60% ratchet constitutes a proposed change, and that the justness and reasonableness of said ratchet should be an issue at the hearing ordered in this docket.

The third argument set forth in I&M's application for rehearing is that we erred in imposing a refund obligation with respect to I&M's collections from Richmond under the revised rate schedule filed June 20, 1975. Because the net effect of that filing is a rate *decrease*, I&M contends that no refund obligation attaches under section 205(e) of the Federal Power Act, since that section permits the imposition of a refund obligation only in cases of rate *increases*.

It is clear that the filing in question results in a decrease in the rate level previously applicable to Richmond. However, the rate level previously applicable to Richmond was itself being collected subject to refund, pending final disposition of proceedings in Docket No. E-7740. Thus, the rates derived from the instant filing may eventually prove to be greater than the rates ultimately found to be just and reasonable in Docket No. E-7740. In this context, then, we believe that I&M's submittal in the instant docket is a "proposed increased rate" within the meaning of section 205 (e) of the Act, and, that the refund obligation imposed in our July 18 order is lawful and necessary to protect Richmond from potentially excessive rates and charges.

Lastly, I&M notes that on July 18, 1975, the date of issuance of the order of which rehearing is now sought, I&M filed a response to Richmond's July 7, 1975, pleading in this docket. Because our July 18 order made no reference to I&M's responsive pleading filed the same day, I&M states that it "* * * would wish that the record reflect the filing of its July 18, 1975 response, and the reasons for the Commission's failure to refer to that response in its July 18, 1975 order."[8]

Under section 205 of the Federal Power Act, a proposed rate change becomes effective without refund obligation unless this Commission suspends its effectiveness within 30 days of the filing thereof. In the instant case, I&M's proposed rate change was filed on June 20, 1975. Thus, July 18, 1975, was the last date on which we could suspend the effectiveness of the filing and make revenues derived therefrom subject to refund. Accordingly, having determined that the filing *should* be suspended, we were required to act on or before July 18, 1975, to preserve the refund obligation. As a practical matter, it was not possible to consider in that order I&M's pleading which was not filed until that same date. Since that time, however, we have reviewed the subject pleading but have found nothing therein which warrants modification or amendment of our July 18 order.

In its application for rehearing of our July 18 order, Richmond contends that I&M's filing did not comply with the fil-

[1] The proposed revised rate schedule is designated Supplement No. 8 to FPC Rate Schedule No. 58.

[2] Revenues derived from application of the then-effective fuel clause and 100% ratchet were being collected, subject to refund, pending final disposition of proceedings in Docket No. E-7740.

[3] For a detailed analysis of Richmond's arguments in support of its motion to reject as well as our reasons for rejecting such arguments, see our order issued July 18, 1975, in the subject docket, *mimeo* at 3-4.

[4] See Section 205(d) of the Federal Power Act and Sections 35.3 and 35.11 of our Regulations.

[5] By notice issued August 28, 1975, I&M's motion was granted and procedural dates in the subject docket were deferred "pending further action by the Commission." See Ordering Paragraph "C", *infra*, wherein procedural dates for this docket are reestablished.

[6] Section 1.34(d) of our Rules of Practice and Procedure provides that "No answers to petitions for rehearing will be entertained by the Commission." Accordingly, Richmond's August 22 pleading and I&M's August 29 response thereto will not be entertained.

[7] I&M's application for rehearing, at page 4.

[8] *Id.* at p. 5.

ing requirements of section 35.13 of our Regulations. Accordingly, Richmond asserts, such filing should have been rejected.

Richmond's arguments that the subject filing does not comply with our filing requirements were contained in its July 7, 1975, pleading in this docket, and such arguments were considered and rejected for the reasons given in our July 18 order.[9] Our findings in that order are hereby affirmed.

Richmond also contends that I&M's filing fails to substantially comply with our filing requirements because of the absence of testimony and exhibits supporting the cost of service study. However, as noted in our July 18 order, such testimony and exhibits are required to meet our filing requirements only where "* * * the rate schedule provides for an *increase* in rate which exceeds $50,000 in revenues for the test period * * *." As noted above, the net effect of the instant filing is a rate *decrease* for the test period in question. Acordingly, we believe I&M was entitled to rely upon a literal interpretation of the above-quoted regulation in choosing not to tender estimony and exhibits with its filing. However, as hereinafter ordered, I&M shall be required to submit such testimony and exhibits within 45 days of issuance of this order to permit all parties to prepare for the hearing in this docket.

Finally, Richmond alleges that it is "experiencing undue discrimination by being charged higher rates and being subjected to unreasonably different and more restrictive terms and conditions than NIPSCO [Northern Indiana Public Service Company, another wholesale customer of I&M] enjoys."[10] The alleged discrimination would be demonstrated, argues Richmond, by a comparative billing analysis as required by section 35.13 (b) (2) of our Regulations.

In choosing not to file the comparative billing analysis suggested by Richmond, I&M apparently believes that its service to NIPSCO is not a "similar wholesale for resale * * * service" as that rendered Richmond, and that section 35.13 (b) (2) is, therefore, inapplicable to the instant filing. While we shall accept what appears to be I&M's belief in this regard for purposes of determining compliance with our filing requirements, we, nevertheless, believe that this is an issue which should be resolved in the hearing procedures established in this docket. Accordingly, we shall amend our July 18, 1975, order to make the question "whether the rate charged Richmond is unduly discriminatory vis-a-vis the rate charged NIPSCO" an issue to be resolved in this proceeding.

As noted above, procedural dates in this docket were previously deferred "pending further action by the Commission." Accordingly, as hereinafter ordered, procedural dates shall be reestablished.

The Commission finds:

(1) Richmond's August 22, 1975, pleading in this docket, and I&M's August 29 response thereto, should not be entertained in light of the specific prohibition of such pleadings set forth in section 1.34(d) of our rules of practice and procedure.

(2) Good cause exists to reestablish procedural dates in this docket, such dates having previously been deferred pending our action herein.

(3) Good cause exists to require I&M to file, within 45 days of issuance of this order, prepared testimony and exhibits in support of the rates, charges, terms and conditions proposed in its June 20, 1975, filing in this docket.

(4) I&M's and Richmond's August 18, 1975, applications for rehearing of our July 18, 1975, order in this docket present no facts or principles of law which would provide an appropriate basis for any modification or amendment of said order.

(5) Good cause exists to amend our July 18, 1975, order in this docket to make the question "whether the rate charged Richmond is unduly discriminatory vis-a-vis the rate charged NIPSCO" an additional issue to be resolved in this proceeding.

The Commission orders:

(A) Richmond's August 22, 1975, pleading in this docket and I&M's August 29, 1975, response thereto shall not be entertained by this Commission.

(B) Within 45 days of issuance of this order, I&M shall submit testimony and exhibits supporting the rates, charges, terms and conditions proposed in this docket.

(C) Procedural dates for this docket which were previously deferred are hereby reestablished as follows: The Commission Staff shall serve its prepared testimony and exhibits on or before December 16, 1975. Intervenor's prepared testimony and exhibits shall be served on or before January 6, 1976. I&M's rebuttal, if any, shall be served on or before January 20, 1976. The public hearing previously ordered shall be held on February 3, 1976, at 10 a.m., prevailing local time, in a hearing room at the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, concerning the justness and reasonableness of the proposed rates, charges, terms and conditions included in I&M's June 20, 1975, filing in this docket.

(D) I&M's application for rehearing of our July 18, 1975, order in this docket is hereby denied.

(E) Richmond's application for rehearing of our July 18, 1975, order in this docket is hereby denied.

(F) The question "whether the rate charged Richmond is unduly discriminatory vis-a-vis the rate charged NIPSCO" is hereby designated as an additional issue to be resolved in this proceeding.

(G) 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.75-25592 Filed 9-24-75;8:45 am]

[Docket No. DA-1120-California U.S. Forest Service]

LANDS WITHDRAWN IN POWER SITE CLASSIFICATION NO. 168 AND PROJECT NO. 818

Finding and Order Vacating Land Withdrawal

SEPTEMBER 17, 1975.

In order to effectuate a proposed land exchange, the Forest Service, United States Department of Agriculture, has requested the revocation of the power withdrawals affecting the following described lands, thereby requiring Commission consideration under section 24 of the Federal Power Act:

MOUNT DIABLO MERIDIAN, CALIFORNIA

T. 16 N., R. 14 E.,
Sec. 14, N½SW¼;
Sec. 22, N½NW¼, SW¼NW¼.
(Approximately 200 acres.)

The subject lands in section 14 are withdrawn in Power Site Classification No. 168, approved February 9, 1927, while those in section 22 are withdrawn pursuant to the filing on June 21, 1927, of an application for preliminary permit for Project No. 818 which application was rejected. Both withdrawals were made in connection with an extensive plan of development which, among other things, contemplated construction of a diversion dam on the North Fork American River above Royal Gorge with a 7-mile-long tunnel to convey flows by gravity to the Middle Fork American River above French Meadows.

The subject tract in section 14 lies near the proposed North Fork diversion site and was withdrawn for possible flowage use; however, current topographic mapping shows that this tract lies a minimum of 200 feet above the river and would not be affected by such development. The lands in section 22 were withdrawn for possible tunnel location which would be flexible.

Diversion of the North Fork American River as proposed in Project No. 818 is considered unlikely because of:

1. The small amount of water available (the annual runoff at the diversion site is estimated to be about 60,000 acre-feet, most of which occurs during the spring).

2. The absence of feasible reservoir sites to regulate the irregular flow of this reach of the North Fork American River.

3. The high cost of tunneling.

In addition, wild and scenic river legislation was enacted by the State in 1972 with respect to this reach of the North Fork American River.

The U.S. Geological Survey has recommended that Power Site Classification

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[9] See n. 3, *supra.*

[10] See section 35.13(b) (5) (i) of our regulations.

[11] Richmond's application for rehearing, at page 3.

No. 168 and the withdrawal for Project No. 818 be revoked insofar as they pertain to the subject lands.

The *Commission finds:*

It has no objection to the revocation of Power Site Classification No. 168 insofar as it pertains to the subject lands in section 14.

The Commission orders:

The withdrawal for Project No. 818 is hereby vacated insofar as it pertains to the subject lands in section 22.

By the Commission.

[SEAL] KENNETH F. PLUMB, *Secretary.*

[FR Doc.75-25593 Filed 9-24-75;8:45 am]

[Docket No. CP74-157]

MICHIGAN WISCONSIN PIPE LINE CO.

Petition To Amend

SEPTEMBER 18, 1975.

Take notice that on September 3, 1975, Michigan Wisconsin Pipe Line Company (Petitioner), one Woodward Avenue, Detroit, Michigan 48226, filed in Docket No. CP74-157 a petition to amend the order issuing a certificate of public convenience and necessity pursuant to section 7(c) of the Natural Gas Act in said docket by authorizing continued sales for resale of natural gas in interstate commerce to Northern Indiana Fuel and Light Company, Inc. (Northern Indiana), and West Ohio Gas Company (West Ohio) with changes in rate schedule, all as more fully set forth in the petition to amend on file with the Commission and open to public inspection.

Petitioner states that Northern Indiana is filing a petition with the Public Service Commission of Indiana to merge Consumers Natural Gas Corp. (Consumers Natural), its wholly-owned subsidiary, effective as of September 1, 1975. Petioner states further that both Northern Indiana and Consumers Natural are presently served by Petitioner under Rate Schedule SGS-1 which limits a buyer's maximum daily quantity (MDQ) to 6,000 Mcf. As a result of the merger the two separate 6,000 Mcf MDQ contracts would be combined into a new ACQ-1 contract with an MDQ of 12,000 Mcf and with an annual volume entitlement of 2,112,000 Mcf for Northern Indiana.

Petitioner further states that West Ohio Gas Company (West Ohio) has informed Petitioner it desires to receive service under Rate Schedule ACQ-1 and ACQ-2 in lieu of under its two presently effective service agreements under Rate Schedule SGS-1 as summarized below:

Rate schedule	MDQ (thousand cubic feet)	Annual volume entitlement (thousand cubic feet)
Present:		
SGS-1	4,700	803,000
SGS-1	3,190	696,100
Total	7,890	1,499,100
Proposed:		
ACQ-1	7,883	1,387,408
ACQ-2	7	777
Total	7,890	1,388,185

According to Petitioner, West Ohio is desirous of making this change to the ACQ rate schedules to make it possible to have one service agreement cover all delivery points and to give West Ohio greater operating flexibility among delivery points, resulting in a more effective utilization of the total MDQ from Petitioner.

Petitioner further states that because the modifications requested provide for increased operating efficiencies within the customer companies and would not result in any increase in peak day or annual entitlement, Petitioner has consented to the changes.

Any person wishing to become a party to make any protest with reference to said petition to amend should on or before October 9, 1975, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a part to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

KENNETH F. PLUMB, *Secretary.*

[FR Doc.75-25602 Filed 9-24-75;8:45 am]

[Docket No. ER76-101]

MINNESOTA POWER AND LIGHT CO.

Supplement

SEPTEMBER 17, 1975.

Take notice that on August 29, 1975, the Minnesota Power and Light Company tendered for filing Supplement No. 8 to its Transmission Service Agreement[1] with the United Power Association. The effective date of this supplement is July 9, 1975.

Supplement No. 8 provides for a change in the delivery point by discontinuation of the Two Harbors delivery point and the addition of a Waldo delivery point.

Copies of this filing have been sent to the United Power Association.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with sections 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before September 28, 1975. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

[1] Minnesota Power and Light Company Rate Schedule FPC No. 80.

KENNETH F. PLUMB, *Secretary.*

[FR Doc.75-25594 Filed 9-24-75;8:45 am]

[Docket No. ER76-113]

PUBLIC SERVICE COMPANY OF INDIANA

New Delivery Point

SEPTEMBER 18, 1975.

Take notice that on September 11, 1975, Public Service Company of Indiana, Inc., tendered for filing its agreement dated June 1, 1974, with Jackson County Rural Electric Membership Corporation, which supplements the contract between the above two parties dated December 1, 1973, by the addition of reference to a new delivery point designated as the Spurgeon's Corner delivery point.

This new delivery point is presently not in service and the service commencement date is still to be determined.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with sections 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before October 3, 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.75-25603 Filed 9-24-75;8:45 am]

[Docket No. ER76-116]

PUBLIC SERVICE COMPANY OF INDIANA

New Delivery Point and Termination of Old One

SEPTEMBER 18, 1975.

Take notice that on September 11, 1975, Public Service Company of Indiana tendered for filing its agreement dated March 1, 1974, with Clark County Rural Electric Membership Corporation which supplements the contract between the above two parties dated December 1, 1973, by the addition of reference to a new delivery point designated as the Speed delivery point, by the deletion of reference to the existing Perry delivery point, and by a change in description of the location of the point of delivery to the existing Sellersburg delivery point.

Service commenced at the Speed delivery point and was terminated at the Perry delivery point on March 6, 1975.

Any person desiring to be heard or to protest said filing should file a petition

to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with 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 October 3, 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.75-25604 Filed 9-24-75;8:45 am]

[Docket No. ER76-118]

PUBLIC SERVICE COMPANY OF INDIANA

New Delivery Point

SEPTEMBER 18, 1975.

Take notice that on September 11, 1975, Public Service Company of Indiana tendered for filing its agreement dated December 1, 1974, with Carroll County Rural Electric Membership Corporation which supplements the contract between the above two parties, dated December 1, 1973, by the addition of reference to a new delivery point designated as the Andersons-69 delivery point.

Service commenced at the Andersons-69 delivery point on August 1, 1975.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with 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 October 3, 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.75-25605 Filed 9-24-75;8:45 am]

[Docket No. ER76-121]

PUBLIC SERVICE COMPANY OF INDIANA

Termination

SEPTEMBER 18, 1975.

Take notice that on September 12, 1975, the Public Service Company of Indiana tendered for filing 2 notices of termination of the service agreement dated May 6, 1968, between the Town of Paragon, Indiana and Public Service Company of Indiana, Inc., effective January 1, 1968.

Service under the agreement was terminated on November 11, 1971, when Public Service Company of Indiana, Inc. purchased from the Town of Paragon its entire distribution system.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with sections 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before October 3, 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.75-25606 Filed 9-24-75;8:45 am]

[Docket No. ER76-111]

PUBLIC SERVICE COMPANY OF NEW HAMPSHIRE

Tariff Change

SEPTEMBER 18, 1975.

Take notice that Public Service Company of New Hampshire (Public Service) of Manchester, New Hampshire, on September 10, 1975, tendered for filing increased rates to all of its firm wholesale for resale customers. The affected customers and the FPC rate schedule designations of their contracts are as follows:

Concord Electric Company FPC No. 24.
Town of Ashland, New Hampshire FPC No. 28.
The New Hampton (New Hampshire) Village Precinct FPC No. 29.
Exeter & Hampton Electric Company FPC No. 35.
New Hampshire Electric Cooperative, Inc., FPC Nos. 50 and 71.
Town of Wolfeboro, New Hampshire FPC No. 72.

The proposed changes would increase revenues from the affected jurisdictional sales and service by $945,343 or 5.61% based on the 12 month period ended December 31, 1975. Public Service requests that the increase be allowed to become effective on October 11, 1975.

The filing would increase the energy charge in the affected rates from 0.73 cents per kwh to 0.85 cents per kwh. While the filing would also increase the minimum charge from $200 to $300, Public Service states that no customer would be currently affected by this change because the minimum charge is applied only if it exceeds the billing demand charge and the billing demand charge of each customer exceeds $300. Finally, the filing eliminates a provision in Rate Schedule FPC No. 50 applicable to the New Hampshire Electric Cooperative which required that customer to pay a special monthly charge of $71.33 to cover the carrying charges on certain equipment which formerly was used exclusively by that customer. According to Public Service, the filing proposes no change in rate design and continues the currently effective fuel clause.

Public Service states that its existing firm power wholesale for resale rates are significantly deficient and that it has filed the proposed rates in order to bring up its revenues from the affected customers more closely to the cost incurred in rendering them service.

Public Service avers that a copy of the filing has been mailed to each of its customers affected by the proposed change and to the New Hampshire Public Utilities Commission and the Vermont Public Service Board.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, Washington, D.C. 20426, in accordance with 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 September 30, 1975. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-25607 Filed 9-24-75;8:45 am]

[Docket No. ER76-107]

PUGET SOUND POWER & LIGHT CO.

Initial Rate Filing for Sale of Surplus Energy

SEPTEMBER 17, 1975.

Take notice that on September 8, 1975, Puget Sound Power & Light Company (Company) tendered for filing an initial rate schedule relating to the terms and conditions under which Company will sell nonfirm energy at a rate determined on the share-the-savings method. Generally, under this method, the rate will be equal to the Company's incremental costs of generation (Seller's Base Rate) plus one-half of the difference between the Seller's Base Rate and what the purchaser's costs of generation (Customer's Generation Costs) would have been but for the energy deliveries under this filing.

Company requests an effective date of September 4, 1975 so that service may begin immediately under the proposed schedule.

Any person desiring to be heard or to make any protest with reference to the subject matter of this notice should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with sections 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before September 27, 1975. Protests will be considered by the Commission in determining the appropriate ac-

tion to be taken but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of the filing referred to herein are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-25595 Filed 9-24-75;8:45 am]

[Docket No. RP75-56]

TEXAS GAS PIPELINE CORP.

Further Extension of Procedural Dates

SEPTEMBER 17, 1975.

On September 12, 1975, Staff Counsel filed a motion to extend the procedural dates fixed by order issued March 7, 1975, as most recently modified by notice issued July 15, 1975, in the above-designated matter. The motion states that the parties have been notified and have no objection.

Upon consideration, notice is hereby given that the procedural dates in the above matter are modified as follows:

Service of Staff Testimony, October 14, 1975.
Service of Intervenor Testimony, October 28, 1975.
Service of Company Rebuttal, November 13, 1975.
Hearing, December 2, 1975 (10 a.m., e.s.t.).

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-25596 Filed 9-24-75;8:45 am]

[Docket No. RP75-74]

TRANSWESTERN PIPELINE CO.

Further Extension of Procedural Dates

SEPTEMBER 17, 1975.

On September 15, 1975, Staff Counsel filed a motion to extend the procedural dates fixed by order issued April 30, 1975, as most recently modified by notice issued August 18, 1975, in the above-designated proceeding.

Upon consideration, notice is hereby given that the procedural dates in the above matter are modified as follows:

Service of Staff Testimony, November 6, 1975.
Service of Intervenor Testimony, November 26, 1975.
Service of Company Rebuttal, December 12, 1975.
Hearing, January 6, 1976 (10 a.m., e.s.t.).

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-25597 Filed 9-24-75;8:45 am]

[Docket No. E-9200]

UPPER PENINSULA POWER CO.

Filing of Settlement Agreement

SEPTEMBER 18, 1975.

Take notice that on September 12, 1975, Upper Peninsula Power Company (UPPCO) tendered for filing in this docket a settlement agreement which proposes to settle all issues in this proceeding.

This proceeding arose by UPPCO's filing of December 30, 1975, which proposed changes in the rate schedules for service to the Alger-Delta Cooperative Electric Association, the Ontonagon County Rural Electrification Association, the Village of Baraga, the City of Gladstone, the Village of L'Anse, the City of Negaunee, and the Wisconsin Michigan Power Company. The proposed changes would increase revenues by $287,079, based on the 12-month period ended July 31, 1974.

The proposed settlement would increase UPPCO's rates by $200,020.

Copies of the settlement are on file with the Commission and are available for public inspection. Any person desiring to comment upon such matters contained in the settlement should file such comments with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, on or before October 14, 1975. Comments will be considered by the Commission in determining the appropriate action to be taken.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-25608 Filed 9-24-75;8:45 am]

[Docket No. ER76-100]

UPPER PENINSULA POWER CO.

Submission of Cost Support for Rates Subsequent to May 31, 1975

SEPTEMBER 17, 1975.

Take notice that on September 3, 1975, Upper Peninsula Power Company (UPPCO) submitted cost support information ordered by the Commission in its letter of October 30, 1974 with respect to the proposed energy charges for the periods subsequent to May 31, 1975.

The information purports to show that the rate established by the contract amendment accepted for filing by the Commission on October 30, 1974 is fully cost-justified. The rate established in the contract for the year beginning June 1, 1975 is 12.29 mils per kwh. In addition, the contract provides for adjustments for increases in cost of fuel at the Escanaba plant above $0.31 per million btu. The fuel cost adjustment during May, 1975 was 17.65 mils per kwh.

In addition, UPPCO requests that the requirement for billing data be waived, since UPPCO states that it is not possible to estimate the transactions which may take place pursuant to this contract during the year ending May 31, 1976. UPPCO also requests that the Commission waive the requirements of Section 35.3 of its regulations under the Federal Power Act and permit this increase in rates to become effective as of June 1, 1975, the beginning of the current contract year.

Any person desiring to be heard or to make any protest with reference to the subject matter of this notice should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with sections 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before October 8, 1975. Protests will be considered by the Commission in determining the appropriate action to be taken but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of the filing referred to herein are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-25598 Filed 9-24-75;8:45 am]

[Docket Nos. E-9420 and E-9421]

YANKEE ATOMIC ELECTRIC POWER CO. AND PUBLIC SERVICE COMPANY OF NEW HAMPSHIRE

Extension of Procedural Dates

SEPTEMBER 17, 1975.

On September 15, 1975, Staff Counsel filed a motion to extend the procedural dates fixed by order issued June 12, 1975, in the above-designated matter.

Upon consideration, notice is hereby given that the procedural dates in the above matter are modified as follows:

Service of Staff Testimony, October 24, 1975.
Service of Intervenor Testimony, November 14, 1975.
Service of Company Rebuttal, November 28, 1975.
Hearing, December 9, 1975 (10 a.m. e.s.t.).

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-25599 Filed 9-24-75;8:45 am]

[Project No. 405, etc.]

PROJECT LICENSES

Notice of Expiration

So that the Congress may have an adequate opportunity to decide whether upon the expiration of the licenses, to take over the projects under section 14 of the Federal Power Act, as amended (16 U.S.C. 807), and that the Licensees for the projects and others may have adequate notice and opportunity to file timely application for new licenses under section 15 of the Act, as amended (16 U.S.C. 808), public notice is hereby given that the license issued for the designated and described projects on the appended tables will expire on the dates specified.

KENNETH A. PLUMB,
Secretary.

TABLE 1.—*Projects for which licenses will expire between Jan. 1, 1976 and Dec. 31, 1981, inclusive, which are subject to relicensing or takeover* [1]

License expiration date	Licensee	Project No.	State	County or town	Stream	Installation (kilowatts)	Facilities under license	Period of license (years)
Feb. 19, 1976	The Susquehanna Power Co. and Philadelphia Electric Power Co.	405	Maryland and Pennsylvania.	Cecil, Harford, Md., York, Lancaster, Pa.	Susquehanna	474,480	Dam, reservoir, powerhouse, and transmission line.	50
Feb. 24, 1976	Union Electric Co.	459	Missouri	Miller, Morgan, and Camden.	Osage	172,000	Dams, reservoir, powerhouse, and transmission line.	50
June 3, 1976	Crown Zellerbach Corp.	588	Washington	Clallam	Elwha	12,000	Dam, reservoir, powerhouse, and transmission line.	50
Aug. 18, 1976	Kentucky Utilities Co.	539	Kentucky	Mercer	Kentucky	2,040	Powerhouse and transmission line.	50
Nov. 22, 1976	Carolina Power & Light Co.	432	North Carolina	Haywood	Big Pigeon	108,000	Dam, reservoir, and powerhouse.	50
Aug. 4, 1977	South Carolina Electric & Gas Co.	516	South Carolina	Lexington, Richland, Newberry, and Saluda Counties.	Saluda River	208,750	do	50
July 19, 1977	Wisconsin Power & Light Co.	710	Wisconsin	Shawano County	Wolf River	640	Dam, reservoir, powerhouse, and transmission line.	50
Oct. 7, 1977	San Juan Fishing & Packing Co.	2251 [2]	Alaska	Evans Island	San Juan Lake and stream.	100	3 dams, reservoir	20
Aug. 31, 1979	Utah Power & Light Co.	814	Utah	Beaver	Beaver River and tributaries.	3,000	Dam, reservoir, and powerhouse.	50
Dec. 11, 1979	Pacific Power & Light Co.	935	Washington	Clark and Cowlitz	Lewis River	135,000	do	50
Apr. 10, 1980	Consumers Power Co.	785	Michigan	Allegan	Kalamazoo River	2,550	Dam, reservoir, powerhouse, and transmission line.	50
Apr. 21, 1980	Safe Harbor Water Power Corp.	1025	Pennsylvania	York and Lancaster Counties.	Susquehanna River	196,000	Dam and powerhouse	50
May 22, 1980	The Montana Power Co.	5	Montana	Flathead and Lake Counties.	Flathead Lake and River.	168,000	Dam, reservoir, 2 penstocks, powerhouse, and transmission lines.	50
June 30, 1980	Moon Lake Electric Association.	190	Utah	Duchesne County	Polecreek Uinta River.	1,200	Dam, canal, diversion dam, powerhouse, and a transmission line.	50
June 30, 1981	Appalachian Power Co.	739	Virginia	Pulaski County	New River	77,400	Dam, reservoir, powerhouse, and transmission line.	50

[1] Sec. 14 of the Federal Power Act (16 U.S.C. 807), reserving the right to the United States to take over the project works upon expiration of the license at a price to be determined under that section, but may be waived pursuant to sec. 10(i) to the act (16 U.S.C. 803(i)). Sec. 14 is not applicable to any project owned by a State or municipality, pursuant to act of Aug. 15, 1953 (67 Stat. 587).

TABLE 2.—*Projects for which licenses will expire between Jan. 1, 1976 and Dec. 31, 1981, inclusive, which are not subject to takeover* [1]

License expiration date	Licensee	Project No.	State	County or town	Stream	Installation (kilowatts)	Facilities under license	Period of license (years)
Feb. 15, 1976	Monroe City, Utah	632	Utah	Sevier	Monroe Creek	[3] 100	Diversion dam, pipeline, powerhouse, and transmission line.	50
Apr. 1, 1976	South Carolina Public Service Authority.	199	South Carolina	Orangeburg, Berkeley, and Charleston.	Santee and Cooper Rivers.	134,520	Dams, reservoirs, 2 powerhouses and transmission lines.	50
May 7, 1976	Public Utility District No. 1 of Chelan County.	637	Washington	Chelan	Chelan River	48,000	Dam, reservoir, tunnel, and powerhouse.	50
July 15, 1976	Town of Highlands	693	North Carolina	Macon	Cullasaja Creek	[3] 200	Dam, reservoir, powerhouse, and transmission line.	50
Oct. 27, 1977	The City of Seattle	553	Washington	Whatcom County	Skagit River	623,100	3 dams, 3 reservoirs, 3 powerhouses, transmission lines.	50
Aug. 20, 1977	Community Utilities, Inc. (Alaska Power & Telephone Co.)	1051	Alaska	Skagway Recording District.	Upper and lower Dewey Lake, Ice Lake, Reid Falls, and Synder Creek.	[3] 375	Dam, reservoir, and powerhouse.	47½
Aug. 9, 1978	Crisp County Power Commission.	659	Georgia	Crisp, Dooly, Lee, Sumter, and Worth.	Flint River	15,700	Dam, powerhouse, storage reservoir, and transmission line.	50
Nov. 6, 1978	Puerto Rico Water Resources Authority.	663	Puerto Rico	Maguabo Municipality.	Blanco River and tributaries.	5,000	4 diversion dams, conduits, powerhouse, and transmission line.	50
Mar. 31, 1979	Citizens Utilities Co.	912	Idaho	Wallace, Shoshone County.	Placer Creek	[3] 208	Dam, reservoir, and powerhouse.	50
Nov. 26, 1979	Hyrum City Corp.	946	Utah	Cache	Blacksmith Fork	[3] 450	Dam, reservoir, powerhouse and transmission line.	50
Jan. 20, 1980	Public Utility District No. 1 of Chelan County and Puget Sound Power & Light Co.	943	Washington	Chelan, Ephrata, Rock Island, Waterville, and Wenatchee, Chelan, and Douglas Counties.	Columbia River	195,000	Dam, reservoir, 2 powerhouses, and transmission lines.	50
Apr. 10, 1980	City of Ottumwa	925	Iowa	Wapello County	Des Moines River	3,150	Dams and powerhouse	50
May 1, 1980	New England Fish Co.	1299	Alaska	Kodiak Island	One Mile Creek	[3] [4] 53	Diversion dam, pipeline, and 2 turbines.	10

[1] Sec. 14 of the Federal Power Act (16 U.S.C. 807) reserving the right to the United States to take over the project works upon expiration of the license at a price to be determined under that section, but may be waived pursuant to sec. 10(i) to the Act (16 U.S.C. 803(i)) Sec. 14 is not applicable to any project owned by a State or municipality, pursuant to Act of Aug. 15, 1953 (67 Stat. 587).

[3] Minor license.

[4] Includes equivalent kilowatt for 60 hp (mechanical).

[FR Doc.75-25373 Filed 9-24-75;8:45 am]

FEDERAL RESERVE SYSTEM

BANKINVESTORS, INC.

Formation of Bank Holding Company

Bankinvestors, Inc., Lakewood, Colorado, 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 80 per cent or more of the voting shares of Jefferson Bank South, Lakewood, Colorado. 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 Kansas City. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than October 15, 1975.

Board of Governors of the Federal Reserve System, September 17, 1975.

[SEAL] GRIFFITH L. GARWOOD,
Assistant Secretary of the Board.

[FR Doc.75-25614 Filed 9-24-75;8:45 am]

ONE CORP.

Order Denying Formation of Bank Holding Company

One Corporation, New Richmond, Wisconsin has applied for the Board's approval under § 3(a)(1) of formation of a bank holding company through acquisition of 87.8 per cent or more of the voting shares of The First National Bank of New Richmond, New Richmond, Wisconsin ("Bank").

Notice of the application, affording opportunity for interested persons to submit comments and views, has been given in accordance with § 3(b) of the Act. The time for filing comments and views has expired, and the Board has considered the application and all comments received in light of the factors set forth in § 3(c) of the Act (12 U.S.C. 1842(c)).

Applicant is a nonoperating corporation organized under the laws of Wisconsin for the purpose of becoming a bank holding company through the acquisition of Bank. Bank, with deposits of $11.9 million,[1] is the fourth largest of ten banking organizations in the relevant banking market[2] and holds approximately 15 per cent of total commercial bank deposits in the market. Inasmuch as this proposal represents merely a reorganization of existing ownership interests, and since Applicant has no present banking subsidiaries, the acquisition of Bank by Applicant would not have any significantly adverse effect upon either existing or potential competition within the relevant market. Accordingly, the Board concludes that competitive considerations are consistent with approval of the application.

The board has indicated on previous occasions that it believes that a holding company should provide a source of financial and managerial strength to its subsidiary bank(s), and that the Board will closely examine the condition of the Applicant in each case with this consideration in mind. In connection with this proposal, Applicant would incur a sizeable acquisition debt which Applicant proposes to service over an eleven-and-one half year period through Bank dividends and the tax benefit accruing from filing consolidated income tax returns.[3] In the Board's view, the debt retirement program, which contemplates significant dividends from Bank, does not provide Applicant with the necessary financial flexibility to service the acquisition debt while maintaining Bank's capital at an acceptable level. Furthermore, the financial requirements imposed upon Applicant as a result of the debt could prevent it from resolving any unforeseen problems that may arise at Bank and thereby impair Bank's ability to continue to serve the community as a viable banking organization.

On the basis of the above and other facts of record, the Board is of the view that it would not be in the public interest to approve the formation of a bank holding company with an initial debt structure that could result in impairing Bank's overall financial condition. Accordingly, the Board concludes that the considerations relating to the banking factors weigh against approval of the application.

As indicated above, the proposed formation essentially involves the reorganization of the ownership interest of Bank without any significant changes in Bank's operations or the services offered to customers of Bank. Consequently, considerations relating to the convenience and needs of the community to be served lend no weight toward approval of the application.

On the basis of the circumstances concerning this application, the Board concludes that the banking considerations involved in this proposal present adverse factors bearing upon the financial condition and prospects of Applicant and Bank. Such adverse factors are not outweighed by any procompetitive effects or by benefits that would result in serving the convenience and needs of the community. Accordingly, it is the Board's judgment that approval of the application would not be in the public interest and that the application should be denied.

On the basis of the facts of the record, the application is denied for the reasons summarized above.

By order of the Board of Governors,[4] effective September 17, 1975.

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

[FR Doc.75-25615 Filed 9-24-75;8:45 am]

VALPARAISO ENTERPRISES, INC.

Formation of Bank Holding Company

Valparaiso Enterprises, Inc., West Point, Nebraska, 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 99.4 per cent of the voting shares of Oak Creek Valley Bank, Valparaiso, Nebraska. 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)).

Valparaiso Enterprises, Inc., West Point, Nebraska, 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 acquire Valparaiso Insurance Agency, Valparaiso, Nebraska. Notice of the application was published on July 17, 1975 in The Wahoo Newspaper, a newspaper circulated in Wahoo County, Nebraska, which includes Valparaiso, Nebraska.

Applicant states that the proposed subsidiary would engage in the activities of a general insurance agency in a community with a population of less than 5,000. 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

[1] All banking data are as of December 31, 1974.

[2] The relevant banking market is approximated by boundaries of St. Croix County, Wisconsin.

[3] In addition to a cash purchase of Bank shares, Applicant proposes to exchange nonvoting, nonconvertible preferred shares of Applicant for shares of Bank presently held by two individuals. The agreement between these two individuals and Applicant provides that the individuals will not redeem the stock for a period of twelve years. However, the agreement also contains provision for redemption upon the occurrence of events beyond the control of the two individuals. In view of the possibility that the preferred stock may be redeemed, the Board considers it appropriate for purposes of the proposed acquisitions to treat the preferred stock as acquisition debt.

[4] Voting for this action: Vice Chairman Mitchell and Governors Bucher, Holland, Wallich, Coldwell and Jackson. Absent and not voting: Chairman Burns.

at the Federal Reserve Bank of Kansas City.

Any views of 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 October 22, 1975.

Board of Governors of the Federal Reserve System, September 19, 1975.

GRIFFITH L. GARWOOD,
Assistant Secretary of the Board.

[FR Doc.75-25616 Filed 9-24-75;8:45 am]

NATIONAL TRANSPORTATION SAFETY BOARD

[N-AR 75-25]

ACCIDENT REPORT; SAFETY RECOMMENDATIONS AND RESPONSES

Availability and Receipt

Aircraft Accident Report. The National Transportation Safety Board has released its report of the midair collision near Kingston, Utah, November 12, 1974, between a Rockwell Turbo Commander, Model 680, and a U.S. Air Force F-111A. The report, No. NTSB-AAR-75-12, was released September 15. The Board determined that the probable cause of this accident was the F-111A pilot's misidentification of the Turbo Commander as a refueling tanker with which he intended to rendezvous. His failure to use prescribed procedures and techniques during rendezvous with a tanker aircraft for refueling contributed to the misidentification, the Board held. Last February 25, the Board issued three safety recommendations to the Federal Aviation Administration, A-75-11 through 13, and two recommendations to the Department of Defense, A-75-14 and 15. The recommendations, reproduced in the report, sought greater airspace separation between military aircraft in aerial refueling areas and VFR traffic beneath, better information for civilian pilots on refueling track locations, and improved military aircraft lighting. FAA (letter of March 6, 1975) is complying with the Board's pilot information recommendations, and is working with DOD to increase such airspace separation. DOD noted (letter of July 23, 40 FR 33288) that its military aircraft lighting meets FAA requirements, and FAA said it believes those requirements are satisfactory.

Safety Recommendations. Four Class I recommendations (urgent action requested) were made public last week by the Board. One recommendation was made to the National Highway Traffic Safety Administration following the investigations of two separate schoolbus accidents. Three recommendations were made to the Federal Railroad Administration.

H-75-22, issued September 18, recommended that NHTSA initiate a program of dynamic rollover testing of schoolbuses to provide data, in combination with data already obtained from static testing, to be used to develop a performance requirement that will insure reasonable structural integrity in rollover environments.

R-75-39 through 41, issued September 19, recommended that FRA (1) require the Massachusetts Bay Transportation Authority to insure, immediately, that all of its rail rapid transit cars are capable of the decelerations specified in their designs for emergency braking; (2) require the Massachusetts Bay Transportation Authority to check periodically to insure that the specified emergency braking capability is maintained; and (3) determine whether this problem of inadequate emergency braking systems may exist in similar rapid transit cars in other parts of the country and take whatever corrective action is necessary. These recommendations were prompted by the Board's on-going investigation of the collision of three Massachusetts Bay Transportation Authority transit trains in Boston, Massachusetts, August 1, 1975.

Responses to Safety Recommendations. During the past week, four letters were received from the Federal Aviation Administration in response to earlier Board recommendations:

A-75-28 (40 FR 16233). In its response dated September 8, FAA notes issuance of GENOT 8320.183 on May 21 to determine the need for airworthiness directive action on the Boeing 727 as well as other aircraft. FAA inspectors were requested to investigate and report on the adequacy of "the operators' servicing and maintenance practices pertinent to the prevention of an in-flight overboard fluid leakage" and to report on implementation of satisfactory procedures in response to previously issued GENOT 8320.168. The letter adds that all airlines established increased surveillance after issuance of GENOT 8320.168, and that "FAA and airlines maintenance inspectors are now intensely aware of the potential safety implications which could result from inadequate and careless servicing of external service drains."

A-75-43 and 44 (40 FR 22324). FAA states in its September 5 letter, "Our investigation revealed that in the seven trunnion failures to date, safety was not impaired by the failures, and issuance of an airworthiness directive is not justified. All fractures which have occurred resulted in the trunnion being trapped by the upper flange of the main landing gear beam, thus preventing collapse of the landing gear and separation from the airplane." With reference to reassessment of the landing gear manufacturer's quality control procedures and elimination of deficiencies which enabled an improperly machined part to enter service, FAA comments, "This has already been accomplished. The manufacturer's drawings and process specifications were reviewed and changes made to specify that blemishes are not permissible in this area of the trunnion. This change in quality control specifications should eliminate deficiencies in this area."

A-75-62 (40 FR 43097). While concurring with the intent of the recommendation, FAA's September 5 letter states that "responsibility for the technical accuracy of information contained in Part 1 of the Airman's Information Manual (AIM) is assigned to the contributing Services. This assures attention by specialists in each of the many technical areas in the AIM." FAA has made the Air Traffic Service, Flight Services Division, responsible for editing and correlating all future data requested to be put in the AIM.

A-75-66 and 67 (40 FR 36628). By letter of September 4, FAA proposes "to issue a General Aviation Inspection Aid which would bring to the operators' attention the need for proper inspection and maintenance of emergency, quick-release, door systems." The issue of an airworthiness directive is not considered appropriate since there are no design deficencies involved, FAA commented. With reference to recommendation A-75-67, FAA plans to evaluate the feasibility of using the Citabria's left front side window as an alternate emergency exit.

The Federal Railroad Administration, by letter of September 8, 1975, provided comments on two recommendations, R-72-9 and R-75-15, reiterated in the Board's report, NTSB-RAR-75-6, on the collision of two St. Louis-San Francisco Railway trains at Mustang, Oklahoma, September 1, 1974 (40 FR 28139). Concerning R-72-9, FRA states that the Operating Rules Advisory Committee has approved a text prepared by FRA regarding the use of radio in railroad operations and that the FRA Safety Committee has also reviewed and approved the proposed regulation, soon to be published in the FEDERAL REGISTER. Concerning R-75-15, FRA states, "The Operating Rules Advisory Committee has approved a revised revision of Rules 34 and recommended that FRA forward the draft to the Association of American Railroads and the American Short Line Railroad Association asking that they solicit comments from their membership and advise."

The aviation accident report and the safety recommendation letters are available to the general public; single copies may be obtained without charge. A $4.00 user-service charge will be made for each recommendation response, in addition to a charge of 10¢ per page for reproduction. All requests must be in writing, addressed to: Publications Unit, National Transportation Safety Board, Washington, D.C. 20594.

Multiple copies of the report may be purchased by mail from the National Technical Information Service, U.S. Department of Commerce, Springfield, Virginia 22151.

(Secs. 304(a)(2) and 307 of the Independent Safety Board Act of 1974 (Pub. L. 93-633, 88 Stat. 2169, 2172 (49 U.S.C. 1903, 1906)))

MARGARET L. FISHER,
Federal Register Liaison Officer.

SEPTEMBER 22, 1975.

[FR Doc.75-25629 Filed 9-24-75;8:45 am]

NUCLEAR REGULATORY COMMISSION

[Docket Nos. STN 50-528, STN 50-529, STN 50-530]

ARIZONA PUBLIC SERVICE CO.

Availability of Final Environmental Statement

Pursuant to the National Environmental Policy Act of 1969 and the United States Nuclear Regulatory Commission's regulations in 10 CFR Part 51, notice is hereby given that the Final Environmental Statement prepared by the Commission's Office of Nuclear Reactor Regulation, related to the proposed construction of Palo Verde Nuclear Generating Station, Units 1, 2, and 3, by the Arizona Public Service Company in Maricopa County, Arizona, is available for inspection by the public in the Commission's Public Document Room at 1717 H Street NW., Washington, D.C. and in the Phoenix Public Library, Science & Industry Section, 12 East McDowell Road, Phoenix, Arizona. The Final Environmental Statement is also being made available at the Arizona State Clearinghouse, 1624 West Adams Street, Phoenix, Arizona, and at the Maricopa Association of Governments, 1820 West Washington Street, Phoenix, Arizona.

The notice of availability of the Draft Environmental Statement for the Palo Verde Nuclear Generating Station, Units 1, 2, and 3, and requests for comments from interested persons was published in the FEDERAL REGISTER on April 15, 1975 (40 FR 16888). The comments received from Federal, State, and local agencies and interested members of the public have been included as appendices to the Final Environmental Statement.

Copies of the Final Environmental Statement (Document No. NUREG-75/078) may be purchased, at $8.50 for printed copies and $2.25 for microfiche, from the National Technical Information Service, Springfield, Va. 22161.

Dated at Rockville, Maryland, this 22nd day of September, 1975.

For the Nuclear Regulatory Commission.

WM. H. REGAN, Jr.,
Chief, Environmental Projects Branch 4, Division of Reactor Licensing.

[FR Doc.75-25683 Filed 9-24-75;8:45 am]

[Docket No. 50-336]

CONNECTICUT LIGHT AND POWER COMPANY ET AL.

Issuance of Amendment to Facility Operating License

Notice is hereby given that the Nuclear Regulatory Commission (the Commission) has issued Amendment No. 3 to Facility Operating License No. DPR-65 issued to The Connecticut Light and Power Company, The Hartford Electric Light Company, Western Massachusetts Electric Company, and Northeast Nuclear Energy Company (licensees). This amendment is effective as of the date of issuance.

The amendment (1) grants an increase in the flow rate required for operation of the enclosure building filtration system during certain modes of plant operation, (2) revises the specification regarding main steam line safety valve operability to delete the action statement allowing plant operation with inoperable steam generator safety valves, and (3) corrects proofreading errors.

The applications for amendment comply with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment is not required since the amendment does not involve a significant hazards consideration.

For further details with respect to this action, see (1) the applications for amendment dated September 9, 1975 and September 12, 1975, (2) Amendment No. 3 to License No. DPR-65, with any attachments, and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. and at the Waterford Public Library, Rope Ferry Road, Waterford, Connecticut. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Reactor Licensing.

Dated at Bethesda, Maryland, this 19th day of September 1975.

For the Nuclear Regulatory Commission.

OLAN D. PARR,
Chief, Light Water Reactors Project Branch 1-3, Division of Reactor Licensing.

[FR Doc.75-25625 Filed 9-24-75;8:45 am]

[Docket No. 50-321]

GEORGIA POWER CO.

Issuance of Amendment to Facility Operating License

Notice is hereby given that the U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 15 to Facility Operating License No. DPR-57 issued to Georgia Power Company and Oglethorpe Electric Membership Corporation which revised Technical Specifications for operation of the Edwin I. Hatch Nuclear Power Plant Unit 1, located in Appling County, Georgia. The amendment is effective as of its date of issuance.

The amendment modifies the Technical Specifications to (1) revise the surveillance requirements for temperature monitoring during reactor coolant heatup and cooldown, and (2) complete the pressure versus minimum temperature curves for the reactor pressure vessel regions remote from the core beltline.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment is not required since the amendment does not involve a significant hazards consideration.

For further details with respect to this action, see (1) the application for amendment dated March 25, 1975, (2) Amendment No. 15 to License No. DPR-57, with Change No. 15 and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. and at the Appling County Public Library, Parker Street, Baxley, Georgia 31513.

A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Reactor Licensing.

Dated at Bethesda, Maryland, this 17th day of September, 1975.

For the Nuclear Regulatory Commission.

GEORGE LEAR,
Chief, Operating Reactors Branch #3, Division of Reactor Licensing.

[FR Doc.75-25626 Filed 9-24-75;8:45 am]

[Docket Nos. 50-282, 50-306]

NORTHERN STATES POWER CO.

Order Regarding Prairie Island Nuclear Generating Plant, Units 1 and 2

SEPTEMBER 22, 1975.

The evidentiary hearing which was ordered in ALAB-284 (August 11, 1975) on the unresolved steam generator tube issue will be held in the Courtroom of the United States Court of Appeals for the Eighth Circuit, 5th floor, U.S. Federal Building and Courthouse, 316 North Robert Street, St. Paul, Minnesota.

As provided by this Board's September 11, 1975 order, the hearing will commence at 9 a.m. (CDT) on Tuesday, October 21, 1975 and will continue (if necessary) at least through Thursday, October 23, 1975.

It is so ordered.

For the Atomic Safety and Licensing Appeal Board.

MARGARET E. DU FLO,
Secretary to the Appeal Board.

[FR Doc.75-25627 Filed 9-24-75;8:45 am]

REGULATORY GUIDE

Issuance and Availability

The Nuclear Regulatory Commission has issued two guides in its Regulatory Guide Series. This series has been developed to describe and make available to the public methods acceptable to the NRC staff of implementing specific parts

of the Commission's regulations and, in some cases, to delineate techniques used by the staff in evaluating specific problems or postulated accidents and to provide guidance to applicants concerning certain of the information needed by the staff in its review of applications for permits and licenses.

Regulatory Guide 1.84, Revision 3, "Code Case Acceptability—ASME Section III Design and Fabrication," and Regulatory Guide 1.85, Revision 3, "Code Case Acceptability—ASME Section III Materials," list those Code Cases that are generally acceptable to the NRC staff for implementation in the licensing of light-water-cooled nuclear power plants. The revisions of these two guides update the listings of Code Cases and reflect comments received from the public and additional staff review.

Comments and suggestions in connection with (1) items for inclusion in guides currently being developed (listed below) or (2) improvements in all published guides are encouraged at any time. Comments should be sent to the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Docketing and Service Section.

Regulatory Guides are available for inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. Requests for single copies of issued guides (which may be reproduced) or for placement on an automatic distribution list for single copies of future guides should be made in writing to the Director, Office of Standards Development, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555. Telephone requests cannot be accommodated. Regulatory Guides are not copyrighted and Commission approval is not required to reproduce them.

Other Division 1 Regulatory Guides currently being developed include the following:

Prevention of Fracture of Structural Discontinuities in Reactor Pressure Vessel.
Protection Against Postulated Events and Accidents Outside of Containment.
Fracture Toughness Requirements for Materials for Class 2 and 3 Components.
Maintenance of Water Purity in PWR Secondary Systems.
Criteria for Heatup and Cooldown Procedures.
Effects of Residual Elements on Predicted Radiation Damage.
Surveillance Testing and Inservice Inspection of Thermal Barrier and Steam Generator Materials in High-Temperature Gas-Cooled Reactors.
Surveillance and Postirradiation Examination of Fuel Rods in Lead Assemblies.
Design Load Combinations for Component Supports.
Interim Guide on Tornado Missiles.
Criteria for Plugging Steam Generator Tubes.
Structural Design Criteria for Fuel Assemblies in Light-Water-Cooled Reactors.
Overhead Crane Handling Systems for Nuclear Power Plants.
Recommended Procedure for Resintering Test to Monitor Densification Stability of Production Fuel.
Qualifications for Cement Grouting for Prestressing Tendons in Containment Structure.
Posttensioned Prestressing Systems for Concrete Reactor Vessels and Containment.
Inservice Monitoring of Core and Core Support Structure Motion Via Neutron-Flux Measurement.
Loose Parts Monitoring Program for the Primary System.
Tornado Design Classification.
Overpressure Protection of Low-Pressure Systems Connected to Reactor Coolant Pressure Boundary.
Protective Coatings for Light-Water Reactor Containment Facilities.
Quality Assurance Requirements for Installation, Inspection, and Testing of Mechanical Equipment and Systems.
Assumptions Used for Evaluating the Potential Radiological Consequences of a BWR Radioactive Offgas System Failure.
Fire Protection Criteria for Nuclear Power Plants.
Requirements for Auditing of Quality Assurance Programs for Nuclear Power Plants.
Quality Assurance Requirements for Control of Procurement of Equipment, Materials, and Services for Nuclear Power Plants.
Instrumentation for Light-Water-Cooled Nuclear Power Plants to Assess Plant Conditions During and Following an Accident.
Quality Assurance Requirements for Lifting Equipment.
Maintenance and Testing of Batteries.
Qualification Test of Class IE Cables, Connections, and Field Splices for Nuclear Power Plants.
Seismic Qualification of Class I Electric Equipment.
Fuel Oil Systems for Standby Diesel Generators.
Quality Assurance Requirements for the Manufacture of Class IE Instrumentation and Electric Equipment for Nuclear Power Plants.
Assumptions Used for Evaluating the Potential Radiological Consequences of a Liquid Radioactive Waste System Accident.
Containment Isolation Provisions.
Instrument Spans and Setpoints.
Initial Startup Testing Program for Facility Shutdown from Outside the Control Room.
Periodic Testing of Diesel Generators.
Qualification of Inspection, Examination, and Testing Personnel for Nuclear Facilities.
Quality Assurance Program Requirements for Nuclear Power Plant Fuels.
Testing of Nuclear Air Cleaning Systems.
Preoperational and Initial Startup Testing of Feedwater Systems for BWRs.
Design Criteria for Overload Protection of Motor-Operated Valves.
Identification of Materials, Parts, and Components for Nuclear Power Plants.
Probable Maximum Storm Surge Flooding on Lakes and Sea Shores.
Protection of Nuclear Power Plants Against Industrial Sabotage.
Emergency Planning for Nuclear Power Plants.
Control Room Manning.
Flood Protection for Nuclear Power Plants.
Hydrologic Design Criteria for Water Control Structures Constructed for Nuclear Power Plants.
Spill Analysis—Dispersion and Dilution in Surface and Ground Water.
Design Objectives for LWR Spent Fuel Facilities.
Design Objectives for LWR Fuel Handling Systems.

(5 U.S.C. 552(a))

Dated at Rockville, Maryland this 18th day of September 1975.

For the Nuclear Regulatory Commission.

ROBERT B. MINOGUE,
Director, Office of Standards Development.

[FR Doc.75-25628 Filed 9-24-75;8:45 am]

[Docket No. 50-201]

NUCLEAR FUEL SERVICES, INC.

Notice of Proposed Issuance of Amendment to Provisional Operating License

The Nuclear Regulatory Commission (the Commission) is considering issuance of an amendment to Provisional Operating License No. CSF-1 issued to Nuclear Fuel Services, Inc., and the New York State Atomic and Space Development Authority (the licensees), for operation of the West Valley Reprocessing Plant located in the Western New York Nuclear Service Center in the town of Ashford, near Riceville, Cattaraugus County, New York, about thirty miles from Buffalo.

The proposed amendment would revise the provisions in Technical Specification 4.3 relating to canister loading and spacing in accordance with the licensees' application for amendment, dated August 4, 1975. The proposed amendment would establish new limits governing spent fuel distribution and thereby allow greater spent fuel storage capacity in the Storage Pool located at the West Valley Plant.

Prior to issuance of the proposed license amendment, the Commission will have made the findings required by the Atomic Energy Act of 1954, as amended (the Act) and the Commission's regulations.

By October 28, 1975, the licensees may file a request for a hearing and any person whose interest may be affected by this proceeding may file a request for a hearing in the form of a petition for leave to intervene with respect to the issuance of the amendment to the subject facility operating license. Petitions for leave to intervene must be filed under oath or affirmation in accordance with the provisions of section 2.714 of 10 CFR Part 2 of the Commission's regulations. A petition for leave to intervene must set forth the interest of the petitioner in the proceeding, how that interest may be affected by the results of the proceeding, and the petitioner's contentions with respect to the proposed licensing action. Such petitions must be filed in accordance with the provisions of this FEDERAL REGISTER notice and section 2.714, and must be filed with the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Docketing and Service Section, by October 28, 1975. A copy of the petition and/or request for a hearing should be sent to the Executive Legal Director, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, and to Lowenstein, Newman, Reis and Axelrad, 1025 Connecticut Avenue, NW., Washington, D.C. 20036, attorneys for Nuclear Fuel Services, Inc., and to Debevoise, Plimpton, Lyons & Gates, 299 Park Avenue, New York, N.Y. 10017, ATTN: Oscar M. Ruebhausen, Esq., attorneys for New York State Atomic and Space Development Authority.

A petition for leave to intervene must be accompanied by a supporting affidavit which identifies the specific aspect or aspects of the proceeding as to which intervention is desired and specifies with

particularity the facts on which the petitioner relies as to both his interest and his contentions with regard to each aspect on which intervention is requested. Petitions stating contentions relating only to matters outside the Commission's jurisdiction will be denied.

All petitions will be acted upon by the Commission or licensing board, designated by the Commission or by the Chairman of the Atomic Safety and Licensing Board Panel. Timely petitions will be considered to determine whether a hearing should be noticed or another appropriate order issued regarding the disposition of the petitions.

In the event that a hearing is held and a person is permitted to intervene, he becomes a party to the proceeding and has a right to participate fully in the conduct of the hearing. For example, he may present evidence and examine and cross-examine witnesses.

For further details with respect to this action, see the application for amendment dated August 4, 1975, which is available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C., and at the Memorial Library of Little Valley, Main Street, Little Valley, New York, and at the Town of Concord Public Library, 23 North Buffalo Street, Springville, New York. The license amendment and the Safety Evaluation, when issued, may be inspected at the above locations and a copy may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Materials and Fuel Cycle Facility Licensing.

Dated at Bethesda, Maryland, this 17th day of September 1975.

For the Nuclear Regulatory Commission.

JAMES R. MILLER,
Chief, Fuel Cycle Licensing Branch 2, Division of Materials and Fuel Cycle Facility Licensing.

[FR Doc.75-25291 Filed 9-24-75;8:45 am]

[Docket No. 50-313]

ARKANSAS POWER AND LIGHT CO.

Issuance of Amendment to Facility Operating License

Notice is hereby given that the U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 3 to Facility Operating License No. DPR-51 issued to Arkansas Power & Light Company which revised Technical Specifications for operation of the Arkansas Nuclear One, Unit 1 located on the northern shores of Lake Dardanelle, in Pope County, Arkansas. The amendment is effective as of its date of issuance.

The amendment modifies the current procedure for monitoring fish impingements and would incorporate requirements for two special study programs which are designed to provide information necessary to determine the environmental impact of winter impingement losses of threadfin shad. In addition, the amendment will incorporate changes: (1) in thermal monitoring requirements to reflect the relocation of the thermal sensor in the discharge flume; (2) in radiological effluent monitoring requirements to reflect the current Commission's staff position on the types, frequencies, and sensitivities of methods used to monitor radiological effluents; (3) in specifying milk sampling locations to reflect current staff practice of specifying criteria for establishing milk sample locations rather than predesignated locations; and (4) of a clarifying and editorial nature.

The applications for the amendment comply with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment is not required since the amendment does not involve a significant hazards consideration.

For further details with respect to this action, see (1) the applications for amendment dated January 17, 1975, April 11, 1975, two letters dated April 17, 1975 and July 11, 1975, (2) Amendment No. 3 to License No. DPR-51, with Change No. 3, (3) the Commission's related Negative Declaration printed concurrently with this notice; and (4) the Commission's Environmental Impact Appraisal. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C. and at the Arkansas Polytechnic College, Russellville, Arkansas.

A copy of items (2), (3) and (4) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Reactor Licensing.

Dated at Bethesda, Maryland, this 18th day of September 1975.

For the Nuclear Regulatory Commission.

DENNIS L. ZIEMANN,
Chief, Operating Reactors Branch 2, Division of Reactor Licensing.

[FR Doc.75-25484 Filed 9-24-75;8:45 am]

[Docket No. 50-313]

ARKANSAS POWER AND LIGHT CO.

Negative Declaration Regarding Proposed Change to the Appendix B Technical Specifications of License DPR-51

The Nuclear Regulatory Commission (the Commission) has considered the issuance of changes to the Appendix B Technical Specifications of Facility Operating License No. DPR-51. These changes would modify current procedures for monitoring fish impingements and would incorporate requirements for two special study programs which are designed to provide information to determine the environmental impact, if any, of winter impingement losses of threadfin shad. In addition, the amendment will incorporate changes: (1) in thermal monitoring requirements to reflect the relocation of the thermal sensor in the discharge flume; (2) in radiological effluent monitoring requirements to reflect the current Commission's staff position on the types, frequencies, and sensitivities of analytical methods used to monitor radioactive effluents, (3) in specifying milk sampling locations to reflect current staff practice of specifying criteria for establishing milk sample locations rather than predesignated locations; and (4) of a clarifying and editorial nature.

The U.S. Nuclear Regulatory Commission, Division of Reactor Licensing, has prepared an environmental impact appraisal for the proposed changes to the Appendix B Technical Specifications of License No. DPR-51, Arkansas Nuclear One Unit 1, described above. On the basis of this appraisal, the Commission has concluded that an environmental impact statement for this particular action is not warranted since there will be no environmental impact attributable to the proposed action other than that which has already been predicted and described in the Commission's Final Environmental Statement for Arkansas Nuclear One Unit 1, published in February 1973.

The environmental impact appraisal is available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C., and at the Arkansas Polytechnic College, Russellville, Arkansas.

Dated at Rockville, Maryland, this 18th day of September 1975.

For the Nuclear Regulatory Commission.

B. J. YOUNGBLOOD,
Chief, Environmental Projects Branch 3, Division of Reactor Licensing.

[FR Doc.75-25485 Filed 9-24-75;8:45 am]

[Docket No. 50-549]

POWER AUTHORITY OF THE STATE OF NEW YORK, GREENE COUNTY NUCLEAR POWER PLANT

Availability of Applicant's Environmental Report

Pursuant to the National Environmental Policy Act of 1969 and the regulations of the Commission in 10 CFR Part 51, the Power Authority of the State of New York has filed an environmental report, dated September 12, 1975 in support of their application to construct and operate the Greene County Nuclear Power Plant to be located in Greene County, New York. The report, which discusses environmental considerations related to the construction and operation of the proposed facility is available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C. 20555 and at the Catskill Public Library, Franklin Street, Catskill, New York. Copies of the report are also being made available at New

York State Office of Planning Services, 488 Broadway, Albany, New York.

After the environmental report has been analyzed by the Commission's Division of Reactor Licensing staff, a draft environmental statement will be prepared. Upon preparation of the draft environmental statement, the Commission will, among other things, cause to be published in the FEDERAL REGISTER a summary notice of availability of the draft statement, with a request for comments from interested persons on the draft statement. The summary notice will also contain a statement to the effect that comments of Federal agencies and State and local officials will be made available when received. Upon consideration of comments submitted with respect to the draft environmental statement, the staff will prepare a final environmental statement, the availability of which will be published in the FEDERAL REGISTER.

Dated at Rockville, Maryland, this 16th day of September 1975.

For the Nuclear Regulatory Commission.

OLIVER D. T. LYNCH, Jr.,
Acting Chief, Environmental Projects Branch 4, Division of Reactor Licensing.

[FR Doc.75-25486 Filed 9-24-75;8:45 am]

[Docket Nos. 50-280, 50-281]

VIRGINIA ELECTRIC AND POWER CO.

Issuance of Amendments to Facility Operating Lisenses

Notice is hereby given that the U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 10 to Facility Operating License Nos. DPR-32 and DPR-37 issued to Virginia Electric and Power Company which revised Technical Specifications for operation of the Surry Power Station Units 1 and 2, located in Surry County, Virginia. The amendments are effective as of the date of issuance.

The amendments make administrative changes to Technical Specification Section TS 4.13, Nonradiological Environmental Monitoring Program, to improve continuity and clarity and to update organizational designations.

The application for the amendments complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendments. The Commission has evaluated the potential impact of operating the plant in accordance with the amendments and has concluded that there will be no change in effluent types or amounts nor an increase in power level, as previously evaluated in the Final Environmental Statement for Surry Power Station Units 1 and 2 dated June 1972, and will not result in any significant enviromental impact. Having made this determination, the Commission has further concluded pursuant to 10 CFR 51.5(d)(4), that an environmental statement, negative declaration or environmental impact appraisal need not be prepared in connection with the issuance of these amendments. Prior public notice of these amendments is not required since the amendments do not involve a significant hazards consideration.

For further details with respect to this action, see (1) the application for amendment dated July 17, 1975, (2) Amendment No. 10 to License Nos. DPR-32 and DPR-37 with Change No. 25. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C., 20555, and at the Swem Library, College of William and Mary, Williamsburg, Virginia, 23185.

A copy of item (2) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C., 20555, Attention: Director, Division of Reactor Licensing.

Dated at Bethesda, Maryland, this 17th day of September 1975.

For the Nuclear Regulatory Commission.

ROBERT W. REID,
Chief, Operating Reactors Branch No. 4, Division of Reactor Licensing.

[FR Doc.75-25487 Filed 9-24-75;8:45 am]

OFFICE OF MANAGEMENT AND BUDGET

COMMISSION ON FEDERAL PAPERWORK

Public Meeting

Pursuant to a determination by the Temporary Chairman, Commission on Federal Paperwork, notice is hereby given of the first meeting of the Commission to be held in Room S-407, The Capitol, on October 3, 1975 at 9:00 a.m. to 12:00 noon and reconvene at 2:00 p.m.

The meeting will be partially open to public observation and participation. The open portion of this meeting will commence at 9:00 a.m. and continue until 12:00 noon to outline the Commission's work plans and their organizational structure. At the conclusion of this agenda, the meeting will reconvene at 2:00 p.m. and will be closed to the public to discuss matters related solely to its internal personnel practices as authorized by 5 U.S.C. 552(b)(2), and it will examine personnel and similar files, disclosure of which would constitute an unwarranted invasion of privacy within the meaning of 5 U.S.C. 552(b)(6).

Anyone wishing to attend this open portion of the meeting should contact the Commission on Federal Paperwork, Room 200, 1111 20th Street, N.W., Washington, D.C. 20036, telephone (202) 254-6920.

PHILLIP D. LARSEN,
Acting Assistant to the Director for Administration.

[FR Doc.75-25527 Filed 9-24-75;8:45 am]

CLEARANCE OF REPORTS

List of Requests

The following is a list of requests for clearance of reports intended for use in collecting information from the public received by the Office of Management and Budget on September 22, 1975 (44 USC 3509). The purpose of publishing this list in the FEDERAL REGISTER is to inform the public.

The list includes the title of each request received; the name of the agency sponsoring the proposed collection of information; the agency form number(s), if applicable; the frequency with which the information is proposed to be collected; the name of the reviewer or reviewing division within OMB, and an indication of who will be the respondents to the proposed collection.

Requests for extension which appear to raise no significant issues are to be approved after brief notice thru this release.

Further information about the items on this daily list may be obtained from the Clearance Office, Office of Management and Budget, Washington, D.C. 20503, (202-395-4529), or from the reviewer listed.

NEW FORMS

DEPARTMENT OF AGRICULTURE

Agricultural Stabilization and Conservation Service, Honey Purchases by Color, single-time, honey packers, Lowry, R. L., 395-3772.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Health Services Administration, Fertility Values and Family Growth, NIH-CH-33, single-time, married women with 0, 1, 2, children in Philadelphia, Pa. SMSA, George Hall, 395-6140.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Policy Development and Research, Elderly and Handicapped Diagnostic Interview, single-time, Syracuse, N.Y., elderly and handicapped, community & veterans affairs division, Sunderhauf, M. B. 395-3532.

Equal Opportunity, Monthly Rental Report—HUD rental housing programs on occasion, developers and sponsors using HUD rental housing programs, community & veterans affairs division, Sunderhauf, M. B., 395-3532.

REVISIONS

DEPARTMENT OF AGRICULTURE

Statistical Reporting Service, Potato Stocks Inquiry (growers), other (see SF-83), potato growers, Lowry, R. L., 395-3772.

Statistical Reporting Service, Wheat and Barley Feed Survey (Montana), quarterly, feed mills, Lowry, R. L., 395-3772.

EXTENSIONS

DEPARTMENT OF AGRICULTURE

Agricultural Stabilization and Conservation Service, Daily Warehouse Sales Summary (sale days), MQ80 other (see SF-83), tobacco auction warehouse operators, Marsha Traynham, 395-4529.

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration, Mechanic School Certification Procedures (manual), on occasion, FAA certificated aviation maintenance technical schools, Marsha Traynham, 395-4529.

PHILLIP D. LARSEN,
Budget and Management Officer.

[FR Doc.75-25698 Filed 9-24-75;8:45 am]

POSTAL SERVICE

INTERNATIONAL POSTAL RATES AND FEES

Proposed Changes

Pursuant to its authority under 39 U.S.C. 407, the Postal Service proposes to change, after Christmas 1975 certain rates of postage and fees on international mail to the levels indicated in the tables below.

Although 39 U.S.C. 407 does not require advance notice and opportunity for submission of comments and the Postal Service is exempted by 39 U.S.C. 410(a) from the advance notice requirement of the Administrative Procedure Act regarding proposed rulemaking (5 U.S.C. 553), the Postal Service invites interested persons to submit written data, views, or arguments concerning the proposed changes in rates of postage and fees for international mail.

Send such materials to the Director, Office of Rates, Rates and Classification Department, U.S. Postal Service, Washington, D.C. 20260. All comments received on or before October 24, 1975, will be considered by the Postal Service prior to taking action on the proposed changes.

(39 U.S.C. 401, 403, 404(2), 407, 410(a))

ROGER P. CRAIG,
Deputy General Counsel.

I. CANADA AND MEXICO

A. REGULAR SURFACE RATES

1. *Letter mail.* 13 cents first ounce; 11 cents each additional ounce up to 13 ounces; eight-zone priority-mail rates for heavier weights.

2. *Post and postal cards.* 9 cents each.

3. *Printed matter and small packets.*

Ounces	Printed matter	Small packets
2	$0.13	$0.13
4	.24	.24
6	.34	.34
8	.45	.45
10	.56	.56
12	.66	.66
14	.77	.77
16	.88	.88
32	1.15	[1] 1.15
64	1.44	
Each additional 4 oz	.93	

[1] To Mexico only.

4. *Parcel post.* $1.75 for the first 2 pounds and 50 cents for each additional pound or fraction.

B. EXCEPTIONAL SURFACE RATES FOR PRINTED MATTER

1. Canada:

Ounces	Books and sheet music	Publishers' second class	Publishers' controlled circulation
2	$0.30	$0.05	$0.06
4	.39	.09	.11
8	.39	.17	.20
16	.39	.30	.37
32	.51	.51	.61
64	.72	.72	.86
Each additional 32 oz	.46	.46	.55

2. *Mexico:*

Ounces	Books and sheet music	Publishers' second class	Publishers' controlled circulation
2	$0.26	$0.04	$0.06
4	.26	.08	.11
8	.26	.14	.20
16	.26	.26	.37
32	.43	.43	.61
64	.61	.61	.86
Each additional 32 oz	.39	.39	.55

C. AIRMAIL RATES

1. *Letter mail.* 17 cents first ounce; 15 cents each additional ounce.

2. *Post and postal cards.* 14 cents each.

3. *Printed matter, matter for the blind, and small packets.*

(i) To Canada. Letter mail rates.

(ii) To Mexico. 60 cents for the first 2 ounces and 16 cents for each additional 2 ounces.

4. *Air parcel post.*

(i) To Canada. Letter mail rates.

(ii) To Mexico. $1.77 for the first 4 ounces and 35 cents each additional 4 ounces.

II. COUNTRIES OTHER THAN CANADA AND MEXICO

A. REGULAR SURFACE RATES

1. Letter mail, printed matter, and small packets:

Ounces	Letter mail	Printed matter	Small packets
1	$0.18	$0.13	$0.24
2	.31	.13	.24
4	.41	.24	.24
8	.82	.45	.45
16	1.58	.77	.77
32	2.75	1.15	1.15
64	4.46	1.44	
Each additional 32 oz		.93	

2. *Post and postal cards.* 12 cents each.

3. *Parcel post.*

(i) Central America, the Caribbean Islands, Bahamas, Bermuda, and St. Pierre and Miquelon: $1.75 for the first 2 pounds and 50 cents for each additional pound or fraction.

(ii) Other countries: $1.90 for the first 2 pounds and 57 cents for each additional pound or fraction.

B. EXCEPTIONAL SURFACE RATES

1. *Postal Union of the Americas and Spain (PUAS) countries:*

Ounces	Books and sheet music [1] [2]	Publishers' second class [2]	Publishers' controlled circulation
2	$0.26	$0.04	$0.06
4	.26	.08	.11
8	.26	.14	.20
16	.26	.26	.37
32	.43	.43	.61
64	.61	.61	.86
Each additional 32 oz	.39	.39	.55

[1] Except Canada.
[2] Except Spain and Spanish possessions.

2. *Other countries:*

Ounces	Books and sheet music	Publishers' second class	Publishers' controlled circulation
2	$0.30	$0.05	$0.06
4	.30	.09	.11
8	.30	.17	.20
16	.30	.30	.37
32	.51	.51	.61
64	.72	.72	.86
Each additional 32 oz	.46	.46	.55

C. AIRMAIL

1. *Letter mail.*

(i) Central America, Colombia, Venezuela, the Caribbean Islands, Bahamas, Bermuda, and St. Pierre and Miquelon: 25 cents per half-ounce up to and including 2 ounces, 21 cents each additional half-ounce.

(ii) Other countries. 31 cents per half-ounce up to and including 2 ounces, 26 cents each additional half-ounce.

(iii) As an exception to (ii) above airmail letters from American Samoa to Western Samoa and from Guam to the Philippines: 25 cents per half-ounce up to and including 2 ounces, 21 cents each additional half-ounce.

2. *Air post and postal cards.* 21 cents each.

3. *Aerogrammes.* 22 cents each.

4. *Airmail other articles* (printed matter, matter for the blind, and small packets).

(i) Central America, Colombia, Venezuela, the Caribbean Islands, Bahamas, Bermuda, and St. Pierre and Miquelon: 60 cents for the first 2 ounces and 16 cents for each additional 2 ounces.

(ii) South America (except Colombia and Venezuela) Europe (except Estonia, Latvia, Lithuania, and U.S.S.R.), and Mediterranean Africa: 73 cents for the first 2 ounces and 29 cents each additional 2 ounces.

(iii) Other countries: 86 cents for the first 2 ounces and 42 cents for each additional 2 ounces.

5. *Air parcel post.* Individual country rates increased by 24 percent (rounded up to the nearest cent).

III. FEES

A. RECALL AND CHANGE OF ADDRESS

The fee will be increased to $1.00.

B. INTERNATIONAL REPLY COUPONS

Price will be increased to 42 cents.

C. RETURN RECEIPTS

(i) Requested at the time of mailing. Beginning January 1, 1976, all return receipts will be returned by air mail. The fee will be 32 cents.

(ii) Requested after mailing. This service will be eliminated on January 1, 1976. Such requests will be handled under the existing inquiry procedures.

D. CUSTOMS CLEARANCE AND DELIVERY

Fee for *all mail items* on which customs duty or internal revenue tax is collected will be increased to $1.00.

E. STORAGE CHARGES

1. On parcels under $10,000 value: 20 cents per day for the first 10 days, and 35 cents per day thereafter.

2. On parcels of $10,000 or more value:

Number of storage charge days	Rate	Total	Number of storage charge days	Rate	Total
1	$0.20	$0.20	31	$2.40	$31.40
2	.20	.40	32	2.50	33.90
3	.20	.60	33	2.60	36.50
4	.20	.80	34	2.70	39.20
5	.20	1.00	35	2.80	42.00
6	.20	1.20	36	2.90	44.90
7	.20	1.40	37	3.00	47.90
8	.20	1.60	38	3.10	51.00
9	.20	1.80	39	3.20	54.20
10	.20	2.00	40	3.30	57.50
11	.40	2.40	41	3.40	60.90
12	.50	2.90	42	3.50	64.40
13	.60	3.50	43	3.60	68.00
14	.70	4.20	44	3.70	71.70
15	.80	5.00	45	3.80	75.50
16	.90	5.90	46	3.90	79.40
17	1.00	6.90	47	4.00	83.40
18	1.10	8.00	48	4.10	87.50
19	1.20	9.20	49	4.20	91.70
20	1.30	10.50	50	4.30	96.00
21	1.40	11.90	51	4.40	100.40
22	1.50	13.40	52	4.50	104.90
23	1.60	15.00	53	4.60	109.50
24	1.70	16.70	54	4.70	114.20
25	1.80	18.50	55	4.80	119.00
26	1.90	20.40	56	4.90	123.90
27	2.00	22.40	57	5.00	128.90
28	2.10	24.50	58	5.10	134.00
29	2.20	26.70	59	5.20	139.20
30	2.30	29.00	60	5.30	144.50

[FR Doc.75-25680 Filed 9-24-75;8:45 am]

SECURITIES AND EXCHANGE COMMISSION

[Rel. No. 8945; (811-2276)]

DAVIDGE CAPITAL FUND, INC.

Filing of Application for an Order Declaring That Company Has Ceased To Be an Investment Company

SEPTEMBER 19, 1975.

Notice is hereby given that Davidge Capital Fund, Inc., c/o Calvin H. Cobb, Jr., 1250 Connecticut Avenue NW., Washington, D.C. 20036 ("Applicant"), registered under the Investment Company Act of 1940 ("Act") as an open-end diversified management investment company, filed an application on March 26, 1975, for an order pursuant to Section 8(f) of the Act declaring that Applicant has ceased to be an investment company. All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein which are summarized below.

Applicant was organized under the laws of the District of Columbia on February 24, 1972, with an authorized capital of 5,000,000 shares at par value of 10 cents each, of which 74,052 shares were issued and outstanding at November 1, 1974. At a Special Meeting of Shareholders held December 11, 1974, pursuant to a recommendation by Applicant's Board of Directors, Applicant's shareholders adopted a Plan of Dissolution.

The application states that Articles of Dissolution were filed with the District of Columbia Recorder of Deeds on December 30, 1974, and that the dissolution took effect upon the acceptance of the subject Articles of Dissolution and the issuance by the Recorder of Deeds of a Certificate of Dissolution on March 6, 1975.

As of December 30, 1974, Applicant had liquidated its entire portfolio of securities, and except for a reserve in the initial amount of $12,000, had distributed all the proceeds of the sale of such assets to its shareholders. The balance remaining if any, of such reserve will be distributed to shareholders of record as of November 8, 1974.

Section 8(f) provides in substance that whenever the Commission on its own motion or upon application finds that a registered investment company has ceased to be an investment company it may so declare by order, and upon the taking effect of such order the registration of such company shall cease to be in effect.

Applicant represents that dissolution terminates its corporate existence and any business in which it is presently engaged. It also represents that since its corporate existence has been terminated, the continuation of its registration is no longer necessary for the protection of investors and an order may be appropriately issued under Section 8(f).

Notice is hereby further given that any interested person may, not later than October 14, 1975, at 5:30 p.m. submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (air mail if the persons being served are located more than 500 miles from the point of mailing) upon Applicant at the address stated above. Proof of such service (by affidavit or in case of any attorney-at-law by certificate) shall be filed contemporaneously with the request. As provided by Rule 0-5 of the Rules and Regulations promulgated under the Act, an order disposing of the application will be issued as of course following said date unless the Commission thereafter orders a hearing upon request or upon the Commission's own motion. Persons who request a hearing or advice as to whether a hearing is ordered, will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission by the Division of Investment Management Regulation, pursuant to delegated authority.

[SEAL] GEORGE A. FITZSIMMONS, *Secretary.*

[FR Doc.75-25621 Filed 9-24-75;8:45 am]

[Rel. No. 8946; (811-1549)]

HEDGE FUND OF AMERICA, INC.

Application Declaring That Company Has Ceased To Be an Investment Company

SEPTEMBER 19, 1975.

Notice is hereby given that Hedge Fund of America, Inc., 1010 Fidelity Union Tower, Dallas, Texas 75201 (the "Applicant"), registered under the Investment Company Act of 1940 (the "Act") as a diversified, open-end management investment company filed an application on August 20, 1975, pursuant to Section 8(f) of the Act, for an order of the Commission declaring that Applicant has ceased to be an investment company as defined in the Act. All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein, which are summarized below.

Applicant was organized as a Delaware corporation on October 10, 1967, and registered under the Act by filing a Notification of Registration on Form N-8A with the Commission on October 19, 1967.

Applicant represents that pursuant to a plan of reorganization approved by a majority of its shareholders at a meeting held on August 6, 1975, it transferred substantially all of its assets on August 13, 1975, to Oppenheimer A.I.M. Fund, Inc. ("AIM"), a registered investment company, in exchange for common stock of AIM. Applicant further represents that it has filed a Certificate of Dissolution with the Secretary of State of the State of Delaware, and that it has ceased conducting the business for which it was organized.

Section 8(f) of the Act provides, in pertinent part, that when the Commission, upon application, finds that a registered investment company has ceased to be an investment company, it shall so declare by order, and, upon the taking effect of such order, the registration of such company shall cease to be in effect.

Notice is further given that any interested person may, not later than October 14, 1975, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reasons for such request, and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served person-

ally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon the Applicant at the address stated above. Proof of such service (by affidavit or, in the case of an attorney-at-law, by certificate) shall be filed contemporaneously with the request. As provided by Rule 0-5 of the Rules and Regulations promulgated under the Act, an order disposing of the application will be issued as of course following said date unless the Commission thereafter orders a hearing upon request or upon the Commission's own motion. Persons who request a hearing or advice as to whether a hearing is ordered, will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Management Regulation, pursuant to delegated authority.

[SEAL] GEORGE A. FITZSIMMONS, *Secretary.*

[FR Doc.75-25620 Filed 9-24-75;8:45 am]

[Rel. No. 19179; (70-5735)]

LOUISIANA POWER & LIGHT CO.

Proposal To Amend Articles of Incorporation and Solicit Proxies in Connection Therewith

SEPTEMBER 19, 1975.

Notice is hereby given that Louisiana Power & Light Company, 142 Delaronde Street, New Orleans, Louisiana 70174 ("Louisiana"), an electric utility subsidiary of Middle South Utilities, Inc., a registered holding company, has filed a declaration with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating Sections 6(a), 7, and 12 of the Act and Rule 62 promulgated thereunder as applicable to the proposed transaction. All interested parties are referred to said declaration, which is summarized below, for a complete statement of the proposed transaction.

Louisiana's Articles of Incorporation presently empower the Board of Directors to establish various series of preferred stock, and to fix and determine the relative rights and preferences, as to which there may be variations between different series, but the Articles do not presently allow Louisiana to issue shares of new series of its preferred stock with the benefit of a sinking fund. Louisiana proposes to authorize, by amendment to the Articles of Incorporation, the issuance of new series of its preferred stock with the benefit of a sinking fund and to empower the Board of Directors to fix and determine the sinking fund provisions, if any, for the redemption or purchase of shares of any series.

In furtherance of this proposal Louisiana proposes to solicit proxies from the holders of its outstanding stock in connection with the special meeting of shareholders to be called to take action upon the proposal.

The fees and expenses to be incurred in connection with the proposed transaction are estimated at $18,000, including fee for solicitation of proxies of $5,000 and legal fee of $6,000. It is stated that no State commission or Federal commission, other than this Commission, has jurisdiction over the proposed transaction.

Notice is further given that any interested person may, not later than October 14, 1975, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said declaration which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon the declarant at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the declaration, as filed or as it may be amended, may be permitted to become effective as provided in Rule 23 of the General Rules and Regulations promulgated under the Act, or the Commission may grant exemption from its rules under the Act as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

[SEAL] GEORGE A. FITZSIMMONS, *Secretary.*

[FR Doc.75-25619 Filed 9-24-75;8:45 am]

PBW STOCK EXCHANGE, INC.

Applications for Unlisted Trading Privileges and of Opportunity for Hearing

SEPTEMBER 19, 1975.

The above named national securities exchange had filed an application with the Securities and Exchange Commission pursuant to Section 12(f)(1)(B) of the Securities Exchange Act of 1934 and Rule 12f-1 thereunder, for unlisted trading privileges in the common stock of the following company, which security is listed and registered on one or more other national securities exchanges:

National Patent Development Corporation, File No. 7-4767, Common Stock, 1¢ par value.

Upon receipt of a request, on or before October 5, 1975, from any interested person, the Commission will determine whether the application shall be set down for hearing. Any such request should state briefly the nature of the interest of the person making the request and the position he proposes to take at the hearing, if ordered. In addition, any interested person may submit his views or any additional facts bearing on the said application by means of a letter addressed to the Secretary, Securities and Exchange Commission, Washington, D.C., 20549 not later than the date specified. If no one requests a hearing, this application will be determined by order of the Commission on the basis of the facts stated therein and other information contained in the official files of the Commission pertaining thereto.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

[SEAL] GEORGE A. FITZSIMMONS, *Secretary.*

[FR Doc.75-25622 Filed 9-24-75;8:45 am]

[Rel. No. 8939 (811-2498)]

EQUITY PROGRESS FUND, INC.

Notice of Filing of Application

SEPTEMBER 17, 1975.

NOTICE IS HEREBY GIVEN that Equity Progress Fund, Inc. ("Applicant"), 2777 Allen Parkway, Houston, Texas 77019, an open-end, diversified, management investment company registered under the Investment Company Act of 1940 ("Act"), filed an application on August 13, 1975 for an order of the Commission declaring that Applicant has ceased to be an investment company as defined in the Act. All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein, which are summarized below.

On August 1, 1975, pursuant to a Plan and Articles of Merger, Applicant was merged with and into Equity Growth Fund of America, Inc. ("Growth"), also an open-end, diversified management investment company registered under the Act. All of the outstanding shares of capital stock of the Applicant were converted into a proportionate number of shares of Growth, and the separate existence of Progress was terminated by operation of law.

Section 8(f) of the Act provides, in pertinent part, that when the Commission upon application, finds that a registered investment company has ceased to be an investment company, it shall so declare by order and, upon the effectiveness of such order, the registration of such company shall cease to be in effect.

NOTICE IS FURTHER GIVEN that any interested person may, not later than October 13, 1975, at 5:30 p.m., submit to the Commission in writing a request for a hearing on this matter accompanied by a statement as to the nature of his interest, the reason for such request, and the issues of fact or law pro-

posed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon Applicant at the address set forth above. Proof of such service (by affidavit or, in case of an attorney-at-law, by certificate) shall be filed contemporaneously with the request. As provided by Rule 0–5 of the Rules and Regulations promulgated under the Act, an order disposing of the application will be issued as of course following said date unless the Commission thereafter orders a hearing upon request or upon the Commission's own motion. Persons who request a hearing, or advice as to whether a hearing is ordered, will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Management Regulation, pursuant to delegated authority.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.75-25529 Filed 9-24-75;8:45 am]

[Rel. No. 8940 (812-3806)]

LUTHERAN BROTHERHOOD FUND, INC. ET AL.

Notice of an Application

SEPTEMBER 18, 1975.

NOTICE IS HEREBY GIVEN that Lutheran Brotherhood Fund, Inc., Lutheran Brotherhood Income Fund, Inc., Lutheran Brotherhood U.S. Government Securities Fund, Inc. (collectively referred to as "Funds"), 421 Seventh Avenue, Pittsburgh, Pennsylvania 15219, each of which is a diversified, open-end, management investment company registered under the Investment Company Act of 1940 (the "Act"), and Lutheran Brotherhood Securities Corp., 701 Second Avenue South, Minneapolis, Minnesota 55402, principal underwriter for the Funds (collectively referred to with the Funds as "Applicants"), have filed an application pursuant to Section 6(c) of the Act for an order by the Commission which would exempt Applicants from the provisions of Section 22(d) of the Act and the rules and regulations thereunder to the extent necessary to permit the reduction of sales loads where certain proceeds of certain insurance products are used to purchase shares of the Funds under described circumstances. All interested persons are referred to the application on file with the Commission for a statement of the facts and representations therein, which are summarized below.

Lutheran Brotherhood is a fraternal benefit insurance society offering life insurance and annuity contracts exclusively to Lutherans and individuals affiliated with Lutheran Church organizations.

Lutheran Brotherhood Securities Corp., acts as principal underwriter for sale of the Funds' shares to those persons qualified under the Fund's prospectuses. Lutheran Brotherhood owns 51% of the outstanding shares of Lutheran Brotherhood Securities Corp. and Federated Investors, Inc. of Pittsburgh, Pennsylvania, owns 49%. Shares of each Fund are offered to the public at a price based on net asset value plus a sales charge that varies with the quantity of securities purchased. The current sales charge is as follows:

Amount Invested:	*Sales Charge as Percentage of Offering Price* *Percent*
Less than $10,000	8½
$10,000 but less than $25,000	7½
$25,000 but less than $50,000	6
$50,000 but less than $100,000	4
$100,000 but less than $250,000	2
$250,000 but less than $500,000	1
$500,000 or more	½

Applicants request an exemption from Section 22(d) of the Act and the rules and regulations thereunder to permit the application of all or any portion of the monies derived from death claims and matured endowments of life insurance and annuity contracts issued by Lutheran Brotherhood, and of lump sum cash options available to beneficiaries of Lutheran Brotherhood insurance and annuity contracts, to the purchase of shares of the Funds, individually or a combination thereof, within the first 90 days after the date of a check issued in payment of such insurance proceeds, at a reduced sales charge that would be one-half the sales charge otherwise applicable.

Applicants assert that the selling effort and expenses involved in sales of this type will be less than those entailed in making an initial sale of such shares, and that one-half the normal sales charge appropriately reflects the selling efforts and expense involved. In addition, Applicants assert that premiums paid on such contracts include a sales expense component which in most cases will have been larger than the sales charge applicable to purchases of shares of the Funds.

Section 22(d) provides, in part, that no registered investment company shall sell any redeemable security issued by it to any person except either to or through a principal underwriter for distribution or at a current public offering price described in the prospectus, and, if such class of security is being currently offered to the public by or through an underwriter, no principal underwriter of such security and no dealer shall sell any such security to any person except a dealer, a principal underwriter, or the issuer, except at a current public offering price described in the prospectus.

Section 6(c) provides that the Commission, by rules and regulations upon its own motion, or by order upon application, may conditionally or unconditionally exempt any person, security, or transaction, or any class or classes of persons, securities, or transaction, or any class or classes of persons, securities, or transactions, from any provision or provisions of this Act or any rule or regulation thereunder, if and to the extent that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Notice is further given that any interested person may, not later than October 14, 1975, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request, and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon applicant at the address stated above. Proof of such service (by affidavit, or in the case of an attorney-at-law, by certificate) shall be filed contemporaneously with the request. As provided by Rule 0–5 of the Rules and Regulations promulgated under the Act, an order disposing of the application herein will be issued as of course following said date unless the Commission thereafter orders a hearing upon request or upon the Commission's own motion. Persons who request a hearing, or advice as to whether a hearing is ordered, will receive notice of further developments in the matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Management Regulation pursuant to delegated authority.

GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.75-25530 Filed 9-24-75;8:45 am]

SMALL BUSINESS ADMINISTRATION

[License No. 09/09-0188]

CARDON CAPITAL CORP.

Notice of Application for a License as a Small Business Investment Company

Notice is hereby given concerning the filing of an application with the Small Business Administration (SBA) pursuant to Section 107.102 of the Regulations governing small business investment companies (SBICs) (13 CFR Section 107.102 (1975)), under the name of Cardon Capital Corporation, 134 W. Broadway, Mesa, Arizona 85202, for a license to operate in the State of Arizona as an SBIC under the provisions of the Small Business Investment Act of 1958 (Act), as amended (15 U.S.C. 661 et seq.).

The proposed officers, directors, and principal stockholders are:

Wilford A. Cardon, 523 S. Esquire Way, Mesa, Arizona 85202; President, Director; 33.3 percent.

Elijah A. Cardon, 2550 N. 87th Street, Mesa, Arizona 85207; Vice President, Director; 33.3 percent.

Craig A. Cardon, 626 S. Esquire Way, Mesa, Arizona 85202; Secretary-Treasurer, Director; 33.3 percent.

The company will begin operations with an initial capitalization of $300,000. No concentration in any particular industry is planned. The applicant intends to make investments in small business concerns, with growth potential, located primarily in the State of Arizona.

Matters involved in SBA's consideration of the application include the general business reputation and character of the proposed owners and management, and the probability of successful operations of the new company under their management, including adequate profitability and financial soundness, in accordance with the Act and Regulations.

Notice is further given that any interested person may, not later than fifteen days from the date of publication of this Notice, submit to SBA, in writing, relevant comments on the proposed company. Any communication should be addressed to: Deputy Associate Administrator for Investment, Small Business Administration, 1441 "L" Street NW., Washington, D.C. 20416.

A copy of this Notice shall be published in a newspaper of general circulation in Phoenix, Arizona.

Dated: September 16, 1975.

JAMES THOMAS PHELAN,
Deputy Associate Administrator for Investment.

[FR Doc.75-25575 Filed 9-24-75;8:45 am]

COLUMBUS DISTRICT ADVISORY COUNCIL

Public Meeting

The Small Business Administration Columbus District Advisory Council will hold a public meeting from 9:30 a.m. until 3 p.m., Eastern Daylight Time, Thursday, October 23, 1975, at the Imperial House-Arlington, 1335 Dublin Road, Columbus, Ohio, to discuss such business as may be presented by members, staff of the Small Business Administration, and others attending.

For further information, write or call Frank D. Ray, 34 North High Street, Columbus, Ohio 43215, (614) 469-7310.

Dated: September 18, 1975.

THOMAS S. MCFEE,
Chief Counsel for Advocacy, Small Business Administration.

[FR Doc.75-25566 Filed 9-24-75;8:45 am]

DENVER DISTRICT ADVISORY COUNCIL

Public Meeting

The Small Business Administration Denver District Advisory Council will hold a public meeting at 9 a.m., Mountain Daylight Time, Friday, October 17, 1975, at the U.S. Custom House, 721 19th Street, Room 422, Denver, Colorado, to discuss such business as may be presented by members, staff of the Small Business Administration, and others attending.

For further information, write or call Donna R. Harrigan, 721 19th Street, Room 426, Denver, Colorado 80202,(303) 837-3673.

Dated: September 18, 1975.

ANTHONY S. STASIO,
Chief Counsel for Advocacy, Small Business Administration.

[FR Doc.75-25567 Filed 9-24-75;8:45 am]

LUBBOCK DISTRICT ADVISORY COUNCIL MEETING

Public Meeting

The Small Business Administration Lubbock District Advisory Council will hold a public meeting at 8:45 a.m., Mountain Daylight Time, Friday, October 17, 1975, at Mesa Inn, 4151 N. Mesa, El Paso, Texas, to discuss such business as may be presented by members, staff of the Small Business Administration, and others attending.

For further information, write or call Thomas A. Linguist, 712 Federal Office Building and U.S. Courthouse, 1205 Texas Avenue, Lubbock, Texas 79401, (806) 762-7462.

Dated: September 18, 1975.

ANTHONY S. STASIO,
Chief Counsel for Advocacy, Small Business Administration.

[FR Doc.75-25568 Filed 9-24-75;8:45 am]

[Declaration of Disaster Loan Area No. 1175]

OHIO

Declaration of Disaster Area

As a result of the President's declaration, I find that Belmont, Cuyahoga, Jefferson, and adjacent counties within the State of Ohio, constitute a disaster area because of damage resulting from heavy rains and flash flooding, beginning about August 24, 1975. Eligible persons, firms and organizations may file applications for loans for physical damage until the close of business on November 10, 1975, and for economic injury until the close of business on June 11, 1976, at:

Small Business Administration, District Office, AJC Federal Building, Room 317, 1240 East Ninth Street, Cleveland, Ohio 44199.
Small Business Administration, District Office, 34 North High Street, Columbus, Ohio 43215.

or other locally announced locations.

Dated: September 15, 1975.

THOMAS S. KLEPPE,
Administrator.

[FR Doc.75-25571 Filed 9-24-75;8:45 am]

PORTLAND DISTRICT ADVISORY COUNCIL

Public Meeting

The Small Business Administration Portland District Advisory Council will hold a public meeting at 9:30 a.m., Daylight Saving Time, Thursday, October 23, 1975, at the Ramada Inn of Portland, Oregon, to discuss such business as may be presented by members, staff of the Small Business Administration, and others attending.

For further information, write or call A. E. Lofstrand, 700 Pittock Block, 921 Southwest Washington Street, Portland, Oregon 97205, (503) 221-3461.

Dated: September 18, 1975.

ANTHONY S. STASIO,
Chief Counsel for Advocacy, Small Business Administration.

[FR Doc.75-25569 Filed 9-24-75;8:45 am]

SAN DIEGO DISTRICT ADVISORY COUNCIL

Public Meeting

The Small Business Administration San Diego District Advisory Council will hold a public meeting at 3:30 p.m., Pacific Daylight Time, Wednesday, October 15, 1975 in the SBA Conference Room at 110 W. "C" Street, Suite 705, San Diego, California 92101, to discuss such business as may be presented by members, staff of the Small Business Administration, and others present.

For further information, write or call F. D. Sergent, 110 West "C" Street, Suite 705, San Diego, California 92101, (714) 293-5430.

Dated: September 17, 1975.

ANTHONY S. STASIO,
Chief Counsel for Advocacy, Small Business Administration.

[FR Doc.75-25570 Filed 9-24-75;8:45 am]

TAX/INVESTMENTS CONCEPTS, INC.

[License No. 06/06-0178]

Notice of Issuance of License to Operate as a Small Business Investment Company

On June 25, 1975, a notice was published in the FEDERAL REGISTER (40 FR 26738) stating that Tax/Investments Concepts, Inc., 2200 Classen Boulevard, Suite 550, Oklahoma City, Oklahoma 73106, had filed an application with the Small Business Administration (SBA), pursuant to Section 107.102 of the regulations governing small business investment companies (13 CFR 107.102 (1975)), for a license to operate as a small business investment company (SBIC).

Interested parties were given to the close of business July 10, 1975, to submit their written comments to SBA.

Notice is hereby given that, having considered the application and all other pertinent information, SBA has issued License No. 06/06-0178 to Tax/Investments Concepts, Inc., pursuant to Sec-

tion 301(c) of the Small Business Investment Act of 1958, as amended.

Dated: September 16, 1975.

JAMES THOMAS PHELAN,
Deputy Associate Administrator for Investment.

[FR Doc.75-25575 Filed 9-24-75;8:45 am]

[Declaration of Disaster Loan Area #1176]

WEST VIRGINIA

Declaration of Disaster Area

As a result of the President's declaration, I find that Marshall, Ohio, and adjacent counties within the State of West Virginia, constitute a disaster area because of damage resulting from heavy rains and flooding beginning about August 31, 1975. Eligible persons, firms, and organizations may file applications for loans for physical damage until the close of business on November 13, 1975, and for economic injury until the close of business on June 12, 1976, at:

Small Business Administration, District Office, 109 North Third Street, Clarksburg, W. Va. 26301.

or other locally announced locations.

Dated: September 16, 1975.

THOMAS S. KLEPPE,
Administrator.

[FR Doc.75-25572 Filed 9-24-75;8:45 am]

[Declaration of Disaster Loan Area #1177]

WISCONSIN

Declaration of Disaster Area

As a result of the President's declaration I find that Buffalo, Pepin, Pierce, and Trempealeau, and adjacent counties within the State of Wisconsin, constitute a disaster area because of damage resulting from heavy rains, tornadoes and flash flooding beginning about August 21, 1975. Eligible persons, firms, and organizations may file applications for loans for physical damage until the close of business on November 14, 1975, and for economic injury until the close of business on June 15, 1976, at:

Small Business Administration, District Office, 122 West Washington Avenue, Room 713, Madison, Wisconsin 53703.

or other locally announced locations.

Dated: September 18, 1975.

THOMAS S. KLEPPE,
Administrator.

[FR Doc.75-25573 Filed 9-24-75;8:45 am]

VETERANS ADMINISTRATION

ADMINISTRATOR'S EDUCATION AND REHABILITATION ADVISORY COMMITTEE

Meeting

The Veterans Administration gives notice that a meeting of the Administrator's Education and Rehabilitation Advisory Committee, authorized by section 1792, title 38, United States Code, will be held at the Veterans Administration Central Office, 810 Vermont Avenue NW., Washington, D.C., on October 17, 1975, at 9:30 a.m. The meeting will be for the purposes of reviewing the Veterans Administration's educational program and actions taken to eliminate program abuse.

The meeting will be open to the public up to the seating capacity of the conference room. Because of the limited seating capacity and the need for building security, it will be necessary for those wishing to attend to contact Mr. C. L. Dollarhide, Deputy Director, Education and Rehabilitation Service, Veterans Administration Central Office (phone 202-389-2152), prior to October 14.

Any interested person may attend, appear before, or file statements with the committee—which statements, if in written form, may be filed before or after the meeting, or, if oral, at the time and in the manner permitted by the committee.

Dated: September 18, 1975.

[SEAL] R. L. ROUDEBUSH,
Administrator.

[FR Doc.75-25501 Filed 9-24-75;8:45 am]

VETERANS ADMINISTRATION WAGE COMMITTEE

Meetings

Pursuant to the provisions of section 10 of Public Law 92-463, notice is hereby given that meetings of the Veterans Administration Wage Committee will be held on:

Thursday, October 9, 1975
Thursday, October 23, 1975
Thursday, November 6, 1975
Thursday, November 20, 1975
Thursday, December 4, 1975
Thursday, December 18, 1975

The meetings will convene at 2:30 p.m. and will be held in Room 1144C, Veterans Administration Central Office, 810 Vermont Avenue NW., Washington, D.C.

The Committee's primary responsibility is to consider and make recommendations to the Chief Medical Director, Department of Medicine and Surgery, on all matters involved in the development and authorization of wage rate schedules for Federal Wage System employees.

At these scheduled meetings, the Committee will consider wage survey specifications, wage survey data, local committee reports and recommendations, statistical analyses, and proposed wage schedules derived therefrom.

Under the provisions of section 10(d) of Public Law 92-463, the Federal Advisory Committee Act, meetings may be closed to the public when they are concerned with matters listed under section 552(b), Title 5, United States Code. Two of the matters so listed are those related solely to the internal personnel rules and practices of an agency (5 USC 552(b)(2)), and those involving trade secrets and commercial or financial information obtained from a person privileged or confidential (5 USC 552(b)(4)).

Accordingly, I hereby determine that the meetings cited above will be closed to the public because the matters considered are related to the internal rules and practices of the Veterans Administration (5 USC 552(b)(2)), and the detailed wage data considered by the Committee during its meetings have been obtained from officials of private establishments with a guarantee that the data will be held in confidence (5 USC 552(b)(4)).

However, members of the public who wish to do so are invited to submit material in writing to the Chairman regarding matters believed to be deserving of the Committee's attention. Additional information concerning these meetings may be obtained by contacting the Chairman, Veterans Administration Wage Committee, Room 1175, 810 Vermont Avenue NW., Washington, D.C.

Dated: September 18, 1975.

[SEAL] R. L. ROUDEBUSH,
Administrator.

[FR Doc.75-25500 Filed 9-24-75;8:45 am]

DEPARTMENT OF LABOR

Office of the Secretary

[TA-W-149]

ABSOCOLD, INC.

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On September 15, 1975, the Department of Labor received a petition filed under Section 221(a) of the Trade Act of 1974 ("the Act") by the United Furniture Workers of America on behalf of the workers and former workers of Absocold, Incorporated, Ionia, Michigan (TA-W-149). Accordingly, the Acting Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted an investigation as provided in Section 221(a) of the Act and 29 CFR 90.12.

The purpose of the investigation is to determine whether absolute or relative increases of imports of articles like or directly competitive with compact refrigerators produced by Absocold, Incorporated or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision. The investigation will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved. A group meeting the eligibility requirements of Section 222 of the Act will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90.

Pursuant to 29 CFR 90.13, the petitioner or any other person showing a substantial interest in the subject matter of the investigation may request a public hearing, provided such request is filed in

writing with the Acting Director, Office of Trade Adjustment Assistance, at the address shown below, not later than October 6, 1975.

The petition filed in this case is available for inspection at the Office of the Acting Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 3rd St. and Constitution Ave. NW., Washington, D.C. 20210.

Signed at Washington, D.C. this 16th day of September 1975.

MARVIN M. FOOKS,
Acting Director, Office of Trade Adjustment Assistance.

[FR Doc.75-25492 Filed 9-24-75;8:45 am]

[TA-W-81]

FLORSHEIM SHOE CO.

Certification Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-81; investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in Section 222 of the Act.

The investigation was initiated on July 14, 1975, in response to a worker petition received on July 11, 1975, which was filed by the Boot and Shoe Workers Union on behalf of workers formerly producing women's footwear at the New Athens, Illinois plant of Florsheim Shoe Company, Chicago, Illinois.

The notice of investigation was published in the FEDERAL REGISTER (40 FR 30765) on July 22, 1975. No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of Florsheim Shoe Company, its customers, U.S. International Trade Commission, U.S. Department of Commerce, American Footwear Association, industry analysts, and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of Section 222 of the Trade Act of 1974 must be met:

(1) That a significant number or proportion of the workers in such workers' firm or an appropriate subdivision of the firm have become totally or partially separated, or are threatened to become totally or partially separated.

(2) That sales or production, or both, of such firm or subdivision have decreased absolutely; and

(3) That increases of imports of articles like or directly competitive with articles produced by such workers' firm or an appropriate subdivision thereof contributed importantly to such total or partial separation, or threat thereof, and to such decline in sales or production.

For purposes of paragraph (3), the term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

SIGNIFICANT TOTAL OR PARTIAL SEPARATIONS

Employment at the New Athens plant declined 31 percent from the third quarter of 1974 to the fourth quarter of 1974. All employment at the plant was terminated in December 1974.

SALES OR PRODUCTION, OR BOTH, HAVE DECREASED ABSOLUTELY

Florsheim group sales of women's footwear declined 31 percent in the fourth quarter of 1974 from the same period in 1973. After increasing 26 percent from the second quarter of 1974 to the third quarter of 1974, production at the New Athens plant declined sharply in the fourth quarter of the year. The plant closed in December 1974.

INCREASED IMPORTS CONTRIBUTED IMPORTANTLY

Imports of articles like or directly competitive with footwear produced at Florsheim's New Athens plant increased from 167 million pairs in 1970 to 189 million pairs in 1974. The ratios of imports to domestic consumption and production increased from 47 percent and 90 percent respectively in 1972, to 52 percent and 110 percent respectively in 1974.

The evidence developed in the Department's investigation indicates that the separation of workers engaged in employment related to the production of women's footwear at New Athens was caused by the increase of competitive imports. The company was forced to close because it could not compete at a profitable level with imports.

CONCLUSION

After careful review of the facts obtained in the investigation, I conclude that increases of imports like or directly competitive with women's footwear produced at the New Athens, Illinois plant of Florsheim Shoe Company contributed importantly to the total or partial separation of the workers of that plant. Section 223(b)(2) of the Trade Act of 1974 provides that a certification of eligibility to apply for worker adjustment assistance may not apply to any worker last separated from the firm or subdivision more than six months before April 3, 1975, the effective date of the new program. In accordance with this provision of the Act I make the following certification:

All hourly, piecework, and salaried workers employed at the New Athens, Illinois plant of Florsheim Shoe Company who became totally or partially separated from employment on or after October 3, 1974, are eligible to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C. this 15th day of September 1975.

GLORIA G. PRATT,
Director, Office of Foreign Economic Policy.

[FR Doc.75-25490 Filed 9-24-75;8:45 am]

[TA-W-143]

LEBOW BROTHERS, INC.

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On September 15, 1975, the Department of Labor received a petition filed under Section 221(a) of the Trade Act of 1974 ("the Act") on behalf of the workers and former workers of Lebow Brothers, Incorporated, Baltimore, Maryland, a subsidiary of After Six, Incorporated, Philadelphia, Pennsylvania (TA-W-143). Accordingly, the Acting Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted an investigation as provided in Section 221(a) of the Act and 29 CFR 90.12.

The purpose of the investigation is to determine whether absolute or relative increases of imports of articles like or directly competitive with men's suits, sportcoats, and pants produced by Lebow Brothers, Incorporated or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision. The investigation will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved. A group meeting the eligibility requirements of Section 222 of the Act will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90.

Pursuant to 29 CFR 90.13, the petitioner or any other person showing a substantial interest in the subject matter of the investigation may request a public hearing, provided such request is filed in writing with the Acting Director, Office of Trade Adjustment Assistance, at the address shown below, not later than October 6, 1975.

The petition filed in this case is available for inspection at the Office of the Acting Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 3rd St. and Constitution Ave. NW., Washington, D.C. 20210.

Signed at Washington, D.C. this 16th day of September 1975.

MARVIN M. FOOKS,
Acting Director, Office of Trade Adjustment Assistance.

[FR Doc.75-25493 Filed 9-24-75;8:45 am]

[TA-W-80]

PROGRESSIVE SERVICE CO.

Negative Determination Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with section 223 of the Trade Act of 1974 the Department of

Labor herein presents the results of TA-W-80: investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in section 222 of the Act.

The investigation was initiated on July 14, 1975, in response to a worker petition received on July 11, 1975, which was filed by the International Association of Machinists (AFL-CIO) on behalf of workers formerly producing shoe cutting dies at the St. Louis, Missouri plant of Progressive Service Company.

The notice of investigation was published in the FEDERAL REGISTER (40 FR 30767) on July 22, 1975. No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of Progressive Service Company, the U.S. International Trade Commission, the U.S. Department of Commerce, and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of section 222 of the Trade Act of 1974 must be met:

(1) That a significant number or proportion of the workers in such workers' firm or an appropriate subdivision of the firm have become totally or partially separated, or are threatened to become totally or partially separated,

(2) That sales or production, or both, of such firm or subdivision have decreased absolutely, and

(3) That increases of imports of articles like or directly competitive with articles produced by such workers' firm or an appropriate subdivision thereof contributed importantly to such total or partial separation, or threat thereof, and to such decline in sales or production.

For purposes of paragraph (3), the term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

Significant Total or Partial Separations

Employment in the first six months of 1975 decreased 1.5 percent from the same period in 1974. Average hours worked in the first six months of 1975 were 2.5 percent below the average level of hours worked in the first six months of 1974.

Sales or Production, or Both, Have Decreased Absolutely

Sales at the St. Louis plant declined 1 percent from 1973 to 1974. Sales declined 5 percent in the first half of 1975 compared to the first half of 1974.

Increased Imports Contributed Importantly

While imports of articles like or directly competitive with those produced at Progressive Service Company increased from 2,300 units in 1973 to 2,700 units in 1974, they have been an insignificant factor in the U.S. market, comprising less than two tenths of one percent of total domestic consumption and production during the period.

Increased imports of shoes and decreases in total domestic production of footwear have resulted in reduced demand for domestically produced shoe cutting dies. Reduced orders for shoe cutting dies resulted from decreased purchases due to declining shoe production rather than increases of imports of shoe cutting dies.

Conclusion

After careful review of the facts obtained in the investigation, I conclude that increases of imports like or directly competitive with shoe cutting dies produced at Progressive's St. Louis, Missouri plant did not contribute importantly to the total or partial separations of the workers at such plant.

Signed at Washington, D.C., this 12th day of September 1975.

GLORIA G. PRATT,
Director, Office of Foreign Economic Policy.

[FR Doc.75-25491 Filed 9-24-75;8:45 am]

[TA-W-144]

ROGERS FLIES AND LURERS

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On September 15, 1975, the Department of Labor received a petition filed under section 221(a) of the Trade Act of 1974 ("the Act") on behalf of the workers and former workers of Rogers Flies and Lurers, Lamar, Missouri, a subdivision of G & R Industries, Purdy, Missouri (TA-W-144). Accordingly, the Acting Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted an investigation as provided in section 221 (a) of the Act and 29 CFR 90.12.

The purpose of the investigation is to determine whether absolute or relative increases of imports of articles like or directly competitive with crappie stopper and spinner baits produced by Rogers Flies and Lurers or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firms or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision. The investigation will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved. A group meeting the eligibility requirements of section 222 of the Act will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90.

Pursuant to 29 CFR 90.13, the petitioner or any other person showing a substantial interest in the subject matter of the investigation may request a public hearing, provided such request is filed in writing with the Acting Director, Office of Trade Adjustment Assistance, at the address shown below, not later than October 6, 1975.

The petition filed in this case is available for inspection at the Office of the Acting Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 3rd St. and Constitution Ave., NW., Washington, D.C. 20210.

Signed at Washington, D.C., this 16th day of September 1975.

MARVIN M. FOOKS,
Acting Director, Office of Trade Adjustment Assistance.

[FR Doc.75-25494 Filed 9-24-75;8:45 am]

[TA-W-147]

ST. MARYS CARBON CO.

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On September 15, 1975, the Department of Labor received a petition filed under section 221(a) of the Trade Act of 1974 ("the Act") by the International Union of Electrical, Radio, and Machine Workers on behalf of the workers and former workers of St. Marys Carbon Company, St. Marys, Pennsylvania (TA-W-147). Accordingly, the Acting Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted an investigation as provided in section 221(a) of the Act and 29 CFR 90.12.

The purpose of the investigation is to determine whether absolute or relative increases of imports of articles like or directly competitive with automotive starter and generator replacement brushes produced by St. Marys Carbon Company or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision. The investigation will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved. A group meeting the eligibility requirements of section 222 of the Act will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90.

Pursuant to 29 CFR 90.13, the petitioner or any other person showing a substantial interest in the subject matter of the investigation may request a public hearing, provided such request is filed in writing with the Acting Director, Office of Trade Adjustment Assistance, at the address shown below, not later than October 6, 1975.

The petition filed in this case is available for inspection at the Office of the Acting Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 3rd St. and Constitution Ave., NW., Washington, D.C. 20210.

Signed at Washington, D.C. this 16th day of September 1975.

MARVIN M. FOOKS,
Acting Director, Office of Trade Adjustment Assistance.

[FR Doc.75-25495 Filed 9-24-75;8:45 am]

[TA-W-150]

STACKPOLE CARBON CO.

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On September 15, 1975, the Department of Labor received a petition filed under section 221(a) of the Trade Act of 1974 ("the Act") by the International Union of Electrical, Radio, and Machine Workers on behalf of the workers and former workers of Stackpole Carbon Company, Kane, Pennsylvania (TA-W-150). Accordingly, the Acting Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted an investigation as provided in section 221(a) of the Act and 29 CFR 90.12.

The purpose of the investigation is to determine whether absolute or relative increases of imports of articles like or directly competitive with resistors, ferrites, brushes, and anodes produced by Stackpole Carbon Company or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision. The investigation will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved. A group meeting the eligibility requirements of section 222 of the Act will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90.

Pursuant to 29 CFR 90.13, the petitioner or any other person showing a substantial interest in the subject matter of the investigation may request a public hearing, provided such request is filed in writing with the Acting Director, Office of Trade Adjustment Assistance, at the address shown below, not later than October 6, 1975.

The petition filed in this case is available for inspection at the Office of the Acting Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 3rd St. and Constitution Ave., NW., Washington, D.C. 20210.

Signed at Washington, D.C., this 16th day of September 1975.

MARVIN M. FOOKS,
Acting Director, Office of Trade Adjustment Assistance.

[FR Doc.75-25496 Filed 9-24-75;8:45 am]

[TA-W-145]

STILLWATER ASSOCIATES

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On September 15, 1975, the Department of Labor received a petition filed under section 221(a) of the Trade Act of 1974 ("the Act") on behalf of the workers and former workers of Stillwater Associates, East Freetown, Massachusetts, a division of Pneumo Corporation, Boston, Massachusetts (TA-W-145). Accordingly, the Acting Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted an investigation as provided in section 221(a) of the Act and 29 CFR 90.12.

The purpose of the investigation is to determine whether absolute or relative increases of imports of articles like or directly competitive with stainless steel fasteners produced by Stillwater Associates or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision. The investigation will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved. A group meeting the eligibility requirements of section 222 of the Act will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90.

Pursuant to 29 CFR 90.13, the petitioner or any other person showing a substantial interest in the subject matter of the investigation may request a public hearing, provided such request is filed in writing with the Acting Director, Office of Trade Adjustment Assistance, at the address shown below, not later than October 6, 1975.

The petition filed in this case is available for inspection at the Office of the Acting Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 3rd St. and Constitution Ave., NW., Washington, D.C. 20210.

Signed at Washington, D.C., this 16th day of September 1975.

MARVIN M. FOOKS,
Acting Director, Office of Trade Adjustment Assistance.

[FR Doc.75-25497 Filed 9-24-75;8:45 am]

[TA-W-146]

WILSON SPORTING GOODS CO.

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On September 15, 1975, the Department of Labor received a petition filed under section 221(a) of the Trade Act of 1974 ("the Act") by the United Shoe Workers of America on behalf of the workers and former workers of Milwaukee Wisconsin plant of Wilson Sporting Goods Company, River Grove, Illinois (TA-W-146). Accordingly, the Acting Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted an investigation as provided in section 221(a) of the Act and 29 CFR 90.12.

The purpose of the investigation is to determine whether absolute or relative increases of imports of articles like or directly competitive with athletic footwear produced by Wilson Sporting Goods Company or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision. The investigation will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved. A group meeting the eligibility requirements of section 222 of the Act will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90.

Pursuant to 29 CFR 90.13, the petitioner or any other person showing a substantial interest in the subject matter of the investigation may request a public hearing, provided such request is filed in writing with the Acting Director, Office of Trade Adjustment Assistance, at the address shown below, not later than October 6, 1975.

The petition filed in this case is available for inspection at the Office of the Acting Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 3rd St. and Constitution Ave., NW., Washington, D.C. 20210.

Signed at Washington, D.C., this 16th day of September 1975.

MARVIN M. FOOKS,
Acting Director, Office of Trade Adjustment Assistance.

[FR Doc.75-25498 Filed 9-24-75;8:45 am]

Office of the Secretary

[TA-W-148]

BILLIG SHOE CO.

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On September 15, 1975, the Department of Labor received a petition filed under Section 221(a) of the Trade Act of 1974 ("the Act") by the United Shoe Workers of America on behalf of the workers and former workers of Billig Shoe Company, Peckville, Pennsylvania, a subdivision of E.V.Y. Footwear Company, New York, New York (TA-W-148). Accordingly, the Acting Director, Office

of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted an investigation as provided in Section 221(a) of the Act and 29 CFR 90.12.

The purpose of the investigation is to determine whether absolute or relative increases of imports of articles like or directly competitive with women's footwear produced by Billig Shoe Company or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision. The investigation will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved. A group meeting the eligibility requirements of Section 222 of the Act will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90.

Pursuant to 29 CFR 90.13, the petitioner or any other person showing a substantial interest in the subject matter of the investigation may request a public hearing, provided such request is filed in writing with the Acting Director, Office of Trade Adjustment Assistance, at the address shown below, not later than October 6, 1975.

The petition filed in this case is available for inspection at the Office of the Acting Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 3rd St. and Constitution Ave. NW., Washington, D.C. 20210.

Signed at Washington, D.C. this 16th day of September 1975.

MARVIN M. FOOKS,
Acting Director, Office of Trade Adjustment Assistance.

[FR Doc.75-25665 Filed 9-24-75;8:45 am]

[TA-W-151]

GTE SYLVANIA, INC.

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On September 15, 1975, the Department of Labor received a petition filed under Section 221(a) of the Trade Act of 1974 ("the Act") by the International Union of Electrical, Radio and Machine Workers on behalf of the workers and former workers of GTE Sylvania, Incorporated, Batavia, New York (TA-W-151). Accordingly, the Acting Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted an investigation as provided in Section 221(a) of the Act and 29 CFR 90.12.

The purpose of the investigation is to determine whether absolute or relative increases of imports of articles like or directly competitive with black and white television sets produced by GTE Sylvania, Incorporated or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision. The investigation will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved. A group meeting the eligibility requirements of Section 222 of the Act will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90.

Pursuant to 29 CFR 90.13, the petitioner or any other person showing a substantial interest in the subject matter of the investigation may request a public hearing, provided such request is filed in writing with the Acting Director, Office of Trade Adjustment Assistance, at the address shown below, not later than October 6, 1975.

The petition filed in this case is available for inspection at the Office of the Acting Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 3rd St. and Constitution Ave. NW., Washington, D.C. 20210.

Signed at Washington, D.C. this 16th day of September 1975.

MARVIN M. FOOKS,
Acting Director, Office of Trade Adjustment Assistance.

[FR Doc.75-25666 Filed 9-24-75;8:45 am]

[TA-W-152]

MICHIGAN PLATING AND STAMPING CO.

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On September 15, 1975, the Department of Labor received a petition filed under Section 221(a) of the Trade Act of 1974 ("the Act") by the United Auto Workers on behalf of the workers and former workers of Michigan Plating and Stamping Company, a division of Gulf and Western Manufacturing Company, Grand Rapids, Michigan (TA-W-152). Accordingly, the Acting Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted an investigation as provided in Section 221(a) of the Act and 29 CFR 90.12.

The purpose of the investigation is to determine whether absolute or relative increases of imports of articles like or directly competitive with automobile bumpers produced by Michigan Plating and Stamping Company or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision. The investigation will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved. A group meeting the eligibility requirements of Section 222 of the Act will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90.

Pursuant to 29 CFR 90.13, the petitioner or any other person showing a substantial interest in the subject matter of the investigation may request a public hearing, provided such request is filed in writing with the Acting Director, Office of Trade Adjustment Assistance, at the address shown below, not later than October 6, 1975.

The petition filed in this case is available for inspection at the Office of the Acting Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 3rd St. and Constitution Ave. NW., Washington, D.C. 20210.

Signed at Washington, D.C. this 16th day of September 1975.

MARVIN M. FOOKS,
Acting Director, Office of Trade Adjustment Assistance.

[FR Doc.75-25667 Filed 9-24-75;8:45 am]

LEGAL SERVICES CORPORATION

BOARD OF DIRECTORS

Meeting

The next meeting of the Board of Directors of the Legal Services Corporation will be held on October 4 and 5, 1975, in Room 426 of the Cloyd Heck Marvin Center of George Washington University. The Marvin Center is located at 800 21st Street NW., Washington, D.C. (Enter at 21st Street).

The meetings will begin at 12:15 p.m. on Saturday October 4, 1975, and 9:00 a.m. on Sunday, October 5, 1975, and will be for the purpose of considering reports from the Committee on Administration, the Committee on Presidential Search, the Committee on By-laws and Regulations, the Committee on Appropriations and Audit, and recommendations to the Board with respect to alternative delivery systems, state advisory councils and the orderly continuation of support center activities.

Dated: September 24, 1975.

ROGER C. CRAMTON,
Chairman.

[FR Doc.75-25820 Filed 9-24-75;11:41 am]

COMMITTEE ON BY-LAWS AND REGULATIONS

Meeting

The next meeting of the Committee on By-laws and Regulations of the Board of Directors of the Legal Services Corporation will be held on Saturday, October 4, 1975, in the New York Room (Second Floor) of the Statler Hilton Hotel at 16th and K Streets NW., Washington, D.C.

The meeting will begin at 9:00 a.m. and will be for the purpose of considering proposed by-laws which were printed in the FEDERAL REGISTER on August 11, 1975 (40 FR 33751-55), and comments filed with the Corporation after September 8, 1975, and before September 11, 1975; considering proposed Freedom of Information Act regulations which were printed in the FEDERAL REGISTER on September 12, 1975 (40 FR 42374-77), and comments filed with the corporation on or before date of meeting; and discussing Committee staffing arrangements and a schedule for issuing future regulations.

Dated: September 24, 1975.

ROGER C. CRAMTON,
Chairman.

[FR Doc.75-25821 Filed 9-24-75;11:41 am]

COMMITTEE ON APPROPRIATIONS AND AUDIT

Meeting

SEPTEMBER 24, 1975.

The next meeting of the Committee on Appropriations and Audit of the Board of Directors of the Legal Services Corporation will be held on Saturday, October 4, 1975, in Room 426 of the Cloyd Heck Marvin Center of George Washington University. The Marvin Center is located at 800 21st Street NW., Washington, D.C. (Enter at 21st Street)

The meeting will begin at 9:00 a.m. and will be for the purpose of considering the selection of a Comptroller for the Corporation and discussing the FY 1976 appropriation, the FY 1976 supplemental appropriation request and the status of the FY 1977 budget justification.

ROGER C. CRAMTON,
Chairman.

[FR Doc.75-25822 Filed 9-24-75;11:41 am]

INTERSTATE COMMERCE COMMISSION

[Notice No. 864]

ASSIGNMENT OF HEARINGS

SEPTEMBER 22, 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 126899 Sub 82, Usher Transport, Inc., now assigned September 26, 1975, at Chicago, Ill., is canceled and application is dismissed.

MC-C-7925, Southeastern Freight Lines, et Al-V-Crescent Motor Line, Inc., now assigned October 22, 1975 at Columbia, S.C.; will be held in the Municipal Courthouse, Courtroom 4, 2nd Floor, 811 Washington Street.

MC 130279, Four Winds Travel, Inc., now assigned November 19, 1975 at New York, N.Y. is postponed indefinitely.

MC 125777 Sub-147, Jack Gray Transport, Inc., MC 125777 Sub-149, Jack Gray Transport, Inc., and MC 125777 Sub-153, Jack Gray Transport, Inc., now being assigned December 2, 1975, at the Offices of the Interstate Commerce Commission, Washington, D.C.

MC 135414 Sub-2, Langer Truck Line, Inc., now assigned October 21, 1975, at Springfield, Mo., will be held in Room B-25B, Missouri State Capitol Building.

MC-C-8555, S. & C. Corporation, d.b.a. Piedmont Tours, Mrs. Charles Hodgens, Individual, d.b.a. Tour of the Month Club, now assigned October 24, 1975, at Columbia, S.C., will be held in Courtroom 4, 2nd Floor Municipal Courthouse, 811 Washington Street.

MC 19227 Subs-207 & 209, Leonard Bros. Trucking Co., Inc., now being assigned November 10, 1975 (1 day) at Denver, Colorado; in Room 587 5th Floor, U.S. Federal Building & Courthouse, 19th & Stout Streets.

MC 139973 Sub-3, J. H. Ware Trucking, Inc., now assigned November 11, 1975 at Washington, D.C. is canceled and application dismissed.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.75-25674 Filed 9-24-75;8:45 am]

[Notice No. 865]

ASSIGNMENT OF HEARINGS

SEPTEMBER 22, 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.

Correction

MC-F-12333, Ehrlich-Newmark Trucking Co., Inc.—Purch. (Port.)—Empire Carriers Corporation (Alfred A. Rosenberg, Trustee), MC-F-12334, Tredways Express, Inc.—Purch. (Port.)—Empire Carriers Corporation, MC-F-12345, Hempstead Delivery Co., Inc.—Purch. (Port.)—Empire Carriers Corporation, MC 3497[illegible] Sub-9, Tredways Express, Inc., and *directly related cases MC 76065 Sub-24, Ehrlich-Newmark Trucking Co., Inc. and MC 121393 Sub-5, Hempstead Delivery Co., Inc.*, now assigned October 6, 1975 at New York, New York, will be held in Room A-238, U.S. Court of Claims, 26 Federal Plaza. The directly related cases (*underscored*) were erroneously omitted from Notice No. 855, published September 16, 1975, page 42809.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.75-25673 Filed 9-24-75;8:45 am]

[Notice No. 84]

MOTOR CARRIER TRANSFER PROCEEDINGS

SEPTEMBER 25, 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-76100. By application filed September 16, 1975, JAMES M. GIBNEY, doing business as GIBNEY'S TRANSPORTATION, 1 Fourth Avenue, Haverhill, MA., 01830, seeks temporary authority to lease the operating rights of ALBERT E. HUSSEY, SR., doing business as RELIABLE AIR FREIGHT TRUCKING, 355 Bennington Street, East Boston, MA., 02128, under section 210a(b). The transfer to GIBNEY'S TRANSPORTATION, of the operating rights of RELIABLE AIR FREIGHT TRUCKING, is presently pending.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.75-25672 Filed 9-24-75;8:45 am]

[Notice No. 85]

MOTOR CARRIER BOARD TRANSFER PROCEEDINGS

SEPTEMBER 25, 1975.

Synopses of orders entered by the Motor Carrier Board of the Commission pursuant to Sections 212(b), 206(a), 211, 312(b), and 410(g) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 1132), appear below:

Each application (except as otherwise specifically noted) filed after March 27, 1972, contains a statement by applicants that there will be no significant effect on the quality of the human environment resulting from approval of the application. As provided in the Commission's Special Rules of Practice any interested person may file a petition seeking reconsideration of the following numbered proceedings on or before October 15, 1975. Pursuant to Section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC-76084. By order of September 19, 1975, the Motor Carrier Board approved the transfer to World Transport, Inc., Hanover, Mass., of Certificate of Registration No. MC 98589 (Sub-No. 1) issued by the Commission May 18, 1964, evidencing authority to perform a transportation service in interstate or foreign commerce corresponding in scope to the intrastate authority in Irregular Route Common Carrier Certificate No. 5282 issued by the Massachusetts Department of Public Utilities January 23, 1953, and reissued October 29, 1963. Kenneth B. Williams, Esq., 84 State Street, Boston, Mass. 02109.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.75-25671 Filed 9-24-75;8:45 am]

[Notice No. 86]

MOTOR CARRIER TRANSFER PROCEEDINGS

SEPTEMBER 25, 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-76007. By application filed September 18, 1975, CHARLES HARRIS & SONS TRANSPORT LIMITED, 1436 Plains Road, West P.O. Box 4, Burlington, Ontario, Canada, seeks temporary authority to lease the operating rights of KRAUS TRANSPORT LIMITED, 7215 Torbraum Road, Mississauga, Ontario, Canada, under section 210a(b). The transfer to CHARLES HARRIS & SONS TRANSPORT LIMITED, of the operating rights of KRAUS TRANSPORT LIMITED, is presently pending.

By the Commission.

ROBERT L. OSWALD, *Secretary.*

[FR Doc.75-25670 Filed 9-25-75;8:45 am]

[Notice No. 76]

MOTOR CARRIER, BROKER, WATER CARRIER AND FREIGHT FORWARDER APPLICATIONS

SEPTEMBER 19, 1975.

The following applications are governed by Special Rule 1100.247 of the Commission's general rules of practice (49 CFR, as amended), published in the FEDERAL REGISTER issue of April 20, 1966, effective May 20, 1966. These rules provide, among other things, that a protest to the granting of an application must

be filed with the Commission within 30 days after date of notice of filing of the application is published in the FEDERAL REGISTER. Failure seasonably to file a protest will be construed as a waiver of opposition and participation in the proceeding. A protest under these rules should comply with section 247(d)(3) of the rules of practice which requires that it set forth specifically the grounds upon which it is made, contain a detailed statement of protestant's interest in the proceeding (including a copy of the specific portions of its authority which protestant believes to be in conflict with that sought in the application, and describing in detail the method—whether by joinder, interline, or other means—by which protestant would use such authority to provide all or part of the service proposed), and shall specify with particularity the facts, matters, and things relied upon, but shall not include issues or allegations phrased generally. Protests not in reasonabe compliance with the requirements of the rules may be rejected. The original and one (1) copy of the protest shall be filed with the Commission, and a copy shall be served concurrently upon applicant's representative, or applicant if no representative is named. If the protest includes a request for oral hearing, such requests shall meet the requirements of section 247(d)(4) of the special rules, and shall include the certification required therein.

Section 247(f) of the Commission's rules of practice further provides that each applicant shall, if protests to its application have been filed, and within 60 days of the date of this publication, notify the Commission in writing (1) that it is ready to proceed and prosecute the application, or (2) that it wishes to withdraw the application, failure in which the application will be dismissed by the Commission.

Further processing steps (whether modified procedure, oral hearing, or other procedures) will be determined generally in accordance with the Commission's general policy statement concerning motor carrier licensing procedures, published in the FEDERAL REGISTER issue of May 3, 1966. This assignment will be by Commission order which will be served on each party of record. Broadening amendments will not be accepted after the date of this publication except for good cause shown, and restrictive amendments will not be entertained following publication in the FEDERAL REGISTER of a notice that the proceeding has been assigned for oral hearing.

Evidence respecting how equipment is expected to be returned to an origin point, as well as other data relating to operational feasibility (including the need for dead-head operations), must be presented as part of an applicant's initial evidentiary presentation (either at oral hearing or in its opening verified statement under the modified procedure)

[1] Copies of Special Rule 247 (as amended) can be obtained by writing to the Secretary, Interstate Commerce Commission, Washington, D.C. 20423.

with respect to all applications filed on or after December 1, 1973.

If an applicant states in its initial evidentiary presentation that empty or partially empty vehicle movements will result upon a grant of its application, applicant will be expected (1) to specify the extent of such empty operations, by mileages and the number of vehicles, that would be incurred, and (2) to designate where such empty vehicle operations will be conducted.

Each applicant (except as otherwise specifically noted) states that there will be no significant effect on the quality of the human environment resulting from approval of its application.

No. MC 2202 (Sub-No. 493), filed August 20, 1975. Applicant: ROADWAY EXPRESS, INC., 1077 Gorge Blvd., P.O. Box 471, Akron, Ohio 44309. Applicant's representative: William O. Turney, 2001 Massachusetts Ave. NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving the plantsite of KWS Manufacturing Co., Inc., located at or near Joshua, Tex., as an off-route point in connection with applicant's regular route operations.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Dallas, Tex., or Washington, D.C.

No. MC 2229 (Sub-No. 191), filed August 26, 1975. Applicant: RED BALL MOTOR FREIGHT, INC., 3177 Irving Blvd., P.O. Box 47407, Dallas, Tex. 75247. Applicant's representative: Gary L. Johnson (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving the plantsite and warehouse facilities of Potlatch Corporation located in Desha County, Ark., as an off-route point in conjunction with applicant's regular route operations.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Dallas, Tex., or Lewiston, Idaho.

No. MC 2770 (Sub-No. 17), filed August 27, 1975. Applicant: SANBORN'S MOTOR EXPRESS, INC., 550 Forest Avenue, Portland, Maine 04101. Applicant's representative: Mary E. Kelley, 11 Riverside Avenue, Medford, Mass. 02155. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment), between New York, N.Y., and Philadelphia, Pa., serving points in Burlington, Essex, Hudson, Middlesex, Monmouth, Mercer, Ocean, Bergen, Pacific, Somerset and Union Counties, N.J., as intermediate and off-route points: (A) from New York over U.S. Highway 1 to Philadelphia and return over the same route; and (B) from New York over U.S. Highway 1 to junction U.S. Highway 130, thence over U.S. Highway 130 to junction U.S. Highway 30, thence over U.S. Highway 30 to Philadelphia, and return over the same route.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Boston, Mass., or Portland, Maine.

No. MC 11722 (Sub-No. 46), filed August 22, 1975. Applicant: BRADER HAULING SERVICE, INC., P.O. Box 655, Zillah, Wash. 98953. Applicant's representative: Douglas A. Wilson, 303 East "D" Street, Yakima, Wash. 98901. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Containers or can ends;* and *sheet iron or steel*, (1) from Moses Lake, Wash., to points in Oregon and Idaho; and (2) from Walla Walla, Wash., to Seattle and Vancouver, Wash., restricted to traffic having a subsequent movement by water.

NOTE.—Applicant holds contract carrier authority in MC 124658 and subs thereunder, therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Seattle, Wash., or Portland, Oreg.

No. MC 20916 (Sub-No. 17), filed August 21, 1975. Applicant: JOHN T. SISK, Route 2, Box 182-B, Culpeper, Va. 22701. Applicant's representative: Frank B. Hand, Jr., P.O. Box 187, Berryville, Va. 22611. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Precast concrete, and precast concrete products*, from the facilities of Smith Cattleguard, Inc., at Midland, Va., to points in Indiana and Ohio.

NOTE.—Applicant holds contract carrier authority in MC 134427 and subs thereunder, therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 25708 (Sub-No. 27), filed August 25, 1975. Applicant: LANEY TANK LINES, INC., P.O. Box 2729, Chapel Hill, N.C. 27514. Applicant's representative: Francis W. McInerny, 1000 16th St. NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquefied petroleum gas*, between points in York County, S.C., on the one hand, and, on the other, points in Tennessee and Georgia.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Atlanta, Ga.

No. MC 25798 (Sub-No. 277), filed August 22, 1975. Applicant: CLAY HYDER TRUCKING LINES, INC., P.O. Box 1186, Auburndale, Fla. 33823. Applicant's representative: Tony G. Russell (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Tile and ceramic accessories and materials and supplies* used in the application thereof, from Lexington and

Mount Gilead, N.C., to points in Alabama, Arizona, California, Colorado, Florida, Idaho, Illinois, Indiana, Kentucky, Louisiana, Michigan, Minnesota, Mississippi, Missouri, Nevada, New Mexico, Ohio, Oregon, Tennessee, Texas, Utah, Washington, and Wisconsin.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at either Tampa, Fla., or Charlotte, N.C.

No. MC 28478 (Sub-No. 45), filed August 25, 1975. Applicant: GREAT LAKES EXPRESS CO., 1150 North Niagara Street, Saginaw, Mich. 48602. Applicant's representative: LaVerne L. Adsit (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Class A and B explosives, household goods, as defined by the Commission, commodities in bulk and those requiring special equipment), serving the plantsite and facilities of Western Electric Company located at the junction of New York Highway 422 and Maple Street, Elma Township, Erie County, N.Y., as an off-route point in conjunction with applicant's authorized regular route operations to and from Buffalo, N.Y.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Buffalo, N.Y. or Detroit, Mich.

No. MC 31389 (Sub-No. 205), filed August 21, 1975. Applicant: MCLEAN TRUCKING COMPANY, 617 Waughtown Street, P.O. Box 213, Winston-Salem, N.C. 27102. Applicant's representative: David F. Eshelman (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk and those requiring special equipment), serving the Allen Creek Nuclear Project of the Houston Lighting & Power Company, located at or near Wallis, Tex., as an off-route point in conjunction with applicant's regular route operations.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Houston, Tex., or Washington, D.C.

No. MC 32882 (Sub-No. 76), filed August 29, 1975. Applicant: MITCHELL BROS. TRUCK LINES, P.O. Box 17039, 3841 North Columbia Boulevard, Portland, Oreg. 97217. Applicant's representative: Norman E. Sutherland, 1200 Jackson Tower, Portland, Oreg. 97205. Author sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Contractors, construction and mining machinery, equipment and parts;* and (2) *materials* and supplies used in the manufacture and distribution of the commodities described in (1) above, between points in Bannock County, Idaho, on the one hand, and, on the other, points in Arizona, California, Colorado, Idaho, Montana, Nevada, New Mexico, Oregon, Utah, Washington, and Wyoming, restricted to traffic originating at or destined to the plantsites or warehouse facilities of Bucyrus-Erie Company located at or near Pocatello, Idaho.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Portland, Oreg. and Seattle, Wash.

No. MC 35628 (Sub-No. 375), filed August 27, 1975, Applicant: INTERSTATE MOTOR FREIGHT SYSTEM, 134 Grandville Ave. SW., Grand Rapids, Mich. 49502. Applicant's representative: Edward Malinzak, 900 Old Kent Bldg., Grand Rapids, Mich. 49502. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk and those requiring special equipment), serving the plant site and warehouse facilities of MacMillan Arts & Crafts, Inc., located at or near Savage, Md., as an off-route point in connection with carrier's existing regular-route operations.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Washington, D.C., or Philadelphia Pa.

No. MC 41406 (Sub-No. 51), filed August 21, 1975. Applicant: ARTIM TRANSPORTATION SYSTEM, INC., 7105 Kennedy Ave., P.O. Box 2176, Hammond, Ind. 46323. Applicant's representative: William J. Walsh (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission), between Southwind Maritime Centre, located at or near Mt. Vernon, Posey County, Ind., on the one hand, and, on the other, points in Indiana, Illinois, Kentucky, Ohio, Missouri, Arkansas, and Tennessee.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at either Chicago, Ill., Indianapolis, Ind., or Washington, D.C.

No. MC 42011 (Sub-No. 17), filed August 18, 1975. Applicant: D. Q. WISE & CO., INC., 13309 E. Apache St., P.O. Box 15125, Tulsa, Okla. 74115. Applicant's representative: James W. Hightower, 136 Wynnewood Professional Bldg., Dallas, Tex. 75224. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles*, from Liberty County, Tex., to points in Arkansas, Colorado, Illinois, Indiana, Iowa, Kansas, Louisiana, Michigan, Mississippi, Missouri, Montana, Nebraska, New Mexico, North Dakota, Oklahoma, Texas, Utah, Wisconsin, and Wyoming, restricted to traffic originating at the plant sites and warehouse facilities of National Pipe & Tube Co.

NOTE.—If a hearing is deemed necessary, applicant requests a consolidated hearing with other similar applications of H. J. Jeffries and Wales Transportation held at St. Louis, Mo.

No. MC 51146 (Sub-No. 444), filed August 25, 1975. Applicant: SCHNEIDER TRANSPORT, INC., 2661 South Broadway, Green Bay, Wis. 54304. Applicant's representative: Neil A. DuJardin, P.O. Box 2298, Green Bay, Wis. 54306. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Printed matter, publications, and exempted printed matter*, as described in Section 203(b)(7) of the Act, as amended, when transported at the same time and in the same vehicle with printed matter, (1) from the plant and warehouse facilities of Henry Wurst, Inc., located at or near North Kansas City, Mo., and the plant and warehouse facilities of Rigby Corporation located at or near Lenexa, Kans., to points in Omaha, Nebr., and points in Missouri, Illinois, Indiana, Iowa, Wisconsin, Minnesota, Ohio, Kentucky, West Virginia, Virginia, Maryland, Delaware, Pennsylvania, New Jersey, New York, Rhode Island, Connecticut, Michigan, Vermont, New Hampshire, Maine, Massachusetts, and the District of Columbia; and (2) from Omaha, Nebr., to points in the above destination states.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Chicago, Ill.

No. MC 51146 (Sub-No. 445), filed August 27, 1975. Applicant: SCHNEIDER TRANSPORT, INC., 2661 South Broadway, Green Bay, Wisc. 54304. Applicant's representative: Neil A. DuJardin, P.O. Box 2298, Green Bay, Wisc. 54306. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Plastic products*, from Watertown, Wisc., and Manchester and Monticello, Iowa, to points in the United States (except Alaska and Hawaii); and (2) *materials and supplies*, used in the manufacture and distribution of plastic products, from points in the United States (except Alaska and Hawaii), to Watertown, Wisc., and Manchester and Monticello, Iowa.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Chicago, Ill.

No. MC 52704 (Sub-No. 121), filed August 20, 1975. Applicant: GLENN McCLENDON TRUCKING COMPANY, INC., P.O. Drawer H, LaFayette, Ala. 36862. Applicant's representative: Archie B. Culbreth, 1252 West Peachtree St. NW., Suite 246, Atlanta, Ga. 30309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Glass containers and their equipment of caps and lids*, from Okmulgee, Okla., to points in Alabama, Arkansas, Georgia, Louisiana, Mississippi, North Carolina, and Tennessee.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga.

No. MC 59135 (Sub-No. 30), filed August 15, 1975. Applicant: RED STAR EXPRESS LINES OF AUBURN, INCORPORATED doing business as RED STAR EXPRESS LINES, 24–50 Wright Avenue, Auburn, N.Y. 13021. Applicant's representative: Leonard A. Jaskiewicz, 1730 M

Street NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except commodities in bulk, household goods as defined by the Commission, Classes A and B explosives; and those requiring special equipment), serving the plant site of Western Electric Company, Incorporated at the junction of New York Highway 422 and Maple Street, Elma Township (Erie County), N.Y., as an additional off-route point in connection with applicant's present regular route authority between Jamestown, and Troy, N.Y.

NOTE.—Applicant has authorized regular route authority between Jamestown and Troy, N.Y. as filed for reference in public docket. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at either Syracuse, N.Y. or Washington, D.C.

No. MC 59583 (Sub-No. 150), filed August 21, 1975. Applicant: THE MASON AND DIXON LINES, INCORPORATED, P.O. Box 969, Kingsport, Tenn. 37662. Applicant's representative: Robert G. Olterman, P.O. Box 343, Kingsport, Tenn. 37662. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Brick, and brick related masonry construction materials* (except commodities in bulk) from the plantsites and storage facilities of General Shale Products Corporation located at Cordova, Chattanooga, Johnson City, Kingsport, Knoxville and McMinnville, Tenn.; Coral Ridge, Ky.; Barnes, Marion and Glasgow, Va.; Cohutta, Ga.; Huntsville, Ala.; Evansville and Mooresville, Ind., to points in the United States in and east of Louisiana, Arkansas, Missouri, Iowa and Minnesota.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at either Knoxville, Tenn., or Washington, D.C.

No. MC 61592 (Sub-No. 364), filed August 20, 1975. Applicant: JENKINS TRUCK LINE, INC., P.O. Box 697, R.R. No. 3, Jeffersonville, Ind. 47130. Applicant's representative: E. A. DeVine, P.O. Box 737, 101 First Ave., Moline, Ill. 61265. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Pre-cut log and wood buildings*, knocked down, and *components, accessories, materials, and supplies* used in the manufacture, construction, installation and erection thereof, between the facilities of Real Log Homes at or near Missoula, Mont., on the one hand, and on the other, points in the United States, including Alaska, but excluding Hawaii.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at either Seattle, Wash., or Portland, Oreg.

No. MC 61788 (Sub-No. 33), filed August 29, 1975. Applicant: GEORGIA-FLORIDA-ALABAMA TRANSPORTATION COMPANY, 1541 Reeves St., P.O. Box 2268, Dothan, Ala. 36302. Applicant's representative: Maurice F. Bishop, 603 Frank Nelson Building, Birmingham, Ala. 35203. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment), between Mobile, Ala. and Biloxi, Miss. over U.S. Highway 90 and/or Interstate Highway 10, serving all intermediate points but serving Gulfport, Miss. as an off-route point.

NOTE.—The purpose of this application is to (1) convert the present irregular route authority between Bay Minette, Ala. and Biloxi, Miss. to regular route authority and (2) serve Gulfport, Miss. as an off-route point. Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at either Gulfport, Miss. or Mobile, Ala.

No. MC 82841 (Sub-No. 161), filed August 18, 1975. Applicant: HUNT TRANSPORTATION, INC., 10770 I Street, Omaha, Nebr. 68127. Applicant's representative: Donald L. Stern, 530 Univac Building, 7100 West Center Road, Omaha, Nebr. 68106. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles*, from the plantsite and warehouse facilities of Nucor Steel located at or near Jewett, Tex., to points in the United States (except Alaska and Hawaii).

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Dallas or Houston, Tex.

No. MC 83539 (Sub-No. 413), filed August 18, 1975. Applicant: C & H TRANSPORTATION CO., INC., 1936–2010 West Commerce Street, P.O. Box 5976, Dallas, Tex. 75222. Applicant's representative: Thomas E. James (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trailers*, in truckaway or tow-away service, from the plantsite and warehouse facilities of the J. H. Holland Co. located at or near Norman, Okla., to points in the United States including Alaska, but excluding Hawaii and Oklahoma.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at either Oklahoma City, Okla. or Dallas, Tex.

No. MC 87379 (Sub-No. 17) (Correction), filed July 17, 1975, published in the FEDERAL REGISTER issue of August 7, 1975, republished as corrected this issue. Applicant: C. H. HOOKER TRUCKING CO., 1475 Roanoke Avenue, P.O. Box 150, Uhrichsville, Ohio 44683. Applicant's representative: Boyd B. Ferris, 50 West Broad Street, Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Clay products* (except earthenware, pottery, stoneware, and chinaware), from Junction City, Ohio, to points in Alabama, Arkansas, Louisiana, Mississippi, Oklahoma, and Texas.

NOTE.—The purpose of this republication is to indicate the gateway as being Tuscarawas County, Ohio in lieu of Junction City, Ohio which was previously published in error. Applicant holds contract carrier authority in MC 126851 Subs 2 and 3, therefore dual operations may be involved. If a hearing is deemed necessary, the applicant requests it be held at either Columbus, Ohio or Washington, D.C.

No. MC 94201 (Sub-No. 135), filed August 6, 1975. Applicant: BOWMAN TRANSPORTATION, INC., P.O. Box 17744, Atlanta, Ga. 30316. Applicant's representative: Maurice F. Bishop, 601–09 Frank Nelson Building, Birmingham, Ala. 35203. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), Route 1: Between Atlanta, Ga. and Greenville, S.C.: (a) From Atlanta over Interstate Highway 85 and/or U.S. Highway 29 to Greenville, and return over the same route; and (b) From Atlanta over U.S. Highway 23 to Cornelia, Ga., thence over U.S. Highway 123 to Greenville, and return over the same route. Route 2: Between Athens, Ga. and Greenwood, S.C.: From Athens over Georgia Highway 72 to the Georgia-South Carolina State Boundary line, thence over South Carolina Highway 72 to Greenwood, and return over the same route. Route 3: Between Augusta, Ga. and Greenville, S.C.: From Augusta over U.S. Highway 25 to Greenville, and return over the same route. Route 4: Between Columbia, S.C. and Athens, Ga.: From Columbia, S.C. over U.S. Highway 378 to Washington, Ga., thence over U.S. Highway 78 to Athens, and return over the same route. Route 5: Between Augusta, Ga. and Charleston, S.C.: From Augusta over U.S. Highway 78 to Charleston, and return over the same route.

Route 6: Between Charleston, S.C. and Spartanburg, S.C.: (a) From Charleston over U.S. Highway 176 to Spartanburg, and return over the same route; and (b) From Charleston over Interstate Highway 26 to junction U.S. Highway 221, at or near Moore, S.C., thence over U.S. Highway 221 to Spartanburg, and return over the same route. Route 7: Between Columbia, S.C. and Greenville, S.C.: From Columbia over U.S. Highway 76 to Laurens, S.C., thence over U.S. Highway 221 to junction U.S. Highway 276, thence over U.S. Highway 276 to Greenville, and return over the same route. Route 8: Between Charleston, S.C. and Florence, S.C.: From Charleston over U.S. Highway 52 to Florence, and return over the same route. Route 9: Between Savannah, Ga. and Atlanta, Ga.: (A) from Savannah over U.S. Highway 80 to Macon, Ga., thence over U.S. Highways 41 and also 23 to Atlanta, and return over the same routes; and (b) From Savannah over Interstate Highway 16 to Macon, Ga., thence over Interstate Highway 75 to Atlanta, and return over the same route. Route 10: Between Augusta, Ga. and junction U.S. Highways

25 and 80, near Statesboro, Ga.: From Augusta over U.S. Highway 25 to junction U.S. Highway 80, near Statesboro, and return over the same route. Route 11: Between Adrian, Ga. and Atlanta, Ga.: From Adrian, over Georgia Highway 15 to Sandersville, Ga., thence over Georgia Highway 24 to junction Georgia Highway 22, thence over Georgia Highway 22 to Milledgeville, Ga., thence over U.S. Highway 441 to Madison, Ga., thence over U.S. Highway 278 and/or Interstate Highway 20 to Atlanta, and return over the same route.

Route 12: Between Macon, Ga. and Warrenton, Ga.: From Macon over Georgia Highway 49 to Milledgeville, Ga., thence over Georgia Highway 22 to Sparta, Ga., thence over Georgia Highway 16 to Warrenton, and return over the same route. Route 13: Between Atlanta, Ga., and Cedartown, Ga.: From Atlanta over U.S. Highway 278 to Cedartown, and return over the same route. Route 14: Between Rome, Ga. and junction U.S. Highway 411 and Interstate Highway 75, near Cartersville, Ga.: From Rome over U.S. Highway 411 to junction Interstate Highway 75, near Cartersville, and return over the same route. Route 15: Between Augusta, Ga. and Madison, Ga.: From Augusta over U.S. Highway 278 and/or Interstate Highway 20 to Madison, and return over the same route. Route 16: Between Augusta, Ga. and Athens, Ga.: From Augusta over U.S. Highway 78 to Athens, and return over the same route. Route 17: Between Cusseta, Ga. and Macon, Ga.: From Cusseta over Georgia Highway 26 to junction Georgia Highway 49, thence over Georgia Highway 49 to Macon, and return over the same route. Route 18: Between Atlanta, Ga. and the Georgia-Tennessee Boundary State Line: From Atlanta over U.S. Highway 41 and/or Interstate Highway 75 to the Georgia-Tennessee State Boundary line, and return over the same route. Route 18–A: Between Atlanta, Ga. and Birmingham, Ala.: From Atlanta over U.S. Highway 78 and/or Interstate Highway 20 to Birmingham, Ala. and return over the same route. Route 19: Between Greenville, S.C. and the South Carolina-North Carolina State Boundary Line: (a) From Greenville over U.S. Highway 25 to the South Carolina-North Carolina State Boundary Line, and return over the same route; and (b) From Greenville over U.S. Highway 29 and/or Interstate Highway 85 to the South Carolina-North Carolina State Boundary line, and return over the same route.

Route 20: Between Georgetown, S.C. and the South Carolina-North Carolina State Boundary Line: From Georgetown over U.S. Highway 701 to the South Carolina-North Carolina State Boundary line, and return over the same route. Route 21: Between Jacksonville, Fla. and the South Carolina-North Carolina State Boundary Line: From Jacksonville over U.S. Highway 17 to Savannah, Ga., thence over U.S. Highway 321 to Columbia, South Carolina, thence over U.S. Highway 21 to the South Carolina-North Carolina State Boundary line, and return over the same route. Route 22: Between Augusta, Ga. and the South Carolina-North Carolina State Boundary line: (a) From Augusta over U.S. Highway 1 to the South Carolina-North Carolina State Boundary line; and (b) From Augusta over U.S. Highway 25 to junction Interstate Highway 20, approximately 10 miles north of Augusta, thence over Interstate Highway 20 to Interstate Highway 95, near Florence, S.C., thence over Interstate Highway 95 to the South Carolina-North Carolina State Boundary line, and return over the same route. Route 23: Between Savannah, Ga. and the South Carolina-North Carolina State Boundary line: (a) From Savannah over U.S. Highways 17 and 17A to the South Carolina-North Carolina State Boundary line, and return over the same route; and (b) From Savannah over U.S. Highway 321 to junction Interstate 95, at or near Hardeeville, S.C., thence over Interstate 95 to the South Carolina-North Carolina State Boundary line, and return over the same route.

Route 24: Between Cedartown, Ga. and Mobile, Ala.: From Cedartown over U.S. Highway 278 to Piedmont, Ala., thence over Alabama Highway 21 to Talladega, Ala., thence over U.S. Highway 231 and/or 231–A to Montgomery, Ala., thence over Interstate Highway 65 and/or U.S. Highway 31 to Mobile, and return over the same route. Route 25: Between Cedartown, Ga. and Scottsboro, Ala.: From Cedartown over U.S. Highway 27 to Summerville, Ga., thence over Georgia Highway 48 to Alabama-Georgia State Boundary line, thence over Alabama Highway 117 to Hammondville, Ala., thence over Alabama Highway 40 to junction Alabama Highway 35, near Scottsboro, Ala., thence over Alabama Highway 35 to junction U.S. Highway 72, thence over U.S. Highway 72 to Scottsboro, and return over the same route. Route 26: Between Cedartown, Ga. and Brewton, Ala.: From Cedartown over U.S. Highway 27 to LaGrange, Ga., thence over U.S. Highway 29 to Brewton, and return over the same route. Route 27: Between Cedartown, Ga. and Montgomery, Ala.: From Cedartown over U.S. Highway 27 to junction Interstate Highway 85, at or near LaGrange, Ga., thence over Interstate Highway 85 to Montgomery, and return over the same route. Route 28: Between Cedartown, Ga. and Mobile, Ala.: From Cedartown over U.S. Highway 278 to Piedmont, Ala., thence over Alabama Highway 21 to junction U.S. Highway 78 and/or Interstate Highway 20, at or near Oxford, Ala., thence over U.S. Highway 78 and/or Interstate Highway 20 to junction U.S. Highway 231 at or near Pell City, Ala., thence over U.S. Highway 231 to Harpersville, Ala., thence over Alabama Highway 25 to junction Alabama Highway 5, at or near Centreville, Ala., thence over Alabama Highway 5 to junction U.S. Highway 43, near Thomasville, Ala., thence over U.S. Highway 43 to Mobile, and return over the same route.

Route 29: Between Tuscaloosa, Ala. and Mobile, Ala.: (a) From Tuscaloosa over U.S. Highway 11 to York, Ala., thence over Alabama Highway 17 to junction U.S. Highway 45 at a point approximately 1 mile north of Deer Park, Ala., thence over U.S. Highway 45 to Mobile, and return over the same route; and (b) From Tuscaloosa over U.S. Highway 43 to Mobile, and return over the same route. Route 30: Between Birmingham, Ala. and Tuscaloosa, Ala.: From Birmingham over U.S. Highway 11 and/or Interstate Highway 20 and Interstate Highway 59 to Tuscaloosa, and return over the same route. Route 31: Between Tuscaloosa, Ala. and Winfield, Ala.: From Tuscaloosa over U.S. Highway 43 to Winfield, and return over the same route. Route 31–A: Between Atlanta, Ga. and LaGrange, Ga.: From Atlanta over U.S. Highway 29 and/or Interstate Highway 85 to LaGrange and return over the same route. Route 32: Between Cullman, Ala. and Hamilton, Ala.: From Cullman over U.S. Highway 278 to Hamilton, and return over the same route. Route 33: Between Summerville, Ga. and Miami, Fla.: (a) From Summerville over U.S. Highway 27 to Carrollton, Ga., thence over U.S. Highway 27–A to junction Georgia Highway 16, near Newnan, Ga., thence over Georgia Highway 16 to junction U.S. Highway 41 at Griffin, Ga., thence over U.S. Highway 41 to Barnsville, Ga., thence over U.S. Highway 341 to junction Interstate Highway 75, at or near Perry, Ga., thence over Interstate Highway 75 to junction Florida Highway 44, near Wildwood, Fla., thence over Fla. Highway 44 to junction U.S. Highway 27, at or near Leesburg, Fla., thence over U.S. Highway 27 to Miami, and return over the same route; (b) From Summerville over the above-described route in 33(a) to junction Interstate Highway 75 and U.S. Highway 41 at or near Perry, Ga., thence over U.S. Highway 41 to junction U.S. Highway 441 at or near Lake City, Fla., thence over U.S. Highway 441 to Miami, Fla., and return over the same route; and (c) From Summerville over the above described routes in 33(a) and 33(b) to Griffin, Ga., thence over U.S. Highway 41 to Miami, Fla., and return over the same route.

Route 34: Between Summerville, Ga. and Tampa, Fla.: (a) From Summerville over U.S. Highway 27 to Carrollton, Ga., thence over U.S. Highway 27–A to junction Georgia Highway 16, near Newnan, Ga., thence over Georgia Highway 16 to junction U.S. Highway 41 at Griffin, Ga., thence over U.S. Highway 41 to Barnesville, Ga., thence over U.S. Highway 341 to junction Interstate Highway 75 at or near Perry, Ga., thence over Interstate Highway 75 to Tampa, and return over the same route; and (b) From Summerville over the above described route in 33(a) to Perry, Ga., thence over U.S. Highway 41 to Tampa, Fla., and return over the same route. Route 35: Between Summerville, Ga. and St. Petersburg, Fla.: From Summerville over the above described routes in 34 (a) and (b) to Tampa, Fla., thence over U.S. Highway 92 and/or Interstate Highway 4 to St. Petersburg, and return over the same route. Route 36: Between Cedartown, Ga. and St. Petersburg, Fla.: From Cedartown, Ga. over U.S. Highway 278 and

Atlanta, Ga., thence over U.S. Highway 19 to St. Petersburg, and return over the same route. Route 37: Between Summerville, Ga. and High Springs, Fla.: From Summerville over U.S. Highway 27 to High Springs, and return over the same route. Route 38: Between Summerville, Ga., and junction U.S. Highways 331 and 98 at a point approximately 27 miles east of Fort Walton Beach, Fla.: From Summerville over U.S. Highway 27 to junction Interstate Highway 85 at or near LaGrange, Ga., thence over Interstate Highway 85 to Montgomery, Ala., thence over U.S. Highway 331 to junction U.S. Highway 98 at a point approximately 27 miles east of Fort Walton Beach, and return over the same route.

Route 39: Between Summerville, Ga. and Jacksonville, Fla: From Summerville over U.S. Highway 27 to Cedartown, Ga., thence over U.S. Highway 278 to Atlanta, Ga., thence over U.S. Highways 23, 41 and/or Interstate Highway 75 to Macon, Ga., thence over U.S. Highway 23 to Jacksonville, and return over the same route, Route 40: Between Summerville, Ga. and Panama City, Fla.: (a) From Summerville over U.S. Highway 27 to junction Georgia Highway 100, approximately 3 miles south of Cedartown, Ga., thence over Georgia Highway 100 to junction U.S. Highway 78, thence over U.S. Highway 78 to Heflin, Ala., thence over Alabama Highway 9 to junction U.S. Highway 231, near Wetumpka, Ala., thence over U.S. Highway 231 to Panama City, and return over the same route; and (b) From Summerville over U.S. Highway 27 to Columbus, Ga., thence over U.S. Highway 431 to Dothan, Ala., thence over U.S. Highway 231 to Panama City, and return over the same route. Route 41: Between Birmingham, Ala. and Lake City, Fla.: From Birmingham over U.S. Highway 280 to Cusseta, Ga., thence over Georgia Highway 55 to Albany, Ga., thence over U.S. Highway 82 to Tifton, Ga., thence over U.S. Highway 41 and/or Interstate Highway 75 to Lake City, and return over the same route. Route 42: Between Decatur, Ala. and Pensacola, Fla.: (a) From Decatur over U.S. Highway 31 to Flomaton, Ala., thence over U.S. Highway 29 to Pensacola, and return over the same route. (b) From Decatur over Interstate Highway 65 to junction Alabama Highway 21, near Atmore, Ala., thence over Alabama Highway 21 to junction Florida Highway 97 at the Alabama-Florida State Boundary line, thence over Florida Highway 97 to junction U.S. Highway 29, thence over U.S. Highway 29 to Pensacola, and return over the same route. (c) From Decatur over the above described routes in 42 (a) and (b) to Evergreen, Ala., thence over U.S. Highway 31 to Brewton, Ala., thence over U.S. Highway 29 to Pensacola, and return over the same route; and (d) From Decatur over the above described routes in 42(c) to Brewton, Ala., thence over Alabama Highway 41 to the Alabama-Florida State Boundary line, thence over Florida Highway 87 to junction U.S. Highway 90 at or near Milton, Fla., thence over U.S. Highway 90 to Pensacola, and return over the same route.

Route 43: Between Mobile, Ala. and Perry, Fla.: From Mobile over U.S. Highway 98 to Perry, and return over the same route. Route 44: Between Tampa, Fla. and Vero Beach, Fla.: From Tampa over Florida Highway 60 to Vero Beach, and return over the same route. Route 45: Between Jacksonville, Fla. and Miami, Fla.: From Jacksonville over U.S. Highway 1 and/or Interstate Highway 95 to Miami, and return over the same route. Route 46: Between Tampa, Fla. and junction U.S. Highway 1, and Interstate Highway 4, at or near Daytona Beach, Fla.: From Tampa over Interstate Highway 4 to junction U.S. Highway 1, at or near Daytona Beach, and return over the same route. Route 47: Between Mobile, Ala. and Jacksonville, Fla.: From Mobile over U.S. Highway 90 and/or Interstate Highway 10 to Jacksonville, and return over the same route. Route 48: Between Cedartown, Ga. and Nashville, Tenn.: (a) From Cedartown over U.S. Highway 27 to Chattanooga, Tenn., thence over U.S. Highway 41 and Interstate Highway 59 to Junction Interstate Highway 24, thence over Interstate Highway 24 to Nashville, and return over the same route; and (b) From Cedartown over U.S. Highway 27 to Rome, Ga., thence over Georgia Highway 20 to the Georgia-Alabama State Boundary line, thence over Alabama Highway 9 to junction Alabama Highway 35, at or near Lawrence, Ala., thence over Alabama Highway 35 to junction U.S. Highway 72, at or near Scottsboro, Ala., thence over U.S. Highway 72 to Huntsville, Ala., thence over U.S. Highway 431 (also over U.S. Highway 231 to Shelbyville, Tenn., thence over alternate U.S. Highway 41), and U.S. Highway 231 to Murfreesboro, Tenn., thence over U.S. Highway 41 to Nashville, and return over the same route.

Route 49: Between Jackson, Tenn. and junction U.S. Highway 45–W and 45–E at a point in Tennessee approximately 1 mile south of Fulton, Ky.: From Jackson over U.S. Highway 45 to intersection U.S. Highway 45–E and 45–W, approximately 6 miles southeast of Humboldt, Tenn., thence over U.S. Highway 45–W to the junction of U.S. Highway 45–E and 45–W at a point in Tennessee approximately 1 mile below Fulton, and return over the same route. Route 50: Between Birmingham, Ala. and Memphis, Tenn.: From Birmingham over U.S. Highway 78 to Memphis, and return over the same route. Route 51: Between Cullman, Ala. and Memphis, Tenn.: From Cullman over Alabama Highway 157 to junction U.S. Highway 72 at Tuscumbia, Ala., thence over U.S. Highway 72 to Memphis, Tenn., and return over the same route. Route 52: Between Chattanooga, Tenn. and Decatur, Ala.: From Chattanooga over U.S. Highway 64 to junction U.S. Highway 72, near South Pittsburgh, Tenn., thence over U.S. Highway 72 to Huntsville, Ala., thence over alternate U.S. Highway 72 to Decatur, and return over the same route. Route 53: Between Birmingham, Ala. and Bristol, Tenn.: (a) From Birmingham over U.S. Highway 11 to Knoxville, Tenn., thence over U.S. Highway 11–W to Bristol, and return over the same route; and (b) From Birmingham over Interstate Highway 59 to Chattanooga, Tenn., thence over Interstate Highway 75 to Knoxville, Tenn., thence over Interstate Highway 40 to junction Interstate Highway 81, approximately 12 miles northwest of Newport, Tenn., thence over Interstate Highway 81 to Bristol, and return over the same route.

Route 54: Between Birmingham, Ala. and the Tennessee-Kentucky State Boundary Line: (a) From Birmingham over U.S. Highway 31 and/or Interstate Highway 65, thence over Interstate Highway 65 to Nashville, Tenn., thence over Alternate U.S. Highway 41–A to the Tennessee-Kentucky State Boundary line, and return over the same route. (b) From Birmingham over U.S. Highway 31 and/or Interstate Highway 65 to Nashville, Tenn., thence over U.S. Highway 31–W Alternate and/or Interstate Highway 65 to the Tennessee-Kentucky State Boundary line, and return over the same route. (c) From Birmingham over U.S. Highway 11 and/or Interstate Highway 59 to Chattanooga, Tenn., thence over U.S. Highway 27 and/or Interstate Highway 75 to the Tennessee-Kentucky State Boundary line, and return over the same route; and (d) From Birmingham over U.S. Highway 78 to Jasper, Ala., thence over Alabama Highway 5 to Bear Creek, Ala., thence over Alabama Highway 237 to Spruce Pine, Ala., thence over U.S. Highway 43 to Florence, Ala., thence over U.S. Highway 72 to Corinth, Miss., thence over U.S. Highway 45 to Jackson, Tenn., thence over U.S. Highway 45–E to the Tennessee-Kentucky State Boundary line, and return over the same route; and Route 55: Between Greenville, S.C. and Memphis, Tennessee: From Greenville, S.C. over U.S. Highway 25 to Asheville, N.C., thence over Interstate Highway 40 to Memphis, Tenn. and return over the same route. Service, in connection with Routes 1 through 55, is authorized to and from all intermediate points and all off-route points in Alabama, Florida, Georgia, Tennessee and South Carolina. Restriction: (1) Restricted against the movement of traffic between points in Alabama, South of U.S. Highway 80, on the one hand, and, on the other, points in Georgia south of U.S. Highway 80 and points in Florida—unless such traffic moves through Cedartown, Lindale, Mt. Berry, Rome or Summerville, Georgia; (2) Restricted against the movement of traffic between points in Georgia south of U.S. Highway 80, on the one hand, and, on the other, points in Alabama south of U.S. Highway 80 and points in Florida—unless such traffic moves through Lindale, Cedartown, Mt. Berry, Rome or Summerville, Georgia; and further (3) Restricted against the movement of traffic between points in Florida, on the one hand, and, on the other, points in Georgia and Alabama south of U.S. Highway 80—unless such traffic moves via Cedartown, Lindale, Mt. Berry, Rome, Summerville or Atlanta, Georgia.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Atlanta, Ga.

No. MC 94350 (Sub-No. 359), filed August 25, 1975. Applicant: TRANSIT

HOMES, INC., P.O. Box 1628, Greenville, S.C. 29602. Applicant's representative: Mitchell King, Jr. (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Pneumatic guns*, mounted on wheeled undercarriages, with hitchball coupler, from Allentown, Pa., to points in the United States (except Alaska and Hawaii).

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C.

No. MC 100666 (Sub-No. 306), filed September 2, 1975. Applicant: MELTON TRUCK LINES, INC., 1129 Grimmett Drive, P.O. Box 7666, Shreveport, La. 71107. Applicant's representative: Wilburn L. Williamson, 3535 N. W. 58th, 280 National Foundation Life Bldg., Oklahoma City, Okla. 73112. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Paper and paper products, products produced or distributed by manufacturers and converters of paper and paper products*, from points in Portage and Wood Counties, Wis., to points in Alabama, Arkansas, Florida, Georgia, Louisiana, Mississippi, Oklahoma, Tennessee, and Texas.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Chicago, Ill. or New Orleans, La.

No. MC 103498 (Sub-No. 45), filed August 18, 1975. Applicant: W. D. SMITH TRUCK LINE, INC., P.O. Drawer C, DeQueen, Ark. 71832. Applicant's representative: Bruce J. Kinnee (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber and lumber products*, from Miami, Okla., to points in Arkansas, Tennessee, Georgia, Louisiana, Alabama, Mississippi, Missouri, Kansas, Ohio, Illinois, Texas, and Florida.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at New Orleans, La.

No. MC 106195 (Sub-No. 5), filed August 25, 1975. Applicant: CLARK BROS. TRANSFER, INC., 800 North First Street, P.O. Box 388, Norfolk, Nebr. 68701. Applicant's representative: Michael J. Ogborn, P.O. Box 82028, Lincoln, Nebr. 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles*, as described in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 767, from the plantsite and warehouse facilities of Nucor Corporation located at or near Norfolk, Nebr., to points in Colorado, Iowa, Kansas, South Dakota, Wyoming and points in Missouri on and north of Interstate Highway 70, restricted to traffic originating at the named origin and destined to the named destinations.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Omaha, Nebr.

No. MC 106674 (Sub-No. 169), filed August 21, 1975. Applicant: SCHILLI MOTOR LINES, INC., P.O. Box 123, Remington, Ind. 47977. Applicant's representative: Jerry L. Johnson (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Edible flour* (except commodities in bulk), (1) from the plant site of Modern Maid Products, Inc., located at or near Evansville, Ind., to points in California, Delaware, Georgia, Idaho, Illinois, Kansas, Kentucky, Missouri, New York, Ohio, Oregon, Washington, and Wisconsin; and (2) from the plant site of Modern Maid Products, Inc., located at or near Jamaica, N.Y., to Chicago, Ill.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at either Chicago, Ill., or Indianapolis, Ind.

No. MC 107107 (Sub-No. 442), filed August 7, 1975. Applicant: ALTERMAN TRANSPORT LINES, INC., 12805 N.W. 42nd Ave. (LeJeune Road), P.O. Box 425, Opa Locka, Fla. 33054. Applicant's representative: Ford W. Sewell (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs* (except in bulk), from points in North Carolina, to points in Alabama, Arkansas, Florida, Georgia, Louisiana, Mississippi, South Carolina, Texas, Oklahoma, and points in Virginia on and south of a line extending from Bristol, Va., over U.S. Highway 11 to Lexington, thence over U.S. Highway 60 to the Atlantic Ocean.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Charlotte, N.C.

No. MC 107107 (Sub-No. 443), filed September 2, 1975. Applicant: ALTERMAN TRANSPORT LINES, INC., 12805 N.W. 42nd Ave. (LeJeune Road), P.O. Box 425, Opa Locka, Fla. 33054. Applicant's representative: Ford W. Sewell (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Food and foodstuffs*, in vehicles equipped with mechanical refrigeration (except commodities in bulk), from La Fargeville, Arkport, and Binghamton, N.Y., to points in North Carolina, South Carolina, Georgia, and Florida.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 107295 (Sub-No. 772), filed August 27, 1975. Applicant: PRE-FAB TRANSIT CO., a Corporation, 100 South Main Street, Farmer City, Ill. 61842. Applicant's representative: Mack Stephenson, 42 Fox Mill Lane, Springfield, Ill. 62707. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Sheet metal products and materials and supplies*, used in the installation thereof, from Philadelphia, Pa., to points in Michigan, Illinois and Indiana.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 107481 (Sub-No. 2), filed August 29, 1975. Applicant: GUY E. WILSON, INC., 156 Porter Place, Rutland, Vt. 05701. Applicant's representative: John P. Monte, 61 Summer Street, Barre, Vt. 05701. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Swiming pool molds*, from the facilities of Almo Pools located at or near Mays Landing, N.J., to the facilities of Pettit Bros., Inc. located at or near Rutland, Vt.; and (2) *swimming pools and accessory equipment, materials and supplies*, from the facilities of Pettit Bros., Inc. located at or near Rutland, Vt., to points in Connecticut, Maine Massachusetts, New Hampshire, Rhode Island, Vermont, and New York.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Montpelier, Vt. or Boston, Mass.

No. MC 107487 (Sub-No. 5), filed August 27, 1975. Applicant: COLUMBIA CITY FREIGHT LINES, INC., P.O. Box 328, Columbia City, Ind. 46725. Applicant's representative: Donald W. Smith, Suite 2465—One Indiana Square, Indianapolis, Ind. 46204. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commision, commodities in bulk and commodities requiring special equipment), serving Bristol, Ind., as an off-route point in connection with carrier's otherwise authorized operations between Middlebury and Fort Wayne, Ind.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at either Indianapolis, Ind., or Chicago, Ill.

No. MC 107496 (Sub-No. 1005), filed August 26, 1975. Applicant: RUAN TRANSPORT CORPORATION, Third at Keosauqua Way, P.O. Box 855, Des Moines, Iowa 50304. Applicant's representative: E. Check (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Meats, meat products and meat by-products, and articles distributed by meat packinghouses* as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carriers Certificates*, 61 M.C.C. 209 and 766 in bulk, from Spencer, Iowa to points in Illinois, Minnesota, Missouri, Nebraska, South Dakota, and Wisconsin; (2) *lime*, from Superior, Wis., to points in Minnesota, Michigan, North Dakota, South Dakota, and Iowa; (3) *weed killing compounds*, in bulk, from Lafayette, Ind., to points in Kansas, Missouri, North Dakota, Minnesota, Nebraska, Ohio, Kentucky, Michigan, and Wisconsin; and (4) *cement*, (a) from Laramie, Wyo., to points in Nebraska and (b) from Boetcher, Colo., to points in Wyoming, Nebraska and Kansas.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant does not specify a location.

No. MC 110098 (Sub-No. 156), filed August 21, 1975. Applicant: ZERO REFRIGERATED LINES, 1400 Ackerman Rd., P.O. Box 20380, San Antonio, Tex.

78220. Applicant's representative: T. W. Cothren (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Bananas;* and (2) *bananas*, when transported in mixed loads with commodities exempt from economic regulation under Section 203 (b)(6) of the Interstate Commerce Act, from points in Cameron, Starr, Zapata, Webb, Maverick, Hidalgo, and Willacy Counties, Tex., to points in Arizona, Arkansas, California, Colorado, Idaho, Illinois, Indiana, Iowa, Kansas, Michigan, Minnesota, Missouri, Montana, Nevada, Nebraska, New Mexico, North Dakota, Ohio, Oklahoma, Oregon, South Dakota, Texas, Utah, Washington, Wisconsin, and Wyoming.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at either San Antonio, or Dallas, Tex.

No. MC 110191 (Sub-No. 25), filed August 21, 1975. Applicant: TURNER'S EXPRESS, INCORPORATED, 1300 Shelton Avenue, P.O. Box 1006, Norfolk, Va. 23501. Applicant's representative: D. L. Turner (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuff*, between Exmore, Va. points in and North Carolina.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C.

No. MC 111401 (Sub-No. 452), filed August 25, 1975. Applicant: GROENDYKE TRANSPORT, INC., 2510 Rock Island Boulevard, P.O. Box 632, Enid, Okla. 73701. Applicant's representative: Alvin J. Meiklejohn, Suite 1600 Lincoln Center, 1660 Lincoln Street, Denver, Colo. 80203. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals*, in bulk, from the facilities of Economics Laboratory, Inc., located at or near Joliet, Ill., to points in the United States (except Alaska and Hawaii).

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Kansas City, Mo.

No. MC 111729 (Sub-No. 570), filed August 26, 1975. Applicant: PUROLATOR COURIER CORP., 3333 New Hyde Park Road, New Hyde Park, N.Y. 11040. Applicant's representative: John M. Delany (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1)(a) *Business papers, records, and audit and accounting media of all kinds;* and (b) *emergency repair parts*, restricted against the transportation of packages or articles weighing more than 60 pounds in the aggregate from one consignor to one consignee in any one day, between Youngstown, Ohio and Weirton, W. Va.; and (2)(a) *processed film, proofs, and advertising material;* and (b) *business papers, records, audit and accounting media* of all kinds, between Carol Stream, Ill., on the one hand, and, on the other, St. Louis, Mo.; Omaha, Nebr.; and points in Indiana, Iowa, Michigan, Ohio, and Wisconsin.

NOTE.—Applicant holds contract carrier authority in MC 112750 and subs thereunder, therefore dual operations may be involved. Common control may also be involved. If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C.

No. MC 112822 (Sub-No. 387), filed August 25, 1975. Applicant: BRAY LINES INCORPORATED, 1401 N. Little Street, P.O. Box 1191, Cushing, Okla. 74023. Applicant's representative: Gengiz M. Nazim (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Particleboard*, from the plantsite and facilities of Southwest Forest Industries, Inc., located at or near Flagstaff, Ariz., to points in Missouri, New Mexico, Colorado, Kansas, Oklahoma, Texas, Nebraska, Wyoming, Alabama, Arkansas, Florida, Georgia, Kentucky, Louisiana, Mississippi, North Carolina, South Carolina, and Tennessee.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Phoenix, Ariz. or Albuquerque, N. Mex.

No. MC 113459 (Sub-No. 101), filed August 18, 1975. Applicant: H. J. JEFFERIES TRUCK LINE, INC., P.O. Box 94850, Oklahoma City, Okla. 73109. Applicant's representative: James W. Hightower, 136 Wynnewood Professional Bldg., Dallas, Tex. 75224. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles*, from Liberty County, Tex., to points in the United States (except Alaska and Hawaii), restricted to shipments originating at the plant sites and warehouse facilities of National Pipe & Tube Company.

NOTE.—If a hearing is deemed necessary, applicant requests a consolidated record with similar applications of D. Q. Wise and Wales Transportation, to be held at St. Louis, Mo.

No. MC 113627 (Sub-No. 12), filed August 29, 1975. Applicant: COLUMBIA MOTOR FREIGHT, INC., 85 Kendall Street, New Haven, Conn. 06512. Applicant's representative: John E. Fay, 630 Oakwood Avenue, West Hartford, Conn. 06110. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Recycled materials*, between points in the United States (except Alaska and Hawaii), under contract with Southern Connecticut Resource Recovery Center, Inc.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Hartford, Conn., or Washington, D.C.

No. MC 114045 (Sub-No. 425), filed August 25, 1975. Applicant: TRANSCOLD EXPRESS, INC., P.O. Box 5842, Finley & Belt Line Rd., Dallas, Tex. 75222. Applicant's representative: J. B. Stuart (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Bananas;* and (2) *bananas*, when transported in mixed loads with commodities exempt from economics regulation under Section 203 (b)(6) of the Interstate Commerce Act, from points in Cameron, Hidalgo, Starr, Webb, Willacy, and Zapata Counties, Tex., to points in the United States (except Alaska and Hawaii).

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at either Dallas, Tex. or Chicago, Ill.

No. MC 115491 (Sub-No. 129), filed August 22, 1975. Applicant: COMMERCIAL CARRIER CORPORATION, P.O. Drawer 67, Auburndale, Fla. 33823. Applicant's representative: Tony G. Russell (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Animal and poultry feeds and supplements* therefore, (a) between points in North Carolina and Tennessee on the one hand, and, on the other, points in Florida; (b) between Mobile, Ala., and points in Bibb, Blount, Cullman, Jefferson, Saint Clair, Shelby, Talladega, Tuscaloosa and Walker Counties, Ala., on the one hand, and, on the other, points in Florida; and (c) from Noralyn, Bonne, and Tampa, Fla., to points in Alabama and Mississippi; and (2) *processed clay*, from Langley, S.C., to points in Hillsborough County, Fla.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Tampa, Fla.

No. MC 115691 (Sub-No. 33), filed August 25, 1975. Applicant: MURPHY TRANSPORTATION, INC., 1414 Crawford Ave., Anniston, Ala. 36201. Applicant's representative: John P. Carlton, 903 Frank Nelson Building, Birmingham, Ala. 35203. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Untreated lumber*, from the plantsite of Hammermill Paper, Inc., Southern Forest Products Division, located at or near Maplesville, Ala., to points in the United States in and east of Wisconsin, Illinois, Kentucky, Tennessee, Mississippi, and Louisiana.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Birmingham, Ala.

No. MC 115975 (Sub-No. 21), filed August 25, 1975. Applicant: C. B. W. TRANSPORT SERVICE, INC., P.O. Box 48, Wood River, Ill. 62095. Applicant's representative: Ernest A. Brooks II, 1301 Ambassador Bldg., St. Louis, Mo. 63101. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum oils and grease*, in bulk, in tank vehicles, from the plantsites and storage facilities of Texaco, Inc. located in Jefferson County, Tex., to points in the United States (except Alaska and Hawaii), under a continuing contract or contracts with Texaco, Inc.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either St. Louis, Mo. or Washington, D.C.

No. MC 116063 (Sub-No. 140), filed August 25, 1975. Applicant: WESTERN-COMMERCIAL TRANSPORT, INC., 2929 West Fifth Street, P.O. Box 270, Fort Worth, Tex. 76101. Applicant's repre-

sentative: Leroy Hallman, 4544 First National Bank Bldg., Dallas, Tex. 75202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Paint*, in bulk, in tank vehicles, from Garland, Tex., to Norfolk, Nebr.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at either Dallas or Fort Worth, Tex.

No. MC 116254 (Sub-No. 152), filed August 22, 1975. Applicant: CHEM HAULERS, P.O. Drawer M, Sheffield, Ala. 35660. Applicant's representative: Walter Harwood, P.O. Box 15214, Nashville, Tenn. 37215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Molten aluminum*, in crucibles, from Rockvale, Tex., to Wilson Springs, Ark.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Birmingham, Ala., Nashville, or Memphis, Tenn.

No. MC 116300 (Sub-No. 19), filed September 2, 1975. Applicant: NANCE AND COLLUMS, INC., P.O. Drawer J, Fernwood, Miss. 39635. Applicant's representative: Harold D. Miller, Jr., 1700 Deposit Guaranty Plaza, P.O. Box 22567, Jackson, Miss. 39205. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid feed, liquid feed supplements, and molasses*, in bulk, in tank vehicles, from points in Pike County, Miss., to points in Alabama, Arkansas, Florida, Georgia, Illinois, Kentucky, Louisiana, Missouri, North Carolina, Oklahoma, South Carolina, Tennessee, and Texas.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at New Orleans, La., or Jackson, Miss.

No. MC 116763 (Sub-No. 320), filed August 18, 1975. Applicant: CARL SUBLER TRUCKING, INC., North West Street, Versailles, Ohio 45380. Applicant's representative: H. M. Richters (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Clay and clay products* (except in bulk, in tank vehicles), from Mounds, Ill., to points in the United States in and east of North Dakota, South Dakota, Nebraska, Kansas, Oklahoma, and Texas.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Chicago, Ill.

No. MC 116763 (Sub-No. 321), filed August 25, 1975. Applicant: CARL SUBLER TRUCKING, INC., North West Street, Versailles, Ohio 45380. Applicant's representative: H. M. Richters (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (a) *Lighting fixtures*, and *parts* thereof, from Crawfordsville, Ind., to points in the United States (except Alaska and Hawaii); and (b) *materials, equipment* and *supplies* used in the manufacture and distribution of lighting fixtures (except commodities in bulk), from points in the United States (except Alaska and Hawaii), to Crawfordsville, Ind., restricted to traffic originating at or destined to the plantsite of Lithonia Lighting Division of National Service Industries, Inc., located at or near Crawfordsville, Ind.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held on a consolidated record with Southwest Equipment Rental Inc. dba Southwest Motor Freight, MC 138157 Sub 21 at Chicago, Ill., or Atlanta, Ga.

No. MC 116763 (Sub-No. 322), filed August 25, 1975. Applicant: CARL SUBLER TRUCKING, INC., North West Street, Versailles, Ohio 45380. Applicant's representative: H.M. Richters (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (a) *Lighting fixtures*, and *parts thereof*, from Cochran and Conyers, Ga., to points in Alabama, Connecticut, Delaware, the District of Columbia, Illinois, Indiana, Maine, Maryland, Massachusetts, Michigan, Mississippi, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Vermont, Virginia, and West Virginia; and (b) *materials, equipment and supplies* used in the manufacture and distribution of lighting fixtures (except commodities in bulk), from points in Alabama, Connecticut, Delaware, the District of Columbia, Illinois, Indiana, Maine, Maryland, Massachusetts, Michigan, Mississippi, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Vermont, Virginia, and West Virginia, to Cochran and Conyers, Ga., restricted to traffic originating at or destined to the plantsite of Lithonia Lighting Division of National Service Industries, Inc., at or near Cochran or Conyers, Ga.

NOTE.—If a hearing is deemed necessary the applicant requests it be held on a consolidated record with Southwest Equipment Rental, Inc., dba Southwest Motor Freight, MC 138157 Sub-No. 20 at Atlanta, Ga. or Washington, D.C.

No. MC 117370 (Sub-No. 27), filed August 25, 1975. Applicant: STAFFORD TRUCKING, INC., 2155 Hollyhock Lane, Elm Grove, Wis. 53122. Applicant's representative: Nancy J. Johnson, 4506 Regent Street, Suite 100, Madison, Wis. 53705. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fly ash*, in bulk, in tank vehicles, from points in Columbia County, Wis., to points in Michigan, Illinois, Iowa, Indiana, Minnesota, North Dakota, and South Dakota.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Madison or Milwaukee, Wis., or Minneapolis-St. Paul, Minn.

No. MC 117395 (Sub-No. 24), filed August 18, 1975. Applicant: SOUTHERN CEMENT TRANSPORT, INC., P.O. Box 188, Okay, Ark. 71854. Applicant's representative: Louis Tarlowski, Pyramid Life Building, Little Rock, Ark. 72201. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Cement*, in bulk and in packages, from Okay Junction, Ark. (1) to points in Louisiana in and south of Beauregard, Allen, and Evangeline Parishes, La.; (2) to points in Texas in, west, and south of Cooke, Denton, Tarrant, Ellis, Navarro, Freestone, Anderson, Houston, Angelina, San Augustine, and Sabine Counties, Tex.; and (3) to points in Fayette, Haywood, Hardeman, Shelby, and Tipton Counties, Tenn., under a continuing contract or contracts with Ideal Basic Industries, Inc., Cement Division.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Little Rock, Ark.

No. MC 117416 (Sub-No. 51), filed August 20, 1975. Applicant: NEWMAN AND PEMBERTON CORPORATION, 2007 University Ave. NW., Knoxville, Tenn. 37921. Applicant's representative: Herbert Alan Dubin, 1819 H St. NW., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Clay*, (except in bulk, in tank vehicles), from Sandersville, Ga., to points in Ohio, Indiana, Michigan, Illinois, Kentucky, and Tennessee.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at either Washington, D.C. or Knoxville, Tenn.

No. MC 11740 (Sub-No. 167), filed August 21, 1975. Applicant: NATIONWIDE CARRIERS, INC., P.O. Box 104, Maple Plain, Minn. 55359. Applicant's representative: Allan L. Timmerman (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Such merchandise* as is dealt in by retail, wholesale, and chain grocery food business houses (except commodities in bulk and frozen foods), from Biglerville and Gardners, Pa., and Inwood, W. Va., to points in Delaware, Indiana, Kentucky, Maryland, New Jersey, New York, Ohio, Pennsylvania, Virginia, West Virginia, and the District of Columbia.

NOTE.—Applicant holds contract carrier authority in MC 114789 and subs thereunder, therefore dual operations may be involved. Common control may also be involved. If a hearing is deemed necessary, the applicant requests it be held at either Washington, D.C., or Baltimore, Md.

No. MC 118038 (Sub-No. 11), filed August 25, 1975. Applicant: EASLEY HAULING SERVICE, INC., P.O. Box 1261, Gun Club Road, Yakima, Wash. 98907. Applicant's representative: Charles C. Flower, 303 East "D" Street, Suite 2, Yakima, Wash. 98901. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Empty cans and can ends* (1) between Lacey, Moses Lake, Walla Walla, and Yakima, Wash., and Junction City, Portland, and Salem, Oreg.; and (2) between Lacey, Moses Lake, Walla Walla, and Yakima, Wash., and Junction City, Portland, and Salem, Oreg., on the one hand, and, on the other, points in Idaho, Oregon, and Washington.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Yakima, Wash.; Portland, Oreg., or Seattle, Wash.

No. MC 118202 (Sub-No. 50), filed August 25, 1975. Applicant: SCHULTZ TRANSIT, INC., P.O. Box 406, Winona, Minn. 55987. Applicant's representative: Val M. Higgins, 1000 First National Bank Bldg., Minneapolis, Minn. 55402. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen potatoes, and potato products*, from Fairmont, Minn., to points in Alabama, Arkansas, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Kentucky, Louisiana, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Nebraska, New Jersey, New Mexico, New York, North Carolina, Ohio, Oklahoma, Pennsylvania, South Carolina, Tennessee, Texas, Vermont, Virginia, West Virginia, Wisconsin, and Denver, Colo., and the District of Columbia, restricted to traffic originating at the warehouse and storage facilities utilized by Midwest Food Corporation, at or near Fairmont, Minn.

NOTE.—Applicant holds contract carrier authority in MC 134631 and subs thereunder, therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Minneapolis, Minn.

No. MC 118745 (Sub-No. 16), filed August 26, 1975. Applicant: JOHN PFROMMER, INC., P.O. Box 307, Douglassville, Pa. 19518. Applicant's representative: Theodore Polydoroff, 1250 Conn. Ave. NW., Suite 600, Washington, D.C. 20036. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Lime, limestone, and limestone products*, from points in Charlestown, East Whiteland, and Tredyfrinn Townships (Chester County), Pa., to points in Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Vermont, Virginia, West Virginia, and the District of Columbia, under a continuing contract or contracts with the Warner Co.; and (2) *Limestone, in dump vehicles*, from the facilities of G. & W. H. Corson, Inc., located at or near Myerstown, Pa., to points in Delaware, Maryland, and New Jersey, under a continuing contract or contracts with G. & W. H. Corson, Inc.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Philadelphia, Pa.

No. MC 118959 (Sub-No. 126), filed August 21, 1975. Applicant: JERRY LIPPS, INC., 130 South Frederick Street, Cape Girardeau, Mo. 63701. Applicant's representative: Edward G. Bazelon, 39 South LaSalle Street, Chicago, Ill. 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Fiberboard, fiberboard products and accessories and supplies*, used in the installation thereof, *and hemicellulose extract*, in bags, from the plantsites of Masonite Corporation, at Laurel, Miss., to points in the United States (except Alaska and Hawaii), restricted to traffic originating at the plantsites of Masonite Corporation, at Laurel, Miss.; and (2) *materials and supplies*, used in the manufacture and installation of fiberboard and fiberboard products, from points in the United States (except Alaska and Hawaii), to the plantsites of Masonite Corporation, at Laurel, Miss., restricted to traffic destined to the plantsites of Masonite Corporation, at Laurel, Miss.

NOTE.—Applicant holds contract carrier authority in MC 125664, therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 119493 (Sub-No. 140), filed August 25, 1975. Applicant: MONKEM COMPANY, INC., P.O. Box 1196, West 20th Street Road, Joplin, Mo. 64801. Applicant's representative: J. J. Knotts, Jr., (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Flour* (except in bulk), (a) from McPherson, Kans. to points in Missouri on and north of U.S. Highway 50; points in Mississippi on and north of U.S. Highway 80; points in that part of Tennessee west of U.S. Highway 27 and Cleveland and Boyce, Tenn.; points in Georgia on and south of a line beginning at the Georgia-Alabama State line and extending along U.S. Highway 280 to junction U.S. Highway 80, thence along U.S. Highway 80 to the Atlantic Ocean and Tifton, Ga.; points in Alabama, Florida, Kentucky, Virginia, West Virginia, Indiana, North Carolina, South Carolina, and Texas, (b) from Buhler and Inman, Kans., to points in Mississippi on and north of U.S. Highway 80; points in Illinois, Alabama, Florida, Georgia, Kentucky, points in that part of Tennessee west of U.S. Highway 27 and Cleveland and Boyce, Tenn.; points in Virginia, West Virginia, and points in that part of Missouri on and north of U.S. Highway 50; points in Indiana, North Carolina, South Carolina, and Texas, (2) *manufactured animal and poultry feeds and ingredients* (except in bulk) (a) from Red Bay, Ala., to points in the United States in and east of Montana, Wyoming, Colorado, and New Mexico; and (b) from Tupelo, Miss., to points in the United States in and east of Montana, Wyoming, Colorado, and New Mexico (except Missouri, Iowa, Oklahoma, Kansas, Nebraska, and Illinois).

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Kansas City, Mo. or Memphis, Tenn.

No. MC 119632 (Sub-No. 62), filed August 25, 1975. Applicant: REED LINES, INC., 634 Ralston Avenue, Defiance, Ohio 43512. Applicant's representative: John P. McMahon, 100 East Broad Street, Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs*, between Lancaster, Pa., on the one hand, and, on the other, points in Connecticut, Delaware, Illinois, Indiana, Kentucky, Maine, Maryland, Massachusetts, Michigan, New Hampshire, New Jersey, New York, North Carolina, Ohio, Rhode Island, South Carolina, Tennessee, Vermont, Virginia, West Virginia, and the District of Columbia.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Columbus, Ohio.

No. MC 119834 (Sub-No. 2), filed August 20, 1975. Applicant: ROBERT N. TOOMEY, doing business as ROBERT N. TOOMEY TRUCKING CO., 1516 South George Street, York, Pa. 17403. Applicant's representative: Charles E. Creager, 1329 Pennsylvania Ave., P.O. Box 1417 Hagerstown, Md. 21740. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Uncrated caskets and components*, in specialized trailers equipped with padded shelves, protective equipment, and mechanical loading and unloading devices, from the plantsites of the York Hoover Corporation located at or near Emigsville and York, Pa., to points in the United States (except Alaska and Hawaii).

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C.

No. MC 123407 (Sub-No. 261), filed August 25, 1975. Applicant: SAWYER TRANSPORT, INC., South Haven Square, U.S. Highway 6, Valparaiso, Ind. 46383. Applicant's representative: Stephen H. Loeb (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Particleboard*, from the plantsite of Publishers Paper Company, Clad Wood Division, located at or near Virginia, Minn., to points in the United States in and east of North Dakota, South Dakota, Nebraska, Kansas, Oklahoma, and Texas.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Minneapolis, Minn.

No. MC 124211 (Sub-No. 269), filed August 15, 1975. Applicant: HILT TRUCK LINE, INC., P.O. Box 988, D.T.S., Omaha, Nebr. 68101. Applicant's representative: Thomas L. Hilt (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over regular and irregular routes, transporting: (1) Regular routes: *Malt beveages, empty malt beverage containers*, and *related advertising matter*, serving points in St. Joseph and Vigo Counties, Ind., and Dubuque and Scott Counties, Iowa, as intermediate and off-route points in connection with carrier's presently regular route operations. (2) Irregular routes: (a) *Zinc oxide*, from St. Josephtown, Pa., to points in the United States (except Alaska and Hawaii), (b) *alcoholic beverages, condiments*, and *foodstuffs*, and *materials, equipment*, and *supplies* (except commodities in bulk), between points in New Jersey, and New York, on the one hand, and, on the other, points in Illinois, Indiana, Iowa, Michigan, Minnesota, and Nebraska.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C.

No. MC 125543 (Sub-No. 10), filed August 22, 1975. Applicant: PERISHABLE SERVICES, INC., 770 Springdale Road, Waukesha, Wis. 53187. Applicant's representative: Frank M. Coyne, 25 West Main Street, Madison, Wis. 53703. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Such merchandise* as is dealt in by wholesale and retail food houses, (1) from Beaver Dam, Wis., to points in Illinois, Iowa, Minnesota and the Upper Peninsula of Michigan, under contract with Beaver Dam Wholesale Company, Beaver Dam, Wis. and (2) from Waukesha, Wis., to points in Indiana, under contract with Milwaukee Cheese Company, Waukesha, Wis.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Madison, Wis.

No. MC 126276 (Sub-No. 136), filed September 2, 1975. Applicant: FAST MOTOR SERVICE, INC., 9100 Plainfield Road, Brookfield, Ill. 60513. Applicant's representative: James C. Hardman, 33 North LaSalle Street, Chicago, Ill. 60602. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Plastic containers*, from Lima, Ohio, to points in the United States (except Alaska, Arizona, California, Hawaii, Idaho, Montana, Oregon, Nevada, New Mexico, Utah, Washington, and Wyoming), under a continuing contract or contracts with Continental Can Co., Inc.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Chicago, Ill., or Washington, D.C.

No. MC 127539 (Sub-No. 46), filed August 29, 1975. Applicant: PARKER REFRIGERATED SERVICE, INC., 1108 54th Avenue, East, Tacoma, Wash. 98424. Applicant's representative: Christian V. Graf, 407 North Front Street, Harrisburg, Pa. 17101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned and preserved foodstuffs*, from the shipping facilities of Heinz U.S.A. located at Tracy and Stockton, Calif., to points in Montana, Arizona, Nevada, Oregon, and Washington, restricted to traffic originating at the above-named origins and destined to the above-named destination states.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Pittsburgh, Pa. or Washington, D.C.

No. MC 127651 (Sub-No. 29), filed August 20, 1975. Applicant: EVERETT G. ROEHL, INC., East 29th St., P.O. Box 7, Marshfield, Wis. 54449. Applicant's representative: Nancy J. Johnson, 4506 Regent St., Suite 100, Madison, Wis. 53705. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wooden doors*, from the facilities of Graham Manufacturing Corp., located at or near Marshfield, Wis., to points in Iowa, Minnesota, Ohio, Colorado, Kansas and Nebraska, under a continuing contract or contracts with Graham Manufacturing Corp. located at the above-named state and Mobile Plywoods, Inc., a Subsidiary of Pluswood, Inc., located at or near Oshkosh, Wis.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at either Madison, Wis., or Minneapolis-St. Paul, Minn.

No. MC 128375 (Sub-No. 135), filed August 22, 1975. Applicant: CRETE CARRIER CORP., P.O. Box 81228, Lincoln, Nebr. 68501. Applicant's representative: Ken Adams (same address as applicant). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Paper and paper products*, (1) from Aurora, Ill., to Kansas City, Mo., Lincoln and Omaha, Nebr., Des Moines, Iowa and points in Kansas; and (2) from South Bend, Ind. and Plymouth, N.C., to points in Kansas and Missouri, under a continuing contract or contracts with Western Paper Co., division of Hammermill Paper Group.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at either Kansas City, Mo., or Lincoln, Nebr.

No. MC 128735 (Sub-No. 9), filed August 18, 1975. Applicant: ALVIN E. GOLNIK, doing business as GOLNIK TRUCKING, R.D. No. 1, Box 13, New Galilee, Pa. 16141. Applicant's representative: Arthur J. Diskin, 806 Frick Bldg., Pittsburgh, Pa. 15219. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Water purifying treatment tanks, slide gates, grating, troughs, equipment, instruments, valves*, and *venturis*, and components of the foregoing commodities, from the plant sites of F. B. Leopold Co./Division of Sybron Corporation located in Zelienople, Pa., to points in Mississippi, Alabama, Arkansas, California, Colorado, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Kansas, Kentucky, Louisiana, Maryland, Massachusetts, Michigan, Minnesota, Missouri, New Jersey, New York, Vermont, Maine, Rhode Island, North Carolina, Ohio, Oklahoma, Oregon, Tennessee, Texas, South Carolina, Virginia, Washington, Wisconsin, and the District of Columbia, restricted against the transportation of any commodities in bulk in tank vehicles; (2) *glazed clay filter tile*, from East Canton, Ohio, to the above said plant sites in Zelienople, Pa., under a continuing contract or contracts with F. B. Leopold Co./Division of Sybron Corporation.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at either Washington, D.C. or Pittsburgh, Pa.

No. MC 128866 (Sub-No. 55) (Correction), filed August 4, 1975, published in the FEDERAL REGISTER issue of September 4, 1975, republished as corrected this issue. Applicant: B & B TRUCKING, INC., 9 Brade Lane, P.O. Box 128, Cherry Hill, N.J. 08034. Applicant's representative: J. Michael Farrell, 1725 K St., NW., Washington, D.C. 20006. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Aluminum foil*, (A) from the plant site of Penny Plate, Inc., located at Cherry Hill, N.J., to the plant site of Penny Plate, Inc. located at Deerfield, Ill.; (B) from the plant site of Penny Plate, Inc., located at Deerfield, Ill., to the plant site of Penny Plate, Inc., (C) located at Cherry Hill, N.J., and Searcy and Atkins, Ark.; (D) from the plant site of Penny Plate, Inc., located at Searcy, Ark., to the plant site of Penny Plate, Inc., located at Cherry Hill, N.J., and Deerfield, Ill.; and (E) from the plant site of Penny Plate, Inc., located at Atkins, Ark., to the plant site of Penny Plate, Inc., located at Cherry Hill, N.J. and Deerfield, Ill.; (2) *Scrap aluminum*, (A) from the plant site of Penny Plate, Inc., located at Cherry Hill, N.J., to the plant site of Penny Plate, Inc., located at Deerfield, Ill., Atkins and Searcy, Ark.; (B) from the plant site of Penny Plate, Inc., located at Deerfield, Ill., to the plant site of Penny Plate, Inc., located at Cherry Hill, N.J. and Atkins and Searcy, Ark.; (C) from the plant site of Penny Plate, Inc. located at Searcy, Ark., to the plant site of Penny Plate, Inc. located at Deerfield, Ill.; and (D) from the plant site of Penny Plate, Inc. located at Atkins, Ark., to the plant site of Penny Plate, Inc. located at Deerfield, Ill. and Cherry Hill, N.J.; (3) *Dies* used in the manufacture of aluminum food containers, (A) from the plant site of Heraldize, Inc. located at Fort Wayne, Ind. and the plant site of Four Penny, Inc. located at Berlin, N.J., to the plant site of Penny Plate, Inc. located at Cherry Hill, N.J., Deerfield, Ill. and Atkins and Searcy, Ark.; (B) from the plant site of Penny Plate, Inc. located at Cherry Hill, N.J., to the plant site of Penny Plate, Inc. located at Atkins and Searcy, Ark. and Deerfield, Ill.; (C) from the plant site of Penny Plate, Inc. located at Deerfield, Ill., to the plant site of Penny Plate, Inc. located at Cherry Hill, N.J. and Atkins and Searcy, Ark.; (D) from the plant site of Penny Plate, Inc. located at Atkins and Searcy, Ark., to the plant site of Penny Plate, Inc. located at Deerfield, Ill. and Cherry Hill, N.J., parts (1), (2) and (3) above are under a continuing contract or contracts with Penny Plate, Inc.

NOTE.—The purpose of this republication is to correct the requested authority in this proceeding. If a hearing is deemed necessary, applicant requests it be held at either Washington, D.C. or Philadelphia, Pa.

No. MC 129401 (Sub-No. 4), filed August 28, 1975. Applicant: DOUGLAS & BESS, INC., Route 5, Box 238, Statesville, N.C. 28677. Applicant's representative: Theodore Polydoroff, Suite 600, 1250 Connecticut Ave. NW., Washington, D.C. 20036. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *New furniture parts*, from Statesville, N.C., to points in California; and (2) *damaged or rejected shipments of new furniture and furniture parts*, from points in California, to Statesville, N.C., under a continuing contract with Blackwelder Furniture Co.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Charlotte, N.C.

No. MC 129516 (Sub-No. 39), filed August 15, 1975. Applicant: PATTON'S, INC., 2300 Canyon Road, Ellensburg, Wash. 98926. Applicant's representative: James T. Johnson, 1610 IBM Bldg., Seattle, Wash. 98101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fruit juices* and *fruit drinks*, from points in California, to the port of entry located on the International Boundary line between the United States and Canada, located at or near Oroville, Wash., restricted to traffic moving to points in Canada.

NOTE.—Applicant holds contract carrier authority in MC 138820 Subs 1 and 2 pending, therefore dual operations may be involved. If a hearing is deemed necessary, the applicant requests it be held at Seattle, Wash., or Portland, Oreg.

No. MC 129759 (Sub-No. 9), filed August 25, 1975. Applicant: TRIANGLE TRUCKING COMPANY, P.O. Box 490, McKees Rock, Pa. 15136. Applicant's representative: A. Charles Tell, 100 East Broad Street, Columbus, Ohio 43215. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Wire and wire products*, from the plantsite and shipping facilities of National Wire Products Corporation located at Baltimore, Md.; Toledo, Ohio; Tampa, Fla.; Atlanta, Ga.; Savannah, Ga. and Kearny, N.J., to points in the United States (except Alaska and Hawaii); and (2) *materials and supplies* used in the manufacture of wire and wire products, from points in the United States (except Alaska and Hawaii) to the plantsite and shipping facilities of National Wire Products Corporation located at Baltimore, Md.; Toledo, Ohio.; Tampa, Fla.; Atlanta, Ga.; Savannah, Ga., and Kearny, N.J., under a continuing contract or contracts with National Wire Products Corporation. If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C.

No. MC 133095 (Sub-No. 84), filed August 22, 1975. Applicant: TEXAS-CONTINENTAL EXPRESS, INC., P.O. Box 434, Euless, Tex. 76039. Applicant's representative: Rocky Moore (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Feed and feed ingredients*, (except in bulk), from Red Bay, Ala., and Tupelo, Miss., to points in the United States on and east of U.S. Highway 85.

NOTE.—Applicant holds contract carrier authority in MC 136032 and subs thereunder, therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Dallas, Tex.

No. MC 133095 (Sub-No. 85), filed August 22, 1975. Applicant: TEXAS-CONTINENTAL EXPRESS, INC., P.O. Box 434, Euless, Tex. 46039. Applicant's representative: Rocky Moore (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Charcoal and charcoal briquetts*, from Paris, Ark., and Jacksonville, Tex., to points in the United States (except Alaska and Hawaii); and (2) *materials, supplies, and equipment*, used in the manufacture of charcoal briquetts, from points in the United States (except Alaska and Hawaii), to Paris, Ark., and Jacksonville, Tex.

NOTE.—Applicant holds contract carrier authority in MC 136032 and subs thereunder, therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Dallas, Tex.

No. MC 133542 (Sub-No. 8), filed August 29, 1975. Applicant: FLOYD WILD, INC., P.O. Box 91, Marshall, Minn. 56258. Applicant's representative: Samuel Rubenstein, 301 North Fifth Street, Minneapolis, Minn. 55403. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Cabinets and vanity sets*, from Cottonwood, Minn., to points in Illinois, Iowa, Nebraska, North Dakota, South Dakota, and Wisconsin, under contract with Midcontinent Millwork, at Cottonwood, Minn.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at either Minneapolis or St. Paul, Minn.

No. MC 133614 (Sub-No. 5), filed August 18, 1975. Applicant: PAPPAS TRUCKING, INC., P.O. Box 8, Gering, Nebr. 69341. Applicant's representative: Patrick E. Quinn, P.O. Box 82028, Lincoln, Nebr. 68501. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Lumber, lumber products*, and *building materials* (except iron and steel and iron and steel articles and commodities in bulk), from points in Montana, Oregon, Washington, Idaho and California, to points in Colorado, Kansas, Nebraska, and Wyoming, restricted to a transportation service to be performed under a continuing contract or contracts with Alpine Veneers, Inc.

NOTE.—Applicant holds common carrier authority in MC 123628 and subs thereunder, therefore dual operations may be involved.
NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Denver, Colo.

No. MC 133666 (Sub-No. 13), filed August 18, 1975. Applicant: JACOBSON TRANSPORT, INC., P.O. Box 368, Wheaton, Minn. 56296. Applicant's representative: Charles E. Nieman, 1110 Northwestern Bank Building, Minneapolis, Minn. 55402. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Anhydrous ammonia*, in bulk, in tank vehicles, from the storage facilities of CF Industries, Inc., at or near Glenwood, Minn., to points in North Dakota, South Dakota, Minnesota, Iowa, and Wisconsin; (2) *anhydrous ammonia*, in bulk, in tank vehicles, from the storage facilities of CF Industries, Inc., at or near Grand Forks, N. Dak., to points in Montana, North Dakota, South Dakota, and Minnesota; and (3) *nitrogen fertilizer solutions*, in bulk, in tank vehicles, from the storage facilities of CF Industries, Inc., located at or near Grand Forks, N. Dak., to points in Montana, North Dakota, South Dakota and Minnesota.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Minneapolis, Minn., St. Paul, Minn., or Chicago, Ill.

No. MC 133684 (Sub-No. 17), filed August 21, 1975. Applicant: GORDON FAST FREIGHT, INC., 2205 Pacific Highway East, Tacoma, Wash. 98422. Applicant's representative: Michael D. Duppenthaler, Room 515, Lyon Bldg., 607 Third Avenue, Seattle, Wash. 98104. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages*, between Vancouver, Wash., and points in the Los Angeles and San Francisco, Calif. Commercial Zones.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Seattle, Wash., or Portland, Oreg.

No. MC 134068 (Sub-No. 21), filed August 25, 1975. Applicant: KODIAK REFRIGERATED LINES, INC., 3336 E. Fruitland Ave., P.O. Box 58327, Vernon, Calif. 90058. Applicant's representative: Donald L. Stern, 530 Univac Bldg., 7100 W. Center Road, Omaha, Nebr. 68106. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment because of size or weight), from the plantsites and facilities utilized by Minnesota Mining and Manufacturing Company, at or near Cordova, Ill., Knoxville, Iowa and Norfolk, Nebr., to points in California, Oregon, and Washington, restricted to traffic originating at the named origins.

NOTE.—Common control and dual operations may be involved. If a hearing is deemed necessary, the applicant requests it be held at St. Paul, Minn.

No. MC 134922 (Sub-No. 148), filed August 12, 1975. Applicant: B. J. McADAMS, INC., Route 6, Box 15, North Little Rock, Ark. 72118. Applicant's representative: Don Garrison (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plastic or rubber articles* (except commodities in bulk, and those which because of size or weight require the use of special equipment), from Thorofare and Trenton, N.J., to points in California.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Trenton, N.J., or Little Rock, Ark.

No. MC 135078 (Sub-No. 2), filed August 18, 1975. Applicant: AMERICAN TRANSPORT, INC., 6850 F St., Omaha, Nebr. 68127. Applicant's representative: Frederick J. Coffman, 521 South 14th St., P.O. Box 81849, Lincoln, Nebr. 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Abrasive coated cloth, abrasive cut-off-blades, abrasive discs-abrasive wheels, diamond wheels; blades, drive chains, valves, alloy, bronze globe gate, check plug and cock and cast iron pipes, clamps, connectors, couplings, fittings, joints, sleeves and tees for pipes,*

fire hydrants, acturators, conveyors, chain links, drive type chain crushers, loaders, pulleys, motors, pulverizers, restricted against those items which because of their size and weight require the use of special equipment, from the facilities utilized by Dresser Industries located at Westboro, Mass., Hartford, Stratford and Newtown, Conn., Bradford, Pa., and Columbus, Ohio, to points in Pennsylvania, New York, Wisconsin, Kentucky, Ohio, Indiana, Illinois and Michigan, restricted to traffic originating at the facilities utilized by Dresser Industries, Inc., and destined to the above-named destination points.

NOTE.—Applicant holds contract carrier authority in MC 135007 and subs thereunder, therefore dual operations may be involved. If a hearing is deemed necessary, the applicant requests it be held at either Ohama, Nebr., or Chicago, Ill.

No. MC 135078 (Sub-No. 3), filed August 18, 1975. Applicant: AMERICAN TRANSPORT, INC., 6850 F Street, Omaha, Nebr. 68127. Applicant's representative: Frederick J. Coffman, 521 South 14th Street, P.O. Box 81849, Lincoln, Nebr. 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Socket sets, pliers, wrenches, screwdrivers, torque wrenches, multipliers, testers, electric air and manual hoists, abrasive grinding wheels, fire hydrants, gasoline, natural gas, and propane engines, compressors,* all types; *blowers,* all types; *exhausters, pumps, vacuum systems, gear motors, gear reducers, power transmission equipment, and transmission and electric sets,* restricted against those items which because of their size and weight require the use of special equipment, from the facilities utilized by Dresser Industries at Chicago, Franklin Park and Downers Grove, Ill., to points in Missouri, Nebraska, Arkansas, Oklahoma, Texas, New Mexico, Arizona, California, Colorado, Kansas, Iowa, Tennessee, Utah, and Nevada, restricted to traffic originating at the facilities utilized by Dresser Industries, Inc., and destined to the named destination points.

NOTE.—Applicant holds contract carrier authority in MC 135007 Sub 1 and others, therefore dual operations may be involved. If a hearing is deemed necessary, the applicant requests it be held at Omaha, Nebr., or Chicago, Ill.

No. MC 135078 (Sub-No. 4), filed August 18, 1975. Applicant: AMERICAN TRANSPORT, INC., 6850 F Street, Omaha, Nebr. 68127. Applicant's representative: Frederick J. Coffman, 521 South 14th Street, P.O. Box 81849, Lincoln, Nebr. 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Abrasive coated cloth, abrasive cut-off blades, abrasive discs, abrasive wheels, diamond wheels, blades, drive chains, valves, alloy, bronze globe gate, check plug and cock and cast iron, pipes,* from the facilities utilized by Dresser Industries at Westboro, Mass.; Hartford, Stratford, and Newtown, Conn., to points in Pennsylvania, Maryland, Georgia, Alabama, Arkansas, Louisiana, Tennessee, Texas, Mississippi, and Oklahoma, restricted to traffic originating at the facilities utilized by Dresser Industries, Inc., and destined to the named destination points.

NOTE.—Applicant holds contract carrier authority in MC 135007 Sub 1 and others, therefore dual operations may be involved. If a hearing is deemed necessary, the applicant requests it be held at Omaha, Nebr., or Chicago, Ill.

No. MC 135078 (Sub-No. 5), filed August 18, 1975. Applicant: AMERICAN TRANSPORT, INC., 6850 F Street, Omaha, Nebr. 68127. Applicant's representative: Frederick J. Coffman, 521 South 14th Street, P.O. Box 81849, Lincoln, Nebr. 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Rough forgings* of flat wrenches and *unfinished* and *blank sockets*, (1) from Johnson City, Tenn., and Defiance, Ohio, to Chicago and Franklin Park, Ill.; and (2) from Johnson City, Tenn., to Defiance, Ohio, (1) and (2) restricted to traffic originating at the facilities utilized by Dresser Industries, Inc., and destined to the named destination points.

NOTE.—Applicant holds contract carrier authority in MC 135007 Sub 1 and others, therefore dual operations may be involved. If a hearing is deemed necessary, the applicant requests it be held at Omaha, Nebr., or Chicago, Ill.

No. MC 135539 (Sub-No. 3), filed August 25, 1975. Applicant: FARM SERVICE & SUPPLIES, INC., P.O. Box 5351, 4505 Pollack, Evansville, Ind. 47715. Applicant's representative: Margie Market, P.O. Box 154, Marengo, Ill. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Cabs and gas tanks,* for construction and agricultural equipment, from the plantsite of Stolper Industries, at Menomonee Falls, Wis., and DeWitt, Iowa, to points in the United States (except Alaska and Hawaii), under contract with Stolper Industries, Inc.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 135739 (Sub-No. 2), filed August 21, 1975. Applicant: JOHN J. CLARK, doing business as DOUBLE J MACHINERY TRANSPORT, Route 2 Napoleon, Ohio. Applicant's representative: A. Charles Tell, 100 East Broad St., Columbus, Ohio 43215. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Conveyor and fabricated machinery*, the transportation of which, because of size or weight, requires the use of special equipment, from the plantsite of Automatic Feed Co. located at or near Napoleon, Ohio, to points in the United States (except Alaska and Hawaii); (2) *conveyors*, the transportation of which because of size or weight requires the use of special equipment, (a) from the plantsite of P.W.F. Corporation located at or near Barrington, Ill., to points in the United States (except Alaska and Hawaii); (b) from the plantsite of Transcon, Inc. located at or near Mentor, Ohio, to points in the United States (except Alaska and Hawaii); (4) *pressed machinery*, the transportation of which because of size or weight requires the use of special equipment, from the plantsite of Dries & Krump Manufacturing Co. located at or near Chicago, Ill., to points in the United States (except Alaska and Hawaii), restricted to service performed under a continuing contract or contracts with Automatic Feed Co.; P.W.F. Corporation; Transcon, Inc.; and Dries & Krump Manufacturing Co.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Columbus, Ohio.

No. MC 136032 (Sub-No. 15), filed August 21, 1975. Applicant: TEXAS CONTINENTAL EXPRESS, INC., P.O. Box 434, 2603 W. Euless Blvd., Euless, Tex. 76039. Applicant's representative: Hugh T. Matthews, 630 Fidelity Union Tower, Dallas, Tex. 75201. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Such merchandise* as is ordinarily dealt in by retail auto and home supply stores and *materials, equipment, and supplies* utilized in the distribution thereof, between points in Mississippi, on the one hand, and, on the other, points in and east of Alabama, Tennessee, Kentucky, West Virginia, and Pennsylvania, under a continuing contract or contracts with Western Auto Supply Co.

NOTE.—Applicant holds common carrier authority in MC-133095 and subs thereunder, therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Dallas, Tex.

No. MC 136318 (Sub-No. 34), filed August 29, 1975. Applicant: COYOTE TRUCK LINE, INC., P.O. Box 756, Thomasville, N.C. 27360. Applicant's representative: David R. Parker, 2310 Colorado State Bank Bldg., 1600 Broadway, Denver, Colo. 80202. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *New furniture*, from Lenoir, Shelby, Statesville, and Troutman, N.C., to points in Arizona and Nevada, under contract with Bernhardt Furniture, restricted (1) to traffic originating at or destined to the plantsites and facilities of Bernhardt Furniture Company; and (2) to transportation of commodities under a continuing contract or contracts with Bernhardt Furniture Company.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at either Winston-Salem, or Charlotte, N.C.

No. MC 136318 (Sub-No. 35), filed August 29, 1975. Applicant: COYOTE TRUCK LINE, INC., P.O. Box 756, 306 Cedar Lodge Road, Thomasville, N.C. 27360. Applicant's representative: David R. Parker, 2310 Colorado State Bank Building, 1600 Broadway, Denver, Colo. 80202. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *New furniture*, from points in Lenoir, Pleasant Garden, Thomasville, and Winston-Salem, N.C. and Appomattox, Va., to

points in Kansas, Nebraska, Oklahoma, and Texas, restricted to traffic to originate at or destined to the plantsites and facilities of Thomasville Furniture Industries, Inc. and further restricted to transportation of commodities under a continuing contract or contracts with Thomasville Furniture, Inc.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Winston-Salem, or Charlotte, N.C.

No. MC 138018 (Sub-No. 24), filed August 21, 1975. Applicant: REFRIGERATED FOODS, INC., 1420 33rd St., P.O. Box 1018, Denver, Colo. 80201. Applicant's representative: Joseph W. Harvey (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lard*, from Downs, Kans., to points in Texas.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr., or Kansas City, Mo.

No. MC 138256 (Sub-No. 4), filed August 18, 1975. Applicant: INTERIOR TRANSPORT, INC., P.O. Box 2141, 2124 Waterworks Way, Spokane, Wash. 99220. Applicant's representative: George H. Hart, 1100 IBM Bldg., Seattle, Wash. 98101. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Metal building materials*, (a) from Spokane, Wash., to points in Minnesota, Texas, Illinois, Iowa, Nebraska, Wisconsin, and Missouri; (b) from Denver, Colo., to points in Wisconsin and Missouri, (a) and (b) above are under a continuing contract or contracts with ASC Industries, Inc.; and (c) from Tacoma, Wash., to points in Minnesota, Texas, Illinois, Iowa, Nebraska, Wisconsin, and Missouri; (d) from Los Angeles, Calif., to points in Wisconsin and Missouri, (c) and (d) above are under a continuing contract or contracts with ASC Pacific, Inc.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Seattle, Wash.

No. MC 138375 (Sub-No. 18), filed August 25, 1975. Applicant: J. H. WARE TRUCKING, INC., 909 Brown Street, P.O. Box 398, Fulton, Mo. 65251. Applicant's representative: Larry D. Knox, 900 Hubbell Building, Des Moines, Iowa 50309. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Vacuum cleaners*, from Old Greenwich, Conn., to Los Angeles and Daly City, Calif. and Portland, Oreg., under a continuing contract or contracts with Electrolux.

NOTE.—Dual operations may be involved. If a hearing is deemed necessary, the applicant requests it be held at either St. Louis or Kansas City, Mo.

No. MC 138732 (Sub-No. 4), filed August 18, 1975. Applicant: OSTERKAMP TRUCKING, INC., 1049 No. Glassell, Orange, Calif. 92666. Applicant's representative: Michael R. Eggleton, 764 N. Cypress Street, Orange, Calif. 92666. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Soil amendments;* and (2) *bark*, in mixed shipments with the above named commodity, from Fredonia, Ariz., to points in California.

NOTE.—Applicant holds contract carrier authority in MC 133928 and subs thereunder, therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Los Angeles, Calif., or Phoenix, Ariz.

No. MC 138831 (Sub-No. 2), filed August 22, 1975. Applicant: JOHNNY JOHNS, doing business as J & J HAULING, 3 Midland Ave., Elmwood Park, N.J. 07407. Applicant's representative: George A. Olsen, 69 Tonnele Ave., Jersey City, N.J. 07306. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Bicycles, materials, equipment and supplies*, used in the manufacture, use and sale thereof (except commodities in bulk), (1) between Champlain, N.Y., on the one hand, and, on the other, Bensonville, Ill.; Secaucus, N.J.; Westwood, Mass., and Enid, Okla.; and (2) between Enid, Okla., and points in the New York, N.Y., Commercial Zone, as defined by the Commission, on the one hand, and, on the other, points in Delaware, New Jersey, New York, Pennsylvania, Ohio, Michigan, Connecticut, Rhode Island, Massachusetts, Maryland, Virginia, West Virginia, North Carolina, Kentucky, Indiana, Illinois, Tennessee, Iowa, Missouri, Kansas, Arkansas, and Oklahoma, under a continuing contract with Raleigh Industries of America, Inc.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at New York, N.Y., or Washington, D.C.

No. MC 139091 (Sub-No. 11), filed August 26, 1975. Applicant: LOGAN MOTOR LINES, INC., Rt. 2, Box 174-A, Canyon, Tex. 79015. Applicant's representative: Clayton J. Logan, P.O. Box 4265 CDU, Amarillo, Tex. 79105. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Meat, meat products and meat byproducts, and articles distributed by meat packinghouses*, as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carriers Certificates*, 61 M.C.C. 209 and 766, from the plantsite and storage facilities used by Swift Fresh Meats Company, at or near Cactus (Moore County), Tex., to points in the United States (except Alaska and Hawaii; and (2) *such commodities as are used by meat packers in the conduct of their business*, as described in Section D of Appendix I to the report in *Descriptions in Motor Carriers Certificates*, 61 M.C.C. 209 and 766, from points in the United States (except Alaska and Hawaii), to the plantsite and warehouse facilities of Swift Fresh Meats Company, at or near Cactus (Moore County), Tex.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Chicago, Ill., or Amarillo, Tex.

No. MC 139495 (Sub-No. 86), filed August 26, 1975. Applicant: NATIONAL CARRIERS, INC., 1501 East 8th Street, Liberal, Kans. 67901. Applicant's representative: Christian V. Graf, 407 North Front Street, Harrisburg, Pa. 17101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned and preserved foodstuffs*, from the shipping facilities of Heinz U.S.A., at Tracy and Stockton, Calif., to points in Idaho, Montana, Wyoming, Utah, Oregon, Washington, Arizona, and Nevada, restricted to traffic originating at the above-named origin and destined to the above-named destination states.

NOTE.—Applicant holds contract carrier authority in MC 133106 and subs thereunder, therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Pittsburgh, Pa., or Washington, D.C.

No. MC 139858 (Sub-No. 2), filed July 28, 1975. Applicant: AMSTAN TRUCKING INC., 1255 Corwin Avenue, Hamilton, Ohio 45015. Applicant's representative: Chandler L. Van Orman, 704 Southern Building, Washington, D.C. 20005. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Folding or rolling doors or partitions, fabric covered wall panels, and wall cloth and related equipment and supplies*, (a) from the plantsite and warehouse facilities of Modernfold Company (an American Standard Company), at New Castle, and North Manchester, Ind., to points in the United States (except Alaska, Hawaii and Indiana); and (b) between the plantsites of Modernfold Company (an American Standard Company), at Dyersville, Iowa and New Castle, Ind., and American Standard's Corporate Distribution Center, at Hamilton, Ohio; and (2) *materials, equipment, supplies, and accessories*, used in the manufacture and distribution of the above-mentioned commodities (except commodities in bulk, and those which because of size or weight require the use of special equipment), from points in (a) California and Minnesota, to North Manchester, Ind.; (b) Illinois, Indiana, and Pennsylvania, to Dyersville, Iowa; and (c) New Jersey, New York, Ohio, Pennsylvania, and South Carolina to New Castle, Ind., under contract with Modernfold Company (an American Standard Company).

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.; Cincinnati, Ohio, or Indianapolis, Ind.

No. MC 140244 (Sub-No. 3), filed August 22, 1975. Applicant: MARGIE L. BERRIE, Route 2, Arkansas City (Cowley County), Kans. 67005. Applicant's representative: Tom L. Schwinn, Box 549, Wellington, Kans. 67152. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Feed, feed ingredients*, including *alfalfa pellets, and fertilizer*, dry, in bulk, from Sumner and Cowley Counties, Kans., to Payne County, Okla.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Wichita or Topeka, Kans., or Oklahoma City or Tulsa, Okla.

No. MC 140452 (Sub-No. 3), filed August 27, 1975. Applicant: ROSE BROTHERS TRUCKING, INC., R.R. 31, Box 9,

Terre Haute, Ind. 47803. Applicant's representative: Walter F. Jones, Jr., 601 Chamber of Commerce Building, Indianapolis, Ind. 46204. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Sand and gravel*, from points in Fountain and Warren Counties, Ind., to points in Macon and Piatt Counties, Ill.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Indianapolis, Ind., or St. Louis, Mo.

No. MC 140546 (Sub-No. 1), filed August 25, 1975. Applicant: ROADHOUND TRUCK COMPANY, 811 Hale St., Osceola, Ark. 72370. Applicant's representative: Dale Woodall, 900 Memphis Bank Building, Memphis, Tenn. 38103. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Iron and steel articles* (a) from Calvert City, Ky., to points in Tennessee and Arkansas; and (b) from points in Tennessee and Arkansas to Calvert City, Ky.; (2) *materials and supplies* used in the manufacture of iron and steel articles, (a) from Hope, Ark., to points in Tennessee and Mississippi; and (b) from points in Tennessee and Mississippi to Hope, Ark.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Memphis, Tenn. or Little Rock, Ark.

No. MC 140612 (Sub-No. 2), filed August 21, 1975. Applicant: ROBERT F. KAZIMOUR, 1200 Norwood Drive, SE., P.O. Box 2011, Cedar Rapids, Iowa 52403. Applicant's representative: J. L. Kazimour (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Toilet tissue* and *related items*, from Bellingham, Wash., to points in Arizona and California.

NOTE.—Applicant holds contract carrier authority in MC 138003 and Subs 2 and 6, therefore dual operations may be involved. If a hearing is deemed necessary, the applicant requests it be held at Cedar Rapids, Iowa or Bellingham, Wash.

No. MC 140780 (Sub-No. 2), filed August 29, 1975. Applicant: ALVIN V. GREEN, Route 1, Lynchburg, S.C. 29080. Applicant's representative: John H. Lumpkin, Jr., 1250 SCN Center, Columbia, S.C. 29201. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Dry fertilizer and fertilizer materials*, in bags, between the plantsite of Kaiser Agricultural Chemical Company located near Riegelwood, N.C., on the one hand, and, on the other, the warehouse and locations of Kaiser in Clarendon, Florence, Lee, Sumter, Williamsburg, Darlington, Kershaw, and Georgetown Counties, S.C., under a continuing contract or contracts with Kaiser Agricultural Chemicals.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at (1) Columbia, S.C. (2) Charlotte, N.C. or (3) Atlanta, Ga.

No. MC 141035 (Sub-No. 2), filed August 27, 1975. Applicant: ROBERT DWIGHT MARTIN, doing business as DWIGHT MARTIN TRUCKING SERVICE, 561 Broadway, Hamilton, Ill. 62341. Applicant's representative: Robert T. Lawley, 300 Reisch Bldg., Springfield, Ill. 62701. Authority sought to operate as a *contract carrier*, by motor vehicle over irregular routes, transporting: (1) *Crushed stone*, in bulk, for the account of Dallas City Ready-Mix Concrete Corp., from points in Clark and Lewis Counties, Mo., to points in Hancock County, Ill.; and (2) *sand*, in bulk, for the account of Dallas City Ready-Mix Concrete Corp., from points in Lee County, Iowa and Lewis County, Mo., to points in Hancock County, Ill., under a continuing contract with Dallas City Ready-Mix Concrete Corp.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Chicago, Ill.

No. MC 141074 (Sub-No. 2), filed August 21, 1975. Applicant: DONALD WHEATLEY, doing business as DONALD WHEATLEY TRUCKING COMPANY, P.O. Box 447, Sharptown, Md. 21861. Applicant's representative: Chester A. Zyblut, 1522 K St. NW., Washington, D.C. 20005. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Lumber and* piling (untreated), from Sharptown, Md., and points within two miles thereof, to points in Virginia, Delaware, Pennsylvania, New Jersey, New York, Ohio, Connecticut, Massachusetts, Rhode Island, North Carolina, Maryland, New Hampshire, and Vermont, under contract with J. V. Wells Co.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 141194 (Sub-No. 1), filed August 22, 1975. Applicant: THE DEMPSEY BROTHERS CARTAGE AND WAREHOUSING CORPORATION, 1034 Avenue M, Grand Prairie, Tex. 75050. Applicant's representative: Thomas F. Kilroy, P.O. Box 624, Springfield, Va. 22150. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Candy and confectionery* (except in bulk) in tank vehicles and *advertising materials* related thereto, in vehicles equipped with mechanical refrigeration, from the plantsites and/or warehouse facilities of Pangburn Company, Inc., in Dallas and Fort Worth, Tex. and Atlanta, Ga., Selma, Ala., and Alexandria, La., to points in Florida, service from Selma, Ala., Atlata, Ga., and Alexandria, La., restricted to the transportation of shipments moving in vehicles that are transporting shipments from Dallas and/or Fort Worth, Tex.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Fort Worth, Tex. or Washington, D.C.

No. MC 141229, filed July 31, 1975. Applicant: G. M. BROWN & SONS, INC., Route #3, Caldwell, Idaho 83605. Applicant's representative: Dorsey Campbell (same address as applicant). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Boxes and sheets, fibreboard and pulpboard*, corrugated, from plantsite of Boise Cascade Corporation located near Nampa, Idaho, to points in Malheur County, Oreg., under a continuing contract or contracts with Boise Cascade Corp.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at either Blise, Idaho, or Salt Lake City, Utah.

No. MC 141245, filed August 21, 1975. Applicant: BARRETT TRUCKING CO., INC., Austin Drive, Burlington, Vt. 05401. Applicant's representative: John R. Bagileo, 918 16th St. N.W., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Malt beverages*, from Syracuse and Utica, N.Y., to Barre and Burlington, Vt.; and (2) *empty malt beverage containers*, from the above-named destinations to the above named origins.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at either Albany, N.Y. or Washington, D.C.

No. MC 141249 (Sub-No. 2), filed August 27, 1975. Applicant: PAT WEEKS, doing business as WEEKS CARTAGE, 6803 West Beaver Street, Jacksonville, Fla. 32205. Applicant's representative: Sol H. Proctor, 1107 Blackstone Building, Jacksonville, Fla. 32202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, in containers and trailers (except commodities in bulk and commodities requiring heavy hauling), between points in Jacksonville, Fla. and its Commercial Zone (except Yulee and Fernandina Beach, Fla.).

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Jacksonville, Fla.

No. MC 141260 (Sub-No. 1), filed August 25, 1975. Applicant: SIDLES TRANSPORTATION, INC., 7302 Pacific Street, Omaha, Nebr. 68114. Applicant's representative: Donald L. Stern, 530 Univac Building, 7100 West Center Road, Omaha, Nebr. 68106. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Automotive parts, appliances, carpeting and floor coverings, and materials, equipment, and supplies* used in the installation and repair of carpeting and floor coverings, between Omaha, Nebr., on the one hand, and, on the other, points in Des Moines, Iowa, and Denver, Colo., under a continuing contract or contracts with Sidles Distributing Company; Midlands Automotive Warehouse, Inc. and Herregan Distributors, Inc.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Omaha, Nebr.

No. MC 141268, filed August 25, 1975. Applicant: PARKVIEW TOWING CORP., 173–19 Liberty Avenue, Jamaica, N.Y. 11433. Applicant's representative: Sidney J. Leshin, 575 Madison Avenue,

New York, N.Y. 10022. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wrecked and disabled motor vehicles, including buses and trucks, and replacements thereof*, by use of wreckers and/or tow equipment, between points in New York, New Jersey, Pennsylvania, Maryland, Delaware, District of Columbia, Virginia, Vermont, New Hampshire, Maine, Massachusetts, Rhode Island, North Carolina, South Carolina, Georgia, Alabama, and Florida.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at New York, N.Y.

No. MC 141272, filed August 21, 1975. Applicant: JOVE TRANSPORT CORP., 3703 Provost Ave., Bronx, N.Y. 10466. Applicant's representative: George A. Olsen, 69 Tonnele Ave., Jersey City, N.J. 07306. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Plastics, plastic articles and resins* (except in bulk, in tank vehicles), between the facilities of V.C.A. and V.C.A. De Puerto Rico, located at or near Pittsfield, Mass.; Bridgeport, Fairfield and Stamford, Conn., on the one hand, and, on the other, points in New York, New Jersey, and Connecticut, under a continuing contract or contracts with V.C.A. and V.C.A. De Puerto Rico.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at New York or Washington, D.C.

No. MC 141292 (Sub-No. 1), filed September 2, 1975. Applicant: MICHAEL J. LIPARI, doing business as LIPARI TRUCKING CO., 314 Glen Ridge Avenue, Temple Terrace, Fla. 33617. Applicant's representative: John C. Vogt, Jr., 523 E. Madison Street, Tampa, Fla. 33602. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Recycled waste paper and related waste materials*, from points in Florida to points in Georgia, North Carolina, South Carolina, Alabama, Mississippi, and Tennessee, under contract with Durbin Paper Co., at Tampa, Miami, and Jacksonville, Fla.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Tampa, Fla.

No. MC 141301, filed September 2, 1975. Applicant: EMIL A. JOHNSON, doing business as CHIEF TRUCKING CO., 1767 South Redwood Street, Escondido, Calif. 92025. Applicant's representative: William J. Monheim, P.O. Box 1756, 15942 Whittier Blvd., Suite 106, Whittier, Calif. 90609. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Granite*, from points in Gillespie County, Tex., to Escondido and Riverside, Calif., the National Quarries plantsite near San Marcos, Calif., and the Bruner Pacific Marble & Granite, Inc., plantsite near Cucamonga, Calif., under contract with Robert N. Johnson and Emil A. Johnson, doing business as, National Quarries.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Los Angeles, Calif.

No. MC 141307 (Correction), filed July 31, 1975, published in the FEDERAL REGISTER issue of August 21, 1975, under MC 136337 (Sub-No. 3), and republished as corrected this issue. Applicant: RICHARD D. PEASE, doing business as R. P. TRUCKING, Route 2, Box 14, Warrens, Wis. 54666. Applicant's representative: Nancy J. Johnson, 4506 Regent Street, Madison, Wis. 53705. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber*, from Dorchester, Wis., to points in Tennessee, Alabama, Mississippi, Georgia, North Carolina, and South Carolina.

NOTE.—The purpose of this republication is to indicate that applicant seks common carrier authority in lieu of contract carrier authority on a portion of the previously noticed request for authority. Part (1) of the previous notice is deleted from applicant's request for authority. If a hearing is deemed necessary, the applicant requests it be held at Madison, Wis., or Minneapolis or St. Paul, Minn.

PASSENGER APPLICATIONS

No. MC 141113 filed July 3, 1975. Applicant: MONSEY TRANSPORTATION CORP., 94 Washington Avenue, New Square, Spring Valley, N.Y. 10977. Applicant's representative: Harvey L. Strelzin, 253 Broadway, New York, N.Y. 10007. Authority sought to operate as a *contract carrier*, by motor vehicle, over regular routes, transporting: *Passengers and their baggage*, in special and charter operations with Chassidic Jews and religious groups, organizations, congregations, congregations and synagogues of the Chassidic Jewish Sect., (1) From New York City, N.Y. (Borough of Brooklyn) to Monsey, N.Y.: (A) From junction 49th Street and 15th Avenue over 49th Street to junction Fort Hamilton Parkway, thence over Fort Hamilton Parkway to junction MacDonald Avenue, thence Terrace Place, thence over Terrace Place to junction 18th Street, thence over 18th Street to junction Prospect Expressway, thence over Prospect Expressway to junction Gowanus Expressway, thence over Gowanus Expressway to junction Brooklyn-Queens Expressway, thence over Brooklyn-Queens Expressway to Flushing Avenue exit, thence over the Flushing Avenue exit to junction Classon Avenue, thence over Classon Avenue to junction Kent Avenue, thence over Kent Avenue to junction Williamsburg Street East, thence over Williamsburg Street East to junction Bedford Avenue, thence over Bedford Avenue to junction Taylor Street, thence over Taylor Street to junction Roebling Street, thence over Roebling Street to junction Division Avenue, thence over Division Avenue to junction Havemeyer Street, thence over Havemeyer Street to junction South 4th Street, thence over South 4th Street to junction Williamsburg Bridge.

Thence across the bridge to exit leading to Delancey Street, thence over Delancey Street to junction Allen Street, thence over Allen Street (which becomes First Avenue), to junction 49th Street, thence over 49th Street to junction Ninth Avenue to the Lincoln Tunnel, thence through the Lincoln Tunnel to junction New Jersey Turnpike, thence over the New Jersey Turnpike to junction New Jersey Highway 80, thence over New Jersey Highway 80 to junction New Jersey Highway 17, thence over New Jersey Highway 17 to junction Garden State Parkway, thence over the Garden State Parkway to junction New York Thruway, thence over the New York Thruway to the Nanuet exit, thence over the Nanuet exit to junction Pascack Road, thence over Pascack Road to junction Pipetown Hill Road, thence over Pipetown Hill Road to junction Central Avenue, thence over Central Avenue to junction New York Highway 59, thence over New York Highway 59 to junction Monsey Boulevard, thence over Monsey Boulevard to junction Maple Avenue, thence over Maple Avenue to junction Main Street, thence over Main Street to junction Maple Avenue, thence over Maple Avenue (which becomes West Maple Avenue) to junction Carlton Road, thence over Carlton Road to junction Blauvelt Road, thence over Blauvelt Road to junction Cedar Lane, Monsey, N.Y., serving the intermediate points at the junctions of Lee Avenue and Wilson Street; Delancey Street and Allen Street; 49th Street and Fifth Avenue; Maple Avenue and Main Street; Maple Avenue and Carlton Road; and Carlton Road and Blauvelt Road; (B) From junction 187th Street and Amsterdam Avenue over Amsterdam Avenue to junction George Washington Bridge, thence over the George Washington Bridge to junction New Jersey Highway 4, thence over New Jersey Highway 4 to junction New Jersey Highway 17, thence over New Jersey Highway 17 to junction Garden State Parkway, thence over Garden State Parkway to Exit 172 at Pipetown Hill Road, thence over Pipetown Hill Road to junction New York Highway 45, thence over New York Highway 45 to junction Old Nyack Turnpike, thence over Old Nyack Turnpike to junction Kennedy Drive, thence over Kennedy Drive to junction New York Highway 59, thence over New York Highway 59 to junction Monsey Boulevard, thence over Monsey Boulevard to junction Maple Avenue.

Thence over Maple Avenue (which becomes West Maple Avenue) to junction Boxwood Lane, thence over Boxwood Lane to junction Remsen Avenue, thence over Remsen Avenue to junction Barbara Lane, thence over Barbara Lane to junction College Road, thence over College Road to junction Highview Avenue, thence over Highview Avenue to junction Windover Lane, thence over Windover Lane to junction Carlton Road, thence over Carlton Road to junction Blauvelt Road, thence over Blauvelt Road to junction Cedar Lane, thence over Cedar Lane to junction Blauvelt Road in Monsey, N.Y., serving the intermediate points at the junctions of Old Nyack Turnpike and Kennedy Drive; Monsey Boulevard and Maple Avenue; Boxwood Lane and

Remsen Avenue; Barbara Lane and College Road, and Windover Lane and Carlton Road; and (2) From Monsey, N.Y., to New York City, N.Y. (Borough of Brooklyn): From junction Cedar Lane and New York Highway 306 over Cedar Lane to junction Blauvelt Road, thence over Blauvelt Road to junction Carlton Road, thence over Carlton Road to junction West Maple Avenue, thence over West Maple Avenue to junction Monsey Boulevard, thence over Monsey Boulevard to junction Pipetown Hill Road, thence over Pipetown Hill Road to junction New York Highway 59, thence over New York 59 to junction New York State Thruway, thence over the New York Thruway to junction Garden State Parkway, thence over the Garden State Parkway to Exit 163, thence over Exit 163 to junction New Jersey Highway 17, thence over New Jersey Highway 17 to junction New Jersey Highway 80, thence over New Jersey Highway 80 to junction New Jersey Turnpike, thence over the New Jersey Turnpike to junction Lincoln Tunnel, thence through the Lincoln Tunnel to the exit leading to Tenth Avenue, thence over Tenth Avenue to junction 50th Street, thence over 50th Street to junction Lexington Avenue, thence over Lexington Avenue to junction 29th Street, thence over 29th Street to junction Broadway, thence over Broadway to junction Houston Street, thence over Houston Street to junction Delancey Street, thence over Delancey Street to junction Williamsburg Bridge.

Thence across Williamsburg Bridge to exit leading to Roebling Street, thence over Roebling Street to junction Division Avenue, thence over Division Avenue to junction Wilson Street, thence over Wilson Street to junction Lee Avenue, thence over Lee Avenue to junction Williamsburg Street West, thence over Williamsburg Street West to junction Brooklyn-Queens Expressway, thence over the Brooklyn-Queens Expressway to junction Gowanus Expressway, thence over Kowanus Expressway to junction Prospect Expressway, thence over Prospect Expressway to junction Tenth Avenue, thence over Tenth Avenue to junction MacDonald Avenue, thence over MacDonald Avenue to junction Fort Hamilton Parkway, thence over Fort Hamilton Parkway to junction 50th Street, thence over 50th Street to junction 15th Avenue, N.Y.; serving all intermediate points between the junctions of Carlton Avenue and West Maple Avenue, inclusive; those between Maple Avenue and Monsey Boulevard, inclusive, those between 50th Street and Sixth Avenue; and Allen Street and Delancey Street inclusive; and those at the junction of Wilson Street and Lee Avenue, under a continuing contract or contracts with Beth Medrosh Elyon, Monsey, N.Y., Community Synagogue of Monsey, Monsey, N.Y., Congregation Beth Israel, Monsey, N.Y., Congregation Temech David of New Square, Spring Valley, N.Y., Mesifta Nachas Yakov, Brooklyn, N.Y., and Yeshiva Wiznitz, Monsey, N.Y.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at New York, N.Y.

No. MC 141210 (Sub-No. 1), filed August 7, 1975. Applicant: SWARTZ & SONS, INC., doing business as Service Cab Company, 910 North Broadway, Pittsburg, Kans. 66762. Applicant's representative: K. I. Loy, 108 West Fourth, P.O. Box 566, Pittsburg, Kans. 66762. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage* both in special and charter operations, between points in Pittsburg, Mulberry, Fort Scott and Kansas City, Kans.; Asbury, Joplin, Tipton Ford, Neosho, Dalby, McElhaney, Goodman, Anderson, Lanagan, Noel, Mulberry, Eve, Hume, Grandview, Drexel, Cleveland and Kansas City, Mo.; Gravette and Gentry, Ark.; and Watts and Heavener, Okla., under a continuing contract or contracts with Kansas City Southern Railway Company.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Kansas City, Mo.

No. MC 141271 filed August 22, 1975. Applicant: ROYAL COACHMAN LIMITED, 504 Bloomfield Avenue, Verona, N.J. 07044. Applicant's representative: Charles J. Williams, 47 Lincoln Park, Newark, N.J. 07102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage*, in the same vehicle with passengers, in charter operations, in nonscheduled door-to-door service, limited to the transportation of not more than eight (8) passengers in any one vehicle, not including the driver, between points in Morris, Sussex, Somerset, and Middlesex Counties, N.J., on the one hand, and, on the other, LaGuardia Airport and John F. Kennedy International Airport, located in New York, N.Y.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Newark, N.J.

BROKER APPLICATIONS

No. MC 12763 (Sub-No. 3), filed June 18, 1975. Applicant: UNIVERSAL TRAVEL AGENCY, INC., 540 Audubon Bldg., 931 Canal St., New Orleans, La. 70112. Applicant's representative: Harold R. Ainsworth, 2307 American Bank Bldg., New Orleans, La. 70130. Authority sought to engage in operation, in interstate or foreign commerce, as a *broker* at New Orleans, La., to sell or offer to sell the transportation of *Passengers and their baggage*, in special and charter conducted educational and sightseeing tours, by motor carrier, beginning and ending at points in Louisiana and Mississippi on and south of a line drawn from the Louisiana-Texas State Boundary line over Louisiana Highway 8 to intersection Louisiana Highway 28, thence over Louisiana Highway 28 to intersection Louisiana Highway 112, thence over Louisiana Highway 112 to intersection U.S. Highway 71, thence over U.S. Highway 71 to intersection Louisiana Highway 115, thence over Louisiana Highway 115 to intersection Louisiana Highway 114, thence over Louisiana Highway 114 to intersection Louisiana Highway 1, thence over Louisiana Highway 1 to intersection Louisiana Highway 15, thence over Louisiana Highway 15 to intersection U.S. Highway 84, thence over U.S. Highway 84 to the Mississippi-Alabama State Boundary line, and Hazlehurst, Miss., and extending to points in the United States, including Alaska and Hawaii.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at either New Orleans, Baton Rouge, La., or Jackson, Miss.

No. MC 130334 filed August 12, 1975. Applicant: CHRISTOPHERSON TRAVEL SERVICE, INC., P.O. Box 43, Provo, Utah 84601. Applicant's representative: John L. Weenig (same address as applicant). Authority sought to engage in operation, in interstate or foreign commerce, as a *broker* at Provo, Utah, to sell or offer to sell the transportation of *passengers and their baggage* in the same vehicle with passengers in charter operations, by motor, rail, water and air carriers, between points in the United States, including Alaska and Hawaii.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at either Provo or Salt Lake City, Utah.

No. MC 130336 filed August 18, 1975. Applicant: NEW MEXICO DIVISION AAA, a division of American Automobile Ass'n, a Connecticut Corp., 2201 San Pedro Street, NE., Albuquerque, N. Mex. 87110. Applicant's representative: Morris J. Levin, 1620 Eye Street, NW., Washington, D.C. 20006. Authority sought to engage in operations, in interstate or foreign commerce, as a *broker* at Albuquerque, Santa Fe, Roswell, Las Cruces, Farmington, and Clovis, N. Mex., to sell or offer to sell the transportation of *individual passengers and groups of passengers and their baggage*, in special and charter operation, by motor carriers, (1) between points in New Mexico; and (2) between points in New Mexico and points in the United States, including Alaska and Hawaii.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Albuquerque, N. Mex.

FREIGHT FORWARDERS APPLICATION

No. FF-474 filed July 7, 1975. Applicant: PITTSBURGH WAREHOUSE AND VAN CO., INC., doing business as PLYMOUTH INTERNATIONAL TRANSPORTATION CORP., 4437 Hawley Street, Pittsburgh, Pa. 15224. Applicant's representative: Robert J. Gallagher, 1776 Broadway Street, New York, N.Y. 10019. Authority sought to engage in operation, in interstate commerce, as a *freight forwarder*, through use of the facilities of common carriers by rail, motor, water, and express, in the transportation of (a) *Used household goods and unaccompanied baggage*, and (b) *used automobiles*, between points in the

United States, including Hawaii, but excluding Alaska, restricted in (b) to the transportation of import-export traffic.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Pittsburgh, Pa.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.75-25465 Filed 9-24-75;8:45 am]

IRREGULAR-ROUTE MOTOR COMMON CARRIERS OF PROPERTY

Elimination of Gateway Applications

SEPTEMBER 22, 1975.

The following applications to eliminate gateways for the purpose of reducing highway congestion, alleviating air and noise pollution, minimizing safety hazards, and conserving fuel have been filed with the Interstate Commerce Commission under the Commission's Gateway Elimination Rules (49 CFR 1065(d)(2)), and notice thereof to all interested persons is hereby given as provided in such rules.

Carriers having a genuine interest in an application may file an original and three copies of *verified statements* in opposition with the Interstate Commerce Commission on or before October 28, 1975. (This procedure is outlined in the Commission's report and order in *Gateway Elimination*, 119 M.C.C. 530.) A copy of the verified statement in opposition must also be served upon applicant or its named representative. The verified statement should contain all the evidence upon which protestant relies in the application proceeding including a detailed statement of protestant's interest in the proposal. No rebuttal statements will be accepted.

No. MC 107064 (Sub-No. 108G), filed June 3, 1974. Applicant: STEERE TANK LINES, INC., 2808 Fairmount Street, P.O. Box 2998, Dallas, Tex. 75221. Applicant's representative: Hugh T. Matthews, 630 Fidelity Union Tower, Dallas, Tex. 75201. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Petroleum* and *petroleum products*, in bulk, in tank vehicles, (a) from points in New Mexico and those in Texas on and west of U.S. Highway 83 to points in the United States (except Alaska and Hawaii), and (b) from Kansas City, Kansas, to points in the United States (except Alaska and Hawaii). The purpose of this filing is to eliminate the gateways at Etter, Dimmitt, Plainview, Sheerin, Slaton, Brownfield, Lubbock, Lehman, Big Spring, Odessa, and Colorado City, Tex.; the plantsite and storage facilities of Occidental Chemical Company of Texas in Hale County, Tex., the plantsite of Nipak, Inc., at or near Kerens, Tex.; the site of the Shamrock Oil and Gas Corporation plant about 11 miles from Dumas, Tex.; Monument, N. Mex.; points in Ector, Howard, Hale, Hutchinson, Moore, Terry, Lubbock, Hale, Deaf Smith, and Lamb Counties, Tex.; and points in Texas on and west of U.S. Highway 83; (2) *anhydrous ammonia*, in bulk, in tank vehicles, from points in New Mexico and those in Texas on and west of U.S. Highway 83 to points in Arizona, Colorado, Kansas, Nebraska, New Mexico, Oklahoma, Mississippi, Missouri, Alabama, Georgia, South Carolina, Tennessee (except Kingsport), Arkansas, Kentucky, Indiana, Illinois, and Iowa. The purpose of this filing is to eliminate the gateways at Plainview, Dimmitt, Big Spring, and Odessa, Tex.; points in Hutchinson and Moore Counties, Tex.; and points in Texas on and west of U.S. Highway 83.

(3) *Petro-chemicals*, in bulk, in tank vehicles, from points in New Mexico and those in Texas on and west of U.S. Highway 83 to points in Arkansas, Colorado, Kansas, Louisiana, Missouri, Nebraska, New Mexico, Oklahoma, Wyoming, Mississippi, Alabama, Georgia, South Carolina, Tennessee (except Kingsport), Kentucky, Indiana, Illinois, and Iowa. The purpose of this filing is to eliminate the gateways at Odessa, Tex., and points within 10 miles thereof; the plantsite and storage facilities of Occidental Chemical Company of Texas in Hale County, Tex.; and points in Texas on and west of U.S. Highway 83; (4) *such potash, potash products, and potash byproducts as are chemicals*, in bulk, from Eddy and Lea Counties, New Mexico to points in Wyoming and Louisiana. The purpose of this filing is to eliminate the gateway at the plantsite and storage facilities of Occidental Chemical Company of Texas in Hale County, Tex.; (5) *potash, potash products, and potash byproducts when shipped as fertilizer*, in bulk, from points in Eddy and Lea Counties, New Mexico, to points in South Carolina, Georgia, Tennessee, Texas, Alabama, Kentucky, Louisiana, and Indiana. The purpose of this filing is to eliminate the gateway at Dimmitt, Tex.; (6) *sulphuric acid*, in bulk, in tank vehicles, from points in New Mexico and those in Texas on and west of U.S. Highway 83 to points in Utah. The purpose of this filing is to eliminate the gateway at Plainview, Tex.; and points in Texas on and west of U.S. Highway 83; (7) *sulphur* and *sulphur products*, in bulk, in tank or hopper vehicles, from points in New Mexico and those in Texas on and west of U.S. Highway 83 to points in Mississippi, Missouri, Louisiana, Alabama, Georgia, Arizona, Colorado, South Carolina, Tennessee, Arkansas, New Mexico, Texas, Kentucky, Indiana, Illinois, Iowa, Nebraska, Kansas, and Oklahoma. The purpose of this filing is to eliminate the gateways at Dimmitt, Tex.; and points in Cochran County, Tex.

(8) *Salt*, when used as feed ingredient, from points in New Mexico to points in Utah. The purpose of this filing is to eliminate the gateway at points in Catron County, N. Mex.; (9) *blackstrap molasses*, when used as feed or feed ingredient, in bulk, in tank vehicles, from New Orleans, Louisiana, to points in Arizona, New Mexico, Colorado, Oklahoma, Kansas, and those in Texas on and west of U.S. Highway 83. The purpose of this filing is to eliminate the gateway at Farmington, N. Mex.; (10) *feed* and *feed ingredients* (except animal fats, vegetable oils and salt), between points in Texas on and west of U.S. Highway 83, on the one hand, and, on the other, points in Texas. The purpose of this filing is to eliminate the gateway at Texas City, Okla.; (11) *livestock feedstuffs* (except cottonseed products, animal fats and vegetable oils), in bulk, from points in Arizona, New Mexico, Colorado, Oklahoma, Kansas, and those in Texas on and west of U.S. Highway 83 to points in Arizona, Nebraska, Kansas, Oklahoma, Arkansas, Louisiana, Mississippi, Missouri, Alabama, and Florida. The purpose of this filing is to eliminate the gateways at Amarillo and Hereford, Tex.

(12) *Fertilizer* and *fertilizer ingredients* (except potash), from points in Texas on and west of U.S. Highway 83 to points in Nevada, Arizona, New Mexico, Colorado, Wyoming, Nebraska, Kansas, Oklahoma, Texas, Louisiana, Arkansas, Missouri, Iowa, Illinois, Indiana, Kentucky, Tennessee, Mississippi, Alabama, Georgia, and South Carolina. The purpose of this filing is to eliminate the gateways at Plainview, Dimmitt, Big Spring, Odessa, Sheerin and Etter, Tex.; Monument, N. Mex.; the plantsite of Nipak, Inc., at or near Kerens, Tex.; the plantsite and storage facilities of Occidental Chemical Company of Texas in Hale County, Tex.; points in Lamb, Hale, Moore, Terry, Lubbock, and Deaf Smith Counties, Tex.; and points in Texas on and west of U.S. Highway 83.

IRREGULAR-ROUTE MOTOR COMMON CARRIERS OF PROPERTY

Elimination of Gateway Letter Notices

SEPTEMBER 22, 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 *within 10 days* from the date of this publication. 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 5101 (Sub-No. E1), (Correction), filed June 4, 1974, published in the FEDERAL REGISTER July 15, 1975. Applicant: SREIN FURNITURE CARRIERS, INC. (2307 Bristol Pike, Croydon, Pa. 19020. Applicant's representative: James H. Sweeney, P.O. Box 684, Woodbury, N.J. 08096. Authority sought to operate

as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Furniture*, uncrated and *parts* and *materials* used in the manufacture thereof; (a) between points in New Jersey on and south of New Jersey Highway 33, on the one hand, and, on the other, points in New York (except between points in New York on and south of a line beginning at U.S. Highway 44 at the New York-Connecticut State line, thence along U.S. Highway 44 to junction U.S. Highway 209, thence along U.S. Highway 209 to junction New York Highway 52, thence along New York Highway 52 to junction New York Highway 17, thence along New York Highway 17 to the New York-Pennsylvania State line at or near Hancock, N.Y., including points on the portions of the specified highways in New York, on the one hand, and, on the other, points in New Jersey north of New Jersey Highway 70 and south of New Jersey Highway 33); (b) between points in New Jersey, on and north of a line beginning at Gloucester City, N.J., thence along unnumbered highway to Camden, N.J., thence along New Jersey Highway 70 to junction New Jersey Highway 72 to Long Beach Island, on the one hand, and, on the other, points in Delaware; (3) *Metal sink tops and metal table tops, porcelain coated, uncrated;* * * *. The purpose of this filing is to eliminate the gateway of Philadelphia, Pa. The purpose of this partial correction is to correct the territorial description and to correct the commodity description in (3) above. The remainder of this letter-notice remains as previously published.

No. MC 8973 (Sub-No. E68), filed May 16, 1974. Applicant: METROPOLITAN TRUCKING, INC., 2424 95th St., N. Bergen, N.J. 07047. Applicant's representative: George A. Olsen, 69 Tonnele Ave., Jersey City, N.J. 07306. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Building materials* (except those of unusual value, household goods, as defined by the Commission, Classes A and B explosives, commodities in bulk, and those requiring special equipment), (1) from points in Hudson County, N.J., to points in Ohio, Delaware, Maryland, Virginia, and the District of Columbia; (2) from points in Hudson County, N.J., to those points in New York on, north and west of a line beginning at the New York-Pennsylvania State line extending along New York Highway 282 to junction New York Highway 17C, thence along New York Highway 17C to junction New York Highway 38, thence along New York Highway 38 to junction New York Highway 221, thence along New York Highway 221 to junction unnumbered highway, thence along unnumbered highway to junction New York Highway 26, thence along New York Highway 26 to junction US Highway 20, thence along US Highway 20 to junction New York Highway 12, thence along New York Highway 12 to junction New York Highway 171, thence along New York Highway 171 to junction New York Highway 28, thence along New York Highway 28 to junction New York Highway 29, thence along New York Highway 29 to junction New York Highway 29A, thence along New York Highway 29A to junction New York Highway 29, thence along New York Highway 29 to junction New York Highway 39N, thence along New York Highway 39N to junction Interstate Highway 87, thence along Interstate Highway 87 to junction US Highway 9, thence along US Highway 9 to junction New York Highway 149, thence along New York Highway 149 to the New York-Vermont State line.

(3) From points in Hudson County, N.J., to points in Massachusetts on and east of a line beginning at Buzzards Bay extending along unnumbered highway to junction Massachusetts Highway 28, thence along Massachusetts Highway 28 to junction U.S. Highway 6, thence along U.S. Highway 6 to junction unnumbered highway, thence along unnumbered highway to Cape Cod Bay, and points on, north and east of a line beginning at Massachusetts Bay extending along Massachusetts Highway 127 to junction Massachusetts Highway 97, thence along Massachusetts Highway 97 to junction Interstate Highway 95, thence along Interstate Highway 95 to junction Massachusetts Highway 133, thence along Massachusetts Highway 133 to junction Massachusetts Highway 28, thence along Massachuetts Highway 28 to the Massachusetts-New Hampshire State line; (4) from Bayonne (Hudson County), N.J., to points in Massachusetts; (5) from points in Hudson County, N.J., to points in New Hampshire on and north of a line beginning at the Vermont-New Hampshire State line extending along New Hampshire Highway 123 to junction New Hampshire Highway 31, thence along New Hampshire Highway 31 to junction New Hampshire Highway 47, thence along New Hampshire Highway 47 to junction New Hampshire Highway 136, thence along New Hampshire Highway 136 to junction New Hampshire Highway 13, thence along New Hampshire Highway 13 to junction unnumbered highway, thence along unnumbered highway to junction New Hampshire Highway 121, thence along New Hampshire Highway 121 to junction unnumbered highway, thence along unnumbered highway to junction New Hampshire Highway 107, thence along New Hampshire Highway 107 to the Atlantic Ocean; (6) from Kearny, Harrison, East Newark, Bayonne, and Jersey City (Hudson County), N.J., to points in New Hampshire and Vermont.

(7) From points in Hudson County, N.J., to points in Vermont on and north of a line beginning at the Vermont-New York State line extending along Vermont Highway 149 to junction Vermont Highway 30, thence along Vermont Highway 30 to junction unnumbered highway, thence along unnumbered highway at Paweet to junction U.S. Highway 7, thence along U.S. Highway 7 to junction unnumbered highway, thence along unnumbered highway at North Shrewsbury to junction Vermont Highway 100, thence along Vermont Highway 100 to junction Vermont Highway 11, thence along Vermont Highway 11 to junction Vermont Highway 121, thence along Vermont Highway 121 to junction Interstate Highway 91, thence along Interstate Highway 91 to the Vermont-New Hampshire State line; (8) from Bayonne and Hudson County, N.J., to points in Rhode Island; and (9) from points in Hudson County, N.J., to those points in Pennsylvania on, south and west of a line beginning at the Pennsylvania-New York State line extending along Interstate Highway 81 to junction Pennsylvania Highway 435, thence along Pennsylvania Highway 435 to junction unnumbered highway, thence along unnumbered highway to junction Pennsylvania Highway 115 near Stoddardsville, thence along Pennsylvania Highway 115 to junction Interstate Highway 80, thence along Interstate Highway 80 to junction Pennsylvania Turnpike, thence along Pennsylvania Turnpike, to junction Pennsylvania Highway 248, thence along Pennsylvania Highway 248 to junction Pennsylvania Highway 873, thence along Pennsylvania Highway 873 to junction Interstate Highway 78, thence along Interstate Highway 78 to junction Pennsylvania Highway 863, thence along Pennsylvania Highway 863 to junction Pennsylvania Highway 29, thence along Pennsylvania Highway 29 to junction Pennsylvania Highway 63, thence along Pennsylvania Highway 63 to junction Pennsylvania Highway 463, thence along Pennsylvania Highway 463 to junction U.S. Highway 202, thence along U.S. Highway 202 to junction Pennsylvania Highway 611, thence along Pennsylvania Highway 611 to junction Pennsylvania Highway 332, thence along Pennsylvania Highway 332 to the Pennsylvania-New Jersey State line. The purpose of this filing is to eliminate the gateway of the warehouse and plantsite facilities of Alcan Aluminum Corporation at Woodbridge, N.J.

No. MC 29886 (Sub-No. E52), (Correction), filed May 31, 1974, published in the FEDERAL REGISTER March 25, 1975. Applicant: DALLAS & MAVIS FORWARDING CO., INC., 4000 W. Sample St., South Bend, Ind. 46627. Applicant's representative: Charles Pieroni (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Tractors* (other than truck tractors), which are contractors' equipment; (1) from those points in Pennsylvania on, south, and west of a line beginning at the Pennsylvania-Ohio State line and extending along Interstate Highway 80 to junction U.S. Highway 219, thence along U.S. Highway 219 to the Pennsylvania-Maryland State line, to points in Washington, Idaho, Oregon, California, Nevada, Utah, Arizona, and those in Montana on and west of U.S. Highway 80; and (2) from those points in Pennsylvania on, north, and west of a line beginning at the Pennsylvania-Ohio State line and extending along Interstate Highway 80 to junction U.S. Highway 219, thence along U.S. Highway 219 to the Pennsylvania-New York State line, to points in Washington, Idaho, Montana, Oregon,

Wyoming, California, Nevada, Utah, Arizona, New Mexico, Vermont, Maine, New Hampshire, Massachusetts, and those in Colorado on and west of a line beginning at the Colorado-Nebraska State line and extending along Colorado Highway 71 to junction U.S. Highway 350, thence along U.S. Highway 350 to junction Interstate Highway 25, thence along Interstate Highway 25 to the Colorado-New Mexico State line. The purpose of this filing is to eliminate the gateway of Batavia, N.Y. The purpose of this correction is to correct the whole letter-notice.

No. MC 2986 (Sub-E110), filed May 23, 1974. Applicant: DALLAS & MAVIS FOWARDING CO., INC., 400 West Sample St., South Bend, Ind. 46627. Applicant's representative: Charles Pieroni (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *trucks and truck chassis*, in initial movements, in truckaway service, from points in Macomb County, Mich., south of 14 Mile Road and west of Gratiot Avenue (except Fraser, East Detroit, and Roseville, Mich.), to points in Alabama, Georgia, Florida, Mississippi, Louisiana, and Wyoming (South Bend, Ind.)* and *new trucks*, equipped with camper or office facilities, in initial movements, from South Bend, Ind., to points in the United States (except those in Indiana, those in Ottawa, Allegan, Van Buren, Berrien, and Cass Counties, Mich., and those in Vermilion, Iroquois, Kankakee, Will, Kendall, Kane, DuPage, Cook, and Lake Counties, Ill.) (Elkhar, Ind.)* The purpose of this filing is to eliminate the gateways as indicated by asterisks above.

No. MC 29886 (Sub-E111), filed May 31, 1974. Applicant: DALLAS & MAVIS FORWARDING CO., INC., 4000 W. Sample St., South Bend, Ind. 46627. Applicant's representative: Charles Pieroni (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Tractors*, which are contractors' machinery and equipment, from those points in Iowa on and north of Interstate Highway 80, to those points in Tennessee east of Macon, Smith, DeKalb, White, Van Buren, Bledsoe, Hamilton, and Bradley Counties; Tennessee. The purpose of this filing is to eliminate the gateway of points in Michigan on and south of a line extending along the northern boundaries of Allegan, Barry, and Eaton Counties, Mich., thence along Business Route Interstate Highway 96 to Lansing, Mich., thence on and west of a line extending along U.S. Highway 127 to Jackson, Mich., thence along unnumbered highway (formerly portion U.S. Highway 127) to junction U.S. Highway 12, near Somerset Center, Mich., thence along U.S. Highway 12 to junction U.S. Highway 127, to the Michigan-Ohio State line, and Churubuscon, Ind.

No. MC 29886 (Sub-E112), filed May 31, 1974. Applicant: DALLAS & MAVIS FORWARDING CO., INC., 4000 W. Sample St., South Bend, Ind. 46627. Applicant's representative: Charles Pieroni (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *front end shovel loaders*, assembled, and *industrial lift trucks*, assembled, which because of size or weight require special equipment, (1) between points in Maine, Vermont, New Hampshire, Massachusetts, Connecticut, Rhode Island, New Jersey, Pennsylvania, and New York, on the one hand, and, on the other, points in Washoe, Storey, Lyon, Ormsby, Douglas, and Mineral Counties, Nev., those in Polk, Lincoln, Benton, Linn, Lane, Douglas, Coos, Klamat, Curry, Josephine, and Jackson Counties, Oreg., and those in California on, north and west of a line beginning at the Pacific Ocean and extending along California Highway 55 to junction California Highway 57, to junction Interstate Highway 210, to junction California Highway 39, to junction California Highway 2, to junction California Highway 138, to junction U.S. Highway 395, to junction U.S. Highway 6 to the California-Nevada State line; (2) between points in West Virginia, Virginia, North Carolina, Maryland, Delaware, and the District of Columbia, on the one hand, and, on the other, points in California (except those in Inyo, Tulare, San Bernardino, Kern, Ventura, Los Angeles, Riverside, Orange, San Diego, and Imperial), those in Washoe, Storey, Lyon, Ormsby, Douglas, and Mineral Counties, Nev., and those in Marion, Polk, Lincoln, Benton, Linn, Lane, Douglas, Klamath, Cass, Curry, Josephine, Jackson, and Lake Counties, Oreg.; and (3) between points in Kentucky, Tennessee, Alabama, Mississippi, on the one hand, and, on the other, points in California (except those in Mono, Inyo, Tulare, Kern, Ventura, Los Angeles, Orange, San Diego, Riverside, Imperial, Santa Barbara, and San Bernardino), those in Washoe, Storey, Lyon, Ormsby, and Douglas Counties, Nev., and those in Lake, Klamath, Jackson, Josephine, Curry, Coos, Douglas, Lane, Benton, Lincoln Counties, Oreg. The purpose of this filing is to eliminate the gateway of San Leandro, Calif.

No. MC 29886 (Sub-E113), filed May 23, 1974. Applicant: DALLAS & MAVIS FORWARDING CO., INC., 4000 West Sample Street, South Bend, Ind. 46627. Applicant's representative: Charles Pieroni (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New automobiles and new trucks*, in secondary movements, in driveaway service, (1) from points in Maryland, New Jersey, New York, Pennsylvania, West Virginia, those in the lower peninsula of Michigan in and east of Hilldale, Calhoun, Eaton, Ionia, Montcalm, Newago, and Oceana Counties, those in North Carolina on and east of U.S. Highway 21, those in Ohio on, north and east of U.S. Highway 33, and the District of Columbia, to points in Colorado; (2) from points in Maryland, New Jersey, New York, North Carolina, Ohio, Pennsylvania, West Virginia, and the District of Columbia, to points in Utah (Detroit, Mich.)*; (3) from points in Maryland, New Jersey, New York, Pennsylvania, those in the Lower Peninsula of Michigan on, north and east of Branch, Calhoun, Eaton, Ionia, Montcalm, Mecosta, Osceola, Wexford, and Manistee Counties, those in Ohio in, north, and east of Williams, Henry, Hancock, Wyandot, Marion Morrow, Knox, Coshocton, Tuscarawas, Harrison, and Jefferson Counties, and the District of Columbia, to points in Arkansas; (4) from points in Maryland, New Jersey, New York, Pennsylvania, West Virginia, those in Fulton and Henry Counties, Ohio on and east of Ohio Highway 108, and those in Ohio in and north of Hancock, Wyandot, Marion, Morrow, Knox, Licking, Mushingum, Noble, and Monroe Counties, those in North Carolina on and east of U.S. Highway 25, and the District of Columbia, to points in Iowa.

(5) From points in Maryland, New Jersey, New York, North Carolina, Pennsylvania, West Virginia, those in the Lower Peninsula of Michigan on and east of U.S. Highway 23 and on and south of Michigan Highway 25, those in Ohio in and east of Williams, Defiance, Putnam, Allen, Hardin, Union, Franklin, Pickaway, Hocking, Vinton, Jackson, and Lawrence Counties, those in North Carolina on and east of U.S. Highway 21, and the District of Columbia, to points in Nebraska; (6) from points in Maryland, New Jersey, New York, Pennsylvania, those in Ohio in and east of Defiance, Putnam, Allen, Harding, Union, Delaware, Licking, Perry, Morgan, and Washington Counties, (those in Michigan on and east of U.S. Highway 23 and on and south of Michigan Highway 25)*; and the District of Columbia, to points in Kansas; (7) from points in Maryland, New Jersey, New York, Pennsylvania, those in Michigan on and east of U.S. Highway 23 and on and south of Michigan Highway 25, those in Ohio in and north of Paulding, Putnam, Allen, Hardin, Marion, Delaware, Licking, Perry, Morgan, and Washington, and the District of Columbia, to points in Oklahoma; (8) from points in Maryland, New Jersey, New York, Pennsylvania, those in the Lower Peninsula of Michigan, those in Ohio in and north of Paulding, Putnam, Allen, Hardin, Marion, Delaware, Licking, Perry, Morgan, and Washington Counties, and the District of Columbia, to points in Texas; and (9) from points in Maryland, New Jersey, New York, North Carolina, Pennsylvania, West Virginia, those in Ohio in and east of Lucas, Wood, Hancock, Hardin, Union, Madison, Fayette, Ross, Pike, and Seioto Counties, and the District of Columbia, to points in Wisconsin (Toledo, Ohio)*. The purpose of this filing is to eliminate the gateways indicated by asterisks above.

No. MC 35358 (Sub-No. E41), (Correction), filed June 4, 1974, published in the FEDERAL REGISTER June 13, 1975. Applicant: BERGER TRANSFER & STORAGE, INC., 3720 MacAlaster Drive, NE., Minneapolis, Minn. 55421. Applicant's representative: Andrew R. Clark, 1000 First Nat'l Bank Bldg., Minneapolis, Minn. 55402. Authority sought to operate as a *common carrier*, by motor vehicle,

over irregular routes, transporting: *Caskets*, from points in Wisconsin on and south of a line beginning at the Minnesota-Wisconsin State line and extending along Interstate Highway 90 to junction Interstate Highway 94, thence along Interstate Highway 94 to Lake Michigan, to points in Montana, North Dakota, and points in South Dakota on and north of a line beginning at the South Dakota-Minnesota State line and extending along U.S. Highway 14 to junction U.S. Highway 281, thence along U.S. Highway 281 to junction U.S. Highway 16, thence along U.S. Highway 16 to junction U.S. Highway 83, thence along U.S. Highway 83 to the South Dakota-Nebraska State line. The purpose of this filing is to eliminate the gateway of Minneapolis, Minn. The purpose of this correction is to correct the origin territory.

No. MC 35358 (Sub-No. E63), (Correction), filed February 27, 1975, published in the FEDERAL REGISTER June 18, 1975. Applicant: BERGER TRANSFER & STORAGE, INC., 3720 MacAlaster Drive, NE., Minneapolis, Minn. 55421. Applicant's representative: Andrew R. Clark, 1000 First Nat'l Bank Bldg., Minneapolis, Minn. 55402. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (A) Phonograph and tape players and recorders, radio and television receivers, and accessories of the named commodities, all uncrated, from points in New York, New Jersey, and Pennsylvania to points in Washington, Oregon, California, Idaho, Nevada, Arizona, Utah, Wyoming, points in Colorado on and west of U.S. Highway 25 and points in Minnesota (except points east of a line beginning at the Minnesota-Wisconsin State line and extending along U.S. Highway 63 to junction U.S. Highway 16, thence along U.S. Highway 16 to junction U.S. Highway 218, thence along U.S. Highway 218 to the Minnesota-Iowa State line, not including points in the Commercial Zones of Rochester and Austin, Minn.); and (C) *Phonograph and tape players and recorders, radio and television receivers and accessories* of the named commodities, from points in New York, Pennsylvania, and New Jersey to points in North Dakota, South Dakota, and Montana. The purpose of this filing is to eliminate the gateway of Minneapolis, Minn. The purpose of this partial correction is to: in (A) above, to correct the destination points, and to include (C) above. The remainder of this letter-notice remains as previously published.

No. MC 45736 (Sub-E18), filed June 3, 1974. Applicant: GUIGNARD FREIGHT LINES, INC., P.O. Box 26067, Charlotte, N.C. 28213. Applicant's representative: Edward G. Villalon, Suite 1032, 13th and Penn. Ave. NW., Washington, D.C. 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Automobiles*, from Detroit, Mich., (1)(A) to points in North Carolina within 225 miles of Concord, N.C., which are on and south of a line beginning at the Virginia-North Carolina State line and extending along U.S. Highway 258 to junction U.S. Highway 158, to junction U.S. Highway 64, to junction U.S. Highway 221 to the North Carolina-South Carolina State line; (B) to points in South Carolina on and east of a line beginning at the North Carolina-South Carolina State line and extending along U.S. Highway 25 to junction U.S. Highway 29 to the South Carolina-Georgia State line; (C) to points in Georgia within 225 miles of Concord, N.C., which are on and east of U.S. Highway 29 (Concord, N.C.)*; (2) to Savannah, Ga. (Concord, N.C. and Sumter County, S.C.)*. The purpose of this filing is to eliminate the gateways indicated by asterisks above.

No. MC 52565 (Sub-No. E1), filed June 4, 1974. Applicant: MYERS TRANSFER & STORAGE COMPANY, 418 Third Ave., Huntington, W. Va. 25701. Applicant's representative: Bob E. Myers (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (A) *Household goods*, as defined by the Commission, (1) between points in the Lower Peninsula of Michigan on and east of Interstate Highway 75, on the one hand, and, on the other, points in Virginia on and south of Interstate Highway 64, and points in North Carolina, and points in Tennessee on and east of Interstate Highway 75 (Huntington, W. Va., and points in Gallia and/or Scioto Counties, Ohio, within 125 miles of Mansfield, Ohio*); (2) between points in the Lower Peninsula of Michigan, on the one hand, and, on the other, points in Virginia on and south of Interstate Highway 64, and points in North Carolina (Huntington, W. Va., and points in Gallia or Scioto Counties, Ohio, within 125 miles of Mansfield, Ohio*); (3) between points in Indiana on and north of Interstate Highway 70, on the one hand, and, on the other, points in Virginia on, east and south of a line beginning at the Virginia-North Carolina State line extending along U.S. Highway 21 to the West Virginia-Virginia State line, thence along the West Virginia-Virginia State line extending along Interstate Highway 64 to the Atlantic Ocean, and points in North Carolina on and east of U.S. Highway 21 (Huntington, W. Va., and points in Gallia or Scioto Counties, Ohio, within 125 miles of Mansfield, Ohio*).

(4) Between points in Indiana on and south of Interstate Highway 70, on the one hand, and, on the other, points in New Jersey, Pennsylvania on and east of Interstate Highway 81, New York, N.Y., Maryland on and east of Interstate Highway 81, points in Virginia on and east of Interstate Highway 77, points in North Carolina on and east of Interstate Highway 77, and the District of Columbia (Huntington, W. Va., and points in Gallia or Scioto Counties, Ohio, within 125 miles of Mansfield, Ohio; (5) between points in Indiana on, north and east of a line beginning at the Ohio-Indiana State line extending along Interstate Highway 70 to junction Interstate Highway 65, thence along Interstate Highway 65 to the Indiana-Illinois State line, on the one hand, and, on the other, points in South Carolina, Georgia on and east of a line beginning at the Georgia-South Carolina State line extending along U.S. Highway 25 to the Atlantic Ocean, and points in Florida on and south of Interstate Highway 4 (Cabell or Wayne Counties, W. Va., or Boyd County, Ky., or Lawrence County, Ohio*); (6) between points in Indiana on and south of Interstate Highway 70 and on and north of U.S. Highway 50, on the one hand, and, on the other, points in South Carolina on and east of U.S. Highway 321 (Cabell or Wayne Counties, W. Va., or Boyd County, Ky., or Lawrence County, Ohio*); (7) between points in Pennsylvania on and east of Interstate Highway 81, on the one hand, and, on the other, points in Tennessee on and west of Interstate Highway 75 (points in Huntington, W. Va., commercial zone in Ohio, and points in Gallia or Scioto Counties, Ohio, within 125 miles of Mansfield, Ohio*); (8) between points in Pennsylvania on and west of U.S. Highway 219, on the one hand, and, on the other, points in Georgia and Florida (Cabell or Wayne Counties, W. Va., or Boyd County, Ky., or Lawrence County, Ohio*).

(9) Between points in New York on and east of Interstate Highway 87, on the one hand, and, on the other, points in Georgia on, north and west of a line beginning at the Georgia-North Carolina State line extending along U.S. Highway 19 to junction Interstate Highway 85, thence along Interstate Highway 85 to the Georgia-Alabama State line, points in Florida on and west of a line beginning at the Florida-Georgia State line extending along Interstate Highway 75 to junction Interstate Highway 95, thence along Interstate Highway 95 to junction U.S. Highway 1, thence along U.S. Highway 1 to Key West (points in the Huntington, W. Va., commercial zone which are within 125 miles of Mansfield, Ohio*); (10) between points in New York on, west and north of New York Highway 7, on the one hand, and, on the other, points in Florida, and points in Georgia on and west of Interstate Highway 75 (Cabell or Wayne Counties, W. Va., or Boyd County, Ky., or Lawrence County, Ohio*); (11) between points in Illinois on and north of Interstate Highway 80, on the one hand, and, on the other, points in New York, N.Y., and points in Nassau and Suffolk Counties, N.Y., points in New Jersey, points in Pennsylvania on, south and east of a line beginning at the New Jersey-Pennsylvania State line extending along Interstate Highway 78 to junction Interstate Highway 81, thence along Interstate Highway 81 to the Pennsylvania-Maryland State line, points in Maryland on and east of Interstate Highway 81, and points in the District of Columbia, Virginia and North Carolina (Huntington, W. Va., and points in Gallia or Scioto Counties, Ohio, within 125 miles of Mansfield, Ohio*).

(12) Between points in Illinois on and south of Interstate Highway 80 and on and north of Interstate Highway 70, on the one hand, and, on the other, points in New York, N.Y., and points in Nassau and Suffolk Counties, N.Y., points in New Jersey, points in Pennsylvania on, south

and east of a line beginning at the Pennsylvania-New Jersey State line extending along Interstate Highway 78 to junction Interstate Highway 81, thence along Interstate Highway 80 to the Pennsylvania-Maryland State line, points in Maryland on and east of Interstate Highway 81, points in the District of Columbia, points in Virginia on and east of U.S. Highway 21, and points in North Carolina on and east of U.S. Highway 21 (Huntington, W. Va., commercial zone in Ohio and points in Gallia or Scioto Counties, Ohio, within 125 miles of Mansfield, Ohio*); (13) between points in Illinois on and south of Interstate Highway 70, on the one hand, and, on the other, points in New Jersey, points in the District of Columbia, points in New York on and east of Interstate Highway 81, points in Pennsylvania on and east of Interstate Highway 81, points in Maryland on and east of Interstate Highway 81, points in Virginia on and east of Interstate Highway 81, and points in North Carolina on and east of U.S. Highway 220 (points in Huntington, W. Va., commercial zone in Ohio, and points in Gallia or Scioto Counties, Ohio, within 125 miles of Mansfield, Ohio*); (14) between points in Illinois on and south of Interstate Highway 70, and on and north of U.S. Highway 50, on the one hand, and, on the other, points in South Carolina on and east of Interstate Highway 95 (Cabell or Wayne Counties, W. Va., or Boyd County, Ky., or Lawrence County, Ohio*).

(B) *Uncrated new furniture, and uncrated new household, office, and store appliances and equipment,* (1) from points in Virginia on and north of Interstate Highway 64, to points in Ohio on and south of U.S. Highway 52 (Huntington, W. Va.*); (2) from points in Virginia within an area bounded by a line beginning at the West Virginia-Virgina State line extending along U.S. Highway 60 to junction Interstate Highway 81, thence along Interstate Highway 81 to junction U.S. Highway 220, thence along U.S. Highway 220 to junction U.S. Highway 58, thence along U.S. Highway 58 to junction U.S. Highway 29, thence along U.S. Highway 29 to the Virginia-North Carolina State line, thence along the Virginia-North Carolina State line to junction U.S. Highway 21, thence along U.S. Highway 21 to the West Virginia-Virginia State line, to points in Ohio on, north and west of Interstate Highway 71 (Huntington, W. Va.*); (3) from points in North Carolina on and east of U.S. Highway 1, to points in Ohio on and west of Interstate Highway 75 (Huntington, W. Va.*); (4) from points in North Carolina on and west of U.S. Highway 21, to points in Ohio on and north of Interstate Highway 70 and points in Pennsylvania on and west of U.S. Highway 19 (Huntington, W. Va.*); (5) from points in North Carolina on and east of U.S. Highway 21 and on and west of U.S. Highway 1, to points in Ohio on and west of Interstate Highway 77 (Huntington, W. Va.*); (6) from points in Illinois on and south of Interstate Highway 70 and on and north of U.S. Highway 50, to points in Pennsylvania on and east of Interstate Highway 81, points in Virginia on and east of Interstate Highway 81, and points in North Carolina on and east of U.S. Highway 220 (Huntington, W. Va.*).

(7) From points in Illinois on and south of Interstate Highway 80 and on and north of Interstate Highway 70, to points in Pennsylvania on, south and east of a line beginning at the Pennsylvania-New Jersey State line extending along Interstate Highway 78 to junction Interstate Highway 81, thence along Interstate Highway 81 to the Pennsylvania-Maryland State line, points in Virginia on and east of U.S. Highway 21 and points in North Carolina on and east of U.S. Highway 21 (Huntington, W. Va.*); (8) from points in Illinois on and north of Interstate Highway 80 to points in Pennsylvania beginning at the New Jersey-Pennsylvania State line extending along Interstate Highway 78 to junction Interstate Highway 81, thence along Interstate Highway 81 to the Pennsylvania-Maryland State line, and points in Virginia and North Carolina (Huntington, W. Va.*); (9) from points in New York, N.Y., and points in Nassau and Suffolk Counties, N.Y., to points in Ohio oh, south and west of a line beginning at the Ohio-Kentucky State line extending along U.S. Highway 23 to junction Interstate Highway 70, thence along Interstate Highway 70 to the Ohio-Indiana State line, points in Tennessee on and west of Interstate Highway 75, and points in Kentucky (Huntington, W. Va.*); (10) from points in Indiana on and south of U.S. Highway 30 and on and north of Interstate Highway 70, to points in Virginia on and east of U.S. Highway 220 and points in North Carolina on and east of U.S. Highway 21 (Huntington, W. Va.*).

(11) From points in Indiana on and north of U.S. Highway 30, to points in Virginia on and south of Interstate Highway 64, and points in North Carolina on and east of U.S. Highway 21 (Huntington, W. Va.*); (12) from points in the Lower Peninsula of Michigan on and west of a line beginning at the Michigan-Indiana State line extending along Interstate Highway 69 to junction U.S. Highway 27, thence along U.S. Highway 27 to junction Interstate Highway 75, thence along Interstate Highway 75 to Mackinaw City, to points in Virginia on and south of Interstate Highway 64, and points in North Carolina (Huntington, W. Va.*); (13) from points in Maryland on and east of Interstate Highway 81 to points in Ohio on and south of U.S. Highway 52, points in Tennessee on and west of Interstate Highway 65, and points in Kentucky (Huntington, W. Va.*); (14) from points in Pennsylvania on and south of Interstate Highway 76 to points in Kentucky on and south of Interstate Highway 64, and points in Tennessee on and west of U.S. Highway 27 (Huntington, W. Va.*); and (15) from points in Ohio, on and east of a line beginning at the West Virginia-Ohio State line extending along Interstate Highway 77 to Akron, thence along Ohio Highway 91 to Lake Erie, to points in Kentucky south and east of a line beginning at the West Virginia-Kentucky State line extending along Interstate Highway 64 to junction Interstate Highway 75, thence along Interstate Highway 75 to the Kentucky-Tennessee State line, and points in Tennessee on and east of Interstate Highway 75 (Huntington, W. Va.*). The purpose of this filing is to eliminate the gateways indicated by the asterisks above.

No. MC 52657 (Sub-No. E25), (Correction), filed June 4, 1974, published in the FEDERAL REGISTER July 3, 1975. Applicant: ARCO AUTO CARRIERS, INC., 2140 W. 79th St., Chicago, Ill. 60620. Applicant's representative: S. J. Zangri (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Truck bodies*, between points in Oklahoma, on the one hand, and, on the other, points in Connecticut, Delaware, Maine, Maryland, Massachusetts, Michigan, New Hampshire, New Jersey, New York, North Carolina (except that portion southwest of a line beginning at the Virginia-North Carolina State line near Gatewood, N.C., extending along North Carolina Highway 86 to junction U.S. Highway 70, thence along U.S. Highway 70 to Cherry Point, N.C., Pennsylvania, Rhode Island, Vermont, Virginia, West Virginia, Wisconsin (except that portion north and west, * * *. The purpose of this filing is to eliminate the gateway of Matoon, Ill. The purpose of this partial correction is to correct the territorial description. The remainder of this letter-notice remains as previously published.

No. MC 52657 (Sub-No. E36) (Correction), filed June 4, 1974, published in the FEDERAL REGISTER July 3, 1975. Applicant: ARCO AUTO CARRIERS, INC., 2140 W. 79th St., Chicago, Ill. 60620. Applicant's representative: S. J. Zangri (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Truck bodies;* (2) between points in Washington, on the one hand, and, on the other, points in Alabama, Florida, Georgia, Louisiana (except that part north and west of a line beginning at the Arkansas State line and Louisiana Highway 159 near Shongaloo, La., thence along Louisiana Highway 159 to junction Louisiana Highway 7, thence along Louisiana Highway 7 to junction U.S. Highway 84, thence along U.S. Highway 84 to the Mississippi River near Logansport, La.), Mississippi, Missouri (except that part west of a line beginning at the Illinois State line and U.S. Highway 36 near Hannibal, Mo., extending along U.S. Highway 36 to junction U.S. Highway 61, thence along U.S. Highway 61 to junction Missouri Highway 19, thence along Missouri Highway 19 to junction Missouri Highway 28, thence along Missouri Highway 28 to junction Missouri Highway 17, thence along Missouri Highway 17 to junction Missouri Highway 32, thence along Missouri Highway 32 to junction Missouri Highway 95, thence along Missouri Highway 95 to junction Missouri Highway 5, thence along Missouri Highway 5 to the Arkansas State line near Gainesville, Mo.), South Carolina, and Tennessee. The purpose of this filing is to eliminate the gateways of Matoon, Ill. The purpose of this partial cor-

rection is to correct the territorial description. The remainder of this letter-notice remains as previously published.

No. MC 52657 (Sub-No. E41) (Correction), filed June 4, 1974, published in the FEDERAL REGISTER July 8, 1975. Applicant: ARCO AUTO CARRIERS, INC., 2140 W. 79th St., Chicago, Ill. 60620. Applicant's representative: S. J. Zangri (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Truck bodies;* (1) between points in Arkansas, on the one hand, and, on the other, points in Connecticut, Delaware, Maine, Maryland, Massachusetts, Michigan, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, Virginia (except that portion south of a line beginning at the West Virginia-Virginia State line near Rawley Springs, Va., thence along U.S. Highway 33 to junction U.S. Highway 60, thence along U.S. Highway 60 to Williamsburg, Va.), West Virginia. The purpose of this filing is to eliminate the gateway of Matoon, Ill. The purpose of this partial correction is to correct the territorial description. The remainder of this letter-notice remains as previously published.

No. MC 52861 (Sub-E25), filed May 22, 1974. Applicant: WILLS TRUCKING, INC., 2535 Center Street, Cleveland, Ohio 44113. Applicant's representative: Paul F. Berry (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Ferro alloys*, in bulk, in dump vehicles, between points in Ohio south of U.S. Highway 24, on the one hand, and, on the other, those points in Monroe, Washtenaw, and Wayne Counties, Mich., within 40 miles of Monroe, Mich, restricted against the transportation of the above commodities from the facilities of the Electro-Metallurgical Company (Division of Union Carbide and Carbon Corporation) near Marietta, Ohio, to those points in Monroe, Washtenaw, and Wayne Counties, Mich., within 40 miles of Monroe, Mich. The purpose of this filing is to eliminate the gateway of Toledo, Ohio.

No. MC 52861 (Sub-E26), filed May 22, 1974. Applicant: WILLS TRUCKING, INC., 2535 Center Street, Cleveland, Ohio 44113. Applicant's representative: Paul F. Beery (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Recarbonizing coke*, in bulk, from those points in Wayne County, Mich., within 40 miles of Monroe, Mich., to points in Pennsylvania. The purpose of this filing is to eliminate the gateway of Detroit, Mich.

No. MC 52861 (Sub-E27), filed May 22, 1974. Applicant: WILLS TRUCKING, INC., 2535 Center Street, Cleveland, Ohio 44113. Applicant's representative: Paul F. Berry (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Ferro Alloys*, in bulk, in dump vehicles, between those points in Wayne and Monroe Counties, Mich., within 40 miles of Monroe, Mich., on the one hand, and, on the other, points in Illinois. The purpose of this filing is to eliminate the gateway of Toledo, Ohio.

No. MC 52932 (Sub-No. E1), filed May 16, 1974. Applicant: NORTH PENN TRANSFER, INC., Route 63 and 202, P.O. Box 230, Lansdale, Pa. 19446. Applicant's representative: John W. Frame, Box 626, Camp Hill, Pa. 17011. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading), (1) between points in that part of New Jersey north of U.S. Highway 1 (except Phillipsburg, N.J., and points on U.S. Highway 202 between the New Jersey-Pennsylvania State line and junction U.S. Highway 22, and points on U.S. Highway 22 between junction U.S. Highway 202 and U.S. Highway 1), on the one hand, and, on the other, points in that part of New Jersey on and west of New Jersey Highway 47, (2) between points in that part of New Jersey on, north and west of a line beginning at the New Jersey-Pennsylvania State line extending along U.S. Highway 22 to junction Interstate Highway 287, thence along Interstate Highway 287 to the New York-New Jersey State line (except Phillipsburg, N.J.), on the one hand, and, on the other, points in that part of New Jersey on and south of U.S. Highway 30. The purpose of this filing is to eliminate the gateway of points in Pennsylvania within 10 miles of Lansdale, Pa. (not including Norristown, Pa.), that are in the Philadelphia, Pa., commercial zone.

No. MC 59393 (Sub-No. E4), filed June 5, 1974. Applicant: BESTWAY VAN LINES, Lawton, Okla. Applicant's representative: E. K. Willis, Jr., P.O. Box 309, Lancaster, Tex. 75146. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in Arkansas on and south of a line beginning at the Arkansas-Oklahoma State line extending along Arkansas Highway 8 to junction U.S. Highway 70, thence along U.S. Highway 70 to junction Interstate Highway 40, thence along Interstate Highway 40 to the Arkansas-Tennessee State line, on the one hand, and, on the other, points in Colorado. The purpose of this filing is to eliminate the gateway of points within 50 miles of Kiowa County, Okla., and points in Delta, Fannier, Laviar or Red River Counties, Tex.

No. MC 59393 (Sub-No. E5), filed June 5, 1974. Applicant: BESTWAY VAN LINES, Lawton, Okla. Applicant's representative: E. K. Willis, Jr., P.O. Box 309, Lancaster, Tex. 75146. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in Arkansas (except points in Baxter, Benton, Boone, Carrol, Conway, Crawford, Franklin, Fulton, Izard, Logan, Madison, Marion, Searcy, Stone, Johnson, Van Buren, and Washington Counties), on the one hand, and, on the other, points in New Mexico. The purpose of this filing is to eliminate the gateway of points in Delta, Fannin, Laviar or Red River Counties, Tex., and points within 50 miles of Tillman or Kiowa Counties, Okla.

No. MC 59393 (Sub-No. E6), filed June 5, 1974. Applicant: BESTWAY VAN LINES, Lawton, Okla. Applicant's representative: E. K. Willis, Jr., P.O. Box 309, Lancaster, Tex. 75146. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in Arkansas on and north of Interstate Highway 40, on the one hand, and, on the other, points in Texas on and west of a line beginning at the Oklahoma-Texas State line extending along U.S. Highway 281 to junction U.S. Highway 81, thence along U.S. Highway 81 to the United States-Mexico International Boundary line. The purpose of this filing is to eliminate the gateway of points within 50 miles of Tillman or Kiowa Counties, Okla.

No. MC 59393 (Sub-No. E7), filed June 5, 1974. Applicant: BESTWAY VAN LINES, Lawton, Okla. Applicant's representative: E. K. Willis, Jr., P.O. Box 309, Lancaster, Tex. 75146. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in Arkansas on and south of Interstate Highway 40 (except points in Little River, Miller, Lafayette, Columbia, and Union Counties), on the one hand, and, on the other, points in Texas in and west of Wichita, Archer, Throckmorton, Shackelford, Callahan, Brown, McCulloch, Menard, Kimble, Real, Uvalde, and Maverick Counties. The purpose of this filing is to eliminate the gateway of points within 50 miles of Tillman or Kiowa Counties, Okla.

No. MC 59393 (Sub-No. E8), filed June 5, 1974. Applicant: BESTWAY VAN LINES, Lawton, Okla. Applicant's representative: E. K. Willis, Jr., P.O. Box 309, Lancaster, Tex. 75146. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in Colorado, on the one hand, and, on the other, points in Louisiana. The purpose of this filing is to eliminate the gateway of points within 50 miles of Kiowa County, Okla., or those within 20 miles of Hobart, Okla., and Delta, Fannin, Laviar, or Red River Counties, Tex.

No. MC 59393 (Sub-No. E9), filed June 5, 1974. Applicant: BESTWAY VAN LINES, Lawton, Okla. Applicant's representative: E. K. Willis, Jr., P.O. Box 309, Lancaster, Tex. 75146. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, trans-

porting: *Household goods*, as defined by the Commission, between points in Colorado, on the one hand, and, on the other, points in Mississippi. The purpose of this filing is to eliminate the gateway of points within 50 miles of Kiowa County, Okla., Delta, Fannin, Laviar, or Red River Counties, Tex., and Bradley County, Tex.

No. MC 59393 (Sub-No. E10), filed June 5, 1974. Applicant: BESTWAY VAN LINES, Lawton, Okla. Applicant's representative: E. K. Willis, Jr., P.O. Box 309, Lancaster, Tex. 75146. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in Colorado on and west of Interstate Highway 25, on the one hand, and, on the other, points in Tennessee. The purpose of this filing is to eliminate the gateway of points within 50 miles of Kiowa County, Okla., and Delta, Fannin, Laviar, or Red River Counties, Tex., and Bradley County, Ark.

No. MC 59393 (Sub-No. E11), filed June 5, 1974. Applicant: BESTWAY VAN LINES, Lawton, Okla. Applicant's representative: E. K. Willis, Jr., P.O. Box 309, Lancaster, Tex. 75146. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in Colorado (except Baca County), on the one hand, and, on the other, points in Texas on and south of a line beginning at the Texas-Oklahoma State line extending along U.S. Highway 62 to junction U.S. Highway 83, thence along U.S. Highway 83 to the United States-Mexico International Boundary line. The purpose of this filing is to eliminate the gateway of points within 50 miles of Kiowa or Tillman Counties, Okla.

No. MC 59393 (Sub-No. E12), filed June 5, 1974. Applicant: BESTWAY VAN LINES, Lawton, Okla. Applicant's representative: E. K. Willis, Jr., P.O. Box 309, Lancaster, Tex. 75146. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in Louisiana, on the one hand, and, on the other, points in New Mexico (except those in Lea and Eddy Counties). The purpose of this filing is to eliminate the gateway of points in Delta, Fannin, Laviar, or Red River Counties, Tex., and points within 50 miles of Kiowa or Tillman Counties, Okla.

No. MC 59393 (Sub-No. E13), filed June 5, 1974. Applicant: BESTWAY VAN LINES, Lawton, Okla. Applicant's representative: E. K. Willis, Jr., P.O. Box 309, Lancaster, Tex. 75146. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in Louisiana, on the one hand, and, on the other, points in Tillman, Jackson, Kiowa, Wichita, Custer, Dewey, Major, and Alfalfa Counties, Okla. The purpose of this filing is to eliminate the gateway of points in Delta, Fannin, Laviar, or Red River Counties, Tex., and those within 50 miles of Tillman County, Okla., or within 20 miles of Hobart, Okla.

No. MC 59393 (Sub-No. E14), filed June 5, 1974. Applicant: BESTWAY VAN LINES, Lawton, Okla. Applicant's representative: E. K. Willis, Jr., P.O. Box 309, Lancaster, Tex. 75146. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in Mississippi, on the one hand, and, on the other, points in New Mexico. The purpose of this filing is to eliminate the gateway of points in Bradley County, Ark., Delta, Fannin, Laviar, or Red River Counties, Tex., and those points within 50 miles of Tillman or Kiowa Counties, Okla.

No. MC 59393 (Sub-No. E15), filed June 5, 1974. Applicant: BESTWAY VAN LINES, Lawton, Okla. Applicant's representative: E. K. Willis, Jr., P.O. Box 309, Lancaster, Tex. 75146. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in New Mexico, on the one hand, and, on the other, points in Tennessee. The purpose of this filing is to eliminate the gateway of points within 50 miles of Kiowa County, Okla., Delta, Fannin, Laviar, Red River Counties, Tex., and Bradley County, Ark.

No. MC 60014 (Sub-E118) (Correction), filed June 4, 1974. Published in the FEDERAL REGISTER July 9, 1975. Applicant: AERO TRUCKING INC., P.O. Box 308, Monroeville, Pa. 15146. Applicant's representative: William J. Rorison (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Iron and steel articles, which by reason of size or weight require the use of special equipment, from points in Pennsylvania, to points in Mississippi. The purpose of this filing is to eliminate the gateway of Wheeling, W. Va. The purpose of this correction is to indicate Mississippi as a destination State. The remainder of the letter-notice remains as previously published.

No. MC 61231 (Sub-E33), filed May 15, 1974. Applicant: ACE LINES, INC., 4143 East 43rd St., Des Moines, Iowa 50317. Applicant's representative: Wm. L. Fairbank, 1980 Financial Center, Des Moines, Iowa 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Building materials*, (1) from points in that part of Iowa on and east of a line beginning at the Iowa-Minnesota border, thence over U.S. Highway 169 to Iowa Highway 175, to U.S. Highway 69, to junction Iowa Highway 163, to U.S. Highway 63, to U.S. Highway 34, to U.S. Highway 61, to Ft. Madison, thence over Iowa Highway 2 to the Mississippi River; to points in that part of Nebraska on and north and west of a line beginning at the Nebraska-Iowa Border, thence over Nebraska Highway 51 to U.S. Highway 275, to U.S. Highway 81, to Nebraska Highway 91, to Nebraska Highway 2, to U.S. Highway 83, to the Nebraska-Kansas State line. (2) from points in that part of Iowa on, north and east of a line beginning at the Illinois-Iowa State line thence, along U.S. Highway 30 to U.S. Highway 14 to junction U.S. Highway 218, to the Iowa-Minnesota Border; to points in that part of Nebraska on and north of a line beginning at the Nebraska-Iowa State line, thence over Nebraska Highway 91 to U.S. Highway 77, to U.S. Highway 30, to U.S. Highway 283, to the Kansas-Nebraska State line. (3) from points in that part of Iowa on and east of a line beginning at the Iowa-Minnesota border, thence over U.S. Highway 169 to Iowa Highway 175, to U.S. Highway 63, to Iowa Highway 8, to U.S. Highway 218, to U.S. Highway 30, to the Mississippi River, to points in Nebraska. The purpose of this filing is to eliminate the gateway of Fort Dodge, Iowa.

No. MC 61231 (Sub-E52), filed June 15, 1974. Applicant: ACE LINES, INC., 4143 East 43rd St., Des Moines, Iowa 50317. Applicant's representative: William L. Fairbank, 1980 Financial Center, Des Moines, Iowa 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Building materials*, (1) from points in that part of Minnesota on and east of a line beginning at the Iowa-Minnesota border, thence over Minnesota Highway 86 to junction Minnesota Highway 60, to junction U.S. Highway 71, to junction U.S. Highway 212, to junction U.S. Highway 59, to the United States-Canada International Boundary line. (2) from points in that part of Iowa on and east of a line beginning at the Iowa-Minnesota State line, thence over U.S. Highway 71 to junction Interstate Highway 80, to junction Iowa Highway 25, to junction U.S. Highway 34, to junction U.S. Highway 169, to the Iowa-Missouri State line, to points in Colorado. (3)(a)(1) From points in that part of Illinois on and north of a line beginning at the Illinois-Iowa State line, thence along U.S. Highway 136 to junction Illinois Highway 121, to junction Interstate Highway 70, to the Illinois-Indiana State line, to points in Colorado. (3)(a)(2) From points in that part of Illinois on, north, and east of a line beginning at the Illinois-Iowa State line, thence along U.S. Highway 36, to junction Illinois Highway 104, to junction Illinois Highway 4, to junction U.S. Highway 50 to the Illinois-Indiana State line, to points in that part of Colorado on and north of a line beginning at the Colorado-Kansas State line, thence along U.S. Highway 50, to junction U.S. Highway 350, to junction Interstate Highway 25, to the Colorado-New Mexico State line. (3)(b) From points in Illinois south and west of a line beginning at the Illinois-Iowa State line, thence over U.S. Highway 36 to junction Illinois Highway 104, to junction Illinois Highway 4, to junction U.S. Highway 50, to the Illinois-Indiana State line, to points in that part of Colorado, on, north, and west of a line

beginning at the Kansas-Colorado State line, thence over U.S. Highway 36 to junction Colorado Highway 71, to junction U.S. Highway 24, to junction Interstate Highway 25, to junction U.S. Highway 160, to junction U.S. Highway 550, to the Colorado-New Mexico State line. Restriction: The operations authorized in (2) above are restricted against the transportation of shipments originating at the plantsite of United States Gypsum Company at Fort Dodge, Iowa. The purpose of this filing is to eliminate the gateways of Fort Dodge, Iowa or Des Moines, Iowa.

No. MC 61825 (Sub-E122), filed May 13, 1974. Applicant: ROY STONE TRANSFER CORPORATION, P.O. Box 385, Collinsville, Va. 24078. Applicant's representative: Joe Clyde Wilson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New Furniture* from points in Virginia on and south of a line beginning at the North Carolina-Virginia State line and extending along Virginia Highway 16 to junction U.S. Highway 58, thence east along U.S. 58 to junction U.S. Highway 221, thence east along U.S. Highway 221 to junction Virginia Highway 100, thence north along Virginia Highway 100 to junction U.S. Highway 11, thence northeast along U.S. Highway 11 to junction U.S. Highway 250, thence east along U.S. Highway 250 to junction Virginia Highway 20, thence east along Virginia Highway 20 to junction Virginia Highway 613, thence southeast along Virginia Highway 613 to junction Virginia Highway 208, thence east along Virginia Highway 208 to junction Interstate Highway 95, thence south along Interstate Highway 95 to junction U.S. Highway 17 Bypass, thence east along U.S. Highway 17 Bypass to junction U.S. Highway 17, thence east along U.S. Highway 17 to junction U.S. Highway 301, thence north along U.S. Highway 301 to the Rappahannock River, thence south along the Rappahannock River to junction U.S. Highway 360, thence east along U.S. Highway 360 to junction Virginia Highway 203, thence east along Virginia Highway 203 to Kinsale, thence to the Potomac River, thence east along the Potomac River to the Chesapeake Bay, thence east across the Chesapeake Bay to the Maryland-Virginia State line, and thence along the Maryland-Virginia State line to the Atlantic Ocean to points in Wisconsin. The purpose of this filing is to eliminate the gateway of Martinsville, Va.

No. MC 61825 (Sub-E123), filed May 13, 1974. Applicant: ROY STONE TRANSFER CORPORATION, P.O. Box 385, Collinsville, Va. 24078. Applicant's representative: Joe Clyde Wilson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New Furniture* from points in Virginia on and bounded by a line beginning at the West Virginia-Virginia State line and extending southeast along Virginia Highway 311 to junction U.S. Highway 11, thence northeast along U.S. Highway 11 to junction U.S. Highway 250, thence east along U.S. Highway 250 to junction Virginia Highway 20, thence east along Virginia Highway 20 to junction Virginia Highway 613, thence southeast along Virginia Highway 613 to junction Virginia Highway 208, thence east along Virginia Highway 208 to junction Interstate Highway 95, thence south along Interstate Highway 95 to junction U.S. Highway 17 Bypass, thence east along U.S. Highway 17 Bypass to junction U.S. Highway 17, thence east along U.S. Highway 17 to junction U.S. Highway 301, thence north along U.S. Highway 301 to the Rappahannock River, thence south along the Rappahannock River to junction U.S. Highway 360, thence east along U.S. Highway 360 to junction Virginia Highway 203, thence east along Virginia Highway 203 to Kinsale, thence to the Potomac River, thence northwest along the Potomac River to junction Virginia Highway 630 near Brooke, thence west along Virginia Highway 630 to junction Virginia Highway 616, thence north along Virginia Highway 616 to junction Virginia Highway 28, thence southwest along Virginia Highway 28 to junction U.S. Highway 29, thence southwest along U.S. Highway 29 to junction U.S. Highway 522, thence northwest along U.S. Highway 522 to junction U.S. Highway 211, thence west along U.S. Highway 211 to junction U.S. Highway 11, thence southwest along U.S. Highway 11 to the Shenandoah-Rockingham County line to the Virginia-West Virginia State line, thence southwest along the Virginia-West Virginia State line to the Highland-Augusta County line, thence southwest along the Highland-Augusta County line to the Highland-Bath County line, thence west along the Highland-Bath County line to the Virginia-West Virginia State line, and thence southwest along the Virginia-West Virginia State line to point of beginning, to points in Wisconsin on and northwest of a line beginning at the Minnesota-Wisconsin State line and extending east along U.S. Highway 16 to junction Wisconsin Highway 27, thence north along Wisconsin Highway 27 to junction Wisconsin Highway 95, thence northeast along Wisconsin Highway 95 to junction Wisconsin Highway 73, thence north along Wisconsin Highway 73 to junction U.S. Highway 10, thence east along U.S. Highway 10 to junction Wisconsin Highway 13, thence north along Wisconsin Highway 13 to junction Wisconsin Highway 97, thence north along Wisconsin Highway 97 to junction Wisconsin Highway 29, thence east along Wisconsin Highway 29 to junction Wisconsin Highway 52, thence northeast along Wisconsin Highway 52 to junction Wisconsin Highway 32, thence north along Wisconsin Highway 32 to junction U.S. Highway 8 and thence northeast along U.S. Highway 8 to the Wisconsin-Michigan State line. The purpose of this filing is to eliminate the gateway of Martinsville, Va.

No. MC 61825 (Sub-E124), filed May 13, 1974. Applicant: ROY STONE TRANSFER CORPORATION, P.O. Box 385, Collinsville, Va. 24078. Applicant's representative: Joe Clyde Wilson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New* Furniture from points in Virginia on and bounded by a line beginning at the West Virginia-Virginia State line and extending east along U.S. Highway 460 to junction Virginia Highway 100, thence south along Virginia Highway 100 to junction U.S. Highway 11, thence northeast along U.S. Highway 11 to junction Virginia Highway 311, thence northwest along Virginia Highway 311 to the Virginia-West Virginia State line thence southwest along the Virginia-West Virginia State line to point of beginning to points in Wisconsin on and northwest of a line beginning at the Minnesota-Wisconsin State line and extending east along U.S. Highway 12 to junction Wisconsin Highway 29, thence east along Wisconsin Highway 29 to junction U.S. Highway 53, thence north along U.S. Highway 53 to junction Wisconsin Highway 178, thence northeast along Wisconsin Highway 178 to junction Wisconsin Highway 64, thence east along Wisconsin Highway 64 to junction Wisconsin Highway 27, thence north along Wisconsin Highway 27 to junction U.S. Highway 8, thence east along U.S. Highway 8 to junction Wisconsin Highway 17, thence north along Wisconsin Highway 17 to junction Wisconsin Highway 70, thence east along Wisconsin Highway 70 to junction Wisconsin Highway 139, and thence north along Wisconsin Highway 139 to the Wisconsin-Michigan State line. The purpose of this filing is to eliminate the gateway of Martinsville, Va.

No. MC 61825 (Sub-E125), filed May 13, 1974. Applicant: ROY STONE TRANSFER CORPORATION, P.O. Box 385, Collinsville, Va. 24078. Applicant's representative: Joe Clyde Wilson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New* Furniture from points in Virginia on and south of a line beginning at the North Carolina-Virginia State line and extending northeast along U.S. Highway 221 to junction Virginia Highway 94, thence north along Virginia Highway 94 to junction U.S. Highway 11, thence northeast along U.S. Highway 11 to junction U.S. Highway 460, thence north along U.S. Highway 460 to junction Virginia Highway 42, thence northeast along Virginia Highway 42 to junction Virginia Highway 658, thence northeast along Virginia Highway 658 to junction Virginia Highway 611, thence northeast along Virginia Highway 611 to junction Virginia Highway 617, thence northeast along Virginia Highway 617 to junction Virginia Highway 616, thence northeast along Virginia Highway 616 to junction U.S. Highway 60 at Clifton Forge, Va., thence east along U.S. Highway 60 to junction Virginia Highway 42, thence northeast along Virginia Highway 42 to junction Virginia Highway 257, thence south along Virginia Highway 257 to junction U.S. Highway 11, thence south along U.S. Highway 11 to junction Virginia Highway 256, thence

east along Virginia Highway 256 to junction U.S. Highway 340, thence north along U.S. Highway 340 to junction U.S. Highway 33, thence east along U.S. Highway 33 to junction Virginia Highway 230, thence northeast along Virginia Highway 230 to junction U.S. Highway 29, thence northeast along U.S. Highway 29 to junction Virginia Highway 3 to junction Virginia Highway 218, thence east along Virginia Highway 218 to junction U.S. Highway 301, thence north along U.S. Highway 301 to the Potomac River, thence southeast along the Potomac River to the Chesapeake Bay, thence east across the Chesapeake Bay to the Maryland-Virginia State line, thence east along the Maryland-Virginia State line to the Atlantic Ocean, to points in Iowa. The purpose of this filing is to eliminate the gateway of Martinsville, Va.

No. MC 61825 (Sub-E126), filed May 13, 1974. Applicant: ROY STONE TRANSFER CORPORATION, P.O. Box 385, Collinsville, Va. 24078. Applicant's representative: Joe Clyde Wilson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New Furniture* from points in Virginia on and bounded by a line beginning at the West Virginia-Virginia State line and extending southeast along Virginia Highway 311 to junction Virginia Highway 611, thence northeast along Virginia Highway 611, to junction Virginia Highway 617, thence northeast along Virginia Highway 617 to junction Virginia Highway 616, thence northeast along Virginia Highway 616 to junction U.S. Highway 60 at Clifton Forge, thence east along U.S. Highway 60 to junction Virginia Highway 42, thence northeast along Virginia Highway 42 to junction Virginia Highway 257, thence south along Virginia Highway 257 to junction U.S. Highway 11, thence south along U.S. Highway 11 to junction Virginia Highway 256, thence east along Virginia Highway 256 to junction U.S. Highway 340, thence north along U.S. Highway 340 to junction U.S. Highway 33, thence east along U.S. Highway 33 to junction Virginia Highway 230, thence northeast along Virginia Highway 230 to junction U.S. Highway 29, thence northeast along U.S. Highway 29 to junction U.S. Highway 522, thence northwest along U.S. Highway 522 to junction U.S. Highway 211, thence west along U.S. Highway 211 to junction U.S. Highway 11, thence south along U.S. Highway 11 to the Shenandoah-Rockingham County line to the Virginia-West Virginia State line, thence southwest along the Virginia-West Virginia State line to the Highland-Augusta County line, thence southwest along the Highland-Augusta County line to the Highland-Bath County line, thence northwest along the Highland-Bath County line to the Virginia-West Virginia State line, and thence southwest along the Virginia-West Virginia State line to point of beginning to points in Iowa on and West of a line beginning at the Missouri-Iowa State line and extending north along U.S. Highway 65 to junction Iowa Highway 2, thence east along Iowa Highway 2 to junction Iowa Highway 14, thence north along Iowa Highway 14 to junction Iowa Highway 57, thence east along Iowa Highway 57 to junction U.S. Highway 63, thence north along U.S. Highway 63 to the Iowa-Minnesota State line. The purpose of this filing is to eliminate the gateway of Martinsville, Va.

No. MC 61825 (Sub-E127), filed May 13, 1974. Applicant: ROY STONE TRANSFER CORPORATION, P.O. Box 385, Collinsville, Va. 24078. Applicant's representative: Joe Clyde Wilson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New Furniture*, from points in Virginia on and bounded by a line beginning at the West Virginia-Virginia State line and extending east along U.S. Highway 460 to junction Virginia Highway 100, thence south along Virginia Highway 100 to junction U.S. Highway 11, thence northeast along U.S. Highway 11 to junction U.S. Highway 460, thence north along U.S. Highway 460 to junction Virginia Highway 42, thence northeast along Virginia Highway 42 to junction Virginia Highway 658, thence northeast along Virginia Highway 658 to junction Virginia Highway 311, thence northwest along Virginia Highway 311 to the Virginia-West Virginia State line, thence southwest along the Virginia-West Virginia State line to point of beginning, to points in Iowa on and west of a line beginning at the Missouri-Iowa State line and extending north along U.S. Highway 169 to junction Iowa Highway 92, thence east along Iowa Highway 92 to junction Interstate Highway 35, thence north along Interstate Highway 35 to junction U.S. Highway 69, thence north along U.S. Highway 69 to junction U.S. Highway 20, thence east along U.S. Highway 20 to junction U.S. Highway 65, thence north along U.S. Highway 65 to the Iowa-Minnesota State line. The purpose of this filing is to eliminate the gateway of Martinsville, Va.

No. MC 61825 (Sub-E128), filed May 13, 1974. Applicant: ROY STONE TRANSFER CORPORATION, P.O. Box 385, Collinsville, Va. 24078. Applicant's representative: Joe Clyde Wilson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New Furniture*, from points in Virginia on and south of a line beginning at the North Carolina-Virginia State line and extending north along Virginia Highway 89 to junction U.S. Highway 221, thence northeast along U.S. Highway 221 to junction Virginia Highway 100, thence north along Virginia Highway 100 to junction Virginia Highway 693, thence northeast along Virginia Highway 693 to junction U.S. Highway 11, thence east along U.S. Highway 11 to junction U.S. Highway 460, thence north along U.S. Highway 460 to junction Virginia Highway 42, thence northeast along Virginia Highway 42 to junction Virginia Highway 658, thence northeast along Virginia Highway 658 to junction Virginia Highway 311, thence north along Virginia Highway 311 to junction Virginia Highway 18, thence northeast along Virginia Highway 18 to junction Virginia Highway 616, thence northeast along Virginia Highway 616 to junction U.S. Highway 60 at Clifton Forge, thence east along U.S. Highway 60 to junction Virginia Highway 42, thence northeast along Virginia Highway 42 to junction U.S. Highway 11 at Harrisonburg, thence northeast along U.S. Highway 11 to junction U.S. Highway 211, thence east along U.S. Highway 211 to junction Virginia Highway 236, thence east along Virginia Highway 236 to Alexandria, thence to the Potomac River, thence southeast along the Potomac River to the Chesapeake Bay, thence east across the Chesapeake Bay to the Maryland-Virginia State line, and thence east along the Maryland-Virginia State line to the Atlantic Ocean, to points in Missouri. The purpose of this is to eliminate the gateway of Martinsville, Va.

No. MC 61825 (Sub-E129), filed May 13, 1974. Applicant: ROY STONE TRANSFER CORPORATION, P.O. Box 385, Collinsville, Va. 24078. Applicant's representative: Joe Clyde Wilson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New Furniture*, from points in Virginia on and bounded by a line beginning at Pulaski, Va., and extending south along U.S. Highway 11 to junction Interstate Highway 81, thence east along Interstate Highway 81 to junction U.S. Highway 11 at Christiansburg, thence west along U.S. Highway 11 to point of beginning, to points in Missouri on and west of a line beginning at the Iowa-Missouri State line and extending south along the Des Moines River to the Mississippi River, thence south along the Mississippi River to junction U.S. Highway 50, thence west along U.S. Highway 50 to junction U.S. Highway 67, thence south along U.S. Highway 67 to the Missouri-Arkansas State line. The purpose of this filing is to eliminate the gateway of Martinsville, Va.

No. MC 61825 (Sub-E130), filed May 13, 1974. Applicant: ROY STONE TRANSFER CORPORATION, P.O. Box 385, Collinsville, Va. 24078. Applicant's representative: Joe Clyde Wilson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New* Furniture, from points in Virginia on and bounded by a line beginning at the West Virginia-Virginia State line and extending east along U.S. Highway 460 to junction Virginia Highway 100, thence south along Virginia Highway 100 to junction U.S. Highway 11, thence east along U.S. Highway 11 to junction U.S. Highway 460, thence north along U.S. Highway 460 to junction Virginia Highway 42, thence northeast along Virginia Highway 42 to junction Virginia Highway 658, thence northeast along Virginia Highway 658 to junction Virginia Highway 311, thence north along Virginia Highway 311

to junction Virginia Highway 18, thence northeast along Virginia Highway 18 to junction Virginia Highway 616, thence northeast along Virginia Highway 616 to junction U.S. Highway 60 at Clifton Forge, thence east along U.S. Highway 60 to junction Virginia Highway 42, thence northeast along Virginia Highway 42 to junction U.S. Highway 33 at Harrisonburg, Virginia, thence northwest along U.S. Highway 33 to the Virginia-West Virginia State line, thence southwest along the Virginia-West Virginia State line to point of beginning, to points in Missouri on and west of a line beginning at the Iowa-Missouri State line and extending south along U.S. Highway 69 to junction Missouri Highway 13, thence south along Missouri Highway 13 to junction U.S. Highway 50, thence east along U.S. Highway 50 to junction U.S. Highway 65, thence south along U.S. Highway 65 to junction Missouri Highway 38, Thence southeast along Missouri Highway 38 to junction Missouri Highway 95, thence south along Missouri Highway 95 to junction U.S. Highway 60, thence east along U.S. Highway 60 to junction U.S. Highway 63, thence south along U.S. Highway 63 to the Missouri-Arkansas State line. The purpose of this filing is to eliminate the gateway of Martinsville, Va.

No. MC 61825 (Sub-E131), filed May 13, 1974. Applicant: ROY STONE TRANSFER CORPORATION, P.O. Box 385, Collinsville, Va. 24078. Applicant's representative: Joe Clyde Wilson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New Furniture*, from points in Virginia on and north of a line beginning at the West Virginia-Virginia State line and extending east along U.S. Highway 33 to junction U.S. Highway 11, thence northeast along U.S. Highway 11 to junction U.S. Highway 211, thence east along U.S. Highway 211 to junction Virginia Highway 236, thence east along Virginia Highway 236 to Alexandria, and, thence to the Potomac River, to points in Missouri on and south of a line beginning at the Mississippi River and extending south along Missouri Highway 51 to junction Missouri Highway 72, thence west along Missouri Highway 72 to junction Missouri Highway 21, thence south along Missouri Highway 21 to junction Missouri Highway 106, thence west along Missouri Highway 106 to junction Missouri Highway 17, thence west along Missouri Highway 17 to junction U.S. Highway 63, thence south along U.S. Highway 63 to junction U.S. Highway 60, thence west along U.S. Highway 60 to junction U.S. Highway 160, thence north along U.S. Highway 160 to junction U.S. Highway 66, thence west along U.S. Highway 66 to the Missouri-Kansas State line. The purpose of this filing is to eliminate the gateway of Martinsville, Va.

No. MC 61825 (Sub-E132), filed May 13, 1975. Applicant: ROY STONE TRANSFER CORPORATION, P.O. Box 385, Collinsville, Va. 24078. Applicant's representative: Joe Clyde Wilson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and Steel Products*, between points in Allegheny County, Pa., within 50 miles of Steubenville, Ohio, on the one hand, and, on the other, points in Ohio *except* points in Ashtabula, Columbiana, Geauga, Lake, Mahoning, Portage, and Trumbull Counties, Ohio. The purpose of this filing is to eliminate the gateway of Weirton, W. Va.

No. MC 61825 (Sub-E133), filed May 13, 1975. Applicant: ROY STONE TRANSFER CORPORATION, P.O. Box 385, Collinsville, Va. 24078. Applicant's representative: Joe Clyde Wilson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and Steel products*, between points in Greene County, Pa., within 50 miles of Steubenville, Ohio, on the one hand, and, on the other, points in Ohio except points in Athens, Belmont, Gallia, Guernsey, Hocking, Jackson, Lawrence, Meigs, Monroe, Morgan, Muskingum, Noble, Perry, Pike, Scioto, Vinton, and Washington Counties, Ohio. The purpose of this filing is to eliminate the gateway of Weirton, W. Va.

No. MC 61825 (Sub-E134), filed May 13, 1974. Applicant: ROY STONE TRANSFER CORPORATION, P.O. Box 385, Collinsville, Va. 24078. Applicant's representative: Joe Clyde Wilson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and Steel Products*, between points in Fayette County, Pa., within 50 miles of Steubenville, Ohio, on the one hand, and on the other, points in Ohio except points in Belmont, Monroe, and Washington Counties, Ohio. The purpose of this filing is to eliminate the gateway of Weirton, W. Va.

No. MC 61825 (Sub-E135), filed May 13, 1974. Applicant: ROY STONE TRANSFER CORPORATION, P.O. Box 385, Collinsville, Va. 24078. Applicant's representative: Joe Clyde Wilson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and Steel Products*, between, points in Washington County, Pa., on the one hand, and, on the other, points in Ohio except points in Belmont and Monroe Counties, Ohio. The purpose of this filing is to eliminate the gateway of Weirton, W. Va.

No. MC 61825 (Sub-E136), filed May 13, 1974. Applicant: ROY STONE TRANSFER CORPORATION, P.O. Box 385, Collinsville, Va. 24078. Applicant's representative: Joe Clyde Wilson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and Steel Products*, between points in Beaver County, Pa., on the one hand, and, on the other, points in Ohio *except* points in Ashtabula, Carroll, Columbiana, Cuyahoga, Erie, Geauga, Huron, Lake, Lorain, Mahoning, Medina, Oberlin, Portage, Stark, Summit, Trumbull, and Wayne Counties, Ohio. The purpose of this filing is to eliminate the gateway of Weirton, W. Va.

No. MC 61825 (Sub-E137), filed May 13, 1974. Applicant: ROY STONE TRANSFER CORPORATION, P.O. Box 385, Collinsville, Va. 24078. Applicant's representative: Joe Clyde Wilson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and Steel Products*, between points in Lawrence County, Pa., on the one hand, and, on the other, points in Adams, Allen, Athens, Auglaize, Brown, Butler, Champaign, Clark, Clermont, Clinton, Darke, Delaware, Fairfield, Fayette, Franklin, Gallia, Greene, Hamilton, Highland, Hocking, Jackson, Knox, Lawrence, Licking, Logan, Madison, Meigs, Mercer, Miami, Morgan, Montgomery, Muskingum, Perry, Pickaway, Pike, Preble, Ross, Scioto, Shelby, Union, Van Wert, Vinton, and Warren Counties, Ohio. The purpose of this filing is to eliminate the gateway of Weirton, W. Va.

No. MC 61825 (Sub-E138), filed May 13, 1974. Applicant: ROY STONE TRANSFER CORPORATION, P.O. Box 385, Collinsville, Va. 24078. Applicant's representative: Joe Clyde Wilson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New Furniture* between Johnson City, Tenn., on the one hand, and, on the other, points in Arizona, California, Colorado, Idaho, Montana, Nevada, New Mexico, North Dakota, Oregon, South Dakota, Utah, Washington, and Wyoming on and west of a line beginning at the Mexico-United States international boundary line at New Mexico Highway 11 and extending northwest to junction U.S. Highway 180, thence northwest along U.S. Highway 180 to junction N. Mexico Highway 61, thence north along N. Mexico Highway 61 to junction New Mexico Highway 32, thence north along New Mexico Highway 32 to junction U.S. Highway 66, thence east along U.S. Highway 66 to junction N. Mexico Highway 57, thence north along N. Mexico Highway 57 to junction New Mexico Highway 17, thence east along New Mexico Highway 17 to junction U.S. Highway 84, thence north along U.S. Highway 84 to the New Mexico-Colorado State line, thence north along U.S. Highway 84 to junction U.S. Highway 160, thence east along U.S. Highway 160 to junction Colorado Highway 112, thence east along Colorado Highway 112 to junction U.S. Highway 285, thence north along U.S. Highway 285 to junction Colorado Highway 9, thence northeast along Colorado Highway 9 to junction Interstate Highway 70, thence east along Interstate Highway 70 to junction U.S. Highway 40, thence north along U.S. Highway 40 to junction Colorado Highway 125, thence northwest along Colorado Highway 125 to junction Colorado Highway 14, thence east along Colorado Highway 14 to junction U.S. Highway 87, thence north along U.S. Highway 87 to the Colorado-

Wyoming State line, thence north along U.S. Highway 87 to junction U.S. Highway 85, thence north along U.S. Highway 85 to junction U.S. Highway 18, thence east along U.S. Highway 18 to the Wyoming-South Dakota State line, thence east along U.S. Highway 18 to junction South Dakota Highway 79, thence north along South Dakota Highway 79 to junction U.S. Highway 212, thence northeast along U.S. Highway 212 to junction South Dakota Highway 73, thence north along South Dakota Highway 73 to junction U.S. Highway 12, thence east along U.S. Highway 12 to the North Dakota-South Dakota State line to junction North Dakota Highway 49, thence north along North Dakota Highway 49 to junction North Dakota Highway 200, thence northeast along North Dakota Highway 200 to junction U.S. Highway 83, thence north along U.S. Highway 83 to the United States-Canadian International Boundary line. The purpose of this filing is to eliminate the gateways of Pulaski, Lynchburg, and points in Smyth County, Va.

No. MC 61825 (Sub-No. E495), filed May 13, 1974. Applicant: ROY STONE TRANSFER CORP., P.O. Box 385, Collinsville, Va. 24078. Applicant's representative: Joe Clyde Wilson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel products*, between points in Butler County, Pa., within 50 miles of Steubenville, Ohio, on the one hand, and, on the other, points in Adams, Allen, Athens, Auglaize, Brown, Butler, Champaign, Clark, Clermont, Clinton, Crawford, Drake, Defiance, Delaware, Fairfield, Fayette, Franklin, Fulton, Gallia, Greene, Hamilton, Hancock, Hardin, Henry, Highland, Hocking, Jackson, Knox, Lawrence, Licking, Logan, Madison, Marion, Meigs, Mercer, Miami, Montgomery, Morgan, Morrow, Muskingum, Paulding, Perry, Pickaway, Pike, Putnam, Preble, Ross, Scioto, Shelby, Union, Van Wert, Vinton, Warren, Williams, and Wyandot Counties, Ohio. The purpose of this filing is to eliminate the gateway of Weirton, W. Va.

No. MC 61825 (Sub-No. E496), filed May 13, 1974. Applicant: ROY STONE TRANSFER CORP., P.O. Box 385, Collinsville, Va. 24078. Applicant's representative: Joe Clyde Wilson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel products*, between those points in Westmoreland County, Pa., within 50 miles of Steubenville, Ohio, on the one hand, and, on the other, points in Ohio (except points in Ashtabula, Columbiana, Geauga, Lake, Mahoning, Portage, and Trumbull Counties, Ohio). The purpose of this filing is to eliminate the gateway of Weirton, W. Va.

No. MC 61825 (Sub-No. E497), filed May 13, 1974. Applicant: ROY STONE TRANSFER CORP., P.O. Box 385, Collinsville, Va. 24078. Applicant's representative: Joe Clyde Wilson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel products*, between points in Allegheny County, Pa., on the one hand, and, on the other, points in Boone, Brooke, Braxton, Cabell, Calhoun, Clay, Doddridge, Fayette, Gilmer, Greenbriar, Jackson, Jefferson, Kanawha, Lewis, Lincoln, Logan, McDowell, Marshall, Mason, Mercer, Mingo, Monroe, Nicholas, Pleasants, Pocahontas, Putnam, Raleigh, Ritchie, Roane, Summers, Tyler, Wayne, Webster, Wetzel, Wirt, Wood, and Wyoming. The purpose of this filing is to eliminate the gateway of Weirton, W. Va.

No. MC 61825 (Sub-No. E498), filed May 13, 1974. Applicant: ROY STONE TRANSFER CORP., P.O. Box 385, Collinsville, Va. 24078. Applicant's representative: Joe Clyde Wilson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel products*, between points in Green County, Pa., on the one hand, and, on the other, points in Boone, Cabell, Jackson, Kanawha, Lincoln, Logan, McDowell, Marshall, Mercer, Mingo, Pleasants, Putnam, Raleigh, Roane, Tyler, Wayne, Wetzel, Wirt, Wood, and Wyoming. The purpose of this filing is to eliminate the gateway of Weirton, W. Va.

No. MC 61825 (Sub-No. E499), filed May 13, 1974. Applicant: ROY STONE TRANSFER CORP., P.O. Box 385, Collinsville, Va. 24078. Applicant's representative: Joe Clyde Wilson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel products*, between points in Fayette County, Pa., within 50 miles of Steubenville, Ohio, on the one hand, and, on the other, Boone, Brooke, Cabell, Hancock Jackson, Kanawha, Lincoln, Logan, Marshall, Mason, Mingo, Ohio, Pleasants, Putnam, Roane, Tyler, Wayne, Wetzel, Wirt, and Wood Counties W. Va. The purpose of this filing is to eliminate the gateway of Weirton, W. Va.

No. MC 61825 (Sub-No. E500), filed May 13, 1974. Applicant: ROY STONE TRANSFER CORP., P.O. Box 385, Steunville, Va. 24078. Applicant's representative: Joe Clyde Wilson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel products*, between points in Washington County, Pa., on the one hand, and, on the other, points in Boone, Brooke, Cabell, Hancock, Jackson, Kanawha, Lincoln, Logan, Mason, Marshall, Mingo, Ohio, Pleasants, Putnam, Ritchie, Roane, Tyler, Wayne, Wetzel, Wirt, and Wood. The purpose of this filing is to eliminate the gateway of Weirton, W. Va.

No. MC 61825 (Sub-No. E501), filed May 13, 1974. Applicant: ROY STONE TRANSFER CORP., P.O. Box 385, Collinsville, Va. 24078. Applicant's representative: Joe Clyde Wilson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel products*, between points in Beaver County, Pa., on the one hand, and, on the other, points in West Virginia (except Hancock and Mineral Counties). The purpose of this filing is to eliminate the gateway of Weirton, W. Va.

No. MC 61825 (Sub-No. E502), filed May 13, 1974. Applicant: ROY STONE TRANSFER CORP., P.O. Box 385, Collinsville, Va. 24078. Applicant's representative: Joe Clyde Wilson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel products*, between points in Lawrence County, Pa., on the one hand, and, on the other, points in West Virginia (except points in Hancock County). The purpose of this filing is to eliminate the gateway of Weirton, W. Va.

No. MC 61825 (Sub-No. E503), filed May 13, 1974. Applicant: ROY STONE TRANSFER CORP., P.O. Box 385, Collinsville, Va. 24078. Applicant's representative: Joe Clyde Wilson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel products*, between points in Butler County, Pa., within 50 miles of Steubenville, Ohio, on the one hand, and, on the other, points in West Virginia (except points in Berkeley, Grant, Hampshire, Hancock, Hardy, Jefferson, Marion, Mineral, Monongalia, Morgan, Preston, and Taylor Counties). The purpose of this filing is to eliminate the gateway of Weirton, W. Va.

No. MC 61825 (Sub-No. E504), filed May 13, 1974. Applicant: ROY STONE TRANSFER CORP., P.O. Box 385, Collinsville, Va. 24078. Applicant's representative: Joe Clyde Wilson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles*, between points in Allegheny County, Pa., on the one hand, and, on the other, points in New York (except points in Allegany, Cattaragus, Chautauqua, Chemung, Erie, Steuben, Tioga, and Wyoming Counties). The purpose of this filing is to eliminate the gateway of Weirton, W. Va.

No. MC 61825 (Sub-No. E505), filed May 13, 1974. Applicant: ROY STONE TRANSFER CORP., P.O. Box 385, Collinsville, Va. 24078. Applicant's representative: Joe Clyde Wilson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel products*, between points in Greene County, Pa., on the one hand, and, on the other, points in New York. The purpose of this filing is to eliminate the gateway of Weirton, W. Va.

No. MC 61825 (Sub-No. E506), filed May 13, 1974. Applicant: ROY STONE TRANSFER CORP., P.O. Box 385, Collinsville, Va. 24078. Applicant's representative: Joe Clyde Wilson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel products*, between points in Fayette

County, Pa., within 50 miles of Steubenville, Ohio, on the one hand, and, on the other, points in New York (except points in Allegany, Broome, Chemung, Delaware, Orange, Steuben, Sullivan, and Tioga Counties). The purpose of this filing is to eliminate the gateway of Weirton, W. Va.

No. MC 61825 (Sub-No. E507), filed May 13, 1974. Applicant: ROY STONE TRANSFER CORP., P.O. Box 385, Collinsville, Va. 24078. Applicant's representative: Joe Clyde Wilson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel products*, between points in Washington County, Pa., on the one hand, and, on the other, points in New York. The purpose of this filing is to eliminate the gateway of Weirton, W. Va.

No. MC 61825 (Sub-No. E508), filed May 13, 1974. Applicant: ROY STONE TRANSFER CORP., P.O. Box 385, Collinsville, Va. 24078. Applicant's representative: Joe Clyde Wilson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel products*, between points in Beaver County, Pa., on the one hand, and, on the other, points in New York (except points in Allegany, Broome, Cattaragus, Chautauqua, Chemung, Erie, Genesee, Livingston, Niagara, Orleans, Steuben, Tompkins, Wyoming, and Yates Counties). The purpose of this filing is to eliminate the gateway of Weirton, W. Va.

No. MC 61825 (Sub-No. E509), filed May 13, 1974. Applicant: ROY STONE TRANSFER CORP., P.O. Box 385, Collinsville, Va. 24078. Applicant's representative: Joe Clyde Wilson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles*, between points in Lawrence County, Pa., on the one hand, and, on the other, points in Albany, Bronx, Clinton, Columbia, Dutchess, Essex, Franklin, Fulton, Greene, Kings, Montgomery, Nassau, New York, Orange, Putnam, Queens, Rensselaer, Richmond, Rockland, Saratoga, St. Lawrence, Schenectady, Schoharie, Suffolk, Sullivan, Ulster, Warren, Washington, and Westchester Counties, N.Y. The purpose of this filing is to eliminate the gateway of Weirton, W. Va.

No. MC 61825 (Sub-No. E527), filed May 13, 1974. Applicant: ROY STONE TRANSFER CORP., P.O. Box 385, Collinsville, Va. 24078. Applicant's representative: Joe Clyde Wilson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Materials* used in the manufacture of furniture, from points in Ohio on and east of a line beginning on Lake Erie near Ashtabula, Ohio, thence along the Ashtabula River to junction Ohio Highway 46, thence along Ohio Highway 46 to junction Ohio Highway 5, thence along Ohio Highway 5 to junction Ohio Highway 45, thence along Ohio Highway 45 to junction Ohio Highway 9, thence along Ohio Highway 9 to junction Ohio Highway 644, thence along Ohio Highway 644 to junction Ohio Highway 164, thence along Ohio Highway 164 to junction Ohio Highway 9, thence along Ohio Highway 9 to junction Ohio Highway 149, thence along Ohio Highway 149 to junction Interstate Highway 70, thence along Interstate Highway 70 to junction Ohio Highway 800, thence along Ohio Highway 800 to junction Ohio Highway 145, thence along Ohio Highway 145 to junction Ohio Highway 821, thence along Ohio Highway 821 to junction Ohio Highway 60, thence along Ohio Highway 60 to the Ohio River to points in Mississippi on and south of U.S. Highway 84. The purpose of this filing is to eliminate the gateway of Martinsville, Va.

No. MC 61825 (Sub-No. E528), filed May 13, 1974. Applicant: ROY STONE TRANSFER CORP., P.O. Box 385, Collinsville, Va. 24078. Applicant's representative: Joe Clyde Wilson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Materials* used in the manufacture of furniture, from points in Ohio south and west of a line beginning near Van Wert, Ohio, thence along U.S. Highway 30 to junction Ohio Highway 66, thence along Ohio Highway 66 to junction Ohio Highway 197, thence along Ohio Highway 197 to junction Ohio Highway 198, thence along Ohio Highway 198 to junction U.S. Highway 33, thence along U.S. Highway 33 to junction Ohio Highway 65, thence along Ohio Highway 65 to junction Ohio Highway 47, thence along Ohio Highway 47 to junction Ohio Highway 235, thence along Ohio Highway 235 to junction Ohio Highway 29, thence along Ohio Highway 29 to junction U.S. Highway 68, thence along U.S. Highway 68 to junction Ohio Highway 41, thence along Ohio Highway 41 to junction U.S. Highway 35, thence along U.S. Highway 35 to junction Ohio Highway 160, thence along Ohio Highway 160 to the Ohio River, to points in South Carolina on and east of a line beginning at the Georgia-South Carolina State line near Savannah, Ga., thence along U.S. Highway 17 to junction Alternate U.S. Highway 17, thence along Alternate U.S. Highway 17 to junction U.S. Highway 15, thence along U.S. Highway 15 to junction U.S. Highway 521, thence along U.S. Highway 521 to the South Carolina-North Carolina State line. The purpose of this filing is to eliminate the gateway of Martinsville, Va.

No. MC 61825 (Sub-No. E529), filed May 13, 1974. Applicant: ROY STONE TRANSFER CORP., P.O. Box 385, Collinsville, Va. 24078. Applicant's representative: Joe Clyde Wilson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Materials* used in the manufacture of furniture, from points in Ohio on, east, and north of a line beginning at the Indiana-Ohio State line near Van Wert, Ohio, thence along U.S. Highway 30 to junction Ohio Highway 66, thence along Ohio Highway 66 to junction Ohio Highway 197, thence along Ohio Highway 197 to junction Ohio Highway 198, thence along Ohio Highway 198 to junction U.S. Highway 33, thence along U.S. Highway 33 to junction Ohio Highway 65, thence along Ohio Highway 65 to junction Ohio Highway 47, thence along Ohio Highway 47 to junction Ohio Highway 235, thence along Ohio Highway 235 to junction Ohio Highway 29, thence along Ohio Highway 29 to junction U.S. Highway 68, thence along U.S. Highway 68 to junction Ohio Highway 41, thence along Ohio Highway 41 to junction U.S. Highway 35, thence along U.S. Highway 35 to junction Ohio Highway 160, thence along Ohio Highway 160 to the Ohio River and points located west and south of a line beginning at the Michigan-Ohio State line near Toledo, Ohio, thence along U.S. Highway 25 to junction U.S. Highway 6, thence along U.S. Highway 6 to junction U.S. Highway 20, thence along U.S. Highway 20 to junction Ohio Highway 19, thence along Ohio Highway 19 to junction Ohio Highway 162, thence along Ohio Highway 162 to junction Ohio Highway 4, thence along Ohio Highway 4 to junction Ohio Highway 103, thence along Ohio Highway 103 to junction Ohio Highway 602, thence along Ohio Highway 602 to junction Ohio Highway 96, thence along Ohio Highway 96 to junction Ohio Highway 598, thence along Ohio Highway 598 to junction U.S. Highway 30N, thence along U.S. Highway 30N to junction Ohio Highway 314, thence along Ohio Highway 314 to junction Ohio Highway 97, thence along Ohio Highway 97 to junction Ohio Highway 546, thence along Ohio Highway 546 to junction Ohio Highway 13, thence along Ohio Highway 13 to junction Ohio Highway 586, thence along Ohio Highway 586 to junction Ohio Highway 146, thence along Ohio Highway 146 to junction Ohio Highway 60, thence along Ohio Highway 60 to junction Ohio Highway 339, thence along Ohio Highway 339 to the Ohio River to points in South Carolina on, east, and south of a line beginning at the Georgia-South Carolina State line near Clark Hill Lake, S.C., thence along U.S. Highway 221 to junction U.S. Highway 378, thence along U.S. Highway 378 to junction South Carolina Highway 67, thence along South Carolina Highway 67 to junction U.S. Highway 178, thence along U.S. Highway 178 to junction South Carolina Highway 248, thence along South Carolina Highway 248 to junction South Carolina Highway 34, thence along South Carolina Highway 34 to junction South Carolina Highway 39, thence along South Carolina Highway 39 to junction South Carolina Highway 56, thence along South Carolina Highway 56 to junction South Carolina Highway 66, thence along South Carolina Highway 66 to junction South Carolina Highway 121, thence along South Carolina Highway 121 to junction South Carolina Highway 215, thence along South Carolina Highway 215 to junction South Carolina Highway 419, thence along South Carolina Highway 419 to junction U.S. Highway 321, thence along U.S.

Highway 321 to the South Carolina-North Carolina State line. The purpose of this filing is to eliminate the gateway of Martinsville, Va.

No. MC 61825 (Sub-No. E530), filed May 13, 1974. Applicant: ROY STONE TRANSFER CORP., P.O. Box 385, Collinsville, Va. 24078. Applicant's representative: Joe Clyde Wilson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Materials* used in the manufacture of furniture, from points in Ohio on, east, and north of a line beginning on the Michigan-Ohio State line near Toledo, Ohio, thence along U.S. Highway 25 to junction U.S. Highway 6, thence along U.S. Highway 6 to junction U.S. Highway 20, thence along U.S. Highway 20 to junction Ohio Highway 19, thence along Ohio Highway 19 to junction Ohio Highway 162, thence along Ohio Highway 162 to junction Ohio Highway 4, thence along Ohio Highway 4 to junction Ohio Highway 103, thence along Ohio Highway 103 to junction Ohio Highway 602, thence along Ohio Highway 602 to junction Ohio Highway 96, thence along Ohio Highway 96 to junction Ohio Highway 598, thence along Ohio Highway 598 to junction U.S. Highway 30N, thence along U.S. Highway 30N to junction Ohio Highway 314, thence along Ohio Highway 314 to junction Ohio Highway 97, thence along Ohio Highway 97 to junction Ohio Highway 546, thence along Ohio Highway 546 to junction Ohio Highway 13, thence along Ohio Highway 13 to junction Ohio Highway 586, thence along Ohio Highway 586 to junction Ohio Highway 146, thence along Ohio Highway 146 to junction Ohio Highway 60, thence along Ohio Highway 60 to junction Ohio Highway 339, thence along Ohio Highway 339 to the Ohio River, to points in South Carolina on and east of U.S. Highway 29. The purpose of this filing is to eliminate the gateway of Martinsville, Va.

No. MC 61825 (Sub-No. E531), filed May 13, 1974. Applicant: ROY STONE TRANSFER CORPORATION, P.O. Box 385, Collinsville, Va. 24078. Applicant's representative: Joe Clyde Wilson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Materials* used in the manufacture of furniture, from points in Ohio on and east of a line beginning on Lake Erie near Toledo, Ohio, thence along the Maumee River to Interstate Highway 75, thence along Interstate Highway 75 to junction Interstate Highway 80/90, thence along Interstate Highway 80/90 to junction Ohio Highway 420, thence along Ohio Highway 420 to junction U.S. Highway 23, thence along U.S. Highway 23 to junction Ohio Highway 423, thence along Ohio Highway 423 to junction U.S. Highway 23, thence along U.S. Highway 23 to junction Ohio Highway 56, thence along Ohio Highway 56 to junction Ohio Highway 327, thence along Ohio Highway 327 to junction Ohio Highway 93, thence along Ohio Highway 93 to junction Ohio Highway 233, thence along Ohio Highway 233 to junction Ohio Highway 141, thence along Ohio Highway 141 to junction Ohio Highway 775, thence along Ohio Highway 775 to the Ohio River and points located west of a line beginning on Lake Erie near Lorain, Ohio, thence along Ohio Highway 57 to junction U.S. Highway 20, thence along U.S. Highway 20 to junction Ohio Highway 301, thence along Ohio Highway 301 to junction Ohio Highway 302, thence along Ohio Highway 302 to junction Ohio Highway 83, thence along Ohio Highway 83 to junction U.S. Highway 62, thence along U.S. Highway 62 to junction Ohio Highway 60, thence along Ohio Highway 60 to junction Ohio Highway 93, thence along Ohio Highway 93 to junction Ohio Highway 13, thence along Ohio Highway 13 to junction U.S. Highway 33, thence along U.S. Highway 33 to junction Ohio Highway 7, thence along Ohio Highway 7 to junction U.S. Highway 35, thence along U.S. Highway 35 to junction Ohio Highway 160, thence along Ohio Highway 160 to the Ohio River, to points in Georgia on, east, and south of a line beginning at the Florida-Georgia State line near Bainbridge, Ga., thence along the Flint River to Georgia Highway 37, thence along Georgia Highway 37 to junction Georgia Highway 91, thence along Georgia Highway 91 to junction U.S. Highway 82, thence along U.S. Highway 82 to junction Ohio Highway 257, thence along Ohio Highway 257 to junction U.S. Highway 23, thence along U.S. Highway 23 to junction Ohio Highway 96, thence along Ohio Highway 96 to junction Ohio Highway 18, thence along Ohio Highway 18 to junction Ohio Highway 243, thence along Ohio Highway 243 to junction Ohio Highway 29, thence along Ohio Highway 29 to junction Ohio Highway 22, thence along Ohio Highway 22 to junction Ohio Highway 16, thence along Ohio Highway 16 to junction U.S. Highway 278, thence along U.S. Highway 278 to junction U.S. Highway 78, thence along U.S. Highway 78 to junction Ohio Highway 43, thence along Ohio Highway 43 to the Georgia-South Carolina State line. The purpose of this filing is to eliminate the gateway of Martinsville, Va.

No. MC 61825 (Sub-No. E532), filed May 13, 1974. Applicant: ROY STONE TRANSFER CORP., P.O. Box 385, Collinsville, Va. 24078. Applicant's representative: Joe Clyde Wilson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Materials* used in the manufacture of furniture, from points in Ohio on, north, and east of a line beginning at the Indiana-Ohio State line near Union City, Ohio, thence along Ohio Highway 571 to junction Ohio Highway 49, thence along Ohio Highway 49 to junction U.S. Highway 35, thence along U.S. Highway 35 to junction U.S. Highway 68, thence along U.S. Highway 68 to junction Ohio Highway 73, thence along Ohio Highway 73 to junction U.S. Highway 23, thence along U.S. Highway 23 to Ohio River and points located west of a line beginning on Lake Erie near Toledo, Ohio, thence along the Maumee River to Interstate Highway 75, thence along Interstate Highway 75 to junction Interstate Highway 80/90, thence along Interstate Highway 80/90 to junction Ohio Highway 420, thence along Ohio Highway 420 to junction U.S. Highway 23, thence along U.S. Highway 23 to junction Ohio Highway 423, thence along Ohio Highway 423 to junction U.S. Highway 23, thence along U.S. Highway 23 to junction Ohio Highway 56, thence along Ohio Highway 56 to junction Ohio Highway 327, thence along Ohio Highway 327 to junction Ohio Highway 93, thence along Ohio Highway 93 to junction Ohio Highway 233, thence along Ohio Highway 233 to junction Ohio Highway 141, thence along Ohio Highway 141 to junction Ohio Highway 775, thence along Ohio Highway 775 to the Ohio River and points located west of a line beginning at Lake Erie in Cleveland, Ohio, thence along the Cuyahoga River to junction Ohio Highway 8, thence along Ohio Highway 8 to junction Interstate Highway 77, thence along Interstate Highway 77 to the Ohio-West Virginia State line to points in Georgia on, east,

and south of a line beginning at the Alabama-Georgia State line near Columbus, Ga., thence along U.S. Highway 27 to junction Alternate U.S. Highway 27, thence along Alternate U.S. Highway 27 to junction Georgia Highway 36, thence along Georgia Highway 36 to junction U.S. Highway 278, thence along U.S. Highway 278 to junction Georgia Highway 11, thence along Georgia Highway 11 to junction U.S. Highway 78, thence along U.S. Highway 78 to junction U.S. Highway 29, thence along U.S. Highway 29 to the Georgia-South Carolina State line. The purpose of this filing is to eliminate the gateway of Martinsville, Va.

No. MC 61825 (Sub-No. E534), filed May 13, 1974. Applicant: ROY STONE TRANSFER CORP., P.O. Box 385, Collinsville, Va. 24078. Applicant's representative: Joe Clyde Wilson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Materials* used in the manufacture of furniture, from points in Ohio on and east of a line beginning at Lake Erie in Cleveland, Ohio, thence along the Cuyahoga River to Ohio Highway 8, thence along Ohio Highway 8 to junction Interstate Highway 77, thence along Interstate Highway 77 to the Ohio-West Virginia State line to points in Georgia on, east, and south of a line beginning at the Alabama-Georgia State line near Roanoke, Ala., thence along Georgia Highway 34 to junction Interstate Highway 85, thence along Interstate Highway 85 to junction U.S. Highway 23, thence along U.S. Highway 23 to junction U.S. Highway 76, thence along U.S. Highway 76 to the Chattooga River, thence along the Chattooga River to the Georgia-North Carolina State line. The purpose of this filing is to eliminate the gateway of Martinsville, Va.

No. MC 61825 (Sub-No. E535), filed May 13, 1974. Applicant: ROY STONE TRANSFER CORP., P.O. Box 385, Collinsville, Va. 24078. Applicant's representative: Joe Clyde Wilson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Materials* used in the manufacture of furniture, from points in Ohio on and east of a line beginning at Lake Erie in Cleveland, Ohio, thence along the Cuyahoga River to Ohio Highway 8, thence along Ohio Highway 8 to junction Interstate Highway 77, thence along Interstate Highway 77 to the Ohio-West Virginia State line to points in Alabama on, east, and south of a line beginning at the Georgia-Alabama State line near Roanoke, Ala., thence along Alabama Highway 22 to junction U.S. Highway 431, thence along U.S. Highway 431 to junction Alabama Highway 50, thence along Alabama Highway 50 to junction Alabama Highway 229, thence along Alabama Highway 229 to junction Alabama Highway 14, thence along Alabama Highway 14 to junction Alabama Highway 73, thence along Alabama Highway 73 to junction Alabama Highway 8, thence along Alabama Highway 8 to junction U.S. Highway 231, thence along U.S. Highway 231 to junction Interstate Highway 65, thence along Interstate Highway 65 to junction Alabama Highway 225, thence along Alabama Highway 225 to junction Interstate Highway 10, thence along Interstate Highway 10 to junction U.S. Highway 98, thence along U.S. Highway 98 to junction Alabama Highway 70, thence along Alabama Highway 70 to the Alabama-Mississippi State line. The purpose of this filing is to eliminate the gateway of Martinsville, Va.

No. MC 61825 (Sub-No. E536), filed May 13, 1974. Applicant: ROY STONE TRANSFER CORP., P.O. Box 385, Collinsville, Va. 24078. Applicant's representative: Joe Clyde Wilson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Materials* used in the manufacture of furniture, from points in Ohio on and east of a line beginning at Lake Erie near Lorain, Ohio, thence along Ohio Highway 57 to junction U.S. Highway 20, thence along U.S. Highway 20 to junction Ohio Highway 301, thence along Ohio Highway 301 to junction Ohio Highway 302, thence along Ohio Highway 302 to junction Ohio Highway 83, thence along Ohio Highway 83 to junction U.S. Highway 62, thence along U.S. Highway 62 to junction Ohio Highway 60, thence along Ohio Highway 60 to junction Ohio Highway 93, thence along Ohio Highway 93 to junction Ohio Highway 13, thence along Ohio Highway 13 to junction U.S. Highway 33, thenee along U.S. Highway 33 to junction Ohio Highway 7, thence along Ohio Highway 7 to junction U.S. Highway 35, thence along U.S. Highway 35 to junction Ohio Highway 160, thence along Ohio Highway 160 to the Ohio River and points located west of a line beginning at Lake Erie in Cleveland, Ohio, thence along the Cuyahoga River to Ohio Highway 8, thence along Ohio Highway 8 to junction Interstate Highway 77, thence along Interstate Highway 77 to the Ohio-West Virginia State line, to points in Alabama on, east, and south of a line beginning at the Georgia-Alabama State line near Phoenix City, Ala., thence along U.S. Highway 431 to junction Alabama Highway 26, thence along Alabama Highway 26 to junction U.S. Highway 29, thence along U.S. Highway 29 to junction U.S. Highway 31, thence along U.S. Highway 31 to junction Interstate Highway 10, thence along Interstate Highway 10 to the Alabama-Mississippi State line. The purpose of this filing is to eliminate the gateway of Martinsville, Va.

No. MC 61825 (Sub-No. E537), filed May 13, 1974. Applicant: ROY STONE TRANSFER CORP., P.O. Box 385, Collinsville, Va. 24078. Applicant's representative: Joe Clyde Wilson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle over irregular routes, transporting: *Materials* used in the manufacture of furniture, from points in Ohio on and east of a line beginning on Lake Erie near Lorain, Ohio, thence along U.S. Highway 20 to junction Ohio Highway 301, thence along Ohio Highway 301 to junction Ohio Highway 302, thence along Ohio Highway 302 to junction Ohio Highway 83, thence along Ohio Highway 83 to junction U.S. Highway 62, thence along U.S. Highway 62 to junction Ohio Highway 60, thence along Ohio Highway 60 to junction Ohio Highway 93, thence along Ohio Highway 93 to junction Ohio Highway 13, thence along Ohio Highway 13 to junction U.S. Highway 33, thence along U.S. Highway 33 to junction Ohio Highway 7, thence along Ohio Highway 7 to junction U.S. Highway 35, thence along Ohio Highway 35 to junction Ohio Highway 160, thence along Ohio Highway 160 to the Ohio River, to points in Florida. The purpose of this filing is to eliminate the gateway of Martinsville, Va.

No. MC 61825 (Sub-No. E538), filed May 13, 1974. Applicant: ROY STONE TRANSFER CORP., P.O. Box 385, Collinsville, Va. 24078. Applicant's representative: Joe Clyde Wilson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Materials* used in the manufacture of furniture, from points in Ohio east of a line beginning at Lake Erie near Toledo, Ohio, thence along the Maumee River to U.S. Highway 20, thence along U.S. Highway 20 to junction U.S. Highway 25, thence along U.S. Highway 25 to junction Interstate Highway 75, thence along Interstate Highway 75 to junction Ohio Highway 15, thence along Ohio Highway 15 to junction U.S. Highway 68, thence along U.S. Highway 68 to junction Ohio Highway 72, thence along Ohio Highway 72 to junction U.S. Highway 35, thence along U.S. Highway 35 to junction U.S. Highway 23, thence along U.S. Highway 23 to the Ohio River and points located west of a line beginning on Lake Erie near Lorain, Ohio, thence along Ohio Highway 57 to junction U.S. Highway 20, thence along U.S. Highway 20 to junction Ohio Highway 301, thence along Ohio Highway 301 to junction Ohio Highway 302, thence along Ohio Highway 302 to junction Ohio Highway 83, thence along Ohio Highway 83 to junction U.S. Highway 62, thence along U.S. Highway 62 to junction Ohio Highway 60, thence along Ohio Highway 60 to junction Ohio Highway 93, thence along Ohio Highway 93 to junction Ohio Highway 13, thence along Ohio Highway 13 to junction U.S. Highway 33, thence along U.S. Highway 33 to junction Ohio Highway 7, thence along Ohio Highway 7 to junction U.S. Highway 35, thence along U.S. Highway 35 to junction Ohio Highway 160, thence along Ohio Highway 160 to the Ohio River to points in Florida on and east of a line beginning at the Georgia-Florida State line near Tallahassee, Fla., thence along U.S. Highway 19 to junction Florida Highway 257, thence along Florida Highway 257 to the Aucilla River, thence along the Aucilla River to the Gulf of Mexico. The purpose of this filing is to eliminate the gateway of Martinsville, Va.

No. MC 61825 (Sub-No. E539), filed May 13, 1974. Applicant: ROY STONE TRANSFER CORPORATION, P.O. Box

385, Collinsville, Va. 24078. Applicant's representative: Joe Clyde Wilson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Materials* used in the manufacture of furniture, from points in Ohio on and west of a line beginning on Lake Erie near Toledo, Ohio, thence along the Maumee River to junction U.S. Highway 20, thence along U.S. Highway 20 to junction U.S. Highway 25, thence along U.S. Highway 25 to junction Interstate Highway 75, thence along Interstate Highway 75 to junction Ohio Highway 15, thence along Ohio Highway 15 to junction U.S. Highway 68, thence along U.S. Highway 68 to junction Ohio Highway 72, thence along Ohio Highway 72 to junction U.S. Highway 35, thence along U.S. Highway 35 to junction U.S. Highway 23, thence along U.S. Highway 23 to the Ohio River, to points in Florida on, east, and south of a line beginning at the Atlantic Ocean near Daytona Beach, Fla., thence along U.S. Highway 92 to junction Interstate Highway 4, thence along Interstate Highway 4 to junction U.S. Highway 27, thence along U.S. Highway 27 to junction Ohio Highway 544, thence along Ohio Highway 544 to junction U.S. Highway 17, thence along U.S. Highway 17 to junction Ohio Highway 64, thence along Ohio Highway 64 to Myakka Head, thence along unnumbered highway to Myakka City, Fla., thence along Ohio Highway 70 to Verna, Fla., thence along unnumbered highway to junction Ohio Highway 780, thence along Ohio Highway 780 to the Gulf of Mexico. The purpose of this filing is to eliminate the gateway of Martinsville, Va.

No. MC 61825 (Sub-No. E540), filed May 13, 1974. Applicant: ROY STONE TRANSFER CORP., P.O. Box 385, Collinsville, Va. 24078. Applicant's representative: Joe Clyde Wilson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Materials* used in the manufacture of furniture, from points in New Jersey on and west of a line beginning at the Hudson River near Fort Lee, N.J., thence along Interstate Highway 95 to junction New Jersey Highway 3, thence along New Jersey Highway 3 to junction New Jersey Highway 17, thence along New Jersey Highway 17 to junction New Jersey Highway 7, thence along New Jersey Highway 7 to junction New Jersey Highway 21, thence along New Jersey Highway 21 to junction New Jersey Highway 506 Spur, thence along New Jersey Highway 506 Spur to junction Garden State Parkway, thence along Garden State Parkway to junction New Jersey Highway 27, thence along New Jersey Highway 27 to junction New Jersey Highway 91, thence along New Jersey Highway 91 to junction U.S. Highway 1, thence along U.S. Highway 1 to the Delaware River to points in Kentucky on and south of a line beginning at the West Virginia-Kentucky State line near Lovely, Ky., thence along Kentucky Highway 40 to junction U.S. Highway 460, thence along U.S. Highway 460 to junction Kentucky Highway 30, thence along Kentucky Highway 30 to junction U.S. Highway 421, thence along U.S. Highway 421 to junction Kentucky Highway 21, thence along Kentucky Highway 21 to junction Kentucky Highway 52, thence along Kentucky Highway 52 to junction U.S. Highway 27, thence along U.S. Highway 27 to junction Kentucky Highway 78, thence along Kentucky Highway 78 to junction Kentucky Highway 49, thence along Kentucky Highway 49 to junction Kentucky Highway 84, thence along Kentucky Highway 84 to junction U.S. Highway 62, thence along U.S. Highway 62 to junction Kentucky Highway 54, thence along Kentucky Highway 54 to junction U.S. Highway 60, thence along U.S. Highway 60 to junction Kentucky Highway 56, thence along Kentucky Highway 56 to the Ohio River. The purpose of this filing is to eliminate the gateway of Martinsville, Va.

No. MC 65941 (Sub-No. E18), filed May 13, 1974. Applicant: TOWER LINES, INC., P.O. Box 6010, Wheeling, W. Va., Applicant's representative: Geo. V. Thieroff (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Beer*, in containers, from Winston-Salem, N.C., to points in Pennsylvania on, south and west of a line beginning at the Ohio-Pennsylvania State line extending along U.S. Highway 422 to junction Pennsylvania Highway 66, thence along Pennsylvania Highway 66 to junction U.S. Highway 119, thence along U.S. Highway 119 to the Pennsylvania-West Virginia State line. The purpose of this filing is to eliminate the gateway of points in West Virginia bounded by a line beginning at the Kentucky-West Virginia State line extending along U.S. Highway 60 to junction U.S. Highway 119, thence to the West Virginia-Pennsylvania State line, thence to junction U.S. Highway 30, thence to junction West Virginia Highway 2, thence to junction West Virginia Secondary Highway 3, thence to junction West Virginia Highway 66, thence to junction U.S. Highway 30, thence to the West Virginia-Ohio State line, to points of beginning, including points on the indicated portions of U.S. Highways 60 and 119, but not on the indicated portions of the other highways specified (except Charleston).

No. MC 66886 (Sub-No. E55), filed July 28, 1975. Applicant: BELGER CARTAGE SERVICE, INC., 2100 Walnut St., Kansas City, Mo. 64108. Applicant's representative: Frank W. Taylor, Jr., 1221 Baltimore Ave., Kansas City, Mo. 64105. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Printing and publishing equipment*, which because of size or weight requires the use of special equipment, between points in Oklahoma, on the one hand, and, on the other, points in Alabama, Idaho, Washington, Montana, Wyoming, California, Arizona, Oregon, Utah, New Mexico, Nevada, Ohio, Massachusetts, Kentucky, Mississippi, Tennessee, Maryland, New York, Vermont, Delaware, New Hampshire, New Jersey, Florida, North Carolina, West Virginia, Virginia, Maine, Michigan, Louisiana, Minnesota, Rhode Island, Pennsylvania, Georgia, South Carolina, Connecticut, and Indiana. The purpose of this filing is to eliminate the gateway of Kansas or Texas.

No. MC 66886 (Sub-No. E61), filed July 28, 1975. Applicant: BELGER CARTAGE SERVICE, INC., 2100 Walnut St., Kansas City, Mo. 64108. Applicant's representative: Frank W. Taylor, Jr., 1221 Baltimore Ave., Kansas City, Mo. 64105. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Printing and publishing equipment*, which because of size or weight requires the use of special equipment, between points in Colorado, on the one hand, and, on the other, points in Maine, Florida, Michigan, Wisconsin, Mississippi, Alabama, Ohio, Kentucky, Indiana, Georgia, New York, Tennessee, Arkansas, Louisiana, Minnesota, North Carolina, South Carolina, West Virginia, Virginia, Pennsylvania, Maryland, Delaware, New Jersey, Vermont, New Hampshire, Massachusetts, Connecticut, and Rhode Island. The purpose of this filing is to eliminate the gateway of Kansas.

No. MC 66886 (Sub-No. E62), filed July 28, 1975. Applicant: BELGER CARTAGE SERVICE, INC., 2100 Walnut St., Kansas City, Mo. 64108. Applicant's representative: Frank W. Taylor, Jr., 1221 Baltimore Ave., Kansas City, Mo. 64105. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Printing and publishing equipment*, which because of size or weight requires the use of special equipment, between those points in New Mexico on and south of U.S. Highway 70, on the one hand, and, on the other, those points in Colorado on and east of U.S. Highway 85. The purpose of this filing is to eliminate the gateway of Texas.

No. MC 67450 (Sub-No. E3), filed May 15, 1974. Applicant: PETERLIN CARTAGE COMPANY, 9651 Ewing Ave., Chicago, Ill. 60617. Applicant's representative: Frank Peterlin (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Corn sugar*, dry, in bulk, from Chicago, Ill., to points in Kentucky on, south and west of a line beginning at the Kentucky-Tennessee State line extending along U.S. Highway 127 to junction Kentucky Highway 90, thence along Kentucky Highway 90 to junction Kentucky Highway 61, thence along Kentucky Highway 61 to Elizabethtown, thence along Kentucky Highway 86 to junction U.S. Highway 60, thence along U.S. Highway 60 to Owensboro, thence along U.S. Highway 231 to the Kentucky-Indiana Stateline, and points in Tennessee on and east of a line beginning at the Tennessee-North Carolina State line extending along Inter-

state Highway 40 to junction U.S. Highway 25–E, thence along U.S. Highway 25–E to the Tennessee-Kentucky State line. The purpose of this filing is to eliminate the gateway of Ct. Vernon, Ind.

No. MC 67450 (Sub-No. E4), filed May 15, 1974. Applicant: PETERLIN CARTAGE COMPANY, 9651 Ewing Ave., Chicago, Ill. 60617. Applicant's representative: Frank Peterlin (same as above.) Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Corn sugar*, dry, in bulk, from the plants and warehouses of General Mills, Inc., at West Chicago, Ill., to points in Kentucky on, south, and east of a line beginning at the Kentucky-Tennessee State line extending along U.S. Highway 127 to junction Kentucky Highway 90, thence along Kentucky Highway 90 to junction Kentucky Highway 61, thence along Kentucky Highway 61 to Elizabethtown, thence along Kentucky Highway 86 to junction U.S. Highway 60, thence along U.S. Highway 60 to Owensboro, thence along U.S. Highway 231 to the Kentucky-Indiana State line, and points in Tennessee on and east of a line beginning at the Tennessee-North Carolina State line extending along Interstate Highway 40 to junction U.S. Highway 25–E, thence along U.S. Highway 25–E to the Tennessee-Kentucky State line. The purpose of this filing is to eliminate the gateway of Mt. Vernon, Ind.

No. MC 67450 (Sub-No. E5), filed May 15, 1974. Applicant: PETERLIN CARTAGE COMPANY, 9651 Ewing Ave., Chicago, Ill. 60617. Applicant's representative: Frank Peterlin (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Corn Sugar*, dry, in bulk, in tank vehicles, from Indianapolis, Ind., to points in Iowa, Minnesota, Wisconsin, and that part of Illinois on, east and north of a line beginning at Chicago extending along Interstate Highway 57 to junction Illinois Highway 17, thence along Illinois Highway 17 to junction U.S. Highway 66, thence along U.S. Highway 66 to junction U.S. Highway 24, thence along U.S. Highway 24 to the junction with Interstate Highway 74, thence along Interstate Highway 74 to junction U.S. Highway 34, thence along U.S. Highway 34 to the Illinois-Iowa State line. The purpose of this filing is to eliminate the gateway of Kankakee, Ill.

No. MC 67450 (Sub-No. E19), filed May 15, 1974. Applicant: PETERLIN CARTAGE COMPANY, 9651 Ewing Ave., Chicago, Ill. 60617. Applicant's representative: Frank Peterlin (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid sugar and blends* thereof, in bulk, in tank vehicles, from Louisville, Ky., to the plants, warehouses, and facilities used by General Mills, Inc., at Buffalo, N.Y., and to points in Pennsylvania on, north and east of a line beginning at the Ohio-Pennsylvania State line extending along U.S. Highway 422 to junction Pennsylvania Highway 85, thence along Pennsylvania Highway 85 to junction U.S. Highway 119, thence along U.S. Highway 119 to junction U.S. Highway 322, thence along U.S. Highway 322 to junction U.S. Highway 522, thence along U.S. Highway 522 to junction U.S. Highway 11, thence along U.S. Highway 11 to junction Pennsylvania Highway 61, thence along Pennsylvania Highway 61 to Reading, thence along Pennsylvania Highway 10 to junction U.S. Highway 30, thence along U.S. Highway 30 to Philadelphia. The purpose of this filing is to eliminate the gateway of the facilities used by General Mills, Inc., in the Toledo, Ohio, commercial zone.

No. MC 67450 (Sub-No. E24), filed May 15, 1974. Applicant: PETERLIN CARTAGE COMPANY, 9651 Ewing Ave., Chicago, Ill. 60617. Applicant's representative: Frank Peterlin (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry soybean products*, in bulk, in tank vehicles, from Indianapolis, Ind., to points in Missouri and points in Wisconsin, on, north and west of a line beginning at the Illinois-Wisconsin State line extending along Interstate Highway 90 to junction Wisconsin Highway 26, thence along Wisconsin Highway 26 to junction U.S. Highway 18, thence along U.S. Highway 18 to Milwaukee, Wis. The purpose of this filing is to eliminate the gateway of Champaign, Ill.

No. MC 67450 (Sub-No. E45), filed May 15, 1974. Applicant: PETERLIN CARTAGE COMPANY, 9651 Ewing Ave., Chicago, Ill. 60617. Applicant's representative: Frank Peterlin (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Flour*, in bulk, between points in Illinois on and north of a line beginning at the Illinois-Indiana State line extending along Interstate Highway 74 to junction Illinois Highway 116, thence along Illinois Highway 116 to the Illinois-Iowa State line, on the one hand, and, on the other, points in Georgia. The purpose of this filing is to eliminate the gateway of points in Ohio.

No. MC 67450 (Sub-No. E56), filed May 15, 1974. Applicant: PETERLIN CARTAGE COMPANY, 9651 Ewing Ave., Chicago, Ill. 60617. Applicant's representative: Frank Peterlin (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Flour*, in bulk, between points in Indiana, on the one hand, and, on the other, points in Virginia on, east and north of a line beginning at the Virginia-North Carolina State line extending along U.S. Highway 220 to Roanoke, thence along Virginia Highway 311 to the Virginia-West Virginia State line. The purpose of this filing is to eliminate the gateway of points in Ohio.

No. MC 67450 (Sub-No. E57), filed May 15, 1974. Applicant: PETERLIN CARTAGE COMPANY, 9651 Ewing Ave., Chicago, Ill. 60617. Applicant's representative: Frank Peterlin (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Flour*, in bulk, from Ligonier, Ind., to points in Oklahoma, Kansas, and Missouri (except points north and east of a line beginning at the Missouri-Illinois State line extending along U.S. Highway 36 to junction U.S. Highway 65, thence along U.S. Highway 65 to the Missouri-Iowa State line). The purpose of this filing is to eliminate the gateway of St. Louis, Mo.

No. MC 67450 (Sub-No. E81), filed May 15, 1974. Applicant: PETERLIN CARTAGE COMPANY, 9651 Ewing Ave., Chicago, Ill. 60617. Applicant's representative: Frank Peterlin (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Flour*, in bulk, from points in Indiana to points in Oklahoma. The purpose of this filing is to eliminate the gateway of Chester, Ill.

No. MC 76677 (Sub-No. E1), (Correction), filed May 23, 1974, published in the FEDERAL REGISTER August 20, 1975. Applicant: HALLAMORE MOTOR TRANSPORTATION, INC., 795 Plymouth St., Holbrooke, Mass. 02343. Applicant's representative: Frank J. Weiner, 15 Court Square, Boston, Mass. 02108. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (A) *Plant, office, and store equipment, and supplies*, requiring specialized handling or rigging because of size or weight; (2) between points in Vermont, on the one hand, and, on the other, points in Massachusetts on and east of U.S. Highway 3 beginning at the New Hampshire-Massachusetts State line, thence along U.S. Highway 3 to junction Interstate Highway 495, thence along Interstate Highway 495 to junction Interstate Highway 290, thence along Interstate Highway 290 to junction Massachusetts Highway 12, thence along Massachusetts Highway 12 to the Massachusetts-Connecticut State line; (7) between points in New Hampshire, on the one hand, and, on the other, points in Massachusetts on, south, and east of the Cape Cod Canal; (11) between points in Maine, on the one hand, and, on the other, points in New York on, south, and west of a line beginning at the Massachusetts-New Jersey State line at Interstate Highway 90 and extending along Interstate Highway 90 to junction New York Highway 31, thence along New York Highway 31 to Lake Ontario; (12) between points in New Hampshire on and east of a line beginning at the Massachusetts-New Hampshire State line at Interstate Highway 93, thence along Interstate Highway 93 to the New Hampshire-Vermont State line, on the one hand, and, on the other, points in Pennsylvania and Connecticut.

(20) Between points in Rhode Island, on the one hand, and, on the other, points in Pennsylvania on and west of a line beginning at the New York-Pennsylvania State line at Interstate Highway 81, thence along Interstate Highway 81 to junction Interstate Highway 83, thence along Interstate Highway 83 to the Penn-

sylvania-Maryland State line; (21) between points in Connecticut on, south, and east of Connecticut Highway 12 beginning at the Connecticut-Massachusetts State line to junction Connecticut Highway 32, thence along Connecticut Highway 32 to junction Connecticut Highway 213, thence along Connecticut Highway 213 to Ocean Beach, Conn., on the one hand, and, on the other, points in New York on and west of a line beginning at Wallington, N.Y., and extending along New York Highway 14 to junction New York Highway 245, thence along New York Highway 245 to junction New York Highway 371, thence along New York Highway 371 to junction New York Highway 21, thence along New York Highway 21 to junction New York Highway 17, thence along New York Highway 17 to Carol, N.Y.; (B) *road-building machinery and contractors' equipment*, requiring specialized handling or rigging, because of size or weight; (7) between points in Vermont, on the one hand, and, on the other, points in Massachusetts on and east of U.S. Highway 3, beginning at the New Hampshire-Massachusetts State line, thence along U.S. Highway 3 to junction Interstate Highway 495, thence along Interstate Highway 495 to junction Interstate Highway 290, thence along Interstate Highway 290 to junction Massachusetts Highway 12, thence along Massachusetts Highway 12 to the Massachusetts-Connecticut State line; (C) *road-building contractors' materials and supplies*, when transported together with road-building contractors' machinery and equipment requiring special handling or rigging because of size or weight, restricted against the transportation of commodities in bulk, in tank vehicles; (7) between points in Vermont, on the one hand, and, on the other, points in Massachusetts on and east of U.S. Highway 3 beginning at the New Hampshire-Massachusetts State line, thence along U.S. Highway 3 to junction Interstate Highway 495, thence along Interstate Highway 495 to junction Interstate Highway 290, thence along Interstate Highway 290 to junction Massachusetts Highway 12, thence along Massachusetts Highway 12 to the Massachusetts-Connecticut State line; and

(10) Between points in New Hampshire, on the one hand, and, on the other, points in New York on, south, and west of a line beginning at the Massachusetts-New York State line at Interstate Highway 90 and extending along Interstate Highway 90 to junction New York Highway 31, thence along New York Highway 31 to Lake Ontario. The purpose of this filing is to eliminate the gateways of: Massachusetts within 50 miles of Boston, Mass., in (A) (2) and (7) above; points in Massachusetts within 35 miles of Brockton, Mass., in (11) and (12), (20) and (21) above; and points in Massachusetts within 50 miles of Boston, Mass. The purpose of this partial correction is to correct the territorial descriptions in (A) (2), (7), (11), (12), (20), (21), (B) 7, and (C) 7; and to include (C) (10) above, and to delete (B) (10). The remainder of this letter-notice remains as previously published.

No. MC 78842 (Sub-No. E2), filed May 16, 1974. Applicant: DALEY AND WANZER, INC., 821 Nantasket Ave., Hull, Mass. 02045. 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, (1) between points in Florida and Alabama, on the one hand, and, on the other, points in Connecticut east of a line beginning at the Massachusetts-Connecticut State line extending along U.S. Highway 7 to junction U.S. Highway 44, thence along U.S. Highway 44 to junction Connecticut Highway 8, thence along Connecticut Highway 8 to junction Connecticut Highway 34, thence along Connecticut Highway 34 to the Long Island Sound; (2) between points in Georgia, on the one hand, and, on the other, points in Connecticut east of a line beginning at the Massachusetts-Connecticut State line extending along U.S. Highway 202 to junction Connecticut Highway 4, thence along Connecticut Highway 4 to junction Connecticut Highway 72, thence along Connecticut Highway 72 to junction Connecticut Highway 17, thence along Connecticut Highway 17 to junction Connecticut Highway 79, thence along Connecticut Highway 79 to the Long Island Sound. The purpose of this filing is to eliminate the gateway of points within 5 miles of Quincy, Mass.

No. MC 83539 (Sub-No. E158), (Correction), filed May 23, 1974, published in the FEDERAL REGISTER July 21, 1975. Applicant: C & H TRANSPORTATION, P.O. Box 5976, Dallas, Tex. 75222. Applicant's representative: Kenneth Weeks (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Heavy machinery*, which because of size or weight, require the use of special equipment, between points in New Hampshire, on the one hand, and, on the other, points in Iowa. The purpose of this filing is to eliminate the gateways of Worcester, Mass.; New York; Braddock, Pa.; and Illinois. The purpose of this correction is to correct the territorial description.

No. MC 83539 (Sub-No. E159), (Correction), filed May 23, 1974, published in the FEDERAL REGISTER July 21, 1975. Applicant: C & H TRANSPORTATION, P.O. Box 5976, Dallas, Tex. 75222. Applicant's representative: Kenneth Weeks (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Heavy machinery*, which because of size or weight, requires the use of special equipment, between points in New Hampshire, on the one hand, and, on the other, points in Kansas and Louisiana. The purpose of this filing is to eliminate the gateways of Worcester, Mass.; New York; and Braddock, Pa. The purpose of this correction is to correct the territorial description.

No. MC 83539 (Sub-No. E161), (Correction), filed May 23, 1974, published in the FEDERAL REGISTER July 21, 1975. Applicant: C & H TRANSPORTATION, P.O. Box 5976, Dallas, Tex. 75222. Applicant's representative: Kenneth Weeks (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Heavy machinery*, which because of size or weight, requires the use of special equipment, between points in New Hampshire, on the one hand, and, on the other, points in Minnesota. The purpose of this filing is to eliminate the gateways of Worcester, Mass.; New York; Braddock, Pa.; and Illinois. The purpose of this correction is to correct the territorial description.

By the Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.75-25669 Filed 9-24-75;8:45 am]

federal register

THURSDAY, SEPTEMBER 25, 1975



PART II:

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

■

NOISE ABATEMENT

Proposal Submitted to FAA by EPA

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR Part 91]

[Docket No. 15020; Notice No. 75-35]

NOISE ABATEMENT

Regulations Submitted by EPA to FAA

SEPTEMBER 11, 1975.

Proposed regulations submitted to the FAA by the Environmental Protection Agency:

I. Reduced flap setting noise abatement approach for turbojet engine-powered airplanes.

II. Visual two-segment noise abatement approach for turbojet engine-powered airplanes.

III. Two-segment ILS noise abatement approach for turbojet engine-powered airplanes.

This notice of proposed rule making contains proposed regulations submitted by the Environmental Protection Agency (EPA) to the Federal Aviation Administration (FAA), pursuant to § 611(c)(1) of the Federal Aviation Act of 1958, as amended by the Noise Control Act of 1972 (Pub. L. 92-574). Section 611(c)(1) of the Federal Aviation Act of 1958 provides that EPA shall submit to the FAA proposed regulations to provide such control and abatement of aircraft noise and sonic boom as EPA determines is necessary to protect the public health and welfare. That section also provides that the FAA "shall consider such proposed regulations submitted by EPA under this paragraph and shall, within thirty days of its submission to the FAA, publish the proposed regulations in a notice of proposed rulemaking." This notice is published pursuant to this provision of law.

This notice of proposed rule making (NPRM) contains three separate proposals submitted by the EPA regarding noise abatement approach procedures applicable to turbojet engine-powered airplanes. For ease of reference, the proposals are identified as "EPA Proposal I," "EPA Proposal II," and "EPA Proposal III," respectively, as follows:

EPA Proposal I, entitled "Reduced Flap Setting Noise Abatement Approach for Turbojet Engine-Powered Airplanes," proposes to amend § 91.85 of the Federal Aviation Regulations (14 CFR Part 91) to "provide noise relief to communities in the vicinity of airports by prescribing reduced flap setting procedures for civil turbojet powered airplanes."

EPA Proposal II, entitled "Visual Two-Segment Noise Abatement Approach for Turbojet Engine-Powered Airplanes," proposes to amend § 91.87 of the Federal Aviation Regulations (14 CFR Part 91) to "provide noise relief to communities in the vicinity of airports by prescribing a two-segment approach under visual conditions for civil turbojet engine-powered airplanes." EPA's transmittal stated that, in EPA's opinion, the rule, if adopted, "could be made effective in the near future, applying to airports equipped with co-located ILS and Distance Measuring Equipment (DME) ground facilities, as it does not require any additional airborne equipment." As stated by the EPA in its proposal, this proposed rule would "require the use of a two-segment approach with glide angles of approximately 6 and 3 degrees for the first and second segments, respectively, for operations under specifically defined visual weather conditions only, which are more restrictive than VFR."

EPA Proposal III, entitled "Two-Segment ILS Noise Abatement Approach for Turbojet Engine-Powered Airplanes," proposes to "provide noise relief to communities in the vicinity of airports by prescribing a two-segment instrument landing system (ILS) approach for civil turbojet engine-powered airplanes." The EPA states, with respect to this proposal, that "if the two-segment ILS approach rule discussed herein is promulgated and implemented—including the necessary airborne glideslope computer installations on all affected aircraft—it would supersede the two-segment visual approach rule, since it would require use of a two-segment approach under both VFR and IFR conditions."

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should identify the docket number and be submitted in duplicate to the Federal Aviation Administration, Office of the Chief Counsel, Attention: Rules Docket, AGC-24, 800 Independence Avenue SW., Washington, D.C. 20591. Comments on the overall environmental aspects of the proposed rules are specifically invited. Information on the economic impact that might result because of the adoption of the proposed rules is also requested. All communications received by the FAA on or before November 26, 1975, will be considered by the FAA Administrator before taking action upon the proposed rules. The proposals contained in this notice may be changed in the light of comments received. All comments will be available, both before and after the closing date for comments, in the FAA Rules Docket for examination by interested persons. The EPA has requested that additional information copies of public comments be sent to: Environmental Protection Agency, Office of Noise Control Programs, AW-571, 401 M Street, SW., Washington, D.C. 20460. However, to ensure consideration as part of the regulatory processes of the FAA, each comment must be submitted to the above listed FAA Rules Docket.

A separate notice of hearing, published today in the "NOTICES" section of the FEDERAL REGISTER, announces that, pursuant to § 611(c) of the Federal Aviation Act of 1958, as amended, the FAA will conduct a public hearing in Washington, D.C., on November 5, 1975, to receive oral, as well as written, comments regarding the proposals contained in this notice of proposed rule making.

The following EPA opinions, conclusions, and proposed regulatory language are published verbatim as received from EPA by the FAA on August 29, 1975. Since the three separate proposals submitted by EPA are closely related in their substance and each involves proposed regulations regarding noise abatement approach procedures applicable to turbojet engine-powered airplanes, they have been consolidated for publication and hearing. In order to present each EPA proposal exactly as submitted to the FAA, a verbatim presentation of each proposal is contained herein, notwithstanding the resulting repetition of some material. However, EPA's non-regulatory recommendations under headings entitled "Thrust Reversers" and "4 Degree Glide Angle," which were duplicated in each EPA proposal, are published herein following EPA Proposal I only.

EPA PROPOSALS AS SUBMITTED TO FAA

EPA PROPOSAL I: REDUCED FLAP SETTING NOISE ABATEMENT APPROACH FOR TURBOJET ENGINE-POWERED AIRPLANES

Under the requirements of Section 7(a) of the Noise Control Act of 1972 (Pub. L. 92-574, 86 Stat. 1234) the Administrator of the Environmental Protection Agency conducted a study of aircraft and airport noise and submitted a report thereon to the Congress. (Report on Aircraft/Airport Noise, Senate Committee on Public Works, Serial No. 93-8, Aug. 1973 Reference 1). Under Section 611 of the Federal Aviation Act, as amended by the Noise Control Act of 1972, the Administrator of the EPA is also required, not earlier than the date of submission of his report to the Congress, to submit to the Federal Aviation Administration proposed regulations to provide such control and abatement of aircraft noise and sonic boom (including control and abatement through the exercise of any of the FAA's regulatory authority over air commerce or air transportation or over aircraft or airport operations) as the Administrator of the EPA determines is necessary to protect the public health and welfare. In accordance with the foregoing requirement, the EPA published in the Federal Register on February 19, 1974, (39 F.R. 6142) a "Notice of Public Comment Period" containing a synopsis of the proposed rules it is considering to achieve a satisfactory level of aircraft noise control and abatement for the protection of the public health and welfare.

The proposed rules and the type of control which each rule would implement are as follows:

FLIGHT PROCEDURE NOISE CONTROL

(1) Takeoff procedures.
(2) Approach procedures.
(3) Minimum altitudes.

SOURCE NOISE CONTROL

(4) Retrofit/fleet noise level.
(5) Supersonic civil aircraft noise.
(6) Modifications to Part 36 of the Federal Aviation Regulations.
(7) Propeller driven small airplanes.
(8) Short haul aircraft.

AIRPORT OPERATIONS NOISE CONTROL

(9) Airport goals, mechanisms and procedures by which noise exposure of communities around airports can be limited to levels consistent with public health and welfare requirements.

This proposal is identified as the reduced flap setting procedures portion of Item (2), above.

REFERENCES

In the development of this proposed rule the EPA evaluated several pertinent studies made by Federal agencies and private persons. Those studies are listed herein for the information of all interested persons and are available for examination at the FAA Rules Docket Office, GC-24, 800 Independence Avenue SW., Washington, D.C. 20590, or Environmental Protection Agency, Office of Noise Control Programs, Crystal Mall 2, 1921 Jefferson Davis Highway, Arlington, Va. 20460.

(1) "Report on Aircraft/Airport Noise", Report of the Administrator of the Environmental Protection Agency in compliance with Public Law 92-574, Senate Committee on Public Works, Serial No. 93-8, August 1973.

(2) "Note on Effect of Thrust and Altitude on Noise in Steep Approaches", NASA, LWP-283, September 14, 1966.

(3) "Flight Investigations of Methods for Implementing Noise Abatement Landing Approaches", "Progress of NASA Research Relating to Noise Alleviation of Large Subsonic Jet Aircraft", NASA SP-189, October 8-10, 1968.

(4) "Flight and Simulation Investigation of Methods for Implementing Noise Abatement Landing Approaches", NASA TN D-5781, May, 1970.

(5) "Noise Measurement for a Three-Engine Turbo-Fan Transport Airplane During Climbout and Landing Approach Operations", NASA TN D-61337, May 1971.

(6) "Measurement and Analysis of Noise from Four Aircraft During Aproach and Departure Operations (727, KC-135, 707-320B, and DC-9)", FAA Report FAA-RD-71-84, September 1971.

(7) "Preliminary Results on Two-Segment Noise Abatement Studies", NASA TM X-62, 098, September 22, 1971.

(8) "Noise Reductions Achieved on a 720-320 B Aircraft Using a Two-Segment Approach", NASA CR-14417, December, 1971.

(9) "Flight Evaluation of Two-Segment Approaches for Jet Transport Noise Abatement", American Airlines NASA Contractor Report, prepared under Contract No. NAS 2-6501, June 1973.

(10) "Aircraft Noise Reduction Technology", Report by the National Aeronautics and Space Administration to the Environmental Protection Agency for the Aircraft/Airport Noise Study, 30 March 1973.

(11) "Initial Flight and Simulator Evaluation of Head-Up Display for Standard and Noise Abatement Visual Approaches", NASA, TM S-62, 187, February 1973.

(12) "NBAA Noise Abatement Program", National Business Aircraft Association, Report SRT 67-12, June 1967.

(13) "Effects of Aircraft Operations on Community Noise", The Boeing Company, Commercial Airline Group, June 1971.

(14) "A Comparison of Aircraft Approach Angles at Los Angeles and San Diego International Airports", City of Inglewood, California, June 1972.

(15) "Operations Analysis Including Monitoring, Enforcement, Safety, and Cost", Report of Task Group 2, EPA NTID 73.3, 27 July, 1973.

(16) "Field Evaluation of 3000 Ft. Glideslope Intercept Program", Report No. FAA AT-72-1, March 1972.

(17) "Glideslope Angles at Airports", FAA Report, December 1971.

(18) "Research and Technology for Aircraft Noise Abatement", statement by Deputy Associate Administrator, NASA, before Subcommittee on Aviation, Committee on Commerce, U.S. Senate, July 1973.

(19) "Information on Levels of Environmental Noise Requisite to Protect Public Health and Welfare with an Adequate Margin of Safety," EPA Technical Document 550/9-74-004, March 1974.

(20) B. Bartel, L. C. Sutherland and L. Simpson, "Airport Noise Reduction Forecast", DOT Report DOT-TST-75-3, October 1974.

(21) J. E. Wesler, "Airport Noise Abatement—How Effective Can It Be?", *Sound and Vibration*, February 1975, pp. 16-21.

(22) R. H. Peterson and R. F. Burke, "Studies of Methods for Reducing Community Noise Around Airports", Nielsen Engineering and Research Inc., Report NEAR TR 73, prepared under contract no. NAS2-8190 for NASA/Ames, August 1974.

(23) "Approach and Landing Procedures for Noise Control", EPA Project Report, 1 July 1975.

REDUCED-FLAP APPROACH AND LANDING

As shown in the foregoing list of references numerous studies have been conducted to determine the noise reduction potential that can be achieved by the use of certain procedures for approaches and landings. It has been concluded from a review of these studies that an approach made with less than full landing flaps reduces aircraft noise as compared to a full flap approach, since the airframe drag with reduced settings is less and lower power is thereby required. The results of the studies show that a noise reduction of approximately 2 to 3 EPNdB can be achieved for various types of turbojet powered airplanes under a reduced flap procedure. For example, a B-727 with an approach flap setting of 30 degrees requires an average net thrust per engine (Fn) of about 4600 lb and produces an Effective Perceived Noise Level (EPNL) on the flight track 3 dB lower than the same airplane using 40 degrees flaps, requiring an Fn of about 6,600 lb. The area within the 90 EPNdB contour is approximately 4.2 square miles at 30 degrees flaps, compared to 7.5 square miles at 40 degrees flaps, a decrease of 44 percent in area. A reduction similar in magnitude is achieved in the area within the 80 EPNdB contour. For a B-737, the improvement is about a 2 dB reduction on the flight track and about a 30% reduction in the 90 EPNdB area. The benefit obtained with a B-707, using flaps at 40 degrees in lieu of 50 degrees, is somewhat lower, but still useful—about 1.5 dB reduction in EPNL in the flight track and a reduction of about 10 percent in the area within the 90 EPNdB contour.

The Airplane Flight Manual for many types of airplanes (B-707, B-727, B-737, B-747, DC-10, L-1011) shows more than one certificated flap setting for landing. Several air carriers, including United, American and Northwest Air Lines, have standardized on a flap setting for landing that is less than the maximum certificated flap setting; some use an even lower flap setting during the early approach phase. For example, one air carrier's procedures provide for using a flap setting during the approach of one notch less than the planned flap setting for landing which generally is less than the maximum certificated flap setting. The procedure provides for the flaps to be lowered to final setting at an altitude sufficient to allow the aircraft to become stabilized in the landing configuration prior to reaching an altitude of 500 feet above the runway elevation. Approximately 200 to 300 feet of altitude are required to stabilize an aircraft following a configuration, airspeed, or power change during approach.

In addition to the present use of a reduced flap approach procedure by certain air carriers, the Air Transport Association recommended continuation of the reduced flap approach across the board now in response to the invitation for comments to the two-segment ILS approach provisions proposed in ANPRM 74-12 (39 FR 11193, Mar. 26, 1974). Since the procedure is considered safe and will achieve an appreciable reduction in noise caused by civil turbojet engine-powered airplanes, it is proposed to make the use of a reduced flap procedure mandatory for all civil turbojet engine-powered airplanes.

In addition to the noise reduction benefits obtained with reduced flap approach, there is also a slight decrease in fuel consumption, owing to the lower engine thrust used in such an approach. minor negative factor is a small increase in approach speed required to obtain the necessary lift at the lower flap setting, coupled with a small increase in the time needed to increase engine thrust to maximum if the landing has to be aborted. However, the changes involved are small, and well within the limits of safe operation.

The reduced flap procedure for each type of turbojet engine-powered airplane would consist of the lowest flap setting shown in the Airplane Flight Manual that is appropriate and safe for landing based upon such factors as load, weather, runway conditions, etc. However, since this proposal relates to noise abatement rather than safety, it would expressly recognize that each pilot in command of an airplane covered by the proposal has the final authority and responsibility for the safe operation of his airplane. Therefore, if he determines in the interest of safety that a higher flap setting for that airplane should be used for a particular approach and landing he may do so. The authority for alternative procedures is presently provided under the noise abatement runway system requirements in § 91.87(g) and would be equally appropriate for the noise abatement flap reduction procedures proposed herein.

HEALTH AND WELFARE CONSIDERATION

The EPA Report to Congress on Aircraft and Airport Noise (Reference 1) indicated that large numbers of persons are subjected to levels of cumulative noise exposure due to aircraft operations which have a potential for producing a permanent impairment of hearing, interference with speech, and the generation of annoyance. That report estimated that in 1972, 16 million persons in the United States were subjected, due to aircraft operations, to a Day-Night Average Sound Level of 60 dB or greater. The Day-Night Average Sound Level, Ldn is the measure used by the EPA to express quantitatively the cumulative noise exposure of a population.

Information presented in the Report to Congress (Reference 1) further indicated that, based on available data in the scientific literature, at Ldn values of 60 dB there is about a 2.5 percent occurrence of speech interference and about 23 percent of the exposed population is highly annoyed. Further, the EPA "Levels Document" (Reference 19) specifically identified two long-term average levels of noise exposure which should not be exceeded in order to protect the public health and welfare with an adequate margin of safety:

A Day-Night Level (Ldn) no greater than 55 dB, to protect against annoyance (including interference with speech communication);

An Equivalent Noise Level (Leq) no greater than 70 dB, to protect against significant adverse effects on hearing.

As pointed out in EPA's "Levels Document" the phrase "health and welfare" is taken to mean "complete physical, mental and social well-being and not merely the absence of disease and infirmity". It is clear from the foregoing data that noise due to aircraft operations represents a significant hazard to the health and welfare of millions of persons.

As set forth in the Report to Congress, the EPA has determined that, in order to protect the public health and welfare from aircraft noise, it is necessary that regulations be proposed to the FAA, for promulgation, in the eight subject areas of aircraft noise control listed earlier in this preamble.

The intent of those aircraft noise regulations is to produce a substantial reduction in the number of persons subjected to cumulative noise levels that are considered hazardous to their health and welfare, i.e., in the terms outlined in the foregoing paragraphs, to Ldn values of 55 dB or greater. Although theoretically it might be considered desirable to reduce the day-night level due to aircraft noise to less than 55 dB for all persons, this is an unrealistic goal. As reported in the Levels Document, Reference 19, some 62 million persons in the United States are estimated to be exposed to Ldn 60 or greater due simply to vehicular traffic noise, and some 75 percent of the urban population are estimated to be exposed to ambient sound levels averaging Ldn 55 or greater. Present technology does not provide the capability of reducing cumulative noise due to aircraft operations to Ldn 55 for all persons without essentially destroying the national air-carrier system, with all its attendant benefits to the public health and welfare. And even if aircraft noise were completely eliminated, many millions of persons still would be subjected to cumulative noise in excess of Ldn 55 due to other sources, mainly motor vehicles. Consequently, the EPA has a more modest and realistic goal, namely, to achieve the maximum reduction of cumulative noise due to aircraft operations that is technologically feasible to obtain without exorbitant costs. This is a position consistent with the requirements under the Noise Control Act that EPA, as well as the FAA, must meet in developing and promulgating noise control regulations which are within their respective areas of responsibility.

The EPA believes that the succeeding paragraphs quantify the environmental noise impact associated with aircraft and airport operations. This is done for both a defined baseline situation and for hypothetical situations in which it is assumed that one or more of the proposed aircraft noise regulations has been implemented. Comparison of the various sets of figures provides reasonable estimates of the noise reduction benefits to be gained by implementation of the various regulatory proposals for the control of aircraft noise.

ASSESSMENT OF NOISE IMPACT DUE TO AIRCRAFT OPERATIONS

This section deals with the health and welfare effects of environmental noise in terms of noise impact assessment, which is a methodology for quantifying the extensiveness and severity of noise impact by a single number. An explanation of Noise Impact Methodology has been presented in various EPA publications, including Reference 23. In brief, this methodology comprises the following steps, for each specified environmental noise situation.

1. Determine (or estimate) the number of persons [P(i)] exposed to various ranges of Day-Night Equivalent Sound Level (Ldn) (e.g., 8.5 million persons between Ldn 60 and 65; 4.1 million between Ldn 65 and 70, etc.).

2. Assign to each Ldn range a Fractional Impact value [FI(i)] appropriate to the criterion under consideration. For purposes of this analysis, Ldn 55 is considered to represent a zero impact [FI=0], and Ldn 75 an impact of 1.0 [FI=1.0]. For Ldn 60–65, FI(1) is 0.375; for Ldn 65–70, FI(2) is 0.625; for Ldn 70–75, FI(3) is 0.875, etc.

3. For each range of Ldn values, determine the Noise Impact Contribution as the product of number of persons exposed and fractional impact, or

$$NI(i) = [FI(i)] \times [P(i)]$$

4. Calculate the Equivalent Noise Impact, ENI, as the sum of the Individual Noise Impact contributions, or

$$ENI = \Sigma(i)\ [FI(i)]\ [P(i)]$$

This quantity may be interpreted as the equivalent number of persons "fully impacted" by the noise in the given situation. For residential land use affected by noise, the ENI value is the equivalent number of persons exposed to Ldn 75.

To obtain an estimate of the noise impact reduction resulting from some action, such as implementation of aircraft noise regulation, one would estimate the ENI values for the baseline condition and for the condition existing as a result of the action taken. The result could be expressed as a change in absolute value, or as a ratio, of the baseline Equivalent Noise Impact.

1. *Baseline Noise Impact—Aircraft Operations.* For this analysis, the baseline year of 1972 is used, mainly because the best available analyses of aircraft environmental noise have been premised on a 1972 baseline (References 20–22). Since the Noise Control Act was enacted into law in 1972, this baseline seems quite appropriate.

Of the three references listed, Reference 20, "Aircraft Noise Reduction Forecast", also known as the DOT "23-Airport Study", is the most widely known. It provides the basic data and point of departure for the others. In terms of the individual elements of EPA's proposed regulatory package, Reference 21, which extended the analysis of Reference 20 to cover additional options of noise reductions, seems most nearly oriented towards evaluation of the effects of the various options considered. Consequently, the calculations and results presented in this section are based largely on the data of Reference 21, with key data points confirmed by Reference 20. This latter report adduced that the 23 airports studied accommodated approximately half of the operations nationally of air-carrier jet aircraft. In terms of total impact, however, independent analyses by EPA and its consultants indicated that the population impacted by the operations to and from the 23 airports represented about 63% of the national impacted population. The results presented herein are based on that premise.

On the basis of the information discussed in the previous paragraphs, the EPA has estimated that for the 1972 baseline condition, the national population exposed to Ldn 65 or greater is 7,925,000 persons, and to Ldn 75 or greater is 792,000 persons. This corresponds to an Equivalent Noise Impact (ENI) (considering the population exposed to Ldn 65 or greater) of approximately 5,800,000 persons. By extrapolating the population data, a rough estimate can be obtained of the baseline population exposed to Ldn 60 or greater. This rough estimate is about 25,000,000 persons; the corresponding ENI, considering the population exposed to Ldn 60 or greater, is about 12,000,000 persons.

2. *Noise Impact—Projected Fleet of the late 1970's, with several Noise Control Options Applied.* Summarized below are the estimates of the effects of several of the noise control options that would be undertaken if the regulations package proposed by EPA were promulgated and implemented. The results for the late 1970's, are given in terms of reduction in numbers of persons exposed to Day-Night Equivalent Levels of 65 or greater, and 75 or greater, respectively, and corresponding changes in Noise Impact, taking into account the change in air-carrier fleet mix and number of operations projected for that period.

The conditions considered are the following:

1978 Baseline Fleet (this reflects the introduction of new, less noisy aircraft that meet or better FAR 36 noise limits, and the phasing out of old, noisier aircraft).
Two-Segment Approach.
Noise Abatement Takeoff.
Quiet Nacelle (QN) also referred to as Sound Absorption Material (SAM) Retrofit.

The estimated data on numbers of people affected in various Ldn ranges, and the corresponding changes in Noise Impact, are tabulated below.

1978 BASELINE FLEET (RELATIVE TO 1972 BASELINE):

Population exposed to Ldn 65 or greater reduced by 2,520,000.

Population exposed to Ldn 75 or greater reduced by 287,000.
Severity and extensiveness of impact reduced by 33.6 percent.

TWO-SEGMENT APPROACH (RELATIVE TO 1978 BASELINE):

Population exposed to Ldn 65 or greater reduced by 570,000.
Population exposed to Ldn 75 or greater reduced by 54,000.
Severity and extensiveness of impact reduced by 10.4 percent.

NOISE ABATEMENT TAKEOFF (RELATIVE TO 1978 BASELINE):

Population exposed to Ldn 65 or greater reduced by 1,050,000.
Population exposed to Ldn 75 or greater reduced by 102,000.
Severity and extensiveness of impact reduced by 19.1 percent.

QUIET NACELLE RETROFIT (RELATIVE TO 1978 BASELINE):

Population exposed to Ldn 65 or greater reduced by 1,600,000.
Population exposed to Ldn 75 or greater reduced by 283,000.
Severity and extensiveness of impact reduced by 32.3 percent.

EPA has estimated that reduced flap approach, if universally applied, is about 30 percent as effective as two-segment approach in reducing noise impact. Accordingly, the EPA believes that adoption of the regulation proposed herein would result in a reduction of about 3 percent in the severity and extensiveness of airplane noise impact. Based on an estimated current population of about 6.7 million people exposed to Ldn 65 or greater and about 650,000 people exposed to Ldn 75 or greater, this would mean a reduction of about 200,000 in the number of persons exposed to Ldn 65 or greater, and a reduction of about 20,000 in the number of persons exposed to Ldn 75 or greater. This would be a significant contribution to the protection of the public health and welfare, and would be essentially cost-free.

THRUST REVERSERS

The EPA Report to the Congress in respect to aircraft noise ("Report on Aircraft/Airport Noise", Senate Committee on Public Works, Serial No. 93-8, August 1973) observed, among other things, that thrust reverse noise on landing contributes to noise annoyance at some airports. This noise depends on the amount of the reverse power applied and varies over an extremely wide range, from idle thrust (no appreciable thrust reversal) to almost takeoff power. On the average, thrust reverse noise is approximately 10 EPNdB lower than takeoff noise. The effect of thrust reverse noise on cumulative noise exposure (e.g., Ldn) is often negligible because of its lower level and short duration compared to sideline takeoff noise.

One unpleasant characteristic of thrust reverse noise, however, is its sharp application, making it especially annoying, particularly at night. During that time, takeoff noise is louder at most locations in the community, but the sound builds up gradually. But, in the case of thrust reversal there may be a "startle" effect associated with the noise which becomes a problem when there are people living in the vicinity of an operational runway.

Thrust reversal is used on landing to slow the aircraft at high speeds since the high kinetic energy of the aircraft can cause excessive heating and wear of the wheel brakes at such speeds. As the airplane slows down, the relative effectiveness of the brakes increases while that of the reverse thrust decreases; below about 60 knots, the reverse thrust has very little effect compared to the brakes. However, the use of thrust reversal generally is not necessary even at high speeds for transport category aircraft. Such aircraft have a certificated runway length in which they can safely land and stop without the use of thrust reversers and in all cases that distance is considerably shorter than the runway length available at the airports used by those aircraft. In general, the use or non-use of thrust reversal for a particular landing is situation-dependent and from a safety standpoint it may desirable to deploy thrust reversers on some relatively short runways. However, when landing on a long, dry runway, with no air traffic control urgency, the thrust reverse noise is more detrimental to the public welfare than the additional ground taxi noise that results from the non-use of thrust reversers.

In accordance with the recommendations of the EPA Aircraft/Airport Noise Study Task Group Two Report, it is proposed that the FAA prepare and issue an Advisory Circular which would discuss the appropriate use of thrust reversal and which would encourage pilots to minimize the use of thrust reverse where it does not adversely affect the safety of the landing. The fact that reduced flap settings result in slightly increased landing speeds should also be taken into consideration in that circular.

4-DEGREE GLIDE ANGLE

As pointed out earlier, the EPA is submitting two proposals for rulemaking concerned with two-segment approaches, in addition to the rule discussed herein. Another method of abating approach noise which could provide much of the noise-reduction benefit of the two-segment approach while avoiding some of the costs and complications is the use of a conventional single-segment approach using a glide angle of 4 degrees, instead of the conventional 3 degrees or less.

Conceptually, introduction of a 4 degree glide angle ILS approach would be simple, requiring no change in airborne avionics nor in the basic approach and landing technique now in use. It could be accomplished by a mechanical adjustment of the ground-based ILS glide slope transmitter from a 3-degree to a 4-degree angular orientation above horizontal and appropriate relocation of the marker beacons. For visual approach guidance, the Visual Approach Slope Indicators (VASI) would also have to be modified for the new glide angle, which may involve substantial repositioning of the light bars.

Although a small number of airports now have approach glide path angles greater than 3 degrees, there has not been a thorough systematic program of development testing and in-service evaluation to establish the practical acceptability for all or most airports of a 4-degree glide angle approach. Consequently, it is not proposed herein to initiate rulemaking regarding such an approach. However, the EPA strongly recommends that appropriate studies be initiated to determine both the practical benefits to be gained and the effects, if any, on airplane operation and safety as well as pilot reaction, of a 4° glide angle approach.

THE PROPOSED RULE

In consideration of the foregoing, it is proposed to amend § 91.85 by adding a new paragraph (c) to read as follows:

§ 91.85 Operating on and in the vicinity of an airport: general rules.

* * * * *

(c) When approaching for a landing, each person operating a civil turbojet engine-powered airplane shall use the minimum certificated flap setting set forth in the Airplane Flight Manual that is appropriate to each phase of that approach and landing. However, each pilot in command has final authority and responsibility for the safe operation of his airplane and he may use a different flap setting approved for that airplane if he determines that it is necessary in the interest of safety.

EPA PROPOSAL II: VISUAL TWO-SEGMENT NOISE ABATEMENT APPROACH FOR TURBOJET ENGINE-POWERED AIRPLANES

Under the requirements of Section 7 (a) of the Noise Control Act of 1972 (Pub. L. 92-574, 86 Stat. 1234) the Administrator of the Environmental Protection Agency conducted a study of aircraft and airport noise and submitted a report thereon to the Congress. ("Report on Aircraft/Airport Noise", Senate Committee on Public Works, Serial No. 93-8, August 1973, Reference 1). Under Section 611 of the Federal Aviation Act, as amended by the Noise Control Act of 1972, the Administrator of the EPA is also required, not earlier than the date of submission of his report to the Congress, to submit to the Federal Aviation Administration proposed regulations to provide such control and abatement of aircraft noise and sonic boom (including control and abatement through the exercise of any of the FAA's regulatory authority over air commerce or air transportation or over aircraft or airport operations) as the Administrator of the EPA determines is necessary to protect the public health and welfare. In accordance with the foregoing requirement, the EPA published in the FEDERAL REGISTER on February 19, 1974 (39 F.R. 6142), a "Notice of Public Comment Period" containing a synopsis of the proposed rules it is considering to achieve a satisfactory level of aircraft noise control and abatement for the protection of the public health and welfare. The proposed rules and the type of control which each rule would implement are as follows:

FLIGHT PROCEDURES NOISE CONTROL

(1) Takeoff procedures.
(2) Approach procedures.
(3) Minimum altitudes.

SOURCE NOISE CONTROL

(4) Retrofit/fleet noise level.
(5) Supersonic Civil aircraft noise.
(6) Modifications to Part 36 of the Federal Aviation Regulations.
(7) Propeller driven small airplanes.
(8) Short haul aircraft.

AIRPORT OPERATIONS NOISE CONTROL

(9) Airport goals, mechanisms and procedures by which noise exposure of communities around airports can be limited to levels consistent with public health and welfare requirements.

This proposed rule is identified as the visual two-segment noise abatement approach portion of Item (2) above.

REFERENCES

In the development of this proposed rule the EPA evaluated several pertinent studies made by Federal agencies and private persons. Those studies are listed herein for the information of all interested persons and are available for examination at the FAA Rules Docket Office, GC-24, 800 Independence Avenue SW., Washington, D.C. 20590, or the Environmental Protection Agency, Office of Noise Control Programs, Crystal Mall 2, 1921 Jefferson Davis Highway, Arlington, Va. 20460.

(1) "Report on Aircraft/Airport Noise", Report of the Administrator of the Environmental Protection Agency in Compliance with Public Law 92-574, Senate Committee on Public Works, Serial No. 93-8, August 1973.

(2) "Operations Analysis Including Monitoring, Enforcement, Safety and Cost", Report of Task Group 2, EPA NTID 73.3, 27 July 1973.

(3) "Operational Noise Abatement Procedures Designed to Limit the Amount of Disturbance Caused by Aircraft Taking Off, In Flight, or Landings", International Conference on the Reduction of Noise and Disturbance Caused by Civil Aircraft, London, November 1966.

(4) "Note on Effect of Thrust and Altitude on Noise in Steep Approaches", NASA, LWP-283, September 14, 1966.

(5) "Flight Investigations of Methods for Implementing Noise Abatement Landing Approaches", "Progress of NASA Research Relating to Noise Alleviation of Large Subsonic Jet Aircraft", NASA SP-189, October 8-10, 1968.

(6) "Flight and Simulation Investigation of Methods for Implementing Noise Abatement Landing Approaches", NASA TN D-5781, May 1970.

(7) "Measurement and Analysis of Noise from Four Aircraft During Approach and Departure Operations (727, KC-135, 707-320B, and DC-9)", FAA Report FAA-RD-71-84, September 1971.

(8) "Preliminary Results on Two-Segment Noise Abatement Studies", NASA TM X-62, 098, September 22, 1971.

(9) "Noise Reductions Achieved on a 720-023B Aircraft Using a Two-Segment Approach", NASA CR-14417, December 1971.

(10) "Flight Evaluation of Two-Segment Approaches for Jet Transport Noise Abatement", American Airlines NASA Contractor Report, prepared under Contract No. NAS 2-6501, June 1973.

(11) "Aircraft Noise Reduction Technology", Report by the National Aeronautics and Space Administration to the Environmental Protection Agency for the Aircraft/Airport Noise Study, March 30, 1973.

(12) D. G. Denery, et al, "Status Report on NASA Two-Segment Approach Program", Paper 750594, presented at the SAE Air Transportation Meeting, Hartford, Conn., May 6-8, 1975.

(13) "Research and Technology for Aircraft Noise Abatement", statement by Deputy Associate Administrator, NASA, before Subcommittee on Aviation, Committee on Commerce, U.S. Senate, July 1973.

(14) "Initial Flight and Simulator Evaluation of a Head-Up Display for Standard and Noise Abatement Visual Approaches", NASA, TM X-62, 187, February 1973.

(15) "NBAA Noise Abatement Program", National Business Aircraft Association, Report SR 67-12, June 1967.

(16) "Effects of Aircraft Operations on Community Noise", The Boeing Company, Commercial Airplane Group, June 1971.

(17) "A Comparison of Aircraft Approach Angles at Los Angeles and San Diego International Airports", City of Inglewood, California, June 1972.

(18) "Information on Levels of Environmental Noise Requisite to Protect Public Health and Welfare with an Adequate Margin of Safety", EPA Technical Document 550/9-74-004, March 1974.

(19) C. Bartel, L. C. Sutherland and L. Simpson, "Airport Noise Reduction Forecast", DOT Report DOT-TST-75-3, October 1974.

(20) J. E. Wesler, "Airport Noise Abatement—How Effective Can It Be?", *Sound and Vibration*, February 1975, pp. 16-21.

(21) R. H. Peterson and R. F. Burke, "Studies of Methods for Reducing Community Noise Around Airports", Nielsen Engineering and Research, Inc., Report NEAR TR 73, prepared under contract no. NAS2-8190 for NASA/Ames, August 1974.

(22) "Field Evaluation of 3000 Ft. Glideslope Intercept Program", Report No. FAA AT-72-1, March 1972.

(23) "Approach and Landing Procedures for Noise Control", EPA Project Report, 1 July 1975.

REGULATORY HISTORY

Advance Notice of Proposed Rule Making (ANPRM) 74-12 (39 FR 11193), issued by the FAA on March 20, 1974, proposed regulations that would require aircraft landing at specified airports to use a two-segment Instrument Landing System (ILS) approach in order to reduce the noise impact on persons or property underlying the approach path. The proposed regulations would apply to all civil turbojet engine-powered airplanes conducting an ILS approach to over 100 ILS equipped runways located at 58 major airports in the U.S. The 55 airports, identified in ANPRM 74-12, listed by state, that are under consideration for implementation of the two-segment ILS noise abatement approach are repeated herein for the information of all interested persons.

Arizona (Sky Harbor (Phoenix), Tucson International);
California (Fresno Air Terminal, Hollywood-Burbank, Lindberg Field (San Diego), Long Beach, Oakland International, Los Angeles International, Ontario International, Orange County (Santa Ana), San Jose Municipal, San Francisco International);
Colorado (Stapleton International (Denver));
Connecticut (Bradley International (Windsor Locks));
Florida (Miami International, Tampa International);
Georgia (Atlanta Hartsfield International);
Illinois (Chicago-Midway, Chicago-O'Hare International);
Iowa (Des Moines Municipal);
Kentucky-Ohio (Greater Cincinnati, Standiford Field (Louisville));
Louisiana (New Orleans International);
Maine (Bangor International, Portland International);
Massachusetts (Barnstable Municipal (Hyannis), Logan International (Boston));
Michigan (Detroit-Wayne County Metropolitan);
Minnesota (Minneapolis-St. Paul International);
Missouri (Lambert International (St. Louis));
Nebraska (Eppley Airfield (Omaha));
New Jersey (Atlantic City, Mercer County (Trenton), Morristown Municipal, Newark);
New York (Albany County, J. F. Kennedy International (New York), LaGuardia (New York), Stewart (Newburgh), Westchester County (White Plains));
Ohio (Cleveland-Hopkins International, Dayton Municipal, Port Columbus International);
Oklahoma (Tulsa International, Will Rogers World (Oklahoma City));
Pennsylvania (Philadelphia International);
Rhode Island (T. F. Green (Providence));
Texas (Dallas-Ft. Worth Regional, Houston Intercontinental, San Antonio International);
Vermont (Burlington International);
Virginia (Dulles International (D.C.), Washington National (D.C.));
Washington (Lewiston Nez Perce, Seattle-Tacoma International); and
Wisconsin (Madison Municipal).

As in the case of other noise reduction proposals, comments received from persons residing in the vicinity of the airports concerned generally favored the two-segment ILS approach. The comments received from the American Association of Airport Executives (AOCI) also favored the proposal as an effective means of reducing the impact of flight operations in the approach area. In the opinion of one major West Coast airport operator the proposal would, if adopted, result in a very great cost benefit for the entire aviation industry. The operator stated that at his airport alone the potential liability for noise is in excess of $3 billion and that a reduction of the 90 EPNdB impact area in each approach zone from 18 square miles to 3.7 square miles is a very dramatic and helpful improvement that could be of great significance in that liability. It should be pointed out here that this estimate of the improvement obtainable with two-segment approach is over-optimistic; a 30 to 60% reduction in the 90 EPNdB area is more typical.

Conversely, however, the aircraft operators were generally opposed to the two-segment ILS approach. The Airline Pilots Association (ALPA and IFALPA), speaking for its members, stated that the two-segment ILS approach. The Airline ceptable to the pilot community and as proposed, it leaves many questions still unresolved. As an optional method of reducing noise the pilot associations suggest quieter airplanes and retrofit. The Air Transport Association (ATA), on the other hand, speaking on behalf of the air carrier members, believes the benefits of a two-segment approach are overstated and the costs understated. Moreover, it believes the two-segment ILS approach is not yet adequately proved in service to introduce as a mandatory procedure.

The National Business Aircraft Association (NBAA), speaking on behalf of its members who use aircraft in the conduct of their business, stated that the two-segment ILS approach under IFR was not warranted at this time on the combined grounds of possible degradation of safety, small noise reduction potential, and high cost. The Aircraft Owners and Pilots Association (AOPA) were also opposed to the use of a two-segment approach and raised the issue of safety in regard to wake turbulence.

INTRODUCTION AND BASIS

As stated in the previous notice (ANPRM 74-12), that rule would require an ILS approach and landing to be conducted at those airports designated above. The approach would consist of a two-part descent with the upper segment glide angle flown at 5 to 6 degrees, depending on the type of aircraft, and with the second segment being flown using the existing ILS glide slope angle. Transition between upper and lower segments would be accomplished far enough from touchdown to allow stabilized conditions by 700 feet height above airport (HAA). Normally, the transition would begin approximately three nautical miles from runway threshold and be completed by two nautical miles from threshold. The regulation would allow a stable, controlled approach down to the Category I weather minimums in the standard instrument approach procedures issued under Part 97 of the Federal Aviation Regulations. The regulation would apply to all civil turbojet airplanes.

It is to be noted that some persons, who did not favor the two-segment approach under IFR, were not opposed to such an approach under visual weather conditions. As a matter of fact, such approach procedures under visual weather conditions are being used by certain air carriers at some airports with B-727 and B-737 airplanes. One operator has used the visual two-segment approach at the San Diego International Airport for over a decade using aircraft types as large as DC-8s. Based upon the studies and tests described and referred to herein, the EPA believes that a two-segment ILS approach under visual conditions would provide significant noise relief. Moreover, it may be immediately useful during visual weather conditions at most major airports that have Distance Measuring equipment colocated with the ILS installation (ILS/DME). Reference (2) indicates that visual weather conditions (in accordance with the visual critera discussed herein) prevail about 70 percent of the time at a number of the major airports in the United States.

The NASA and FAA began research work on steep single-segment and two-segment approaches early in the 1960's. The results indicate that the noise reduction aspects of the two-segment approach procedure holds substantial promise for significant noise reduction without degradation of safety, especially for turbojet powered airplanes.

In 1966, the FAA installed an experimental dual ILS glide path system at Dulles Airport that provided guidance for a two-segment approach. The first and second segment approach angles were 5.5 and 2.5 degrees, respectively. The transition point from the first to the second segment occurred at approximately 1,140 ft altitude, 827 ft HAA) and 3.1 nautical miles from the runway threshold (827 ft/3.1 nm). With the use of these approach procedures, as reported in Reference (3), a noise reduction of 10 dB (overall sound pressure level) was reported at a distance of 26,000 ft (4.3 nm) from the runway threshold.

As shown in the NASA study reported in Reference (4), the noise reduction due to steeper approaches is caused by two factors, the increased altitudes and the reduced power setting. For the four engine turbojet airplane used in that study, increasing the glide slope angle from 3 to 6 degrees reduced the overall sound pressure level under the flight track by 11.5 to 13.5 dB, of which approximately 7 dB was due to thrust reduction, the remainder being due to increased altitude.

NASA studies [References (5) and (6)] were also conducted to determine the requirements that would enable pilots to fly two-segment approach profiles with the precision common to conventional instrument landing approaches, without an increase in pilot workload. The approach profiles were evaluated by eleven pilots using a research four-engine turbojet powered airplane which had a flight director modified for two-segment approaches, an autothrottle, and both longitudinal and lateral directional stability augmentation. The studies concluded that a two-segment approach could be flown in the modified airplane with the same precision as a conventional instrument landing approach without a significant increase in pilot workload in the nearly ideal conditions of the tests.

The NASA tests reported in Reference (6) used a B-727 three-engine aircraft to fly 6/3 degrees two-segment approaches with transition starting at 1,115 ft/3.4 nm and completed by 722 ft/2.6 nm. Test results for these approaches indicated a noise reduction of 6 EPNdB at 3 nm and 10 EPNdB at 4.5 nm from threshold.

The FAA tests reported in Reference (7) studied nine approach noise abatement procedures for four different types of aircraft (B-727, KC-135, B-707-320B, and DC-9). The weather conditions for the tests varied considerably, a situation typical of actual line operations and, therefore, considerable scatter was evident in the data. Nevertheless, the report concluded that a "two-segment approach can achieve significant reductions in noise along the ground". Both procedures used an initial intercept height of 3,000 ft HAA and full flaps. The results of these tests also indicated a noise reduction averaging 10 to 14 EPNdB at 5 to 7 nautical miles from the runway threshold achieved by the use of the two-segment approach.

The studies reported in References (8) through (10) were conducted by NASA with American Airlines and Hydrospace Research Corporation as contractors. In these studies, two-segment approaches (6/2.5 degrees with transition at 400 ft/1.5 nm) were evaluated during 75 hours of flight in a B-720 four engine turbojet powered aircraft. A total of 28 pilots (2 project pilots and 26 guest pilots representing air carriers, FAA, ALPA, APA and NASA) flew 234 two-segment approaches and 34 normal ILS approaches. All the tests were made during the daytime and in calm, VFR weather conditions.

The results of the tests were then presented to advisory committees, composed of individuals representing the airlines, airframe manufacturers, avionics suppliers, ATA, ALPA, and the Government who agreed that the two-segment approach appeared operationally feasible, but warranted additional evaluation under representative operational conditions in other types of aircraft. The committees recommended that one of the aircraft should be a B-727 because that type of aircraft accounts for the largest number of arrivals and departures and is used by more air carriers than any other type of aircraft. The committee also recommended that another type of aircraft to be used in the tests should be a long-range type of aircraft such as the DC-8 or B-707 because those aircraft differ significantly from the B-727 type of aircraft and have a larger noise footprint.

In accordance with recommendations of the advisory committee, the B-727 on-line flight test was conducted by United Airlines under contract to NASA and the DC-8 on-line flight tests (also conducted by United Airlines) were recently completed [References (11-13) above]. The conclusions reached in those tests will be carefully considered in any final rulemaking action based upon this notice of proposed rulemaking.

The NASA tests reported in Reference (14) evaluated thirty-three approaches with a B-747 aircraft equipped with a cockpit "head-up" display Visual Approach Monitor (VAM) to aid the pilot in transitioning to a normal glide path from either a higher or a lower position. When compared with a standard 3 degrees approach, noise measurements made during those approaches again indicate considerable noise reductions. The reductions ranged from 6 EPNdB at 1 nm (from threshold) to 11 EPNdB at 5 nm for a 6/3 degrees approach with transition at 660 ft/2.1 nm. Since a 6 degrees upper segment with 25 degrees flaps was slightly too steep for the B-747 aircraft, use of 30 degrees flaps and/or 5 degrees upper segment was recommended for future tests.

In addition to the studies conducted by NASA and FAA, it is to be noted that air carriers, aircraft manufacturers and aeronautical associations have made studies regarding the feasibility of the two-segment approach, and in some cases, air carriers are using such approaches. For example, in a report dated 12 June 1967, the National Business Aircraft Association recommended the use of two-segment approaches in VFR conditions [see Reference (15) listed above].

The Boeing Company in a report issued in June, 1971 [see Reference (16)], investigated the reduction of noise by the use of the two-segment approach. For a 6/3 degrees approach with transition at 1,000 ft/3 nm, the Boeing report predicted a noise reduction ranging from 5.5 EPNdB at 3.5 nm to 9.5 EPNdB at 6 nm for its B–727 aircraft. Using electronic guidance and a transition (250 ft HAA) closer to the airport, the report also predicted a noise reduction ranging from 5.2 EPNdB at 1 nm to 13 EPNdB at 6 nm.

In 1967, National Airlines began using a two-segment approach at Miami International Airport with weather minimums of 300 ft. ceiling and 5 miles visibility. In 1972, Pacific Southwest Airlines started to use a visual two-segment approach at airports used by that airline in California. In the same year, Air California also started to use a visual two-segment decelerating approach with B–737 type aircraft. The two-segment approach is also used by aircraft as large as a DC–8 at the San Diego International Airport. Most of the approaches at this airport are made over high terrain to the east of the runway which necessitates a steep approach. This approach may be either a 4.5 degrees single-segment [a nonstandard Visual Approach Slope Indicator (VASI) at this angle provides a visual reference], or a two-segment approach with a close-in transition, i.e., closer than 1 nm from runway threshold [Reference (17), above].

As distinguished from the two-segment approach procedure in the Advance Notice of Proposed Rulemaking, 74–12, issued on March 20, 1974, (39 F.R. 11193), the two-segment approach procedure in this notice would apply only to an approach conducted in visual weather conditions as set forth herein. Moreover, it would be limited to civil turbojet powered airplanes.

A two-segment approach under IFR conditions as proposed in the ANPRM 74–12 would require an electronic equipment retrofit for all U.S. and foreign aircraft using the 58 airports in the United States having a noise sensitive area within 3 to 8 miles from the runways under the approach path. In the case of air carrier aircraft the time required for the installation of guidance equipment concurrent with scheduled aircraft down time is estimated to be approximately 3 to 4 years for a normal schedule, and approximately 2½ to 3 years for an accelerated schedule [Reference (2), above].

In addition to the substantial cost, as discussed below under "Cost Consideration" and the time required for the installation of the airborne equipment and ground facilities needed to properly conduct a two-segment ILS approach, it appears that a generally accepted total system (airborne equipment, ground facilities and flight tested procedures) for an ILS two-segment approach is not available at the present time. Notwithstanding the fact that the FAA and NASA flight tests described herein were conducted with equipment which enables the pilots to safely conduct a guided ILS two-segment approach, it should be noted that most of the tests were made with experimental equipment or procedures and under ideal weather conditions. Only the NASA/United Airlines tests were in actual line operations. Although ground facilities and airborne equipment are now available,

(1) ILS colocated with DME (ILS/DME) and glideslope computer, and Very High Frequency Omnidirectional Range colocated with Tactical Air Navigation (VORTAC) and 3-Dimensional Area Navigation (3D–RNAV) equipment, or in the research phase,

(2) Microwave Landing Systems (MLS), approved procedures have not yet been established with this equipment for a two-segment ILS approach for routine commercial operations.

An additional uncertainty at present regarding two-segment approaches is the possibility of wake turbulence. However, as reported in Reference (11), the two-segment approach apparently presents no greater problem in regard to wake turbulence than does the conventional approach. As stated in the ANPRM 74–12, the FAA and NASA are conducting experiments to define this problem more precisely. Pending the results of that study, however, the EPA believes that under the visual conditions proposed herein, small aircraft not subject to this proposal can maintain a flight path above the turbojet powered airplanes by visual reference without any additional hazard.

In view of the foregoing, complete implementation of a two-segment ILS approach as proposed in the ANPRM 74–12 would not be achieved for several years. As an interim measure, the EPA believes that a two-segment approach under the visual conditions described herein, using ILS and colocated DME, is technically feasible at this time, well within the safe operating performance of turbojet powered airplanes, and is capable of being standardized for use at any airport having those facilities. Consequently, a two-segment visual approach, if introduced now, would achieve significant noise reductions at those airports having the necessary ground facilities (ILS and colocated DME), without the delay that would be required for the installation of airborne equipment needed for a two-segment ILS approach. If the two-segment visual approach were adopted, it could then be implemented at other airports as rapidly as the necessary ground facilities are installed at those airports.

Accordingly, in order to protect the health and welfare of those persons living in the noise sensitive areas of the airports at which the rule would apply, it is proposed to require all civil turbojet powered airplanes to use an approved visual two-segment approach when approaching for a landing at those airports under the weather and other conditions set forth in this proposal. If the ILS two-segment approach regulation also were promulgated, to take effect at an appropriate date in the future, the regulation could incorporate both approaches, prescribing the visual two-segment approach, as an interim measure, at those airports with the necessary ILS/DME facilities, to be superseded by the ILS two-segment approach when that is effectuated.

HEALTH AND WELFARE CONSIDERATIONS

The EPA Report to Congress on Aircraft and Airport Noise (Reference 1) indicated that large numbers of persons are subjected to levels of cumulative noise exposure due to aircraft operations which have a potential for producing a permanent impairment of hearing, interference with speech, and the generation of annoyance. That report estimated that in 1972, 16 million persons in the United States were subjected, due to aircraft operations, to a Day-Night Average Sound Level of 60 dB or greater. The Day-Night Average Sound Level, Ldn is the measure used by the EPA to express quantitatively and cumulative noise exposure of a population.

Information presented in the Report to Congress (Reference 1) further indicated that, based on available data in the scientific literature, at Ldn values of 60 dB there is about a 2.5 percent occurrence of speech interference and about 23 percent of the exposed population is highly annoyed. Further, the EPA "Levels Documents" (Reference 18) specifically identified two long-term average levels of noise exposure which should not be exceeded in order to protect the public health and welfare with an adequate margin of safety:

A Day-Night Level (Ldn) no greater than 55 dB, to protect against annoyance (including interference with speech communication);

An Equivalent Noise Level (Leq) no greater than 70 dB, to protect against significant adverse effects on hearing.

As pointed out in EPA's "Levels Document" the phrase "health and welfare" is taken to mean "complete physical, mental and social well-being and not merely the absence of disease and infirmity". It is clear from the foregoing data that noise due to aircraft operations represents a significant hazard to the health and welfare of millions of persons.

As set forth in the Report to Congress, the EPA has determined that, in order to protect the public health and welfare from aircraft noise, it is necessary that regulations be proposed to the FAA, for promulgation, in the eight subject areas of aircraft noise control listed earlier in this preamble.

The intent of those aircraft noise regulations is to produce a substantial reduction in the number of persons subjected to cumulative noise levels that are considered hazardous to their health and welfare, i.e., in the terms outlined in the foregoing paragraphs, to Ldn values of 55 dB or greater. Although theoretically it might be considered desirable to reduce the day-night level due to aircraft noise to less than 55 dB for all persons, this is an unrealistic goal. As reported in the Levels Document, Reference 18, some 62 million persons in the

United States are estimated to be exposed to Ldn 60 or greater due simply to vehicular traffic noise, and some 75 percent of the urban population are estimated to be exposed to ambient sound levels averaging Ldn 55 or greater. Present technology does not provide the capability of reducing cumulative noise due to aircraft operations to Ldn 55 for all persons without essentially destroying the national air-carrier system, with all its attendant benefits to the public health and welfare. And even if aircraft noise were completely eliminated, many millions of persons still would be subjected to cumulative noise in excess of Ldn 55 due to other sources, mainly motor vehicles. Consequently, the EPA has a more modest and realistic goal, namely, to achieve the maximum reduction of cumulative noise due to aircraft operations that is technologically feasible to obtain without exorbitant costs. This is a position consistent with the requirements under the Noise Control Act that EPA as well as the FAA, must meet in developing and promulgating noise control regulations which are within their respective areas of responsibility.

The EPA believes that the succeeding paragraphs quantify the environmental noise impact associated with aircraft and airport operations. This is done for both a defined baseline situation and for hypothetical situations in which it is assumed that one or more of the proposed aircraft noise regulations has been implemented. Comparison of the various sets of figures provides reasonable estimates of the noise reduction benefits to be gained by implementation of the various regulatory proposals for the control of aircraft noise.

ASSESSMENT OF NOISE IMPACT DUE TO AIRCRAFT OPERATIONS

This section deals with the health and welfare effects of environmental noise in terms of noise impact assessment, which is a method for quantifying the extensiveness and severity of noise impact by a single number. An explanation of Noise Impact Methodology has been presented in various EPA publications, including Reference 23. In brief, this methodology comprises the following steps, for each specified environmental noise situation.

1. Determine (or estimate) the number of persons [P(i)] exposed to various ranges of Day-Night Equivalent Sound Level (Ldn) (e.g., 8.5 million persons betwen Ldn 60 and 65; 4.1 million between Ldn 65 and 70, etc.)

2. Assign to each Ldn range a Fractional Impact value [FI(i)] appropriate to the criterion under consideration. For purposes of this analysis, Ldn 55 is considered to represent a zero impact [FI=0], and Ldn 75 an impact of 1.0 [FI=1.0]. For Ldn 60–65, FI(1) is 0.375; for Ldn 65–70, FI(2) is 0.625; for Ldn 70–75, FI(3) is 0.875; etc.

3. For each range of Ldn values, determine the Noise Impact Contribution as the product of number of persons exposed and fractional impact, or

$$NI(i) = [FI(i)] \times [P(i)]$$

4. Calculate the Equivalent Noise Impact, ENI, as the sum of the individual Noise Impact contributions, or

$$ENI = \Sigma(i)\,[FI(i)]\,[P(i)].$$

This quantity may be interpreted as the equivalent number of persons "fully impacted" by the noise in the given situation. For residential land use affected by noise, the ENI value is the equivalent number of persons exposed to Ldn 75.

To obtain an estimate of the noise impact reduction resulting from some action, such an implementation of aircraft noise regulation, one would estimate the ENI values for the baseline condition and for the condition existing as a result of the action taken. The result could be expressed as a change in absolute value, or as a ratio, of the baseline Equivalent Noise Impact.

1. *Baseline Noise Impact—Aircraft Operations.* For this analysis, the baseline year of 1972 is used, mainly because the best available analyses of aircraft environmental noise have been premised on a 1972 baseline (References 19–21). Since the Noise Control Act was enacted into law in 1972, this baseline seems quite appropriate.

Of the three references listed, Reference 19, "Aircraft Noise Reduction Forecast", also known as the DOT "23-Airport Study", is the most widely known. It provides the basic data and point of departure for the others. In terms of the individual elements of EPA's proposed regulatory package, Reference 20, which extended the analysis of Reference 19 to cover additional options of noise reduction, seems most nearly oriented towards evaluation of the effects of the various options considered. Consequently, the calculations and results presented in this section are based largely on the data of Reference 20, with key data points confirmed by Reference 19. This latter report adduced that the 23 airports studied accommodated approximately half of the operations nationally of air-carrier jet aircraft. In terms of total impact, however, independent analyses by EPA and its consultants indicated that the population impacted by the operations to and from the 23 airports represented about 63% of the national impacted population. The results presented herein are based on that premise.

On the basis of the information discussed in the previous paragraphs, the EPA has estimated that for the 1972 baseline condition, the national population exposed to Ldn 65 or greater is 7,925,000 persons, and to Ldn 75 or greater is 792,000 persons. This corresponds to an Equivalent Noise Impact (ENI) (considering the population exposed to Ldn 65 or greater) of approximately 5,800,000 persons. By extrapolating the population data, a rough estimate can be obtained of the baseline population exposed to Ldn 60 or greater. This rough estimate is about 25,000,000 persons; the corresponding ENI, considering the population exposed to Ldn 60 or greater, is about 12,000,000 presons.

2. *Noise Impact—Projected Fleet of the late 1970's, with several Noise Control Options Applied.* Summarized below are the estimates of the effects of several of the noise control options that would be undertaken if the regulations package proposed by EPA were promulgated and implemented. The results, for the late 1970's, are given in terms of Reduction in numbers of persons exposed to Day-Night Equivalent Levels of 65 or greater, and 75 or greater, respectively, and corresponding changes in Noise Impact, taking into account the change in air-carrier fleet mix and number of operations projected for that period.

The conditions considered are the following:

1978 Baseline Fleet (this reflects the introduction of new, less noisy aircraft that meet or better FAR 36 noise limits, and the phasing out of old, noisier aircraft).
Two-Segment Approach.
Noise Abatement Takeoff.
Quiet Nacelle (QN) also referred to as Sound Absorption Material (SAM) Retrofit.

The estimated data on numbers of people affected in various Ldn ranges, and the corresponding changes in Noise Impact, are tabulated below.

1978 BASELINE FLEET (RELATIVE TO 1972 BASELINE)

Population exposed to Ldn 65 or greater reduced by 2,520,000.
Population exposed to Ldn 75 or greater reduced by 287,000.
Severity and extensiveness of impact reduced by 33.6%.

TWO-SEGMENT APPROACH (RELATIVE TO 1978 BASELINE)

Population exposed to Ldn 65 or greater reduced by 570,000.
Population exposed to Ldn 75 or greater reduced by 54,000.
Severity and extensiveness of impact reduced by 10.4%.

NOISE ABATEMENT TAKEOFF (RELATIVE TO 1978 BASELINE)

Population exposed to Ldn 65 or greater reduced by 1,050,000.
Population exposed to Ldn 75 or greater reduced by 102,000.
Severity and extensiveness of impact reduced by 19.1%.

QUIET NACELLE RETROFIT (RELATIVE TO 1978 BASELINE)

Population exposed to Ldn 65 or greater reduced by 1,600,000.
Population exposed to Ldn 75 or greater reduced by 283,000.
Severity and extensiveness of impact reduced by 32.3%.

Although adoption of visual two-segment approach would not provide as much benefit as a completely instrumented (e.g., ILS) two-segment approach, substantial improvement, nevertheless, would be expected. For example, introduction of visual two-segment approach at ten of the nation's busiest airports would be expected to result in a reduction in Noise Impact of more than one-third the total national reduction estimated for the ILS two-segment approach, taking into account the population exposed to airplane noise around those airports and the requirement for specified daylight visual conditions.

Although not all of the EPA proposed regulations for control of aircraft noise can be quantified directly in terms of the reduction in Equivalent Noise Impact, it is apparent from the foregoing discussion that a serious noise impact now exists, and prompt action is necessary to protect the public health and welfare. It also is apparent that, although the expected evolution of the fleet will reduce the noise impact significantly, implementation and promulgation of aircraft noise regulations is a necessary and important part of the action that needs to be taken, and will yield substantial benefits in reducing the number of persons seriously impacted by noise.

COST CONSIDERATIONS

The visual two segment noise abatement approach procedures proposed in this notice, will not place any additional airborne equipment requirements upon the aircraft operators concerned. However, it is anticipated that there would be a change in the operational costs for the aircraft involved. As previously explained, steeper approach procedures reduce the noise exposure area due to their inherently higher approach altitudes and required lower power settings. These lower power settings in the approach phase of a flight directly translate into fuel savings. Conversely, higher approach altitudes induce higher operational costs due to:

(a) The decreased practical capacity of an airport;

(b) The increased delay times resulting from the dynamics of flight control at an airport; and

(c) The increased maneuver distances associated with the geometry of two-segment approaches.

It is estimated that the minimum increase, due to the above factors, for a 3000 ft glide slope intercept procedure, is roughly $8.55 per flight [Reference (22), above]. However, countering that cost increase is reduced fuel consumption due to the lower power settings. That fuel saving is estimated to be about 380 pounds (or some 58 gallons) per landing for a B-727 aircraft when compared to a conventional approach. On a per landing basis, saving 58 gallons of fuel at 25 cents per gallon translates into an operational cost savings of $14.50. This saving will continue to increase in accordance with the increase in the cost of aviation fuel. Since per landing savings exceed the potential induced costs, adoption of the proposed procedures is economically reasonable in respect to the operators of the airplane to which the procedures would apply.

If a consistent intercept point for the visual two-segment approach is desired, it is necessary to have DME colocated with the ILS. This proposed alteration to the ATC system will take time and money to implement. Of the over 100 ILS approaches to which this rule would apply, very few have colocated DME. It is estimated that it will cost approximately $50,000 per installation and the total cost to the FAA for 100 installations would be approximately 5 million dollars. However, a large proportion of the total potential benefit could be achieved by installation of colocated ILS and DME at a small number of airports in the largest cities, and instituting the two-segment visual approach at selected runways at those airports. For example, implementation of two-segment visual approach at Los Angeles International Airport (LAX), which already has ILS/DME, would result in a reduction of 72 percent of the population exposed to Ldn 65 or greater [Reference (19)]. This signifies a decrease at that airport from about 293,000 persons in 1972 to 81,000 persons in 1978 exposed to Ldn 65. This would correspond approximately to a reduction in Equivalent Noise Impact (ENI) of more than 36,000 persons attributable solely to implementation of visual two-segment approach at LAX, in addition to a reduction in ENI of about 156,000 persons due to the assumed changes in the air-carrier fleet. The economic reasonableness of the cost for the total installation may be presumed from these figures and the corresponding fact that use of the proposed visual two-segment approach would achieve much of the national reduction in ENI of 432,000 persons estimated for two-segment ILS approach.

EXCEPTIONS

Under the provisions of this proposal, each pilot in command of an aircraft to which the rule applies is expressly given final authority and responsibility for the safe operation of his airplane. If he determines in the interest of safety that a procedure other than the two-segment visual approach should be used for a particular approach and landing, he may use another approved procedure upon notice thereof to Air Traffic Control (ATC). The authority for alternative procedures is presently provided under the noise abatement runway system requirements of § 91.87(g) and would be equally appropriate for the noise abatement procedure requirements proposed herein. Since the proposed two-segment approach would apply to those approaches made under visual weather conditions it would also except those approaches that could not be conducted in accordance with the applicable VFR distance from cloud criteria.

NOISE ABATEMENT PROCEDURE CRITERIA

If the two-segment approach under visual conditions is made mandatory, it is proposed to apply the criteria set forth below for the use of such facilities. Comments in regard to those, or other criteria deemed necessary or desirable for the use of a two-segment approach under visual conditions should also be submitted by interested persons for consideration by the FAA and EPA in conjunction with the adoption of the visual two-segment approach.

VISUAL WEATHER CONDITIONS

(1) Daylight hours.

(2) Ceiling at or above 3,000 ft HAA in the approach area.

(3) Flight visibility at or greater than 5 nm in the approach area.

LANDING AIDS

(1) Operative ILS glide slope with appropriately located DME.

FLIGHT PROFILE

(1) At or above 3,000 ft HAA at flight path distances of 7 nm or more from the runway threshold.

(2) The first segment at a glide angle of 5 to 6 degrees with the initial intercept at 3,000 ft/7 nm, transitioning to the second segment along the ILS glide slope (nominally, 3 degrees). Initial intercept at 3,000 ft/6 nm also may be considered, although, as shown below, this would result in an undesirably low transaction altitude for a first segment glide angle of 5 degrees. The following table shows the flight profile transition points for the 6 and 7 nm entry points and first segment angles of 5 and 6 degrees.

ENTRY AT 3,000 FT/6 NM

(1) 6/3 degrees, transition at 930 ft/2.7 nm

(2) 5/3 degrees, transition at 400 ft/1.1 nm

ENTRY AT 3,000 FT/7 NM

(1) 6/3 degrees, transition at 1,570 ft/4.7 nm

(2) 5/3 degrees, transition at 1,200 ft/3.6 nm

For the majority of the turbojet powered airplanes, under most conditions, the entry at 3,000 ft/6 nm would permit transition to be initiated at 1,000 ft. and completed prior to 500 ft. However, for certain low drag airplanes, such as the DC-8, a 5 degrees upper segment is more appropriate than 6 degrees, and this would result in a very low transition altitude. The use of a 3,000 ft/7 nm entry point not only accommodates such low drag but also allows for unusual variations in tailwind, airspeed, wind shear, or other factors that may make the 6 nm entry point marginal under some conditions.

Any two-segment visual approach procedure approved by the Administrator for the use of a particular runway, including the conditions and limitations appropriate for its use, would be established by him under procedures similar to those now used for the establishment of standard instrument approach procedures prescribed in Part 97. However, to distinguish the two-segment approach procedures from the standard instrument approach procedures they would be placed in a separate Part 98 and portrayed on appropriate aeronautical charts in addition to being published in the 9irman's Information Manual.

THE PROPOSED RULE

In consideration of the foregoing, it is proposed to amend § 91.87 of the Federal Aviation Regulations as follows:

1. By striking the word "and" appearing at the end of paragraph (e)(1) and adding a semicolon and the word "and" at the end of paragraph (e)(2).

2. By adding a new subparagraph (e)(3) to read as follows:

§ 91.87 Operation at airports with operating control towers.

* * * * *

(e) *Approaches.* * * *

(3) A civil turbojet engine-powered airplane shall, when making an approach for a landing under visual weather conditions on a runway having an approved visual two-segment approach procedure prescribed in Part 98 of this Chapter, use that procedure unless he notifies ATC that he finds it necessary in the interest of safety, or compliance with the applicable distance from cloud criteria, to use a different procedure approved for an approach and landing on that runway. As used in this subparagraph, "visual weather conditions" means during daylight hours when the ceiling and visibility in the approach are are 3,000 ft HAA and 5 nautical miles from the runway threshold, respectively.

EPA PROPOSAL III: TWO-SEGMENT ILS NOISE ABATEMENT APPROACH FOR TURBOJET ENGINE-POWERED AIRPLANES

Under the requirements of Section 7 (a) of the Noise Control Act of 1972 (Pub. L. 92-574, 86 Stat. 1234) the Administrator of the Environmental Protection Agency conducted a study of aircraft and airport noise and submitted a report thereon to the Congress. (Report on Aircraft/Airport Noise, Senate Committee on Public Works, Serial No. 93-8, Aug. 1973, Reference 16). Under Section 611 of the Federal Aviation Act, as amended by the Noise Control Act of 1972, the Administrator of the EPA also is required, not earlier than the date of submission of his report to the Congress, to submit to the Federal Aviation Administration proposed regulations to provide such control and abatement of aircraft noise and sonic boom (including control and abatement through the exercise of any of the FAA's regulatory authority over air commerce or transportation or over aircraft or airport operations) as the Administrator of the EPA determines is necessary to protect the public health and welfare. In accordance with the foregoing requirement, the EPA published in the Federal Register on February 19, 1974, (39 FR 6142) a "Notice of Public Comment Period" containing a synopsis of the following rules it is considering in its efforts to achieve a satisfactory level of aircraft noise control and abatement for the protection of the public health and welfare. The proposed rules and the type of control which each rule would implement are as follows:

FLIGHT PROCEDURES NOISE CONTROL

(1) Takeoff procedures.

(2) Approach procedures.

(3) Minimum altitudes.

SOURCE NOISE CONTROL

(4) Retrofit/fleet noise level.

(5) Supersonic civil aircraft noise.

(6) Modifications to Part 36 of the Federal Aviation Regulations.

(7) Propeller driven small airplanes.

(8) Short haul aircraft.

AIRPORT OPERATIONS NOISE CONTROL

(9) Airport goals, mechanisms and procedures by which noise exposure of communities around airports can be limited to levels consistent with public health and welfare requirements.

This proposed rule is identified as the two-segment ILS noise abatement approach portion of item (2) above.

REFERENCES

In the development of this proposed rule the EPA evaluated several pertinent studies made by Federal agencies and private persons. Those studies are listed herein for the information of all interested persons and are available for examination at the FAA Rules Docket Office, GC-24, 800 Independence Avenue SW., Washington, D.C. 20590, or Environmental Protection Agency, Office of Noise Control Programs, Crystal Mall No. 2, 1921 Jefferson Davis Highway, Arlington, Va. 20460. Copies of those studies prepared by Government Agencies are also for sale by the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

(1) "Operational Noise Abatement Procedures Designed to Limit the Amount of Disturbance Caused by Aircraft Taking Off, In Flight, or Landings", International Conference on the Reduction of Noise and Disturbance Caused by Civil Aircraft, London, November, 1966.

(2) "Note on Effect of Thrust and Altitude on Noise in Steep Approaches", NASA, LWP-283, September 14, 1966.

(3) "Flight Investigations of Methods for Implementing Noise Abatement Landing Approaches", "Progress of NASA Research Relating to Noise Alleviation of Large Subsonic Jet Aircraft", NASA SP-189, October 8-10, 1968.

(4) "Flight and Simulation Investigation of Methods for Implementing "Noise Abatement Landing Approaches", NASA TN D-5781, May 1970.

(5) "Noise Measurement for a Three-Engine Turbo-Fan Transport Airplane During Climbout and Landing Approach Operations", NASA TN D-6137, May 1971.

(6) "Measurement and Analysis of Noise from Four Aircraft During Approach and Departure Operations (727, KC-135, 707-320B, and DC-9)", FAA Report FAA-RD-71-84, September 1971.

(7) "Preliminary Results on Two-Segment Noise Abatement Studies", NASA TM X-62, 098, September 22, 1971.

(8) "Noise Reductions Achieved on a 720-023B Airfcraft Using a Two-Segment Approach", NASA CR-14417, December 1971.

(9) "Flight Evaluation of Two-Segment Approaches for Jet Transport Noise Abatement", American Airlines NASA Contractor Report, prepared under Contract No. NAS 2-6501, June 1973.

(10) "Aircraft Noise Reduction Technology", a report by the National Aeronautics and Space Administration to the Environmental Protection Agency for the Aircraft/Airport Noise Study, March 30, 1973.

(11) D. G. Denery, et al., "Status Report on NASA Two-Segment Approach Program", Paper 750594, presented at the SAE Air Transportation Meeting, Hartford, Conn., May 6-8, 1975.

(12) "Initial Flight and Simulator Evaluation of a Head-Up Display for Standard and Noise Abatement Visual Approaches", NASA, TM X-62, 187, February 1973.

(13) "NBAA Noise Abatement Program", National Business Aircraft Association, Report SR 67-12, June 1967.

(14) "Effects of Aircraft Operations on Community Noise", The Boeing Company, Commercial Airplane Group, June 1971.

(15) "A Comparison of Aircraft Approach Angles at Los Angeles and San Diego International Airports", City of Inglewood, California, June 1972.

(16) "Report on Aircraft/Airport Noise", Report of the Administrator of the Environmental Protection Agency in Compliance with Public Law 92-574, Senate Committee on Public Works, Serial No. 93-8, August 1973.

(17) "Information on Levels of Environmental Noise Requisite to Protect Public Health and Welfare with an Adequate Margin of Safety", EPA Technical Document 550/9-74-004, March 1974.

(18) C. Bartel, L. C. Sutherland and L. Simpson, "Airport Noise Reduction Forecast", DOT Report DOT-TST-75-3, October 1974.

(19) J. E. Wesler, "Airport Noise Abatement—How Effective Can It Be?", *Sound and Vibration*, February 1975, pp. 16-21.

(20) R. H. Peterson and R. F. Burke, "Studies of Methods for Reducing Community Noise Around Airports", Nielsen Engineering and Research, Inc., Repart NEAR TR 73, prepared under contract No. NAS2-8190 for NASA/Ames, August 1974.

(21) G. D. Adams, "Let-Down Guidance System", FAA Report No. FAA-RD-70-6, April 1970.

(22) Joseph D. Blatt, letter to Steven Starley, Office of Noise Abatement and Control, Environmental Protection Agency, March 31, 1975.

(23) "Field Evaluation of 3000 Ft-Glideslope Intercept Program," Report No. FAA AT-72-1, March 1972.

(24) "Noise Measurement Evaluation of Takeoff and Approach, Profiles Optimized for Noise Abatement", NASA TN D-6244, March 1971.

(25) "Recommended Steps for Noise Abatement Approach", Informal Paper Submitted to EPA by ATA, received March 5, 1973.

(26) "Operations Analysis Including Monitoring, Enfofcement, Safety, and Cost," Report of Task Group 2, EPA NTID 73.3, 27 July 1973.

(27) "Approach and Landing Procedures for Noise Control", EPA Project Report, 1 July 1975.

REGULATORY HISTORY

Advance Notice of Proposed Rule Making (ANPRM) 74-12 (39 FR 11193), issued by the FAA on March 20, 1974, proposed regulations that would require aircraft landing at specified airports to use a two-segment ILS approach in order to reduce the noise impact on persons or property underlying the approach path. The proposed regulations would apply to all civil turbojet engine-powered airplanes conducting an ILS approach to over 100 ILS equipped runways located at 58 major airports in the U.S. The 55 airports, listed by state, that were identified in ANPRM 74-12 as being under consideration for implementation of the two-segment ILS noise abatement approach are repeated herein for the information of all interested persons.

Arizona (Sky Harbor (Phoenix), Tucson International);

California (Fresno Air Terminal, Hollywood-Burbank, Lindberg Field (San Diego), Long Beach, Los Angeles International, Oakland

International, Ontario International, Orange County (Santa Ana), San Jose Municipal San Francisco International);
Colorado (Stapleton International (Denver));
Connecticut (Bradley International (Windsor Locks));
Florida (Miami International, Tampa International);
Georgia (Atlanta Hartafield International);
Illinois (Chicago-Midway, Chicago-O'Hare International);
Iowa (Des Moines Municipal);
Kentucky-Ohio (Greater Cincinnati, Standiford Field (Louisville));
Louisiana (New Orleans International);
Maine (Bangor International, Portland International);
Massachusetts (Barnstable Municipal (Hyannis), Logan International (Boston));
Michigan (Detroit-Wayne County Metropolitan);
Minnesota (Minneapolis-St. Paul International);
Missouri (Lambert International (St. Louis));
Nebraska (Eppley Airfield (Omaha));
New Jersey (Atlantic City, Mercer County (Trenton), Morristown Municipal, Newark);
New York (Albany County, J. F. Kennedy International (New York), La Guardia (New York), Stewart (Newburgh), Westchester County (White Plains));
Ohio (Cleveland-Hopkins International, Dayton Municipal, Port Columbus International);
Oklahoma (Tulsa International, Will Rogers World (Oklahoma City));
Pennsylvania (Philadelphia International);
Rhode Island (T. F. Green (Providence));
Texas (Dallas-Ft. Worth Regional, Houston Intercontinental, San Antonio International);
Vermont (Burlington International);
Virginia (Dulles International (D.C.), Washington National (D.C.));
Washington (Lewiston Nez Perce, Seattle-Tacoma International); and
Wisconsin (Madison Municipal).

As in the case of other noise reduction proposals the comments received from persons residing in the vicinity of the airports concerned generally favored the proposal. The comments received from the American Association of Airport Executives (AAAE) also favored the proposal as an effective means of reducing the impact of flight operations in the approach area. In the opinion of one major West Coast airport operator the proposal would, if adopted, result in a very great cost benefit for the entire aviation industry. The operator stated that at his airport alone the potential liability for noise is in excess of $3 billion and that a reduction of the 90 EPNdB impact area in each approach zone from 18 square miles to 3.7 square miles is a very dramatic and helpful improvement that could be of great significance in that liability. It should be pointed out here that this estimate of the improvement obtainable with two-segment approach is over-optimistic; a 30 to 60% reduction in the 90 EPNdB impact area is more reasonable.

Conversely, the aircraft operators were generally opposed to the two-segment ILS approach. The Airline Pilots Association (ALPA and IFALPA), speaking for its members, stated that the two-segment ILS approach is not acceptable to the pilot community and as proposed, it leaves many questions still unresolved. As an optional method of reducing noise the pilot associations suggest quieter airplanes and retrofit. The Air Transport Association (ATA), on the other hand, speaking for its air carrier members, believes the benefits of a two-segment approach are overstated and the costs understated. Moreover, it believes the two-segment ILS approach is not yet adequately proved in service to introduce as a mandatory procedure.

The National Business Aircraft Association (NBAA), speaking on behalf of its members who use aircraft in the conduct of their business, stated that the two-segment ILS approach under IFR was not warranted at this time on the combined grounds of possible degradation of safety, small noise reduction potential, and high cost. The Aircraft Owners and Pilots Association (AOPA) were also opposed to the use of a two-segment approach and raised the issue of safety in regard to wake turbulence.

INTRODUCTION AND BASIS

Notwithstanding the foregoing comments in opposition to the two-segment ILS approach, the EPA believes that the use of a two-segment ILS approach for civil turbojet engine-powered airplanes can provide significant noise abatement within existing technology and pilot capability without degradation of safety. Since the FAA has not taken additional rule making action in regard to ANPRM 74-12, the EPA has submitted this recommended notice of proposed rule making for the consideration of the FAA Administrator under the mandates of Section 611 of the Federal Aviation Act of 1958 as amended. It is published herein for the information and comments of all interested persons. In the preparation of those comments it is to be noted that the EPA has also submitted separate noise reduction proposals for a two-segment ILS approach under visual conditions and for the use of reduced flap settings during the approach and landing. Both of these proposals apply to civil turbojet engine-powered airplanes and may be issued in separate rule making actions by the FAA under the provisions of section 611 of the Federal Aviation Act.

As stated in the previous notice (ANPRM 74-12), the two-segment ILS approach rule would require an ILS approach and landing to be conducted at those airports designated above. The approach would consist of a two-part descent with the upper segment glide angle flown at 5 to 6 degrees, depending on the type of aircraft, and with the second segment being flown using the existing ILS glide slope angle. Transition between upper and lower segments would be accomplished far enough from touchdown to allow stabilized conditions by 700 feet height above airport (HAA). Normally, the transition would begin approximately three nautical miles from runway threshold and be completed by two nautical miles from threshold. The regulation would allow a stable, controlled approach down to the Category I weather minimums in the standard instrument approach procedures issued under Part 97 of the Federal Aviation Regulations. The regulation would apply to all civil turbojet airplanes.

The two-segment noise abatement approach technique has been under development over the past several years and has progressed from the engineering and development phase to operational evaluation under actual operating conditions in the national airspace system. Several variations of the two-segment approach have been examined and one airline has adopted a two-segment approach procedure under visual conditions with conventional cockpit instrumentation.

The National Aeronautics and Space Administration (NASA) and FAA began research work on steep single-segment and two-segment approaches early in the 1960's. It appears that, of the various approach procedures studied, the two-segment approach holds the most promise for significant noise relief without impairment of safety, especially for turbojet engine-powered airplanes.

In 1966, the FAA installed an experimental dual ILS glide path system at Dulles Airport that provided guidance for a two-segment approach. The first and second segment approach angles were 5.5 and 2.5 degrees, respectively. The transition point from the first to the second segment occurred at approximately 1,140 ft altitude (827 ft HAA) and 3.1 nautical miles from threshold (827 ft/3.1 nm). With the use of these approach procedures, as reported in Reference (1), a noise reduction of 10 dB (overall sound pressure level) was observed at a distance of 26,000 feet (4.3 nm) from the runway threshold.

As shown in the NASA study reported in Reference (2), the noise-reduction due to steeper approaches is caused by two factors, the increased altitudes and the reduced power setting. For the four engine turbojet airplane used in that study, increasing the glide slope angle from 3 to 6 degrees reduced the overall sound pressure level under the flight track by 11.5 to 13.5 dB, of which approximately 7 dB was due to thrust reduction, the remainder being due to increased altitude.

NASA studies [References (3) and (4)] were also conducted to determine the requirements that would enable pilots to fly two-segment approach profiles with the precision common to conventional instrument landing approaches, without an increase in pilot workload. The approach profiles were evaluated by 11 pilots using a research four-engine turbojet powered airplane which had a flight director modified for two-segment approaches, an autothrottle, and both longitudinal and lateral directional stability augmentation. The studies concluded that a two-segment approach could be flown in the modified airplane with the same precision as a conventional one-segment instrument landing approach without a significant increase in pilot workload in the nearly ideal conditions of the tests.

The NASA tests reported in Reference (5) used a B-727 three-engine aircraft to fly 6/3 degrees two-segment approaches with transition starting at

1,115 ft/3.4 nm and completed by 722 ft/2.6 nm. Test results for these approaches indicated a noise reduction of 6 EPNdB at 3 nm and 10 EPNdB at 4.5 nm from threshold.

The FAA tests reported in Reference (6) studied nine approach noise abatement procedures for four different types of aircraft (B–727, KC–135, B–707–320B, and DC–9). The weather conditions for the tests varied considerably, a situation typical of actual line operations and, therefore, considerable scatter was evident in the data. Nevertheless, the report concluded that a "two-segment approach can achieve significant reductions in noise along the ground". Both procedures used an initial intercept height of 3,000 feet HAA and full flaps. The results of these tests also indicated a noise reduction averaging 10 to 14 EPNdB at 5 to 7 nautical miles from the runway threshold achieved by the use of the two-segment approach.

The studies reported in References (7) through (9) were conducted by NASA with American Airlines and Hydrospace Research Corporation as contractors. In these studies, two-segment approaches (6/2.5 degrees with transition at 400 ft/1.5 nm) were evaluated during 75 hours of flight in a B–720 four engine turbojet powered aircraft. A total of 28 pilots [2 project pilots and 26 guest pilots representing air carriers, FAA, ALPA, Allied Pilots Association (APA) and NASA] flew 234 two-segment approaches and 34 normal ILS approaches. All the tests were made during the daytime and in calm visual conditions.

The results of the tests were then presented to advisory committees, composed of individuals representing the airlines, airframe manufacturers, avionics suppliers, ATA, ALPA, and the Government, who agreed that the two-segment approach appeared operationally feasible, but warranted additional evalution under representative operational conditions in other types of aircraft. The committees recommended that one of the aircraft should be a B–727 because that type of aircraft accounts for the largest number of arrivals and departures and is used by more air carriers than any other type of aircraft. The committee also recommended tht another type of aircraft to be used in the tests should be a long-range type of aircraft such as the DC–8 or B–707 in order to extend the applicability to the data, as those aircraft differ significantly from the B–727 type of aircraft and have a larger noise footprint. In accordance with recommendations of the advisory committee, on-line flight evaluations were conducted with B–727 and DC–8 airplanes by United Airlines under contract to NASA, Reference (10).

The results of the UAL investigation and tests under this NASA contract were discussed at a recent status reporting session held by NASA (Reference 11). The key points presented are summarized below:

Two-Segment avionics have been developed and certified for airline use.
These avionics make use of contemporary ground navigational aids.
Crew procedures have been developed to be nearly identical to those in use by the air carriers.
Procedures and equipment are being evaluated under a wide variety of operational conditions: Usable under VFR & IFR conditions; Compatible with ATC (based on 727 tests); Normal ILS approach should be used during icing or in extreme tail winds.
Noise reduction has been measured.
System costs have been estimated.
Adaptability to the entire fleet has been shown.

The UAL researchers indicated that some problems and uncertainties remained unresolved. However, most of the factors identified as problems reside largely in the fact that two-segment approach has not been in widespread use, and they would be resolved as the necessary hardware and techniques were introduced into the air-carrier system.

The NASA tests reported in Reference (12) evaluated thirty-three approaches with a B–747 aircraft equipped with a cockpit "head-up" display Visual Approach Monitor (VAM) to aid the pilot in transitioning to a normal glide path from either a higher or a lower position. When compared with a standard 3 degrees approach, noise measurements made during those approaches again indicated considerable noise reductions. The reductions ranged from 6 EPNdB at 1 nm (from runway threshold) to 11 EPNdB at 5 nm for a 6/3 degree approach with transition at 660 ft/2.1 nm. Since a 6 degrees upper segment with 25 degrees flaps was slightly too steep for the 747 aircraft, use of 30 degree flaps and/or 5 degrees upper segment was recommended for future tests.

In addition to the studies conducted by NASA, EPA and the FAA, it is to be noted that air carriers, aircraft manufacturers and aeronautical associations have made studies regarding the feasibility of the two-segment approach, and in some cases, air carriers are using such approaches. For example, in a report dated 12 June 1967, the National Business Aircraft Association (NBAA) recommended the use of two-segment approaches in VFR weather conditions [Reference (13) listed above]. The Boeing Company in a report issued in June, 1971, Reference (14), investigated the reduction of noise by the use of the two-segment approach. For a 6/3 degrees approach with transition at 1,000 ft/3 nm, the Boeing report predicted a noise reduction ranging from 5.5 EPNdB at 3.5 nm to 9.5 EPNdB at 6 nm from threshold for its B–727 aircraft. Using electronic guidance and a transition (250 ft HAA) closer to the airport, the report also predicted a noise reduction ranging from 5.2 EPNdB at 1 nm to 13 EPNdB at 6 nm.

In 1967, National Airlines began using a two-segment approach at Miami International Airport with weather minimums of 3,000 feet ceiling (above ground) and five nautical miles visibility. In 1972, Pacific Southwest Airlines started to use a visual two-segment approach at airports used by that airline in California. In the same year, Air California also started to use a visual two-segment decelerating approach with B–737 type aircraft. The two-segment approach is also used by aircraft as large as a DC–8 at the San Diego International Airport. Most of the approaches at this airport are made over high terrain to the east of the runway which necessitates a steep approach. This approach may be either a 4.5 degrees single-segment [a non-standard Visual Approach Slope Indicator (VASI) at this angle provides a visual reference], or a two-segment approach with close-in transition, i.e., closer than 1 nm from runway threshold [Reference (15), above].

HEALTH AND WELFARE CONSIDERATIONS

The EPA Report to Congress on Aircraft and Airport Noise (Reference 16) indicated that large numbers of persons are subjected to levels of cumulative noise exposure due to aircraft operations which have a potential for producing a permanent impairment of hearing, interference with speech, and the generation of annoyance. That report estimated that in 1972, 16 million persons in the United States were subjected, due to aircraft operations, to a Day-Night Average Sound Level of 60 dB or greater. The Day-Night Average Sound Level, Ldn is the measure used by the EPA to express quantitatively the cumulative noise exposure of a population.

In formation presented in the Report to Congress (Reference 16) further indicated that, based on available data in the scientific literature, at Ldn values of 60 dB there is about a 2.5 percent occurrence of speech interference and about 23 percent of the exposed population is highly annoyed. Further, the EPA "Levels Document" (Reference 17) specifically identified two long-term average levels of noise exposure which should not be exceeded in order to protect the public health and welfare with an adequate margin of safety:

A Day-Night Level (Ldn) no greater than 55 dB, to protect against annoyance (including interference with speech communication);

An Equivalent Noise Level (Leq) no greater than 70 dB, to protect against significant adverse effects on hearing.

As pointed out in EPA's "Levels Document" the phrase "health and welfare" is taken to mean "complete physical, mental and social well-being and not merely the absence of disease and infirmity." It is clear from the foregoing data that noise due to aircraft operations represents a significant hazard to the health and welfare of millions of persons.

As set forth in the Report to Congress, the EPA has determined that, in order to protect the public health and welfare from aircraft noise, it is necessary that regulations be proposed to the FAA, for promulgation, in the eight subject areas of aircraft noise control listed earlier in this preamble.

The intent of those aircraft noise regulations is to produce a substantial reduction in the number of persons subjected to cumulative noise levels that are considered hazardous to their health and welfare, i.e., in the terms outlined in the foregoing paragraphs, to Ldn values of 55 dB or greater. Although theoretically

it might be considered desirable to reduce the day-night level due to aircraft noise to less than 55 dB for all persons, this is an unrealistic goal. As reported in the Levels Document, Reference 17, some 62 million persons in the United States are estimated to be exposed to Ldn 60 or greater due simply to vehicular traffic noise, and some 75 percent of the urban population are estimated to be exposed to ambient sound levels averaging Ldn 55 or greater. Present technology does not provide the capability of reducing cumulative noise due to aircraft operations to Ldn 55 for all persons without essentially destroying the national air-carrier system with all its attendant benefits to the public health and welfare. And even if aircraft noise were completely eliminated, many millions of persons still would be subjected to cumulative noise in excess of Ldn 55 due to other sources, mainly motor vehicles. Consequently, the EPA has a more modest and realistic goal, namely, to achieve the maximum reduction of cumulative noise due to aircraft operations that is technologically feasible to obtain without exorbitant costs. This is a position consistent with the requirements under the Noise Control Act that EPA, as well as the FAA, must meet in developing and promulgating noise control regulations which are within their respective areas of responsibility.

The EPA believes that the succeeding paragraphs quantify the environmental noise impact associated with aircraft and airport operations. This is done for both a defined baseline situation and for hypothetical stiuations in which it is assumed that one or more of the proposed aircraft noise regulations has been implemented. Comparison of the various sets of figures provides reasonable estimates of the noise reduction benefits to be gained by implementation of the various regulatory proposals for the control of aircraft noise.

ASSESSMENT OF NOISE IMPACT DUE TO AIRCRAFT OPERATIONS

This section deals with the health and welfare effects of environmental noise in terms of noise impact assessment which is a methodology for quantifying the extensiveness and severity of noise impact by a single number. An explanation of Noise Impact Methodology has been presented in various EPA publications, including Reference 27. In brief, this methodology comprises the following steps, for each specified environmental noise situation.

1. Determine (or estimate) the number of persons [P(i)] exposed to various ranges of Day-Night Equivalent Sound Level (Ldn) (e.g., 8.5 million persons between Ldn 60 and 65; 4.1 million between Ldn 65 and 70, etc.)

2. Assign to each Ldn range a Fractional Impact value [FI(i)] appropriate to the criterion under consideration. For purposes of this analysis, Ldn 55 is considered to represent a zero impact [FI=0], and Ldn 75 an impact of 1.0 [FI=1.0]. For Ldn 60–65, FI(1) is 0.375; for Ldn 65–70 FI(2) is 0.625; for Ldn 70–75, FI(3) is 0.875; etc.

3. For each range of Ldn values, determine the Noise Impact Contribution as the product of number of persons exposed and fractional impact, or

$$NI(i) = [FI(i)] \times [P(i)]$$

4. Calculate the Equivalent Noise Impact, ENI, as the sum of the individual Noise Impact contributions, or

$$ENI = \Sigma(i)\ [FI(i)]\ [P(i)].$$

This quantity may be interpreted as the equivalent number of persons "fully impacted" by the noise in the given situation. For residential land use affected by noise, the ENI value is the equivalent number of persons exposed to Ldn 75.

To obtain an estimate of the noise impact reduction resulting from some action, such as implementation of aircraft noise regulation, one would estimate the ENI values for the baseline condition and for the condition existing as a result of the action taken. The result could be expressed as a change in absolute value, or as a ratio, of the baseline Equivalent Noise Impact.

1. *Baseline Noise Impact—Aircraft Operations.* For this analysis, the baseline year of 1972 is used, mainly because the best available analyses of aircraft environmental noise have been premised on a 1972 baseline (References 18–20). Since the Noise Control Act was enacted into law in 1972, this baseline seems quite appropriate.

Of the three references listed, Reference 18, "Aircraft Noise Reduction Forecast", also known as the DOT "23-Airport Study", is the most widely known. It provides the basic data and point of departure for the others. In terms of the individual elements of EPA's proposed regulatory package, Reference 19, which extended the analysis of Reference 18 to cover additional options of noise reduction, seems most nearly oriented towards evaluation of the effects of the various options considered. Consequently, the calculations and results presented in this section are based largely on the data of Reference 19, with key data points confirmed by Reference 18. This latter report adduced that the 23 airports studied accommodated approximately half of the operations nationally of aircarrier jet aircraft. In terms of total impact, however, independent analyses by EPA and its consultants indicated that the population impacted by the operations to and from the 23 airports represented about 63% of the national impacted population. The results presented herein are based on that premise.

On the basis of the information discussed in the previous paragraphs, the EPA has estimated that for the 1972 baseline condition, the national population exposed to Ldn 65 or greater is 7,925,000 persons, and to Ldn 75 or greater is 792,000 persons. This corresponds to an Equivalent Noise Impact (ENI) (considering the population exposed to Ldn 65 or greater) of approximately 5,800,000 persons. By extrapolating the population data, a rough estimate can be obtained of the baseline population exposed to Ldn 60 or greaer. This rough estimate is about 25,000,000 persons; the corresponding ENI, considering the population exposed to Ldn 60 or greater, is about 12,000,000 persons.

2. *Noise Impact—Projected Fleet of the late 1970's, with several Noise Control Options Applied.* Summarized below are the estimates of the effects of several of the noise control options that would be undertaken if the regulations package proposed by EPA were promulgated and implemented. The results, for the late 1970's, are given in terms of Reduction in numbers of persons exposed to Day-Night Equivalent Levels of 65 or greater, and 75 or greater, respectively, and corresponding changes in Noise Impact, taking into account the change in aircarrier fleet mix and number of operations projected for that period.

The conditions considered are the following:

1978 Baseline Fleet (this reflects the introduction of new, less noisy aircraft that meet or better FAR 36 noise limits, and the phasing out of old, noisier aircraft).
Two-Segment Approach.
Noise Abatement Takeoff.
Quiet Nacelle (QN) also referred to as Sound Absorption Material (SAM) Retrofit.

The estimated data on numbers of people affected in various Ldn ranges, and the corresponding changes in Noise Impact, are tabulated below.

1978 BASELINE FLEET (RELATIVE TO 1972 BASELINE):

Population exposed to Ldn 65 or greater reduced by 2,520,000.
Population exposed to Ldn 75 or greater reduced by 267,000.
Severity and extensiveness of impact reduced by 33.6 percent.

TWO-SEGMENT APPROACH (RELATIVE TO 1978 BASELINE):

Population exposed to Ldn 65 or greater reduced by 570,000.
Population exposed to Ldn 75 or greater reduced by 54,000.
Severity and extensiveness of impact reduced by 10.4 percent.

NOISE ABATEMENT TAKEOFF (RELATIVE TO 1978 BASELINE):

Population exposed to Ldn 65 or greater reduced by 1,050,000.
Population exposed to Ldn 75 or greater reduced by 102,000.
Severity and extensiveness of impact reduced by 19.1 percent.

QUIET NACELLE RETROFIT (RELATIVE TO 1978 BASELINE):

Population exposed to Ldn 65 or greater reduced by 1,600,000.
Population exposed to Ldn 75 or greater reduced by 283,000.
Severity and extensiveness of impact reduced by 32.3 percent.

Although not all of the EPA proposed regulations for control of aircraft noise can be quantified directly in terms of the reduction in Equivalent Noise Impact, it is apparent from the foregoing discussion that a serious noise impact now exists, and prompt action is necessary to protect the public health and welfare. It also is apparent that, although the expected evolution of the fleet will reduce the noise impact significantly, implementation and promulgation of aircraft

noise regulations is a necessary and important part of the action that needs to be taken, and will yield substantial benefits in reducing the number of persons seriously impacted by noise.

COST CONSIDERATIONS

A two-segment ILS approach as proposed in the ANPRM 74-12 and in this notice would require an electronic equipment retrofit for all U.S. and foreign aircraft using the 58 airports in the United States having a noise sensitive area within 3 to 8 miles from the runways under the approach path. On the basis that the equipment required is a glide slope computer such as that used in the tests, the cost to be borne by the operator of the airplane has been estimated in ANPRM 74-12 and by NASA to be between $35,000 and $37,000 per airplane, including labor, interface equipment and wiring modifications, parts and spares. The corresponding total cost for the approximately 2000 airplanes of the U.S. air-carrier fleet would be about $70 million.

There are alternative means by which two-segment approach capability can be obtained, and these alternatives have a direct bearing on how much of the cost of the capability can be charged to noise abatement. One such alternative is to utilize electronic systems which include the glide slope computer function even though the system was not designed for the purpose of noise abatement. A second alternative is to utilize a single purpose system designed specifically for noise abatement. Finally, although it would offer no near term relief, another alternative should address incorporation of the two-segment approach capability into future aircraft guidance and air traffic control systems. In the interests of brevity, the three alternative methods of achieving a two-segment approach capability will be referred to as the multi-purpose system, single purpose system, and future system.

A multi-purpose system which includes necessary glide slope computer function does exist (Reference 11) since the FAA Western Region issued a Supplemental Type Certificate (STC SA2865WE dated June 7, 1974) which permits in-service use of the ANS-70A area navigation (RNAV) system to fly two-segment approaches. The cost implications for noise abatement which derive from the availability of an RNAV system that includes the glide slope computer function are not clear, e.g., if the RNAV system were installed for area navigation, then the incremental cost for two-segment approach capability would be modest. Even if the system were purchased because two-segment approaches are required and the RNAV capability is a desirable rather than a required item, only a portion of the system cost should be charged off against noise abatement, since it does not appear reasonable that a full-function RNAV system would be purchased only for its two-segment approach capability. Whereas it may be difficult to apportion the costs of a two-segment approach capable RNAV system to both noise abatement and air navigation, no such problem exists for the single-purpose system. Single purpose systems have been built and demonstrated by both the FAA and NASA.

In 1970, the National Aviation Facilities Experimental Center (NAFEC) of the FAA designed and demonstrated a "Let Down Guidance System" for two-segment approaches (Reference 21). The NAFEC unit is a small airborne analog computer which converts distance and barometric altitude inputs into vertical guidance signals which are presented on a conventional crosspointer instrument. In Reference 22, it is estimated that the current cost of an Airborne Glide Slope Computer of the NAFEC type would be between $2,000 and $5,000, assuming that the aircraft is equipped with DME and a satisfactory altimeter system. The actual cost of the installed system, within the range indicated here, would depend upon the sophistication desired and the number of units as well as the kind and amount of interface hardware and engineering required.

The previously-mentioned NASA estimate of $37,000 (Reference 11) concerned a two-segment approach system which was based on the NAFEC type of airborne computer but which incorporates the attributes necessary for certification for use in air-carrier aircraft. This estimate was based upon certain assumptions as to number of units manufactured and existing instrumentation on board the aircraft. A detailed review of the NASA estimates indicates some possible conservatism in the cost-influencing assumptions with respect to the need for new DME, cost-quantity relations, spares allowance, and installation labor. With different assumptions, the cost estimate could be significantly lower.

With respect to future systems such as the Microwave Landing System (MLS), a two-segment approach capability essentially exists within the current system design concepts. If the MLS were fully developed with an explicit two-segment approach capability, the costs chargeable against noise abatement would undoubtedly be considerably lower than those discussed here for ILS/DME systems.

In the case of air carrier aircraft, the time required to complete the installation of all needed guidance equipment, concurrent with scheduled aircraft down-time, is estimated to be approximately 3 to 4 years for a normal schedule, and approximately 2½ to 3 years for an accelerated schedule.

In respect to the ground facilities needed for the two-segment approach, it is anticipated as stated in ANPRM 74-12 that the cost of installing Distance Measuring Equipment (DME) would be approximately $50,000 each or a total of $5 million for the 100 DME installations located at the 58 airports having noise sensitive areas. However, the proposed DME installations would provide increased air navigational capabilities over and above that needed for noise abatement, and the DME costs should be apportioned among the several uses of the facility.

In the use of the two-segment approach it is anticipated that there would be a change in the operational costs for the aircraft involved. As previously explained, steeper approach procedures reduce the noise exposure area due to their inherently higher approach altitudes and required lower power settings. Economically, these lower power settings in the approach phase of a flight directly translate into fuel savings. On the other hand, higher approach altitudes may induce higher operational costs due to the effects of longer flight paths on—

(a) The decreased practical capacity of an airport;

(b) The increased delay times resulting from the dynamics of flight control at an airport; and

(c) The increased maneuver distances associated with the geometry of two-segment approaches.

It is estimated that the minimum increase, due to the above factors, for a 3,000 ft glide slope intercept procedure, is roughly $8.55 per flight [Reference 23, above]. However, countering that cost increase is reduced fuel consumption due to the lower power settings. For example, that fuel saving is estimated to be about 380 pounds (or some 58 gallons) per landing for a B-727 aircraft when compared to a conventional approach. On a per landing basis, saving 58 gallons of fuel at 25 cents per gallon translated into an operational cost savings of $14.50. This saving will continue to increase in accordance with the increase in cost of aviation fuel. Since per landing savings exceed the potential induced costs, adoption of the proposed procedures is economically reasonable in respect to the operators of the airplane to which the procedures would apply.

If a consistent intercept point for the visual two-segment approach is desired, it is necessary to have DME colocated with the ILS (ILS/DME). This proposed alteration to the Air Traffic Control (ATC) system will take time and money to implement. Of the over 100 ILS equipped runways to which this rule would apply, only seven now have colocated DME. It is estimated that it will cost approximately $50,000 per installation and the total cost to the FAA would be approximately 5 million dollars.

EXCEPTIONS

Under the provisions of this proposal, each person operating an aircraft to which the rule applies is expressly given final authority and responsibility for the safe operation of his airplane. Therefore, if he determines in the interest of safety that an approved instrument approach procedure other than a two-segment ILS approach should be used for a particular approach and landing, he may use the other procedure upon notice thereof to Air Traffic Control (ATC). The authority for alternative procedures is presently provided under the noise abatement runway system requirements of § 91.87(g) and would be equally appropriate for the two-segment noise abatement procedure requirements proposed herein.

NOISE ABATEMENT PROCEDURE CRITERIA

If the two-segment ILS approach is made mandatory, it is proposed to use the criteria set forth below for the use of such facilities. Accordingly, comments in regard to those criteria or other criteria deemed necessary or desirable for the use of a two-segment ILS approach may also be submitted by any interested person.

ENTRY AT 3000 FT/6 NM

(1) 6/3 degrees, transition at 930 ft/2.7 nm.

(2) 5/3 degrees, transition at 400 ft/1.1 nm.

ENTRY AT 3000 FT/7 NM

(1) 6/3 degrees, transition at 1,570 ft/4.5 nm.

(2) 5/3 degrees, transition at 1,200 ft/3.6 nm.

For the majority of the turbojet engine-powered airplanes under most conditions, the entry at 3,000 ft/6 nm would permit transition to be initiated at 1,000 ft. HAA and completed prior to 500 ft. HAA. However, for certain low drag airplanes, such as the DC-8, a 5 degrees upper segment is more appropriate than 6 degrees, and this would result in a very low transition altitude. The use of a 3,000 ft/7 nm entry point not only accommodates such low drag but also allows for unusual variations in tailwind, airspeed, wind sheer, or other factors that may make the 6 n.m. entry point marginal under some conditions.

Any two-segment ILS approach procedure approved by the Administrator for the use of a particular runway, would be established by him under procedures similar to those now used for the establishment of standard instrument approach procedures prescribed in Part 97. However, to distinguish the two-segment ILS approach procedures from the standard one-segment instrument approach procedures they would be placed in a separate Part 98, and portrayed on appropriate aeronautical charts, in addition to being published in the Airman's Information Manual.

THE PROPOSED RULE

In consideration of the foregoing, it is proposed to amend § 91.87 of the Federal Aviation Regulations as follows:

1. By striking the word "and" appearing at the end of paragraph (e)(1) and adding a semicolon and the word "and" at the end of paragraph (e)(2).

2. By adding a new subparagraph (e)(3) to read as follows:

§ 91.87 Operation at airports with operating control towers.

* * * * *

(e) *Approaches.* * * *

(3) A civil turbojet engine-powered airplane shall, when making an approach for a landing on a runway having an approved ILS two-segment approach procedure, prescribed in Part 98 of this Chapter, use that procedure unless he notifies ATC that he finds it necessary in the interest of safety to use a different procedure approved for an approach and landing on that runway.

These amendments are proposed under the authority of §§ 307, 313(a) 601, 603, and 611(c) of the Federal Aviation Act of 1958, as amended (49 U.S.C. §§ 1348, 1354(a), 1421, 1423, and 1431(c)); § 6(c) of the Department of Transportation Act (49 U.S.C. § 1655(c)); Title I, National Environmental Policy Act of 1969 (42 U.S.C. § 4321 et seq.); and Executive Order 11514, March 5, 1970.

Issued in Washington, D.C., on September 24, 1975.

RICHARD P. SKULLY,
Acting Director, Flight Standards Service.

[FR Doc.75-25811 Filed 9-24-75; 11:08 am]

federal register

THURSDAY, SEPTEMBER 25, 1975



PART III:

DEPARTMENT OF THE INTERIOR

Mining Enforcement and Safety Administration

■

HEALTH AND SAFETY STANDARDS

DEPARTMENT OF THE INTERIOR

Mining Enforcement and Safety Administration

[30 CFR Parts 55, 56, 57]

NEW AND REVISED HEALTH AND SAFETY STANDARDS

Notice of Proposed Rulemaking

Notice is hereby given that pursuant to the authority vested in the Secretary of the Interior under section 6 of the Federal Metal and Nonmetallic Mine Safety Act (30 U.S.C. 725) to develop, revise, and promulgate health and safety standards for the purpose of the protection of life, the promotion of health and safety, and the prevention of accidents in metal and nonmetal mines and mills, it is proposed to amend Parts 55, 56, and 57, Subchapter N, Chapter I, Title 30, Code of Federal Regulations by revising certain existing standards and adding certain new definitions, deleting or revising certain advisory standards and making them mandatory, and revising and adding new mandatory standards relating to fire prevention and control; air quality, ventilation, radiation, and physical agents; explosives; loading, hauling, dumping; use of equipment; travelways and escapeways; man hoisting; and gassy mines. These standards have been developed after consultation with the Federal Metal and Nonmetal Mine Safety Advisory Committee appointed pursuant to section 7 of the Act (30 U.S.C. 726).

Each standard which is to be a mandatory standard is so designated by the word "Mandatory" which appears at the beginning of the subsection in which the standard is prescribed. If the Federal Metal and Nonmetal Mine Safety Advisory Committee has recommended a mandatory standard, the standard is preceded by the word "Mandatory" and the letters "MNMSAC" in this manner "Mandatory. MNMSAC.—".

Subject to the provisions of subsection (e) of section 6 (30 U.S.C. 725(e)) and in accordance with the provisions of subsection (d) of section 6 of the Act (30 U.S.C. 725(d)) on or before the last day of the period herein fixed for the submission of written data, views, or arguments, any person who may be adversely affected by a proposed health and safety standard which is designated as a mandatory standard under subsections (b) and (c) of section 6 of the Act (30 U.S.C. 725 (b) and (c)), which has not been recommended as a mandatory standard by the Federal Metal and Nonmetal Mine Safety Advisory Committee, may file with the Secretary written objections stating the grounds for such objections and requesting a public hearing subject to the provisions of the Administrative Procedure Act (5 U.S.C. 556, 557) on such objections.

Pursuant to the provisions of subsection (e) of section 6 of the Act proposed mandatory standards which have been recommended by the Federal Metal and Nonmetal Mine Safety Advisory Committee are not subject to public hearings.

The Mining Enforcement and Safety Administration (MESA) and the Occupational Safety and Health Administration (OSHA) entered into a Memorandum of Understanding on April 22, 1974, to (1) clarify the jurisdictional responsibility of each agency and (2) provide a procedure for the coordination and adoption of safety standards which have significant application to working conditions in mines and mills subject to the Federal Metal and Nonmetallic Mine Safety Act. The Memorandum of Understanding was published in the Federal Register on Friday, July 26, 1974 (39 FR 27382–27384).

In accordance with the requirements of Article D1 (a) and (b) of the Memorandum, MESA personnel consulted with representatives of OSHA regarding those OSHA standards promulgated by the Secretary of Labor as of April 22, 1974 which may have a significant application to mines and mills subject to the Federal Metal and Nonmetallic Mine Safety Act, and are not covered by mandatory standards promulgated by the Secretary of the Interior prior to the effective date of the Memorandum. After such consultations held on June 13 and October 4, 1974, MESA submitted a list identifying those OSHA standards that are not covered by mandatory standards applicable to metal and nonmetal mining and milling operations other than coal and lignite mining.

The proposed new and revised mandatory standards published below were in the process of development by MESA prior to the effective date of the Memorandum of Understanding. While certain proposed standards may be construed as satisfying the intent of the Memorandum, these proposed standards were developed independently and prior to the Memorandum and are not modifications or revisions of OSHA standards in effect on April 22, 1974; therefore, a statement of the reasons for differences in wording between MESA and OSHA standards prescribed in Article D1(c)(2) of the Memorandum are not included in this notice of proposed rulemaking.

The Department of the Interior is proceeding with the development of mandatory standards in accordance with section 6 of the Federal Metal and Nonmetallic Mine Safety Act (30 U.S.C. 725).

Interested persons may submit, on or before November 6, 1975, written data, views, arguments, and objections, including a request for public hearing to the Administrator, Mining Enforcement and Safety Administration, Department of the Interior, Room 618, Ballston Tower No. 3, 4015 Wilson Boulevard, Arlington, Virginia 22203.

In consideration of the foregoing, it is proposed to amend Parts 55, 56, and 57 of Chapter I, Subchapter N, Title 30, Code of Federal Regulations, as set forth below.

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

Dated: September 19, 1975.

JACK W. CARLSON,
Assistant Secretary of the Interior.

PART 55—HEALTH AND SAFETY STANDARDS—METAL AND NONMETALLIC OPEN PIT MINES

A. Section 55.2 *Definitions*, is proposed to be amended as follows:

1. It is proposed to revise the definition of the "American Table of Distances" as follows: "American Table of Distances" means the "American Table of Distances for Storage of Explosives," as revised and approved for the Institute of Makers of Explosives—November 5, 1971, and published in the Code for the Manufacture, Transportation, Storage, and Use of Explosive Materials 1973, NFPA No. 495, pages 59 through 62, with the exception of the definitions of the terms explosives, blasting agents, detonator, magazine and inhabited building as defined in Notes 2, 3, 4, 5, and 9 on page 61, and Note 14 on page 62, and which is hereby incorporated by reference and made a part hereof. The Code for the Manufacture, Transportation, Storage, and Use of Explosive Materials NFPA No. 495—1973 may be examined in any Metal and Nonmetal Mine Health and Safety Subdistrict Office of the Mining Enforcement and Safety Administration or may be obtained from the National Fire Protection Association, 470 Atlantic Avenue, Boston, MA 02210. The terms explosives, blasting agents, detonator, magazine and inhabited building as used in this Part are defined elsewhere in this § 55.2.

2. It is proposed to revise the definition of "Blasting agents" as follows:

"Blasting agents" means any material or mixture, consisting of fuel and oxidizer intended for blasting and not otherwise defined as an explosive, and in which none of the ingredients is classified as an explosive either under this § 55.2, or classified as an explosive by the Department of Transportation in 49 CFR Parts 170–189, revised as of October 1, 1974, and which is made a part hereof, provided that the finished product, as mixed and packaged for use or shipment, cannot be initiated by a No. 8 test detonator, or equivalent, when unconfined. Title 49 of the Code of Federal Regulations, Parts 170–189, revised as of October 1, 1974, is available for inspection at each Metal and Nonmetal Mine Health and Safety Subdistrict Office of the Mining Enforcement and Safety Administration, and may be obtained from the U.S. Government Printing Office, Washington, D.C. 20402.

3. It is proposed to revise the definition of "Blasting cap" as follows:

"Blasting cap" means a detonator which is initiated by a safety fuse.

4. It is proposed to revise the definition of "Blasting circuit" as follows:

"Blasting circuit" means the electrical circuit used to fire one or more electric blasting caps.

5. It is proposed to add a definition of "Booster" as follows:

"Booster" means any unit of explosive or blasting agent to be used in a charged hole for the purpose of perpetuating or intensifying the initial detonation.

6. It is proposed to revise the definition of "Capped fuse" as follows:

"Capped fuse" means a length of safety fuse to which a blasting cap has been attached.

7. It is proposed to add a definition of "Charged hole" as follows:

"Charged hole" means any hole containing explosives, on blasting agents with a primer.

8. It is proposed to add a definition of "Delay connector" as follows:

"Delay connector" (MNMSAC) means a nonelectric short interval delay device for use in delaying blasts which are initiated by detonating cord.

9. It is proposed to revise the definition of "Detonator" as follows:

"Detonator" means any device containing a detonating charge that is used to initiate detonation of an explosive and includes blasting caps, electric blasting caps, and nonelectric delay blasting caps.

10. It is proposed to revise the definition of "Detonating cord" as follows:

"Detonating cord" means a flexible cord containing a full core of high explosives.

11. It is proposed to revise the definition of "Electric blasting cap" as follows:

"Electric blasting cap" means a detonator designed for and capable of being initiated by means of an electric current.

12. It is proposed to revise the definition of "Explosive" as follows:

"Explosive" means either any chemical compound, mixture, or device, the primary or common purpose of which is to function by explosion; or, any compound, mixture, or device that is classified as an explosive by the Department of Transportation in 49 CFR Parts 170–189, revised as of October 1, 1974, and which is made a part hereof. Explosive shall not include any material or mixture that is defined as a blasting agent under this § 55.2. Title 49 of the Code of Federal Regulations, Parts 170–189, revised as of October 1, 1974, is available for inspection at each Metal and Nonmetal Mine Health and Safety Subdistrict Office of the Mining Enforcement and Safety Administration, and may be obtained from the U.S. Government Printing Office, Washington, D.C. 20402.

13. It is proposed to add a definition of "Fire-retardant wood" as follows:

"Fire-retardant wood" means wood meeting the requirements for a Class A Fire-Retardant Pressure-Impregnated wood as specified in NFPA No. 703, Standard for Fire-Retardant Treatments of Building Materials, Chapter I, in Volume 11 of the National Fire Code, 1975, pages 703–3 and 703–4, except that the second sentence in paragraph 141 shall read as follows: "The rating shall be certified by a nationally recognized testing laboratory and each piece of wood shall be so identified." Chapter 1 as revised herein is hereby incorporated by reference and made a part hereof. NFPA No. 703 is available for public inspection at each Metal and Nonmetal Mine Health and Safety Subdistrict Office of the Mining Enforcement and Safety Administration, and may be obtained from the National Fire Protection Association International, 470 Atlantic Avenue, Boston, MA 02210.

14. It is proposed to add a new definition of "Inhabited building" as follows:

"Inhabited building" means a building regularly occupied in whole or in part as a habitation for human beings, or any church, schoolhouse, railroad station, store, or other structure where persons are accustomed to assemble. An inhabited building also shall include any office, shop, mill, wash and changehouse, and any stationary equipment, structure, or facility used in the mine operations including ventilation fans, fan housings, mine openings, dams, and electrical transformer or substation installations.

15. It is proposed to add a definition of "Magazine" as follows:

"Magazine" means a facility that is suitable for the storage of explosives, blasting agents, or detonators.

16. It is proposed to add a definition of "Nonelectric delay blasting cap" as follows:

"Nonelectric delay blasting cap" (MNMSAC) means a detonator with an integral delay element and capable of being initiated by miniaturized detonating cord.

17. It is proposed to add a definition of "Portable fire extinguisher" as follows:

"Portable fire extinguisher":

(a) When used underground means a multipurpose dry-chemical extinguisher approved by the Underwriter's Laboratories, Inc., or Factory Mutual Research Corp., and having a minimum rating of 2A 10BC by the National Fire Protection Association.

(b) When used on the surface means an extinguisher approved by the National Fire Protection Association.

18. It is proposed to revise the definition of "Primer or Booster" as follows:

"Primer" means a unit, package, or cartridge of explosives containing a detonator or detonating cord which is used to transmit detonation to other explosives or blasting agents.

19. It is proposed to revise the definition of "Safety fuse" as follows:

"Safety fuse" means a flexible cord containing an internal burning medium by which fire is conveyed at a continuous and uniform rate for the purpose of firing blasting caps or a black powder charge.

20. It is proposed to add a definition of "Table of Recommended Separation Distances of Ammonium Nitrate and Blasting Agents from Explosives or Blasting Agents" as follows:

"Table of Recommended Separation Distances of Ammonium Nitrate and Blasting Agents from Explosives or Blasting Agents" (MNMSAC) means the Table of Recommended Separation Distances of Ammonium Nitrate and Blasting Agents from Explosives or Blasting Agents as revised and approved by the National Fire Protection Association and published in the Code for the Manufacture, Transportation, Storage, and Use of Explosive Materials 1973, NFPA No. 495, pages 63 and 64, which is hereby incorporated by reference and made a part hereof. NFPA No. 495 may be examined at any Metal and Nonmetal Mine Health and Safety Subdistrict Office of the Mining Enforcement and Safety Administration and may be obtained from the National Fire Protection Association, 470 Atlantic Avenue, Boston, MA 02210.

21. It is proposed to add a definition of "Water gel" or "Slurry" (as applied to blasting) with a cross reference as follows:

"Slurry" (as applied to blasting). See "Water gel."

"Water gel" or "Slurry" (as applied to blasting) means an explosive or blasting agent containing substantial portions of water and other ingredients.

B. Section 55.4 *Fire Prevention and Control*, is proposed to be amended as follows:

22. It is proposed to revise advisory standard 55.4–24 and make it mandatory as follows:

55.4–24 *Mandatory.* MNMSAC. Fire extinguishers and fire suppression devices shall be:

(a) Of the appropriate type for the particular fire hazard involved.

(b) Adequate in number and size for the particular fire hazard involved.

(c) Replaced with a fully charged extinguisher or device, or recharged immediately, after any discharge is made from the extinguisher or device.

(d) Inspected, tested, and maintained at regular intervals according to the manufacturer's recommendations.

(e) Approved by the Underwriter's Laboratories, Inc., or other competent testing agency acceptable to the Mining Enforcement and Safety Administration.

23. It is proposed to renumber advisory standard 55.4–27 to 55.4–39.

24. It is proposed to add a new mandatory standard 55.4–28 as follows:

55.4–28 *Mandatory.* MNMSAC. Welding, cutting, arc welding or soldering shall be performed by a competent person.

25. It is proposed to add a new mandatory standard 55.4–35 as follows:

55.4–35 *Mandatory.* MNMSAC. Before any heat is applied to pipelines or containers which have contained flammable or combustible substances, they shall be drained, ventilated, thoroughly cleaned of residual substances and filled with either an inert gas or, where compatible, filed with water.

26. It is proposed to add a new mandatory standard 55.4–36 as follows:

55.4–36 *Mandatory.* Where welding or cutting with an arc or open flame or soldering with an open flame in an active working containing combustible or flammable materials, 2 portable fire extinguishers and a second person shall be present. Where welding or cutting with an arc or open flame or soldering with an open flame in other areas, 1 portable fire extinguisher shall be present.

27. It is proposed to renumber advisory standard 55.4–12 as follows:

55.4–49 MNMSAC. Combustible materials, grease, lubricants, or flammable liquids should not be allowed to accumulate where they can create a fire hazard.

C. Section 55.5 *Air quality and physical agents* is proposed to be amended as follows:

28. It is proposed to add a new center heading entitled "Air Quality" immediately below the section heading entitled "§ 55.5 Air quality and physical agents."

29. It is proposed to add a new center heading entitled "Physical Agents," preceding standard 55.5–50.

D. Section 55.6 *Explosives* is proposed to be amended as follows:

30. It is proposed to add a new center heading entitled "Miscellaneous" and reserve numbers 55.6–251 through 55.6–300, and to renumber and revise mandatory standard 55.6–6 as follows:

55.6–250 *Mandatory.* Smoking, matches, lighters, and open flames shall not be permitted within 50 feet of explosives, detonators, or blasting agents, except for the use of suitable devices for igniting safety fuse.

31. It is proposed to revoke mandatory standards 55.6–52 and 55.6–95.

32. It is proposed to revoke advisory standards 55.6–9 and 55.6–10, and to revise advisory standard 55.6–7 and make it mandatory as follows:

55.6–7 *Mandatory.* Explosives, detonators, and related materials such as safety fuse and detonating cord shall be:

(a) Stored in a manner to facilitate use of oldest stocks first.

(b) Stored according to brand and grade.

(c) Stored with their top sides up.

(d) Stacked not more than six (6) feet high.

33. It is proposed to add a new mandatory standard 55.6–11 as follows:

55.6–11 *Mandatory.* Containers of explosives and detonators shall be securely closed while being stored.

34. It is proposed to revoke advisory standard 55.6–55, and to revise advisory standard 55.6–48 and make it mandatory as follows:

55.6–48 *Mandatory.* Explosives and blasting agents shall be transported without undue delay, and over routes and at times that expose a minimum number of persons.

35. It is proposed to revoke advisory standard 55.6–49 MNMSAC.

36. It is proposed to revise mandatory standard 55.6–92 as follows:

55.6–92 *Mandatory.* Damaged or deteriorated explosives and blasting agents shall be destroyed in a safe manner under the supervision or instructions of the explosives manufacturer.

37. It is proposed to revised mandatory standard 55.6–97 as follows:

55.6–97 *Mandatory.* Primers shall be made up only at the time of charging and as close to the blasting area as conditions allow.

38. It is proposed to revise advisory standard 55.6–98 and make it mandatory as follows:

55.6–98 *Mandatory.* Primers:

(a) Containing a detonator shall be prepared with the detonator contained securely and completely within the explosive charge.

(b) Using detonating cord shall be prepared with the detonating cord threaded through, attached securely to, or otherwise in intimate contact with, the explosive charge.

39. It is proposed to revise mandatory standard 55.6–100 as follows:

55.6–100 *Mandatory.* MNMSAC. Tamping poles shall be of wood or other material acceptable to the Mining Enforcement and Safety Administration. Couplers of tamping poles shall be of nonsparking materials.

40. It is proposed to revise mandatory standard 55.6–101 as follows:

55.6–101 *Mandatory.* Tamping shall not be done directly on a primer.

41. It is proposed to revise advisory standard 55.6–106 and make it mandatory as follows:

55.6–106 *Mandatory.* Faces and muck piles shall be examined by a competent person for undetonated explosives or blasting agents after each blast. Any undetonated explosives or blasting agents found shall be disposed of before any other work is done in the immediate vicinity of such explosives.

42. It is proposed to revoke advisory standard 55.6–167 and to revise advisory standard 55.6–109 and make it mandatory as follows:

55.6–109 *Mandatory.* Safety fuse, igniter cord, and detonating cord shall not be used if they have been kinked, bent sharply, or otherwise damaged.

43. It is proposed to revise advisory standard 55.6–118 and make it mandatory as follows:

55.6–118 *Mandatory.* When using safety fuse, timing shall be such that all fuses are burning within the holes before any hole fires.

44. It is proposed to revise advisory standard 55.6–121 and make it mandatory as follows:

55.6–121 *Mandatory.* When blasting electrically, a blasting galvanometer, or other instruments that are specifically designed for testing blasting circuits, shall be used to test:

(a) Electric blasting caps for continuity prior to the addition of stemming to the borehole.

(b) Electric blasting cap series for resistance.

(c) Blasting lines for circuit continuity.

(d) Blasting circuits for resistance and continuity prior to connection to the power source.

45. It is proposed to revise advisory standard 55.6–132 and make it mandatory as follows:

55.6–132 *Mandatory.* MNMSAC. Delay connectors shall be treated and handled with the same safety precautions as detonators.

46. It is proposed to revise advisory standard 55.6–136 and make it mandatory as follows:

55.6–136 *Mandatory.* MNMSAC. Black powder shall not be used for blasting except when a desired result cannot be obtained with another type of explosive such as in quarrying certain types of dimension stone.

47. It is proposed to renumber mandatory standard 55.6–166 as follows:

55.6–115 *Mandatory.* MNMSAC. All detonating cord knots shall be tight and all connections shall be kept at right angles to the trunklines.

48. It is proposed to remember and revise advisory standard 55.6–169 and make it mandatory as follows:

55.6–138 *Mandatory.* Explosives or blasting agents shall not be loaded into drilled or sprung holes that will result in premature detonation from heat.

49. It is proposed to add a new mandatory standard 55.6–139 as follows:

55.6–139 *Mandatory.* Blasting areas shall not be reentered after firing until dangerous concentrations of smoke, dust, and fumes have been reduced to safe limits.

50. It is proposed to add new mandatory standard 55.6–140 as follows:

55.6–140 *Mandatory.* Electric blasting caps and blasting circuits shall be isolated from sources of static electricity and stray current, and from any extraneous electrical contact.

51. It is proposed to renumber and revise mandatory standard 55.6–170 as follows:

55.6–126 *Mandatory.* Electrical circuits shall be deenergized within 50 feet of boreholes containing electrical detonators and the power circuits shall not be reenergized until the shots are fired. Stray current tests shall be conducted, and the maximum stray current that shall be tolerated is 0.05 amperes.

52. It is proposed to add a new mandatory standard 55.6–93 as follows:

55.6–93 *Mandatory.* MNMSAC. Blast holes shall be cleaned before charging is begun.

E. Section 55.9 *Loading, hauling, dumping* is proposed to be amended as follows:

53. It is proposed to revise advisory standard 55.9–1 and make it mandatory as follows:

55.9–1 *Mandatory.* Mobile equipment that is to be used during a shift shall be inspected by the equipment operator before being placed in operation. Equipment defects affecting safety shall be reported to, and recorded by, the mine operator. The records shall be maintained at the mine or nearest mine office for at least 2 years from the date the defects are recorded. Such records shall be made available for inspection by the Secretary of the Interior or his duly authorized representative.

54. It is proposed to revise mandatory standard 55.9–9 as follows:

55.9–9 *Mandatory.* MNMSAC. Operators shall sound warning before starting trains and when trains approach crossings, other trains on adjacent tracks, persons, and any place where vision is obscured.

55. It is proposed to revise advisory standard 55.9–17 and make it mandatory as follows:

55.9–17 *Mandatory.* MNMSAC. Equipment operating speeds shall be consistent with conditions of roadways, grades, clearance, visibility, traffic, and the type of equipment used.

56. It is proposed to revise advisory standard 55.9–19 and make it mandatory as follows:

55.9–19 *Mandatory.* MNMSAC. Track guardrails, lead rails, and frogs shall be protected or blocked so as to prevent a person's foot from becoming wedged.

57. It is proposed to revoke advisory standard 55.9–21, MNMSAC.

58. It is proposed to add a new mandatory standard 55.9–26 as follows:

55.9–26 *Mandatory.* MNMSAC. A quick-close type air valve shall be provided on each piece of pneumatic-powered loading, hauling, and dumping equipment. The valve shall be closed except when the equipment is being operated.

59. It is proposed to revise advisory standard 55.9–34 and make it mandatory as follows:

55.9–34 *Mandatory.* Haulage equipment shall not be loaded in excess of bulk or rated weight capacity.

60. It is proposed to revise mandatory standard 55.9–37 as follows:

55.9–37 *Mandatory.* MNMSAC. Mobile equipment shall not be left unattended unless the brakes are set. Mobile equipment with wheels or tracks, when parked on a grade, shall be either blocked or turned into a bank or rib; and the bucket or blade lowered to the ground to prevent movement.

61. It is proposed to revoke mandatory standards 55.9–33 and 55.9–43, and to revise mandatory standard 55.9–40 as follows:

55.9–40 *Mandatory.* MNMSAC. Men shall not be transported:

(a) In or on dippers, forks, clamshells, beds of trucks unless special provisions are made for their safety, or buckets except shaft buckets.

(b) On top of loaded haulage equipment.

(c) Outside the cabs and beds of mobile equipment, except trains.

(d) Between cars of trains.

(e) In conveyances equipped with unloading devices unless means are provided to prevent accidental starting of the unloading mechanism.

62. It is proposed to revised advisory standard 55.9–42 and make it mandatory as follows:

55.9–42 *Mandatory.* MNMSAC. Rocker-bottom or bottom-dump rail cars shall be equipped with locking devices.

63. It is proposed to revoke advisory standard 55.9–86, and to revise advisory standard 55.9–49 and make it mandatory as follows:

55.9–49 *Mandatory.* MNMSAC. When in the dark or under conditions of limited visibility, all vehicles, carrying loads which project beyond the sides or more than four feet beyond the rear of the vehicles shall display a red light at the end of the projection; or in the light, a red flag not less than 12 inches square shall be displayed at the end of the projection.

64. It is proposed to revise advisory standard 55.9–53 and make it mandatory as follows:

55.9–53 *Mandatory.* MNMSAC. Water, debris or spilled material which create hazards to moving equipment shall be removed.

65. It is proposed to revise advisory standard 55.9–55 and make it mandatory as follows:

55.9–55 *Mandatory.* MNMSAC. Where there is evidence that the ground at a dumping place may fail to support the weight of a vehicle, loads shall be dumped back from the edge of the bank.

66. It is proposed to revise mandatory standard 55.9–64 as follows:

55.9–64 *Mandatory.* Facilities and installations used for loading and unloading muck and materials shall be constructed so that persons in attendance are not required to be in a hazardous location or position.

67. It is proposed to revise advisory standard 55.9–65 and make it mandatory as follows:

55.9–65 *Mandatory.* MNMSAC. Cars shall not be coupled, or uncoupled, manually from the inside of curves unless the railroad and cars are so designed to eliminate any hazard from manual coupling.

68. It is proposed to add a new mandatory standard 55.9–66 as follows:

55.9–66 *Mandatory.* MNMSAC. When a locomotive on one track is used to move equipment on a different track, a suitable chain or drawbar shall be used.

69. It is proposed to revoke advisory standard 55.9–84 and to make advisory standard 55.9–71 mandatory as follows:

55.9–71 *Mandatory.* MNMSAC. Traffic rules including speed, signals, and warning signs shall be standardized at each mine and posted.

70. It is proposed to revise mandatory standard 55.9–85 as follows:

55.9–85 *Mandatory.* MNMSAC. Tools, materials and equipment shall not be transported with persons in vehicles, rail cars, and other conveyances unless means have been provided to make such transportation safe.

71. It is proposed to renumber and revise advisory standard 55.9–4 and make it mandatory as follows:

55.9–87. *Mandatory.* MNMSAC. Heavy duty mobile equipment shall be provided with audible warning devices. When the operator of such equipment has an obstructed view to the rear, the equipment shall have either an automatic reverse signal alarm which is audible above the surrounding noise level or an observer to signal when it is safe to back up.

F. Section 55.19 *Man hoisting* is proposed to be amended as follows:

72. It is proposed to revoke advisory standard 55.19–23, and to revise advisory standard 55.19–22 and make it mandatory as follows:

55.19–22 *Mandatory.* MNMSAC. The end of the rope at the drum shall make at least one full turn on the drum shaft, or a spoke of the drum in the case of a free drum, and shall be fastened securely by means of rope clips or clamps. There shall be three full turns of cable or rope on the hoisting drum when the cable or rope is extended to its maximum working length. This standard does not apply to friction hoists.

73. It is proposed to revise advisory standard 55.19–63 and make it mandatory as follows:

55.19–63 *Mandatory.* MNMSAC. Only authorized persons shall be in hoist rooms.

74. It is proposed to revise advisory standard 55.19–78 and make it mandatory as follows:

55.19–78 *Mandatory.* All buckets shall be stopped after being raised about 3 feet above the shaft bottom. A bucket shall be stabilized before a hoisting signal is given to continue hoisting the bucket to the crosshead. After a hoisting signal is given, hoisting to the crosshead shall be at the minimum speed. The signaling device shall be attended constantly until a bucket reaches the guides. When persons are hoisted, the signaling devices shall be attended until the crosshead has been engaged.

75. It is proposed to revise advisory standard 55.19–95 and make it mandatory as follows:

55.19–95 *Mandatory.* MNMSAC. Hoisting signal devices shall be positioned within easy reach of persons on the shaft bottom or constantly attended by a person stationed on the lower deck of the sinking platform.

76. It is proposed to revise advisory standard 55.19–103 and make it mandatory as follows:

55.19–103 *Mandatory.* MNMSAC. Dumping facilities and loading pockets shall be constructed so as to minimize spillage into the shaft.

G. Section 55.20 *Miscellaneous* is proposed to be amended as follows:

77. It is proposed to revise advisory standard 55.20–8 and make it mandatory as follows:

55.20–8 *Mandatory.* At least 1 toilet within 10 minutes accessibility shall be provided for each 10 male workers or less. At least 1 toilet within 10 minutes accessibility shall be provided for each 10 female workers or less. Toilets for male and female workers shall be separate, properly supplied, clean and sanitary. Toilets shall be chemical types, water closets, or equivalent facilities approved by the District Manager, Metal and Nonmetal Mine Health and Safety, for the district in which the mine is located. Such facilities shall be protected from the elements and serviced when full, but not less frequently than weekly. Toilet waste shall be disposed of in accordance with State and local laws and regulations.

PART 56—HEALTH AND SAFETY STANDARDS—SAND, GRAVEL, AND CRUSHED STONE OPERATIONS

H. Section 56.2 *Definitions* proposed to be amended as follows:

1. It is proposed to revise the definition of the "American Table of Distances" as follows:

"American Table of Distances" means the "American Table of Distances for Storage of Explosives", as revised and approved by the Institute of Makers of Explosives—November 5, 1971, and published in the Code for the Manufacture, Transportation, Storage, and Use of Explosive Materials 1973, NFPA No. 495, pages 59 through 62, with the exception of the definitions of the terms explosives, blasting agents, detonator, magazine and inhabited building as defined in Notes 2, 3, 4, 5, and 9 on page 61, and Note 14 on page 62, and which is hereby incorporated by reference and made a part hereof. The Code for the Manufacture, Transportation, Storage and Use of Explosive Materials NFPA No. 495—1973 may be examined in any Metal and Nonmetal Mine Health and Safety Subdistrict Office of the Mining Enforcement and Safety Administration or may be obtained from the National Fire Protection Association, 470 Atlantic Avenue, Boston, Massachusetts 02210. The terms explosives, blasting agents, detonator, magazine and inhabited building as used in

this Part are defined elsewhere in this Section 56.2.

2. It is proposed to revise the definition of "Blasting agents" as follows:

"Blasting agents" means any material or mixture, consisting of fuel and oxidizer intended for blasting and not otherwise defined as an explosive, and in which none of the ingredients is classified as an explosive either under this § 56.2, or classified as an explosive by the Department of Transportation in 49 CFR Parts 170–189, revised as of October 1, 1974, and which is made a part hereof, provided that the finished product, as mixed and packaged for use or shipment, cannot be initiated by a No. 8 test detonator, or equivalent, when unconfined. Title 49 of the Code of Federal Regulations, Parts 170–189, revised as of October 1, 1974, is available for inspection at each Metal and Nonmetal Mine Health and Safety Subdistrict Office of the Mining Enforcement and Safety Administration, and may be obtained from the U.S. Government Printing Office, Washington, D.C. 20402.

3. It is proposed to revise the definition of "Blasting cap" as follows:

"Blasting cap" means a detonator which is initiated by a safety fuse.

4. It is proposed to revise the definition of "Blasting circuit" as follows:

"Blasting circuit" means the electrical circuit used to fire one or more electric blasting caps.

5. It is proposed to add a definition of "Booster" as follows:

"Booster" means any unit of explosive or blasting agent to be used in a charged hole for the purpose of perpetuating or intensifying the initial detonation.

6. It is proposed to revise the definition of "Capped fuse" as follows:

"Capped fuse" means a length of safety fuse to which a blasting cap has been attached.

7. It is proposed to add a definition of "Charged hole" as follows:

"Charged hole" means any hole containing explosives, or blasting agents with a primer.

8. It is proposed to add a definition of "Delay connector" as follows:

"Delay connector" (MNMSAC) means a nonelectric short interval delay device for use in delaying blasts which are initiated by detonating cord.

9. It is proposed to revise the definition of "Detonator" as follows:

"Detonator" means any device containing a detonating charge that is used to initiate detonation of an explosive and includes blasting caps, electric blasting caps, and nonelectric delay blasting caps.

10. It is proposed to revise the definition of "Detonating cord" as follows:

"Detonating cord" means a flexible cord containing a full cord of high explosives.

11. It is proposed to revise the definition of "Electric blasting cap" as follows:

"Electric blasting cap" means a detonator designed for and capable of being initiated by means of an electric current.

12. It is proposed to revise the definition of "Explosive" as follows:

"Explosive" means either any chemical compound, mixture, or device, the primary or common purpose of which is to function by explosion; or, any compound, mixture, or device that is classified as an explosive by the Department of Transportation, in 49 CFR Parts 170–189, revised as of October 1, 1974, and which is made a part hereof. Explosive shall not include any material or mixture that is defined as a blasting agent under this § 56.2. Title 49 of the Code of Federal Regulations, Parts 170–189, revised as of October 1, 1974, is available for inspection at each Metal and Nonmetal Mine Health and Safety Subdistrict Office of the Mining Enforcement and Safety Administration, and may be obtained from the U.S. Government Printing Office, Washington, D.C. 20402.

13. It is proposed to add a definition of "Fire-retardant wood" as follows:

"Fire-retardant wood" means wood meeting the requirements for a Class A Fire-Retardant Pressure-Impregnated wood as specified in NFPA No. 703, Standard for Fire-Retardant Treatments of Building Materials, Chapter 1, in Volume 11 of the National Fire Code, 1975, pages 703–3 and 703–4, except that the second sentence in paragraph 141 shall read as follows: "The rating shall be certified by a nationally recognized testing laboratory and each piece of wood shall be so identified." Chapter 1 as revised herein is hereby incorporated by reference and made a part hereof. NFPA No. 703 is available for public inspection at each Metal and Nonmetal Mine Health and Safety Subdistrict Office of the Mining Enforcement and Safety Administration, and may be obtained from the National Fire Protection Association International, 470 Atlantic Avenue, Boston, MA 02210.

14. It is proposed to add a new definition of "Inhabited building" as follows:

"Inhabited building" means a building regularly occupied in whole or in part as a habitation for human beings, or any church, schoolhouse, railroad station, store, or other structure where persons are accustomed to assemble. An inhabited building also shall include any office, shop, mill, wash and changehouse, and any stationary equipment, structure, or facility used in the mine operation including ventilation fans, fan housings, mine openings, dams, and electrical transformer or substation installations.

15. It is proposed to add a definition of "Magazine" as follows:

"Magazine" means a facility that is suitable for the storage of explosives, blasting agents, or detonators.

16. It is proposed to add a definition of "Nonelectric delay blasting cap" as follows:

"Nonelectric delay blasting cap" (MNMSAC) means a detonator with an integral delay element and capable of being initiated by miniaturized detonating cord.

17. It is proposed to add a definition of "Portable fire extinguisher" as follows:

"Portable fire extinguisher":

(a) When used underground means a multipurpose dry-chemical extinguisher approved by the Underwriters Laboratories, Inc., or Factory Mutual Research Corp., and having a minimum rating of 2A 10BC by the National Fire Protection Association.

(b) When used on the surface means an extinguisher approved by the National Fire Protection Association.

18. It is proposed to revise the definition of "Primer or Booster" as follows:

"Primer" means a unit, package, or cartridge of explosives containing a detonator or detonating cord which is used to transmit detonation to other explosives or blasting agents.

19. It is proposed to revise the definition of "Safety fuse" as follows:

"Safety fuse" means a flexible cord containing an internal burning medium by which fire is conveyed at a continuous and uniform rate for the purpose of firing blasting caps or a black powder charge.

20. It is proposed to add a definition of "Table of Recommended Separation Distances of Ammonium Nitrate and Blasting Agents from Explosives or Blasting Agents" as follows:

"Table of Recommended Separation Distances of Ammonium Nitrate and Blasting Agents from Explosives or Blasting Agents" (MNMSAC) means the Table of Recommended Separation Distances of Ammonium Nitrate and Blasting Agents from Explosives or Blasting Agents as revised and approved by the National Fire Protection Association and published in the Code for the Manufacture, Transportation, Storage, and Use of Explosive materials 1973, NFPA No. 495, pages 63 and 64, which is hereby incorporated by reference and made a part hereof. NFPA No. 495 may be examined at any Metal and Nonmetal Mine Health and Safety Subdistrict Office of the Mining Enforcement and Safety Administration and may be obtained from the National Fire Protection Association, 470 Atlantic Avenue, Boston, MA 02210.

21. It is proposed to add a definition of "Water gel" or "Slurry" (as applied to blasting) with a cross reference as follows:

"Slurry" (as applied to blasting). See "Water gel."

"Water gel" or "Slurry" (as applied to blasting) means an explosive or blasting agent containing substantial portions of water and other ingredients.

I. Section 56.4. *Fire Prevention and Control* is proposed to be amended as follows:

22. It is proposed to revise advisory standard 56.4–24 and make it mandatory as follows:

56.4–24 *Mandatory.* MNMSAC. Fire extinguishers and fire suppression devices shall be:

(a) Of the appropriate type for the particular fire hazard involved.

(b) Adequate in number and size for the particular fire hazard involved.

(c) Replaced with a fully charged extinguisher or device, or recharged immediately, after any discharge is made from the extinguisher or device.

(d) Inspected, tested, and maintained at regular intervals according to the manufacturer's recommendations.

(e) Approved by the Underwriter's Laboratories, Inc., or other competent testing agency acceptable to the Mining Enforcement and Safety Administration.

23. It is proposed to renumber advisory standard 56.4–27 to 56.4–39.

24. It is proposed to add a new mandatory standard 56.4–28 as follows:

56.4–28 *Mandatory.* MNMSAC. Welding, cutting, arc welding or soldering shall be performed by a competent person.

25. It is proposed to add a new mandatory standard 56.4–35 as follows:

56.4–35 *Mandatory.* MNMSAC. Before any heat is applied to pipelines or containers which have contained flammable or combustible substances, they shall be drained, ventilated, thoroughly cleaned of residual substances and filled with either an inert gas or, where compatible, filled with water.

26. It is proposed to add a new mandatory standard 56.4–36 as follows:

56.4–36 *Mandatory.* Where welding or cutting with an arc or open flame or soldering with an open flame in an active working containing combustible or flammable materials, 2 portable fire extinguishers and a second person shall be present. Where welding or cutting with an arc or open flame or soldering with an open flame in other areas, 1 portable fire extinguisher shall be present.

27. It is proposed to renumber advisory standard 56.4–12 as follows:

56.4–49 MNMSAC. Combustible materials, grease, lubricants, or flammable liquids should not be allowed to accumulate where they can create a fire hazard.

J. Section 56.5 *Air quality and physical agents* is proposed to be amended as follows:

28. It is proposed to add a new center heading entitled "Air Quality" immediately below the section heading entitled "§ 56.5 Air quality and physical agents."

29. It is proposed to add a new center heading entitled "Physical Agents," preceding standard 56.5–50.

K. Section 56.6 *Explosives* is proposed to be amended as follows:

30. It is proposed to add a new center heading entitled "Miscellaneous" and reserve numbers 56.6–251 through 56.6–300, and to renumber and revise mandatory standards 56.6–52 and 56.6X95.

56.6–250 *Mandatory.* Smoking, matches, lighters, and open flames shall not be permitted within 50 feet of explosives, detonators, or blasting agents, except for the use of suitable devices for igniting safety fuse.

31. It is proposed to revoke mandatory standards 56.6–52 and 56.6–95.

32. It is proposed to revoke advisory standards 56.6–9 and 56.6–10, and to revise advisory standard 56.6–7 and make it mandatory as follows:

56.6–7 *Mandatory.* Explosives, detonators, and related materials such as safety fuse and detonating cord shall be:

(a) Stored in a manner to facilitate use of oldest stocks first.

(b) Stored according to brand and grade.

(c) Stored with their top sides up.

(d) Stacked not more than six (6) feet high.

33. It is proposed to add a new mandatory standard 56.6–11 as follows:

56.6–11 *Mandatory.* Containers of explosives and detonators shall be securely closed while being stored.

34. It is proposed to revoke advisory standard 56.6–55, and to revise advisory standard 56.6–48 and make it mandatory as follows:

56.6–48 *Mandatory.* Explosives and blasting agents shall be transported without undue delay, and over routes and at times that expose a minimum number of persons.

35. It is proposed to revoke advisory standard 56.6–49. MNMSAC.

36. It is proposed to revise mandatory standard 56.6–92 as follows:

56.6–92 *Mandatory.* Damaged or deteriorated explosives and blasting agents shall be destroyed in a safe manner under the supervision or instructions of the explosives manufacturer.

37. It is proposed to revise mandatory standard 56.6–97 as follows:

56.6–97 *Mandatory.* Primers shall be made up only at the time of charging and as close to the blasting area as conditions allow.

38. It is proposed to revise advisory standard 56.6–98 and make it mandatory as follows:

56.6–98 *Mandatory.* Primers:

(a) containing a detonator shall be prepared with the detonator contained securely and completely within the explosive charge.

(b) Using detonating cord shall be prepared with the detonating cord threaded through, attached securely to, or otherwise in intimate contact with, the explosive charge.

39. It is proposed to revise mandatory standard 56.6–100 as follows:

56.6–100 *Mandatory.* MNMSAC. Tamping poles shall be of wood or other material acceptable to the Mining Enforcement and Safety Administration. Couplers of tamping poles shall be of nonsparking materials.

40. It is proposed to revise mandatory standard 56.6–101 as follows:

56.6–101 *Mandatory.* Tamping shall not be done directly on a primer.

41. It is proposed to revise advisory standard 56.6–106 and make it mandatory as follows:

56.6–106 *Mandatory.* Faces and muck piles shall be examined by a competent person for undetonated explosives or blasting agents after each blast. Any undetonated explosives or blasting agents found shall be disposed of before any other work is done in the immediate vicinity of such explosives.

42. It is proposed to revoke advisory standard 56.6–167 and to revise advisory standard 56.6–109 and make it mandatory as follows:

56.6–109 *Mandatory.* Safety fuse, igniter cord, and detonating cord shall not be used if they have been kinked, bent sharply, or otherwise damaged.

43. It is proposed to revise advisory standard 56.6–118 and make it mandatory as follows:

56.6–118 *Mandatory.* When using safety fuse, timing shall be such that all fuses are burning within the holes before any hole fires.

44. It is proposed to revise advisory standard 56.6–121 and make it mandatory as follows:

56.6–121 *Mandatory.* When blasting electrically a blasting galvanometer, or other instruments that are specifically designed for testing blasting circuits, shall be used to test:

(a) Electric blasting caps for continuity prior to the addition of stemming to the borehole.

(b) Electic blasting cap series for resistance.

(c) Blasting lines for circuit continuity.

(d) Blasting circiuts for resistance and continuity prior to connection to the power source.

45. It is proposed to revise advisory standard 56.6–132 and make it mandatory as follows:

56.6–132 *Mandatory.* MNMSAC. Delay connectors shall be treated and handled with the same safety precautions as detonators.

46. It is proposed to revise advisory standard 56.6–136 and make it mandatory as follows:

56.6–136 *Mandatory.* MNMSAC. Black powder shall not be used for blasting except when a desired result cannot be obtained with another type of explosive such as in quarrying certain types of dimension stone.

47. It is proposed to renumber mandatory standard 56.6–166 as follows:

56.6–115 *Mandatory.* MNMSAC. All detonating cord knots shall be tight and all connections shall be kept at right angles to the trunklines.

48. It is proposed to renumber and revise advisory standard 56.6–169 and make it mandatory as follows:

56.6–138 *Mandatory.* Explosives or blasting agents shall not be oladed into drilled or sprung holes that will result in premature detonation from heat.

49. It is proposed to add a new mandatory standard 56.6–139 as follows:

56.6–139 *Mandatory.* Blasting areas shall not be reentered after firing until dangerous concentrations of smoke, dust, and fumes have been reduced to safe limits.

50. It is proposed to add a new mandatory standard 56.6–140 as follows:

56.6–140 *Mandatory.* Electrical blasting caps and blasting circuits shall be isolated from sources of static electricity and stray currents, and from any extraneous electrical contact.

51. It is proposed to renumber and revise mandatory standard 56.6–170 as follows:

56.6–126 *Mandatory.* Electrical circuits shall be deenergized within 50 feet of boreholes containing electrical detonators and the power circuits shall not be reenergized until the shots are fired. Stray current tests shall be conducted, and the maximum stray current that shall be tolerated is 0.05 amperes.

52. It is proposed to add a new mandatory standard 56.6–93 as follows:

56.6–93 *Mandatory.* MNMSAC. Blast holes shall be cleaned before charging is begun.

L. Section 56.9 *Loading, hauling, dumping* is amended as follows: *dumping* is proposed to be amended as follows:

53. It is proposed to revise advisory standard 56.9–1 and make it mandatory as follows:

56.9–1 *Mandatory.* Mobile equipment that is to be used during a shift shall be inspected by the equipment operator before being placed in operation. Equipment defects affecting safety shall be reported to, and recorded by, the mine operator. The records shall be maintained at the mine or nearest mine office for at least 2 years from the date the defects are recorded. Such records shall be made available for inspection by the Secretary of the Interior or his duly authorized representative.

54. It is proposed to revise mandatory standard 56.9–9 as follows:

56.9–9 *Mandatory.* MNMSAC. Operators shall sound warning before starting trains and when trains approach crossings, other trains on adjacent tracks, persons, and any place where vision is obscured.

55. It is proposed to revise advisory standard 56.9–17 and make it mandatory as follows:

56.9–17 *Mandatory.* MNMSAC. Equipment operating speeds shall be consistent with conditions of roadways, grades, clearance, visibility, traffic, and the type of equipment used.

56. It is proposed to revise advisory standard 56.9–19 and make it mandatory as follows:

56.9–19 *Mandatory.* MNMSAC. Track guardrails, lead rails, and frogs shall be protected or blocked so as to prevent a person's foot from becoming wedged.

57. It is proposed to revoke advisory standard 56.9–21. MNMSAC.

58. It is proposed to add a new mandatory standard 56.9–26 as follows:

56.9–26 *Mandatory.* MNMSAC. A quick-close type air valve shall be provided on each piece of pneumatic-powered loading, hauling, and dumping equipment. The valve shall be closed except when the equipment is being operated.

59. It is proposed to revise advisory standard 56.9–34 and make it mandatory as follows:

56.9–34 *Mandatory.* Haulage equipment shall not be loaded in excess of bulk or rated weight capacity.

60. It is proposed to revise mandatory standard 56.9–37 as follows:

56.9–37 *Mandatory.* MNMSAC. Mobile equipment shall not be left unattended unless the brakes are set. Mobile equipment with wheels or tracks, when parked on a grade, shall be either blocked or turned into a bank or rib; and the bucket or blade lowered to the ground to prevent movement.

61. It is proposed to revoke mandatory standards 56.9–33 and 56.9–43, and to revise mandatory standard 56.9–40 as follows:

56.9–40 *Mandatory.* MNMSAC. Men shall not be transported:

(a) In or on dippers, forks, clamshells, beds of trucks unless special provisions are made for their safety, or buckets except shaft buckets.

(b) On top of loaded haulage equipment.

(c) Outside the cabs and beds of mobile equipment, except trains.

(d) Between cars of trains.

(e) In conveyances equipped with unloading devices unless means are provided to prevent accidental starting of the unloading mechanism.

62. It is proposed to revise advisory standard 56.9–42 and make it mandatory as follows:

56.9–42 *Mandatory.* MNMSAC. Rocker-bottom or bottom-dump rail cars shall be equipped with locking devices.

63. It is proposed to revoke advisory standard 56.9–86, and to revise advisory standard 56.9–49 and make it mandatory as follows:

56.9–49 *Mandatory. MNMSAC.* When in the dark or under conditions of limited visibility, all vehicles carrying loads which project beyond the sides or more than four feet beyond the rear of the vehicles shall display a red light at the end of the projection; or in the light, a red flag not less than 12 inches square shall be displayed at the end of the projection.

64. It is proposed to revise advisory standard 56.9–53 and make it mandatory as follows:

56.9–53 *Mandatory.* MNMSAC. Water, debris or spilled material which create hazards to moving equipment shall be removed.

65. It is proposed to revise advisory standard 56.9–55 and make it mandatory as follows:

56.9–55 *Mandatory.* MNMSAC. Where there is evidence that the ground at a dumping place may fail to support the weight of a vehicle, loads shall be dumped back from the edge of the bank.

66. It is proposed to revised mandatory standard 56.9–64 as follows:

56.9–64 *Mandatory.* Facilities and installations used for loading and unloading muck and materials shall be constructed so that persons in attendance are not required to be in a hazardous location or position.

67. It is proposed to revise advisory standard 56.9–65 and make it mandatory as follows:

56.9–65 *Mandatory.* MNMSAC. Cars shall not be coupled, or uncoupled, manually from the inside of curves unless the railroad and cars are so designed to eliminate any hazard from manual coupling.

68. It is proposed to add a new mandatory standard 56.9–66 as follows:

56.9–66 *Mandatory.* MNMSAC. When a locomotive on one track is used to move equipment on a different track, a suitable chain or drawbar shall be used.

69. It is proposed to revoke advisory standard 56.9–84 and to make advisory standard 56.9–71 mandatory as follows:

56.9–71 *Mandatory.* MNMSAC. Traffic rules including speed, signals, and warning signs shall be standardized at each mine and posted.

70. It is proposed to revise mandatory standard 56.9–85 as follows:

56.9–85 *Mandatory.* MNMSAC. Tools, materials and equipment shall not be transported with persons in vehicles, rail cars, and other conveyances unless means have been provided to make such transportation safe.

71. It is proposed to renumber and revise advisory standard 56.9–4 and make it mandatory as follows:

56.9–87 *Mandatory.* MNMSAC. Heavy duty mobile equipment shall be provided with audible warning devices. When the operator of such equipment has an obstructed view to the rear, the equipment shall have either an automatic reverse signal alarm which is audible above the surrounding noise level or an observer to signal when it is safe to back up.

M. Section 56.19 *Man hoisting* is proposed to be amended as follows:

72. It is proposed to revoke advisory standard 56.19–23, and to revise advisory standard 56.19–22 and make it mandatory as follows:

56.19–22 *Mandatory.* MNMSAC. The end of the rope at the drum shall make at least one full turn on the drum shaft, or a spoke of the drum in the case of a free drum, and shall be fastened securely by means of rope clips or clamps. There shall be three full turns of cable or rope on the hoisting drum when the cable or rope is extended to its maximum working length. This standard does not apply to friction hoists.

73. It is proposed to revise advisory standard 56.19–63 and make it mandatory as follows:

56.19–63 *Mandatory.* MNMSAC. Only authorized persons shall be in hoist rooms.

74. It is proposed to revise advisory standard 56.19–78 and make it mandatory as follows:

56.19–78 *Mandatory.* All buckets shall be stopped after being raised about 3 feet above the shaft bottom. A bucket shall be stabilized before a hoisting signal is given to continue hoisting the bucket to the crosshead. After a hoisting signal is given, hoisting to the crosshead shall be at the minimum speed. The signaling device shall be attended constantly until a bucket reaches the guides. When persons are hoisted, the signaling devices shall be attended until the crosshead has been engaged.

75. It is proposed to revise advisory standard 56.19–95 and make it mandatory as follows:

56.19–95 *Mandatory,* MNMSAC. Hoisting signal devices shall be positioned within easy reach of persons on the shaft bottom or constantly attended by a person stationed on the lower deck of the sinking platform.

76. It is proposed to revise advisory standard 56.19–103 and make it mandatory as follows:

56.19–103 *Mandatory.* MNMSAC. Dumping facilities and loading pockets shall be constructed so as to minimize spillage into the shaft.

N. Section 56.20 *Miscellaneous* is proposed to be amended as follows:

77. It is proposed to revise advisory standard 56.20–8 and make it mandatory as follows:

56.20–8 *Mandatory.* At least 1 toilet within 10 minutes accessibility shall be provided for each 10 male workers or less. At least 1 toilet within 10 minutes accessibility shall be provided for each 10 female workers or less. Toilets for male and female workers shall be separate, properly supplied, clean and sanitary. Toilets shall be chemical types, water closets, or equivalent facilities approved by the District Manager, Metal and Nonmetal Mine Health and Safety, for the district in which the mine is located. Such facilities shall be protected from the elements and serviced when full, but not less frequently than weekly. Toilet waste shall be disposed of in accordance with State and local laws and regulations.

PART 57—HEALTH AND SAFETY STANDARDS—METAL AND NONMETALLIC UNDERGROUND MINES

O. Section 57.2 *Definitions* is proposed to be amended as follows:

1. It is proposed to revise the definition of the "American Table of Distances" as follows:

"American Table of Distances" means the "American Table of Distances for Storage of Explosives", as revised and approved by the Institute of Makers of Explosives—November 5, 1971, and published in the Code for the Manufacture, Transportation, Storage, and Use of Explosive Materials 1973, NFPA No. 495, pages 59 through 62, with the exception of the definitions of the terms explosives, blasting agents, detonator, magazine and inhabited building as defined in Notes 2, 3, 4, 5, and 9 on page 61, and Note 14 on page 62, and which is hereby incorporated by reference and made a part hereof. The Code for the Manufacture, Transportation, Storage, and Use of Explosive Materials NFPA No. 495—1973 may be examined in any Metal and Nonmetal Mine Health and Safety Subdistrict Office of the Mining Enforcement and Safety Administration or may be obtained from the National Fire Protection Association, 470 Atlantic Avenue, Boston, MA 02210. The terms explosives, blasting agents, detonator, magazine and inhabited building as used in this Part are defined elsewhere in this § 57.2.

2. It is proposed to revise the definition of "blasting agents" as follows:

"Blasting agents" means any material or mixture consisting of fuel and oxidizer intended for blasting and not otherwise defined as an explosive, and in which none of the ingredients is classified as an explosive either under this Section 57.2, or classified as an explosive by the Department of Transportation in 49 CFR Parts 170–189, revised as of October 1, 1974, and which is made a part hereof, provided that the finished product, as mixed and packaged for use or shipment, cannot be initiated by a No. 8 test detonator, or equivalent, when unconfined. Title 49 of the Code of Federal Regulations, Parts 170–189, revised as of October 1, 1974, is available for inspection at each Metal and Nonmetal Mine Health and Safety Subdistrict Office of the Mining Enforcement and Safety Administration, and may be obtained from the U.S. Government Printing Office, Washington, D.C. 20402.

3. It is proposed to revise the definition of "Blasting cap" as follows:

"Blasting cap" means a detonator which is initiated by a safety fuse.

4. It is proposed to revise the definition of "Blasting circuit" as follows:

"Blasting circuit" means the electrical circuit used to fire one or more electric blasting caps.

5. It is proposed to add a definition of "Booster" as follows:

"Booster" means any unit of explosive or blasting agent to be used in a charged hole for the purpose of perpetuating or intensifying the initial detonation.

6. It is proposed to revise the definition of "Capped fuse" as follows:

"Capped fuse" means a length of safety fuse to which a blasting cap has been attached.

7. It is proposed to add a definition of "Charged hole" as follows:

"Charged hole" means any hole containing explosives, or blasting agents with a primer.

8. It is proposed to add a definition of "Delay connector" as follows:

"Delay connector" (MNMSAC) means a nonelectric short interval delay device for use in delaying blasts which are initiated by detonating cord.

9. It is proposed to revise the definition of "Detonator" as follows:

"Detonator" means any device containing a detonating charge that is used to initiate detonation of an explosive and includes blasting caps, electric blasting caps, and nonelectric delay blasting caps.

10. It is proposed to revise the definition of "Detonating cord" as follows:

"Detonating cord" means a flexible cord containing a full core of high explosives.

11. It is proposed to revise the definition of "Electric blasting caps" as follows:

"Electric blasting cap" means a detonator designed for and capable of being initiated by means of an electric current.

12. It is proposed to revise the definition of "Explosive" as follows:

"Explosive" means either any chemical compound, mixture, or device, the primary or common purpose of which is to function by explosion; or, any compound, mixture, or device that is classified as an explosive by the Department of Transportation in 49 CFR Parts 170–189, revised as of October 1, 1974, and which is made a part hereof. Explosive shall not include any material or mixture that is defined as a blasting agent under this Section 57.2. Title 49 of the Code of Federal Regulations, Parts 170–189, revised as of October 1, 1974, is available for inspection at each Metal and Nonmetal Mine Health and Safety Subdistrict Office of the Mining Enforcement and Safety Administration, and may be obtained from the U.S. Government Printing Office, Washington, D.C. 20402.

13. It is proposed to add a definition of "Fire-retardant wood" as follows:

"Fire-retardant wood" means wood meeting the requirements for a Class A Fire-Retardant Pressure-Impregnated wood as specified in NFPA No. 703, Standard for Fire-Retardant Treatments of Building Materials, Chapter 1, in Volume 11 of the National Fire Code, 1975, pages 703–3 and 703–4, except that the second sentence in paragraph 141 shall read as follows: "The rating shall be certified by a nationally recognized testing laboratory and each piece of wood shall be so identified." Chapter 1 as revised herein is made a part hereof. NFPA No. 703 is available for public inspection at each Metal and Nonmetal Mine Health and Safety Subdistrict Office of the Mining Enforcement and Safety Administration, and may be obtained from the National Fire Protection Association International, 470 Atlantic Avenue, Boston, MA 02210.

14. It is proposed to add a new definition of "Inhabited building" as follows:

"Inhabited building" means a building regularly occupied in whole or in part as a habitation for human beings, or any church, schoolhouse, railroad station, store, or other structure where persons are accustomed to assemble. An inhabited building also shall include any office, shop, mill, wash and changehouse, and any stationary equipment, structure, or facility used in the mine operation including ventilation fans, fan housings, mine openings, dams, and electrical transformer or substation installations.

15. It is proposed to add a definition of "Magazine" as follows:

"Magazine" means a facility that is suitable for the storage of explosives, blasting agents, or detonators.

16. It is proposed to add a definition of "Nonelectric delay blasting cap" as follows:

"Nonelectric delay blasting cap" (MNMSAC) means a detonator with an integral delay element and capable of being initiated by miniaturized detonating cord.

17. It is proposed to add a definition of "Portable fire extinguisher" as follows:

"Portable fire extinguisher":

(a) When used underground means a multipurpose dry-chemical extinguisher approved by the Underwriter's Laboratories, Inc., or Factory Mutual Research Corp., and having a minimum rating of 2A 10BC by the National Fire Protection Association.

(b) When used on the surface means an extinguisher approved by the National Fire Protection Association.

18. It is proposed to revise the definition of "Primer or Booster" as follows:

"Primer" means a unit, package, or cartridge of explosives containing a detonator or detonating cord which is used to transmit detonation to other explosives or blasting agents.

19. It is proposed to revise the definition of "Safety fuse" as follows:

"Safety fuse" means a flexible cord containing an internal burning medium by which fire is conveyed at a continuous and uniform rate for the purpose of firing blasting caps or a black powder charge.

20. It is proposed to add a definition of "Table of Recommended Separation Distances of Ammonium Nitrate and Blasting Agents from Explosives or Blasting Agents" as follows:

"Table of Recommended Separation Distances of Ammonium Nitrate and Blasting Agents from Explosives or Blasting Agents" (MNMSAC) means the Table of Recommended Separation Distances of Ammonium Nitrate and Blasting Agents from Explosives or Blasting Agents as revised and approved by the National Fire Protection Association and published in the Code for the Manufacture, Transportation, Storage, and Use of Explosives Materials 1973, NFPA No. 495, pages 63 and 64, which is made a part hereof. NFPA No. 495 may be examined at any Metal and Nonmetal Mine

Health and Safety Subdistrict Office of the Mining Enforcement and Safety Administration and may be obtained from the National Fire Protection Association, 470 Atlantic Avenue, Boston, MA 02210.

21. It is proposed to add a definition of "Water gel" or "Slurry" (as applied to blasting) with a cross reference as follows:

"Slurry" (as applied to blasting). See "Water gel."

"Water gel" or "Slurry" (as applied to blasting) means an expolsive or blasting agent containing substantial portions of water and other ingredients.

P. Section 57.4 *Fire Prevention and Control* is proposed to be amended as follows:

22. It is proposed to revise advisory standard 57.4–24 which is applicable to surface and underground and make it mandatory as follows:

57.4–24 *Mandatory.* MNMSAC. Fire extinguishers and fire suppression devices shall be:

(a) Of the appropriate type for the particular fire hazard involved.

(b) Adequate in number and size for the particular fire hazard involved.

(c) Replaced with a fully charged extinguisher or device, or recharged immediately, after any discharge is made from the extinguisher or device.

(d) Inspected, tested, and maintained at regular intervals according to the manufacturer's recommendations.

(e) Approved by the Underwriter's Laboratories, Inc., or other competent testing agency acceptable to the Mining Enforcement and Safety Administration.

23. It is proposed to add a new mandatory standard 57.4–28 which is applicable to surface and underground as follows:

57.4–28 *Mandatory.* MNMSAC. Welding, cutting, arc welding or soldering shall be performed by a competent person.

24. It is proposed to add a new mandatory standard 57.4–35 which is applicable to surface and underground as follows:

57.4–35 *Mandatory.* MNMSAC. Before any heat is applied to pipelines or containers which have contained flammable or combustible substances, they shall be drained, ventilated, thoroughly cleaned of residual substances and filled with either an inert gas or, where compatible, filled with water.

25. It is proposed to add a new mandatory standard 57.4–36 which is applicable to surface and underground as follows:

57.4–36 *Mandatory.* Where welding or cutting with an arc or open flame or soldering with an open flame in an active working containing combustible or flammable materials, 2 portable fire extinguishers and a second person shall be present. Where welding or cutting with an arc or open flame or soldering with an open flame in other areas, 1 portable fire extinguisher shall be present.

26. It is proposed to renumber advisory standard 57.4–12 and make it applicable to surface only as follows:

57.4–49 MNMSAC. Combustible materials, grease, lubricants, or flammable liquids should not be allowed to accumulate where they can create a fire hazard.

27. It is proposed to add a new mandatory standard 57.4–50 which is applicable to underground only as follows:

57.4–50 *Mandatory.* MNMSAC. All flammable and combustible waste materials, grease, lubricants or flammable liquids shall not be allowed to accumulate where they can create a fire hazard.

28. It is proposed to revise mandatory standard 57.4–65 which is applicable to underground only as follows:

57.4–65 *Mandatory.* After welding or cutting with an arc or open flame or soldering with an open flame in areas containing combustible or flammable materials, a fire patrol of affected areas shall be made continuously for the first hour and thereafter at hourly intervals for at least a period of 8 hours.

29. It is proposed to add a new mandatory standard 57.4–76 which is applicable to underground only as follows:

57.4–76 *Mandatory.* Where thawing pipe with an open flame in areas containing combustible or flammable materials two portable fire extinguishers and a second person shall be present. A fire patrol shall be made for at least one hour after thawing pipe with an open flame. Where thawing pipe electrically one portable fire extinguisher and at least one person shall be present.

30. It is proposed to add a new mandatory standard 57.4–77 which is applicable to underground only as follows:

57.4–77 *Mandatory.* Before and after welding and cutting with an arc or open flame or soldering with an open flame, timber and other combustible material shall be wetted down for a distance of at least 25 feet in all directions from such operation, or installed timber shall be wetted down and other timber and combustible material removed to a distance of at least 25 feet.

31. It is proposed to add a new mandatory standard 57.4–78 which is applicable to underground only as follows:

57.4–78 *Mandatory.* When welding or cutting with an arc or open flame or soldering with an open flame in a shaft, raise, winze or other active workings where sparks and heated material may fall, the opening immediately below the operation shall be covered or bulkheaded with a noncombustible material.

32. It is proposed to transfer reserved number 57.4–39 from under the center subheading entitled "General—Surface and Underground" to immediately under the center subheading entitled "Surface Only," to renumber advisory standard 57.4–27 to 57.4–39 and make it only applicable to "Surface Only", and to add a new mandatory standard 57.4–79 which is applicable to underground only as follows:

57.4–79 *Mandatory.* Each electrically powered vehicle which does not use hydraulic fluid or which uses fire-resistant hydraulic fluid shall be equipped with at least one portable fire extinguisher.

33. It is proposed to add a new mandatory standard 57.4–85 which is applicable to underground only as follows:

57.4–85. *Mandatory.* MNMSAC. Stationary diesel equipment shall not be supported on a combustible base.

34. It is proposed to add a new mandatory standard 57.4–86 which is applicable to underground only as follows:

57.4–86 *Mandatory.* MNMSAC. Stationary diesel equipment shall be provided with a thermal sensor which automatically stops the diesel engine should overheating occur.

Q. Section 57.5 *Air quality, ventilation, radiation and physical agents* is proposed to be amended as follows:

35. It is proposed to add a new center heading entitled "Air Quality" immediately below the section heading entitled "§ 57.5 Air quality, ventilation, radiation, and physical agents."

36. It is proposed to revise advisory standard 57.5–15 which is applicable to underground only and make it mandatory as follows:

57.5–15 *Mandatory.* Air in all active workings shall contain at least 19.5 volume percent oxygen.

37. It is proposed to add new center subheadings and to transfer reserved numbers and place them under such centered subheadings in § 57.5 as follows:

(a) A new center subheading entitled "General—Surface and Underground" immediately below the center heading entitled "Ventilation."

(b) Transfer the reserved number 57.5–18 and place it under the new center subheading in item (a) above and to replace this number with the series of numbers 57.5–18A through 57.5–18Z, and to reserve numbers 57.5–18A, 57.5–18C and 57.5–18E through 57.5–18Z.

(c) A new center subheading entitled "Surface Only" immediately below proposed reserved number 57.5–18Z.

(d) Transfer the reserved number 57.5–19 and place it under the new center subheading in item (c) above and to replace this number with the series of reserved numbers 57.5–19A through 57.5–19Z.

(e) Revise the entry "57.5–16 through 57.5–19 [Reserved]" to read "57.5–16 and 57.5–17 [Reserved]" and the revision is to remain under its present center subheading.

38. It is proposed to add a new mandatory standard 57.5–18B which is applicable to surface and underground as follows:

57.5–18B *Mandatory.* Combustible materials shall not be allowed to accumulate in areas surrounding main and booster fans located either on the surface or underground for a distance of at least 100 feet in all directions, except that fire-retardant material may be used for ground support.

39. It is proposed to add a new mandatory standard 57.5–18D which is applicable to surface and underground as follows:

57.5–18D *Mandatory.* All main and all booster fans of the mine shall be operated continuously while persons are underground. In the event of fan failure, scheduled maintenance, or fan adjustments:

(a) The air in the affected active workings shall be monitored by a competent person for compliance with requirements of the standards in this section 57.5 until normal ventilation is restored, or

(b) All persons, except those working on the fan, shall be withdrawn, the ventilation shall be restored to normal and the air in the affected active workings shall be tested by a competent person to assure that the air meets the requirements of the standards in this section 57.5 before any other persons are permitted to enter the affected active workings.

40. It is proposed to add a new mandatory standard 57.5–20 which is applicable to underground only as follows:

57.5–20 *Mandatory.* A ventilation plan, and revisions thereof, suitable to the conditions and the mining system of the mine shall be set out by the operator in written form and submitted for review, comments, and approval to the District Manager, Metal and Nonmetal Mine Health and Safety, of the district in which the mine is located. The Plan shall be reviewed, updated and resubmitted by the operator to the District Manager for review, comments, and approval at least every 12 months from the date of the last submittal. The Plan shall, where appropriate, contain the following:

(a) The mine name.

(b) A current mine map or series of mine maps of a scale not greater than 500 feet to the inch showing:

(1) Locations of all active workings;
(2) Locations of all airways;
(3) Locations of main and booster fans;
(4) Directions of airflow in all airways;
(5) Quantity of airflow in each airway;
(6) Locations of seals used to isolate an abandoned working;
(7) Locations of all unventilated areas;
(8) Locations of ventilation and fire doors;
(9) Locations of air regulators and stoppings;
(10) Locations of overcasts, undercasts, and other airway crossover devices;
(11) Designations of escapeways;
(12) Locations of refuge chambers;
(13) Locations of any known oil or gas wells;
(14) Locations of underground mine openings adjacent to the mine; and
(15) Locations of underground shops, diesel fuel storage, oil storage, substations, battery charging stations, hoist rooms, compressors, and explosives storage facilities.

(c) Mine fan data for all main and booster fans including manufacturer's name, type, size, speed, water gage, air quantity capabilities, blade setting at present operating point, and fan motor name plate data.

(d) The procedure for reversing main fans.

(e) Descriptions and sketches as to how face ventilation is accomplished in each type of working place and the approximate quantity of air provided.

(f) The number and type of internal combustion engine powered units used underground including make and model of unit, type of engine, make and model of engine, horsepower rating of engine, approval number, and the number of units by type that operate in each active working.

(g) The locations of remote controls and operation indicators for all main and booster fans.

41. It is proposed to add a new mandatory standard 57.5–24 which is applicable to underground only as follows:

57.5–24 *Mandatory.* Intake airways, excluding auxiliary fan systems, shall be separated from exhaust airways to prevent recirculation.

42. It is proposed to add a new mandatory standard 57.5–31 which is applicable to underground only as follows:

57.5–31 *Mandatory.* MNMSAC. Ventilation doors shall be:

(a) Substantially constructed.
(b) Covered with fire-retardant material, if constructed of wood.
(c) Maintained in good condition.
(d) Self-closing, if manually operated.
(e) Equipped with audible and visual warning devices, if mechanically operated.

43. It is proposed to add a new mandatory standard 57.5–32 which is applicable to underground only as follows:

57.5–32 *Mandatory.* MNMSAC. When ventilation control doors are opened as a part of the normal mining cycle, they shall be closed as soon as possible to re-establish normal ventilation to working places.

44. It is proposed to add a new mandatory standard 57.5–34 which is applicable to underground only as follows:

57.5–34 *Mandatory.* Auxiliary fans shall be operated continuously while persons are in working places ventilated by the fans. In event of auxiliary fan failure, scheduled maintenance, or fan adjustments, a competent person shall test the air quality at least every two hours until ventilation is restored; or all persons, except those working on the fan, shall be withdrawn from the affected active workings. If persons are withdrawn, the ventilation shall be restored to normal and the quality of air in the affected active workings tested by a competent person before any other persons are permitted to enter the affected active workings.

45. It is proposed to revise mandatory standard 57.5–37 which is applicable to underground only as follows:

57.5–37 *Mandatory.* In all mines:

(a) At least one mine air sample shall be taken in exhaust air by a competent person to determine if concentrations of radon daughters are present. Sampling shall be done using equipment and procedures described in section 14.3 of ANSI N13.8–1973, entitled "American National Standard Radiation Protection in Uranium Mines," approved July 18, 1973, pages 13–15, by the American National Standards Institute, Inc., which is hereby incorporated by reference and made a part hereof. This publication may be examined in any Metal and Nonmetal Mine Health and Safety Subdistrict Office, Mining Enforcement and Safety Administration or may be obtained from the American National Standards Institute, Inc., 1430 Broadway, New York, New York 10018. Thereafter—

(1) Except where uranium is mined—when radon daughter concentrations between 0.1 and 0.3 WL are found in active workings, radon daughter concentration measurements shall continue to be determined within 90 days from the date of the last sample, or until such time as the radon daughter concentrations are below 0.1 WL, and annually thereafter.

(2) Where uranium is mined—radon daughter concentrations shall be sampled within 30 days from the date of the last sample in all working places, travelways, haulageways, shops, stations, lunch rooms, magazines, and any other place or location where persons work, travel or congregate.

(b) The sample date, location, and results obtained under (a) above shall be recorded and retained at the mine site or nearest mine office for at least two years and shall be made available for inspection by the Secretary of the Interior or his duly authorized representative.

46. It is proposed to revise mandatory standard 57.5–38 which is applicable to underground only as follows:

57.5–38 *Mandatory.* MNMSAC. No person shall be permitted to receive an exposure in excess of 4 WLM in any calendar year.

47. It is proposed to revise mandatory standard 57.5–39 which is applicable to underground only as follows:

57.5–39 *Mandatory.* MNMSAC. Except as provided by standard 57.5–5, persons shall not be exposed to air containing concentrations of radon daughters exceeding 1.0 WL in active workings.

48. It is proposed to revise mandatory standard 57.5–40 which is applicable to underground only as follows:

57.5—40 *Mandatory.* When concentrations of radon daughters are found in excess of 0.3 WL in any active working:

(a) The operator shall sample the air within the breathing zones of persons working in stopes and drift headings, and sample the air in all travelways, haulageways, shops, stations, lunchrooms, magazines, and any other place or location where persons work, travel or congregate. Sampling shall be performed at least weekly at random times during regular work shifts, and shall be done by a competent person using equipment and procedures described in section 14.3 of ANSI N13.8–1973, entitled "American National Standard Radiation Protection in Uranium Mines," approved July 18, 1973, pages 13–15, by the American National Standards Institute, Inc., which is hereby incorporated by reference and made a part hereof. This publication may be examined in any Metal and Nonmetal Mine Health and Safety Subdistrict Office of the Mining Enforcement and Safety Administration or may be obtained from the American National Standards Institute, Inc., 1430 Broadway, New York, New York 10018.

(b) The operator shall keep records of individual exposure to concentrations of radon daughters for all persons working underground. These records shall include the individual's time in each working place and each active working, and the average concentration of airborne alpha radiation for each working place and each active working.

(c) The operator shall maintain a "Record of Work Area Radon Daughter Concentrations" (Form Y–4000–8, or Form Y–4000–8s for mines located in States with State Plans) and a "Record of Individual Exposure to Radon Daughters" (Form X–4000–9 or Form X–4000–9s for mines located in States with State Plans), or equivalent reporting forms that are acceptable to the Administrator, Mining Enforcement and Safety Administration, on which there shall be entered and recorded specific information with respect to each person's average exposure to concentrations of radon daughters. Form Y–4000–8 or Y–4000–8s shall also include any measurements taken by Federal and State representatives and reported to the operator. Such Federal and State measurements shall be clearly identified.

(1) For mines located in a State with a State Plan approved by the Secretary of the Interior under section 16 of the Federal Metal and Nonmetallic Mine Safety Act, the "Record of Work Area Radon Daughter Concentrations" (Form Y–4000–8s) and the "Record of Individual Exposure to Radon Daughters" (Form X–4000–9s) shall consist of an original of each form for the operator's records and a first and second copy of each form for use by the Mining Enforcement and Safety Administration and the State, respectively. Operators shall retain the original and mail or deliver a clear, legible copy of each form, or acceptable equivalent reporting form to the State agency responsible for administering the State Plan on behalf of the State in which the mine is located, and to:

Data Management—Attn: MCS System
Mining Enforcement and Safety Administration
603 Miller Court
Lakewood, Colorado 80215

Such forms shall be mailed or delivered no later than 14 days following a reporting

period covering each four week period, or part thereof, beginning with the first Sunday of the calendar year and continuing into the following year to include all days to the first Sunday of the following calendar year.

(2) For mines located in a State without a State Plan, the "Record of Work Area Radon Daughter Concentrations" (Form Y–4000–8) and the "Record of Individual Exposure to Radon Daughters" (Form X–4000–9) shall consist of an original of each form for the operator's records and a carbon copy of each form, for use by the Mining Enforcement and Safety Administration. Operators shall retain the original and mail or deliver a clear, legible copy of each form, or acceptable equivalent reporting form, to the Mining Enforcement and Safety Administration, address given in (b)(1) above, no later than 14 days following a reporting period covering each four week period, or part thereof, beginning with first Sunday of the calendar year and continuing into the following year to include all days to the first Sunday of the following year.

(3) Errors detected by the operator shall be corrected, and a corrected copy of the reporting form, or acceptable equivalent, shall identify the error and indicate the date the correction was made. The corrected copy or acceptable equivalent shall be immediately mailed or delivered to the Mining Enforcement and Safety Administration, address given in (b)(1) above and, if applicable, to the State agency.

(4) The operator's records of individual exposure to concentrations of radon daughters and copies of "Record of Work Area Radon Daughter Concentration," and "Record of Individual Exposure to Radon Daughters" or true legible facsimiles thereof (microfilm or other), shall be retained at the mine or nearest mine office for a period of 2 years from the date the records are mailed or delivered to the Mining Enforcement and Safety Administration. These records shall be open for inspection by the Secretary of the Interior, his duly authorized representative, and authorized representatives of the official mine inspection agency of the State in which the mine is located.

(5) Upon written request from a person who is a subject of these records, copies of such records applicable to that person shall be provided to the person, or to whomever such person designates.

(6) The forms entitled "Record of Work Area Radon Daughter Concentrations" (Form Y–4000–8, or Y–4000–8s) and the "Record of Individual Exposure to Radon Daughters" (Form X–4000–9, or X–4000–9s) may be obtained on request from any Metal and Nonmetal Mine Health and Safety Subdistrict Office of the Mining Enforcement and Safety Administration.

NOTE. To calculate an individual's exposure in WLM for a given period of time in each working place or each active working, as applicable, multiply the total exposure time (hours to the nearest half hour) in a working place or an active working, as applicable, by the average concentration of airborne alpha radiation for the applicable working place or active working (average working level calculated to the nearest hundredth working level), and divide the product by the constant, 173 hours per month.

An average airborne alpha radiation concentration for a designated working place or active workings shall be determined by averaging all sampling results for the applicable working place or active working during the week that the person is present in that designated working place or active working.

An individual's exposure for an extended period of time is the sum of the individual's exposure calculated each week, or part thereof, for all working places and active workings where the individual has worked during that period of time.

49. It is proposed to revise mandatory standard 57.5–41 which is applicable to underground only as follows:

57.5–41 *Mandatory.* MNMSAC. Smoking shall be prohibited in all areas of a mine where exposure records are required to be kept in compliance with standard 57.5–40.

50. It is proposed to add a new center heading entitled "Physical Agents", and thereunder and preceding standard 57.5–50, add a new center subheading entitled "General—Surface and Underground".

R. Section 57.6 *Explosives* is proposed to be amended as follows:

51. It is proposed to add a new center heading entitled "Miscellaneous", a new center subheading entitled "General—Surface and Underground", and reserve numbers 57.6–251 through 57.6–300 and to renumber and revise mandatory standard 57.6–6 which is applicable to surface and underground as follows:

57.6–250 *Mandatory.* Smoking, matches, lighters, and open flames shall not be permitted within 50 feet of explosives, detonators, or blasting agents, except for the use of suitable devices for igniting safety fuse.

52. It is proposed to revoke mandatory standards 57.6–52 and 57.6–95.

53. It is proposed to revoke advisory standards 57.6–9 and 57.6–10, and to revise advisory standard 57.6–7 which is applicable to surface and underground and make it mandatory as follows:

57.6–7 *Mandatory.* Explosives, detonators, and related materials such as safety fuse and detonating cord shall be:

(a) Stored in a manner to facilitate use of oldest stocks first.

(b) Stored according to brand and grade.

(c) Stored with their top sides up.

(d) Stacked not more than six (6) feet high.

54. It is proposed to add a new mandatory standard 57.6–11 which is applicable to surface and underground as follows:

57.6–11 *Mandatory.* Containers of explosives and detonators shall be securely closed while being stored.

55. It is proposed to revoke advisory standard 57.6–55, and to revise advisory standard 57.6–48 which is applicable to surface and underground and make it mandatory as follows:

57.6–48 *Mandatory.* Explosives and blasting agents shall be transported without undue delay, and over routes and at times that expose a minimum number of persons.

56. It is proposed to revoke standard 57.6–49. MNMSAC.

57. It is proposed to revise mandatory standard 57.6–92 which is applicable to surface and underground as follows:

57.6–92 *Mandatory.* Damaged or deteriorated explosives and blasting agents shall be destroyed in a safe manner under the supervision or instructions of the explosives manufacturer.

58. It is proposed to revise mandatory standard 57.6–97 which is applicable to surface and underground as follows:

57.6–97 *Mandatory.* Primers shall be made up only at the time of charging and as close to the blasting area as conditions allow.

59. It is proposed to revise advisory standard 57.6–98 which is applicable to surface and underground and make it mandatory as follows:

57.6–98 *Mandatory.* Primers:

(a) Containing a detonator shall be prepared with the detonator contained securely and completely within the explosive charge.

(b) Using detonating cord shall be prepared with the detonating cord threaded through, attached securely to, or otherwise in intimate contact with, the explosive charge.

60. It is proposed to revise mandatory standard 57.6–100 which is applicable to surface and underground as follows:

57.6–100 *Mandatory.* MNMSAC. Tamping poles shall be of wood or other material acceptable to the Mining Enforcement and Safety Administration. Couplers of tamping poles shall be of nonsparking materials.

61. It is proposed to revise mandatory standard 57.6–101 which is applicable to surface and underground as follows:

57.6–101 *Mandatory.* Tamping shall not be done directly on a primer.

62. It is proposed to revise advisory standard 57.6–106 which is applicable to surface and underground and make it mandatory as follows:

57.6–106 *Mandatory.* Faces and muck piles shall be examined by a competent person for undetonated explosives or blasting agents after each blast. Any undetonated explosives or blasting agents found shall be disposed of before any other work is done in the immediate vicinity of such explosives.

63. It is proposed to revoke advisory standard 57.6–167 and to revise advisory standard 57.6–109 which is applicable to surface and underground and make it mandatory as follows:

57.6–109 *Mandatory.* Safety fuse, ignitor cord, and detonating cord shall not be used if they have been kinked, bent sharply, or otherwise damaged.

64. It is proposed to revise advisory standard 57.6–118 which is applicable to surface and underground and make it mandatory as follows:

57.6–118 *Mandatory.* When using safety fuse, timing shall be such that all fuses are burning within the holes before any hole fires.

65. It is proposed to revise advisory standard 57.6–121 which is applicable to surface and underground and make it mandatory as follows:

57.6–121 *Mandatory.* When blasting electrically, a blasting galvanometer, or other instruments that are specifically designed for testing blasting circuits, shall be used to test:

(a) Electric blasting caps for continuity prior to the addition of stemming to the borehole.

(b) Electric blasting cap series for resistance.

(c) Blasting lines for circuit continuity.

(d) Blasting circuits for resistance and continuity prior to connection to the power source.

66. It is proposed to revise advisory standard 57.6–132 which is applicable to surface and underground and make it mandatory as follows:

57.6–132 *Mandatory.* MNMSAC. Delay connectors shall be treated and handled with the same safety precautions as detonators.

67. It is proposed to revise advisory standard 57.6–136 which is applicable to surface and underground and make it mandatory as follows:

57.6–136 *Mandatory.* MNMSAC. Black powder shall not be used for blasting except when a desired result cannot be obtained with another type of explosive such as in quarrying certain types of dimension stone.

68. It is proposed to renumber mandatory standard 57.6–166 which is applicable to surface only and make it applicable to surface and underground as follows:

57.6–115 *Mandatory.* MNMSAC. All detonating cord knots shall be tight and all connections shall be kept at right angles to the trunklines.

69. It is proposed to renumber and revise advisory standard 57.6–169 which is applicable to surface only and make it mandatory and applicable to surface and underground as follows:

57.6–138 *Mandatory.* Explosives or blasting agents shall not be loaded into drilled or sprung holes that will result in premature detonation from heat.

70. It is proposed to renumber and revise advisory standard 57.6–176 which is applicable to underground only and make it mandatory and applicable to surface and underground as follows:

57.6–139 *Mandatory.* Blasting areas shall not be reentered after firing until dangerous concentrations of smoke, dust, and fumes have been reduced to safe limits.

71. It is proposed to renumber and revise advisory standard 57.6–180 which is applicable to underground only and to make it mandatory and applicable to surface and underground as follows:

57.6–140 *Mandatory.* Electric blasting caps and blasting circuits shall be isolated from sources of static electricity and stray currents, and from any extraneous electrical contact.

72. It is proposed to renumber and revise mandatory standard 57.6–170 which is applicable to surface only and make it applicable to surface and underground as follows:

57.6–126 *Mandatory.* Electrical circuits shall be deenergized within 50 feet of boreholes containing electrical detonators and the power circuits shall not be reenergized until the shots are fired. Stray current tests shall be conducted, and the maximum stray current that shall be tolerated is 0.05 amperes.

73. It is proposed to revoke advisory standard 57.6–197. MNMSAC.

74. It is proposed to renumber and revise advisory standard 57.6–179 and make it mandatory and applicable to surface and underground as follows:

57.6–93 *Mandatory.* MNMSAC. Blast holes shall be cleaned before charging is begun.

S. Section 57.9 *Loading, hauling, dumping* is proposed to be amended as follows:

75. It is proposed to revise advisory standard 57.9–1 which is applicable to surface and underground and make it mandatory as follows:

57.9–1 *Mandatory.* Mobile equipment that is to be used during a shift shall be inspected by the equipment operator before being placed in operation. Equipment defects affecting safety shall be reported to, and recorded by, the mine operator. The records shall be maintained at the mine or nearest mine office for at least 2 years from the date the defects are recorded. Such records shall be made available for inspection by the Secretary of the Interior or his duly authorized representative.

76. It is proposed to revise mandatory standard 57.9–9 which is applicable to surface and underground as follows:

57.9–9 *Mandatory.* MNMSAC. Operators shall sound warning before starting trains and when trains approach crossings, other trains on adjacent tracks, persons, and any place where vision is obscured.

77. It is proposed to revise advisory standard 57.9–17 which is applicable to surface and underground and make it mandatory as follows:

57.9–17 *Mandatory.* MNMSAC. Equipment operating speeds shall be consistent with conditions of roadways, grades, clearance, visibility, traffic, and the type of equipment used.

78. It is proposed to revise advisory standard 57.9–19 which is applicable to surface and underground and make it mandatory as follows:

57.9–19 *Mandatory.* MNMSAC. Track guardrails, lead rails, and frogs shall be protected or blocked so as to prevent a person's foot from becoming wedged.

79. It is proposed to revoke advisory standard 57.9–21. MNMSAC.

80. It is proposed to renumber and revise advisory standard 57.9–100 and make it mandatory and applicable to surface and underground as follows:

57.9–26 *Mandatory.* MNMSAC. A quick-close type air valve shall be provided on each piece of pneumatic-powered loading, hauling, and dumping equipment. The valve shall be closed except when the equipment is being operated.

81. It is proposed to revise advisory standard 57.9–34 which is applicable to surface and underground and make it mandatory as follows:

57.9–34 *Mandatory.* Haulage equipment shall not be loaded in excess of bulk or rated weight capacity.

82. It is proposed to revise mandatory standard 57.9–37 which is applicable to surface and underground as follows:

57.9–37 *Mandatory.* MNMSAC. Mobile equipment shall not be left unattended unless the brakes are set. Mobile equipment with wheels or tracks, when parked on a grade, shall be either blocked or turned into a bank or rib; and the bucket or blade lowered to the ground to prevent movement.

83. It is proposed to revoke advisory standard 57.9–38. MNMSAC.

84. It is proposed to revoke advisory standard 57.9–44 and mandatory standards 57.9–33, 57.9–43 and 57.9–117, and to revise mandatory standard 57.9–40 which is applicable to surface and underground as follows:

57.9–40 *Mandatory.* MNMSAC. Men shall not be transported:

(a) In or on dippers, forks, clamshells, beds of trucks unless special provisions are made for their safety, or buckets except shaft buckets.

(b) On top of loaded haulage equipment.

(c) Outside the cabs and beds of mobile equipment, except trains.

(d) Between cars of trains.

(e) In conveyance equipped with unloading devices unless means are provided to prevent accidental starting of the unloading mechanism.

85. It is proposed to revise advisory standard 57.9–42 which is applicable to surface and underground and make it mandatory as follows:

57.9–42 *Mandatory.* MNMSAC. Rocker-bottom or bottom-dump rail cars shall be equipped with locking devices.

86. It is proposed to revoke advisory standard 57.9–86, and to revise advisory standard 57.9–49 which is applicable to surface and underground and make it mandatory as follows:

57.9–49 *Mandatory.* MNMSAC. When in the dark or under conditions of limited visibility, all vehicles carrying loads which project beyond the sides or more than four feet beyond the rear of the vehicles shall display a red light at the end of the projection; or in the light, a red flag not less than 12 inches square shall be displayed at the end of the projection.

87. It is proposed to revise advisory standard 57.9–53 which is applicable to surface and underground and make it mandatory as follows:

57.9–53 *Mandatory.* MNMSAC. Water, debris, or spilled material which create hazards to moving equipment shall be removed.

88. It is proposed to revise advisory standard 57.9–55 which applies to surface and underground and make it mandatory as follows:

57.9–55 *Mandatory.* MNMSAC. Where there is evidence that the ground at a dumping place may fail to support the weight of a vehicle, loads shall be dumped back from the edge of the bank.

89. It is proposed to revise mandatory standard 57.9–64 which is applicable to surface and underground as follows:

57.9–64 *Mandatory.* Facilities and installations used for loading and unloading muck and materials shall be constructed so that persons in attendance are not required to be in a hazardous location or position.

90. It is proposed to revise advisory standard 57.9–65 which is applicable to surface and underground and make it mandatory as follows:

57.9–65 *Mandatory.* MNMSAC. Cars shall not be coupled, or uncoupled, manually from the inside of curves unless the railroad and cars are so designed to eliminate any hazard from manual coupling.

91. It is proposed to revise advisory standard 57.9–66 which is applicable to surface and underground and make it mandatory as follows:

57.9–66 *Mandatory.* MNMSAC. When a locomotive on one track is used to move equipment on a different track, a suitable chain or drawbar shall be used.

92. It is proposed to renumber advisory standard 57.9–84 and make it mandatory and applicable to surface and underground as follows:

57.9–71 *Mandatory.* MNMSAC. Traffic rules including speed, signals, and warning signs shall be standardized at each mine and posted.

93. It is proposed to revise mandatory standard 57.9–85 which is applicable to surface only as follows:

57.9–85 *Mandatory.* MNMSAC. Tools, materials and equipment shall not be transported with persons in rail cars and other vehicles and conveyances unless means have been provided to make such transportation safe.

94. It is proposed to renumber and revise advisory standard 57.9–4 and make it mandatory and applicable to surface only as follows:

57.9–87 *Mandatory.* MNMSAC. Heavy duty mobile equipment shall be provided with audible warning devices. When the operator of such equipment has an obstructed view to the rear, the equipment shall have either an automatic reverse signal alarm which is audible above the surrounding noise level or an observer to signal when it is safe to back up.

95. It is proposed to revise advisory standard 57.9–96 which is applicable to underground only and make it mandatory as follows:

57.9–96 *Mandatory.* MNMSAC. Tools or materials, except properly located and secured rerailing devices, shall not be carried on top of locomotives. Tools or materials shall not be carried in the cab if they would interfere with the operation of the locomotive.

96. It is proposed to revise advisory standard 57.9–104 which is applicable to underground only and make it mandatory as follows:

57.9–104 *Mandatory.* Warning devices or conspicuous markings shall be installed where chute lips, air doors, and obstructions create a hazard to persons.

97. It is proposed to revoke advisory standard 57.9–109. MNMSAC.

98. It is proposed to revise advisory standard 57.9–111 which is applicable to underground only and make it mandatory as follows:

57.9–111 *Mandatory.* MNMSAC. Shelter holes shall be at least 4-feet wide, marked conspicuously with lights or reflective signs or reflective tape or reflectors or luminous paint, provide a minimum of 40-inch clearance from the farthest projection of moving equipment, and shall not be used for storage of timber, tools, or other materials unless a 40-inch clearance is maintained.

T. Section 57.11. *Travelways and escapeways* is proposed to be amended as follows:

99. It is proposed to add a new mandatory standard 57.11–59 which is applicable to underground only as follows:

57.11–59 *Mandatory.* Hoists located underground which are a part of the mine escape and evacuation plan required under standard 57.11–53 shall be provided with suitable enclosures with a respirable atmosphere to protect the hoist operators. These enclosures shall be equipped with:

(a) A positive-pressure ventilation system that will provide the hoist operator with a respirable atmosphere independent of the mine atmosphere and that is operated either continuously or is capable of being activated immediately from within the enclosure during an emergency evacuation. Air for the independent ventilation system shall be provided by at least one of the following—

(1) Air coursed from the surface through a borehole into the hoist enclosure;

(2) Air supplied by air compressors located on the surface and coursed through metal pipe into the enclosure; and

(3) Air coursed from the surface through metal duct work into the enclosure. This duct work shall not be located in timber supported active workings.

(b) If the positive-pressure independent ventilation system is not routed through a borehole directly from the surface to the enclosure, a backup system shall be provided in addition to either independent system (a) (2) or (a) (3) specified above. This backup system shall consist of compressed air stored in containers connected to the enclosure. This system shall provide and maintain a respirable atmosphere in the enclosure for a period of time equal to at least twice the time necessary to complete the evacuation of all persons designated to use that hoist as prescribed in the mine escape and evacuation plan required under standard 57.11–53.

(c) An approved and properly maintained 2-hour self-contained breathing apparatus shall be kept in the operator's enclosure to provide a safe means of escape for the operator after the hoisting duties have been completed as prescribed in the mine escape and evacuation plan for that hoist.

U. Section 57.19 *Man hoisting* is proposed to be amended as follows:

100. It is proposed to revoke advisory standard 57.19–23, and to revise advisory standard 57.19–22 and make it mandatory as follows:

57.19–22 *Mandatory.* MNMSAC. The end of the rope at the drum shall make at least one full turn on the drum shaft, or a spoke of the drum in the case of a free drum, and shall be fastened securely by means of rope clips or clamps. There shall be three full turns of cable or rope on the hoisting drum when the cable or rope is extended to its maximum working length. This standard does not apply to friction hoists.

101. It is proposed to revise advisory standard 57.19–63 and make it mandatory as follows:

57.19–63 *Mandatory.* MNMSAC. Only authorized persons shall be in hoist rooms.

102. It is proposed to revise advisory standard 57.19–78 and make it mandatory as follows:

57.19–78 *Mandatory.* All buckets shall be stopped after being raised about 3 feet above the shaft bottom. A bucket shall be stabilized before a hoisting signal is given to continue hoisting the bucket to the crosshead. After a hoisting signal is given, hoisting to the crosshead shall be at the minimum speed. The signaling device shall be attended constantly until a bucket reaches the guides. When persons are hoisted, the signaling devices shall be attended until the crosshead has been engaged.

103. It is proposed to revise advisory standard 57.19–95 and make it mandatory as follows:

57.19–95 *Mandatory.* MNMSAC. Hoisting signal devices shall be positioned within easy reach of persons on the shaft bottom or constantly attended by a person stationed on the lower deck of the sinking platform.

104. It is proposed to revise advisory standard 57.19–103 and make it mandatory as follows:

57.19–103 *Mandatory.* MNMSAC. Dumping facilities and loading pockets shall be constructed so as to minimize spillage into the shaft.

V. Section 57.20 *Miscellaneous* is proposed to be amended as follows:

105. It is proposed to revise advisory standard 57.20–8 which is applicable to surface and underground and make it mandatory as follows:

57.20–8 *Mandatory.* At least 1 toilet within 10 minutes accessibility shall be provided for each 10 male workers or less. At least 1 toilet within 10 minutes accessibility shall be provided for each 10 female workers or less. Toilets for male and female workers shall be separate, properly supplied, clean and sanitary. Toilets shall be chemical types, water closets, or equivalent facilities approved by the District Manager, Metal and Nonmetal Mine Health and Safety, for the district in which the mine is located. Such facilities shall be protected from the elements and serviced when full, but not less frequently than weekly. Toilets shall be removed to the surface for cleaning, recharging, disposal (as applicable); or toilet waste transfer tanks and transfer equipment shall be provided with fittings to permit complete transfer of waste without spillage. Toilet waste shall be disposed of in accordance with State and local laws and regulations.

W. Section 57.21 *Gassy mines* is proposed to be amended as follows:

106. It is proposed to revise mandatory standard 57.21–2 as follows:

57.21–2 *Mandatory.* MNMSAC. Flammable gases detected only while unwatering mines or flooded sections of mines or during other mine reclamation operations shall not be used to permanently classify a mine gassy. During such periods that any flammable gas is present in the mine, the affected areas of the mine shall be operated in accordance with appropriate standards in this Section 57.21.

107. It is proposed to revise mandatory standard 57.21–20 as follows:

57.21–20 *Mandatory.* MNMSAC. Main fans shall be:

(a) Installed on the surface.

(b) Installed to permit prompt reversal of airflow.

(c) Powered electrically.

(d) Installed in noncombustible housing provided with noncombustible air ducts.

(e) Offset not less than 15 feet from the nearest side of the mine opening to which the fan is connected. The fan installation shall be equipped with explosion-doors or a weak-wall having an area at least equivalent to the cross-sectional area of the airway. Such doors or weak-wall shall be in direct line with possible explosion forces.

(f) Provided with an automatic signal device to give warning or alarm should the fan system malfunction. The signal device shall be so located that it can be seen or heard by a responsible person at all times when persons are underground.

108. It is proposed to revise advisory standard 57.21–21 and make it mandatory as follows:

57.21–21 *Mandatory.* Main fans shall be:

(a) Operated continuously while persons are underground; in the event of fan main-

tenance and/or fan adjustments, all persons, except those working on the fan, shall be withdrawn from the affected active workings, and the main power in those active workings, shall be deenergized.

(b) Provided with pressure-recording gages which shall be examined daily for good operating condition. The charts of such gages shall be changed after completing one revolution.

(c) Inspected daily and logs kept of such inspections and of fan maintenance.

(d) Charts and logs shall be retained for a minimum of one year. Such records and charts shall be available for inspection by the Secretary of the Interior or his duly authorized representative.

109. It is proposed to revise mandatory standard 57.21–24 as follows:

57.21–24 *Mandatory.* When a main fan stops, the operator shall take the following immediate actions:

(a) Withdraw all persons from the affected active workings.

(b) Deenergize the power in affected active workings.

(c) Withdraw all persons from the mine when a 1.0 percent concentration of methane in air is measured in any active working.

If ventilation has been interrupted for more than 15 minutes, all working places and active workings where methane may accumulate shall be examined by a competent person(s). The power shall not be restored or persons permitted to reenter the affected active workings until the competent person(s) has determined the methane concentration in such active workings is less than 1.0 percent.

110. It is proposed to revise advisory standard 57.21–25 and make it mandatory as follows:

57.21–25 *Mandatory.* When there has been a failure of mine ventilation other than a failure of a main fan as described in standard 57.21–24, the operator shall take the following immediate actions:

(a) Withdraw all persons from the affected active workings.

(b) Deenergize the power in affected active workings. The power shall not be restored or persons permitted to reenter the affected active workings until a competent person(s) has determined that the methane concentration in such active workings is less than 1.0 percent.

111. It is proposed to revise mandatory standard 57.21–28 as follows:

57.21–28 *Mandatory.* Booster fans shall be:

(a) Operated by permissible drive units maintained in permissible condition.

(b) Operated only in air containing less than 1.0 percent methane.

(c) Kept in continuous operation when persons are in active workings of the mine affected by such fans.

112. It is proposed to revise mandatory standard 57.21–29 as follows:

57.21–29 *Mandatory.* MNMSAC. Booster fans shall be:

(a) Provided with an automatic signal device to give warning or alarm should the fan system malfunction. The signal device shall be so located that it can be seen or heard by a responsible person at all times when persons are underground.

(b) Equipped with a device that automatically deenergizes the power in affected active workings should the fan system malfunction.

(c) Provided with air locks, the doors of which open automatically should the fan stop.

(d) Equipped with two sets of controls capable of starting, stopping, and reversing the fans. One set of controls shall be located at the fans. A second set of controls shall be at another location remote from the fans.

113. It is proposed to add a new mandatory standard 57.21–64 as follows:

57.21–64 *Mandatory.* Each operator shall use permissible devices accepted by the Secretary of the Interior for detecting flammable gases, oxygen deficiency, carbon monoxide, and other air contaminants. Such permissible devices shall be provided and maintained in serviceable and permissible condition. In the detection of flammable gases, a permissible flame safety lamp may be used only as a supplementary testing device.

114. It is proposed to add a new mandatory standard 57.21–67 as follows:

57.21–67 *Mandatory.* MNMSAC. All gassy mines shall be ventilated mechanically.

115. It is proposed to add a new mandatory standard 57.21–68 as follows:

57.21–68 *Mandatory.* MNMSAC. Airflow shall be maintained in all intake and return air courses of a mine. When multiple main fans are used, such ventilation systems shall not develop neutral areas (areas without perceptible air movement).

116. It is proposed to add a new mandatory standard 57.21–69 as follows:

57.21–69 *Mandatory.* MNMSAC. In mines ventilated by a combination of multiple blowing or multiple exhausting main fans, each mine fan installation shall be equipped with noncombustible doors designed and positioned so that, in the event of failure of a main fan, these doors will automatically close to prevent air reversal through the fan. The doors shall be located so that they are not in direct line with forces which would come out of the mine, should an explosion occur.

117. It is proposed to add a new mandatory standard 57.21–80 as follows:

57.21–80 *Mandatory.* A methane monitoring device (methane monitor), approved by the Secretary of the Interior, shall be installed and properly maintained on all continuous miner and longwall face equipment. The sensing unit of the methane monitor shall be positioned as close to the working face as practicable. When the concentration of methane is 1.0 percent or more, the monitor shall give a warning and deenergize the equipment automatically. The methane monitor also shall deenergize such equipment automatically when the monitor is not functioning properly.

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federal register

THURSDAY, SEPTEMBER 25, 1975



PART IV:

PRIVACY ACT OF 1974

■

VARIOUS AGENCIES

Title 18—Conservation of Power and Water Resources

CHAPTER I—FEDERAL POWER COMMISSION

[Docket No. RM76-4; Order No. 536]

PART 3b—COLLECTION, MAINTENANCE, USE, AND DISSEMINATION OF RECORDS OF IDENTIFIABLE PERSONAL INFORMATION

SEPTEMBER 23, 1975.

On August 13, 1975, the Commission issued a Notice proposing the adoption of rules governing records of identifiable personal information. The notice was published in the FEDERAL REGISTER on August 20, 1975 (40 FR 36545) with opportunity for public comment by September 22, 1975. The rules provide, among other things, the standards for the collection and maintenance of Commission records containing identifiable personal information, and procedures for the notification of, access to, and amendment of such records and for disclosure of such records to individuals other than those to whom the records pertain. The purpose of the adoption of the rules is to conform Commission procedures to the requirements of the Privacy Act of 1974, Pub. L. No. 93-579, 88 Stat. 1896.

No major changes have been made to the notice of proposed rulemaking.

The Commission finds:

(1) The notice and opportunity to participate in this rulemaking proceeding with respect to the matters presently before this Commission through the submission, in writing, of data, views, comments, and suggestions are in accordance with the procedural requirements prescribed by 5 U.S.C. 553.

(2) In view of the intent of Pub. L. No. 93-579 that the rules adopted herein become effective on September 27, 1975, good cause exists for making them effective on that date.

(3) The adoption of the rules as prescribed herein are necessary and appropriate for the administration of the Federal Power Act and the Natural Gas Act.

The Commission, acting pursuant to the provisions of the Federal Power Act, as amended, particularly section 309 (49 Stat. 858-859; 16 U.S.C. 825h), the Natural Gas Act, as amended, particularly Section 16 (52 Stat. 830; 15 U.S.C. 717o), and Pub L. No. 93-579 (88 Stat. 1896) *orders:*

(A) Part 3b, Subchapter A, Chapter I, Title 18 of the Code of Federal Regulations is adopted to read as follows:

Subpart A—General

Sec.
3b.1 Purpose.
3b.2 Definitions.
3b.3 Notice requirements.
3b.4 Government contractors.
3b.5 Legal guardians.

Sec.

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3b.2 Definitions.
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3b.4 Government contractors.
3b.5 Legal guardians.

Subpart B—Standards for Maintenance and Collection of Records

3b.201 Content of records.
3b.202 Collection of information from individuals concerned.
3b.203 Rules of conduct.
3b.204 Safeguarding information in manual and computer-based record systems.

Subpart C—Rules for Disclosure of Records

3b.220 Notification of maintenance of records to individuals concerned.
3b.221 Access of records to individuals concerned.
3b.222 Identification requirements.
3b.223 Fees.
3b.224 Requests to amend records and disputes thereon.
3b.225 Written consent for disclosure.
3b.226 Accounting of disclosures.
3b.227 Mailing lists.

Subpart D—Rules for Exemptions

3b.250 Specific exemptions.

Subpart A—General

§ 3b.1 Purpose.

Part 3b describes the Federal Power Commission's program to implement the provisions of the Privacy Act of 1974 (Pub. L. No. 93-579, 88 Stat. 1896) to allow individuals to have a say in the collection and use of information which may be used in determinations affecting them. The program is structured to permit an individual to determine what records pertaining to him and filed under his individual name, or some other identifying particular, are collected, maintained, used or disseminated by the Commission, to permit him access to such records, and to correct or amend them, and to provide that the Commission collect, use, maintain and disseminate such information in a lawful manner for a necessary purpose.

§ 3b.2 Definitions.

In this part:

(a) "Agency", as defined in 5 U.S.C. 551(1) as "* * * each authority of the Government of the United States, whether or not it is within or subject to review by another agency, * * *", includes any executive department, military department, Government corporation, Government controlled corporation, or other establishment in the executive branch of the Government (including the Executive Office of the President), or any independent regulatory agency [5 U.S.C. 552(e)];

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

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

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

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

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

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

(h) "Disclosure" means either the transmittal of a copy of a record or the granting of access to a record, by oral, written, electronic or mechanical communication.

§ 3b.3 Notice requirements.

(a) The Commission will publish at least annually in the FEDERAL REGISTER a notice identifying the systems of records currently maintained by the Commission. For each system of records, the notice will include the following information:

(1) The name and location of the system;

(2) The categories of individuals on whom records are maintained in the system;

(3) The categories of records maintained in the system;

(4) The specific statutory provision or executive order, or rule or regulation issued pursuant thereto, authorizing the maintenance of the information contained in the system;

(5) Each routine use of the records contained in the system, including the categories of users and the purposes of such use;

(6) The policies and practices regarding the storage, retrievability, access controls, and retention and disposal of the records;

(7) The title and business address of the Commission official who is responsible for the system of records;

(8) The procedures whereby an individual can be notified at his request if the system of records contains a record pertaining to him;

(9) The procedures whereby an individual can be notified at his request how he can gain access to any record pertaining to him contained in the system of records, and how he can contest its contents; and

(10) The categories of sources of records in the system.

(b) At least thirty days prior to its operation, the Commission will publish in the FEDERAL REGISTER a notice of its intention to establish a new system of records reciting the information required pursuant to paragraphs (a) (1)-(10) of this section and notice of any major change to an existing system.

(c) The Commission will publish in the FEDERAL REGISTER a notice of its intention to establish any new or intended routine use of the information in an existing system of records at least thirty days prior

to the disclosure of the record for that routine use. A new routine use is one which involves disclosure of records for a new purpose compatible with the purpose for which the record is maintained or which involves disclosure to a new recipient or category of recipients. At a minimum, the notice will contain the following information:

(1) The name of the system of records for which the routine use is to be established;

(2) The authority authorizing the maintenance of the information contained in the system;

(3) The categories of records maintained in the system;

(4) The proposed routine use(s);

(5) The categories of recipients for each proposed routine use; and

(6) Reference to the public notice in the FEDERAL REGISTER under which the existing system had already been published.

§ 3b.4 Government contractors.

Systems of records operated by a contractor, pursuant to a "contract," on behalf of the Commission, which are designed to accomplish a Commission function, are considered, for the purposes of this part, to be maintained by the Commission. A "contract" covers any contract, written or oral, subject to the Federal Procurement Regulations. The contractual instrument will specify, to the extent consistent with the Commission's authority to require it, that the systems of records be maintained in accordance with the requirements of this part.

§ 3b.5 Legal guardians.

For the purposes of this part, the parent of any minor, or the legal guardian of any individual who has been declared to be incompetent due to physical or mental incapacity or age by a court of competent jurisdiction, may act on behalf of the individual.

Subpart B—Standards for Maintenance and Collection of Records

§ 3b.201 Content of Records.

(a) All records which are maintained by the Commission in a system of records will contain only such information about an individual that is relevant and necessary to accomplish a purpose of the Commission as required to be accomplished by statute or by executive order of the President. Pursuant to section 3b.3 (a)(4) of this part, the Commission will identify in the FEDERAL REGISTER the specific provisions in law which authorize it to maintain information in a system of records. In determining the "relevance" and "necessity" of records, the following considerations will govern:

(1) Whether each item of information relates to the purposes, in law, for which the system is maintained;

(2) The adverse consequences, if any, of not collecting the information;

(3) Whether the need for the information could be met through the maintenance of the information in a non-individually identifiable form;

(4) Whether the information in the record is required to be collected on every individual who is the subject of a record in the system or whether a sampling procedure would suffice;

(5) The length of time it is necessary to retain the information;

(6) The financial cost of maintaining the record as compared to the adverse consequences of not maintaining it; and

(7) Whether the information, while generally relevant and necessary to accomplish a statutory purpose, is specifically relevant and necessary only in certain cases.

(b) All records which the Commission maintains in a system of records and which are used to make a determination about an individual will be maintained with such accuracy, relevance, timeliness, and completeness as is reasonably necessary to assure fairness to the individual in the determination. Where practicable, in questionable instances, reverification of pertinent information with the individual to whom the record pertains may be appropriate. In pursuit of "completeness" in the collection of information, the Commission will limit its records to those elements of information which clearly bear on the determination for which the records are intended to be used, assuring that all elements necessary to the determination are present before the determination is made.

(c) Prior to disseminating any records in a system of records, the Commission will make reasonable efforts to assure that such records are as accurate, relevant, timely, and complete as appropriate for the purposes for which they are collected and/or maintained, except when they are disclosed to a member of the public under the Freedom of Information Act, 5 U.S.C. 552, as amended, or to another agency.

(d) No records of the Commission in a system of records shall describe how any individual exercises his First Amendment rights unless expressly authorized by statute or by the individual about whom the record is maintained or unless pertinent to and within the scope of an authorized law enforcement activity. The exercise of these rights includes, but is not limited to, religious and political beliefs, freedom of speech and of the press, and freedom of assembly and petition. In determining whether or not a particular activity constitutes the exercise of a right guaranteed by the First Amendment, the Commission will apply the broadest reasonable interpretation.

§ 3b.202 Collection of information from individuals concerned.

(a) Any information collected by the Commission for inclusion in a system of records which may result in adverse determinations about an individual's rights, benefits, and privileges under Federal programs, will, to the greatest extent practicable, be collected directly from the subject individual [see paragraph (d) of this section].

(b) The Commission will inform each individual whom it asks to supply information about himself, on the form which it uses to collect the information, or on a separate sheet that can be easily retained by the individual, in language which is explicit, informative, and easily understood, and not so lengthy as to deter an individual from reading it, of:

(1) The specific provision of the statute or executive order of the President, including the brief title or subject of that statute or order which authorizes the solicitation of the information; whether disclosure of such information is mandatory or voluntary; and whether the Commission is authorized or required to impose penalties for failing to respond;

(2) The principal purpose or purposes for which the information is intended to be used;

(3) The routine uses which may be made of the information, as described in the FEDERAL REGISTER in the notice of the system of records in which the information is maintained, and which are relatable and necessary to a purpose described pursuant to paragraph (b)(2) of this section; and

(4) The effects (beneficial and adverse) on the individual if any, of not providing all or any part of the requested information.

(c) Social security numbers will not be required from individuals whom the Commission asks to supply information unless the disclosure of the number is required by Federal statute or unless disclosure is to the Commission maintaining a system of records in existence and operating before January 1, 1975, if such disclosure was required pursuant to a statute or regulation adopted prior to such date to verify the identity of an individual. When an individual is requested to disclose his social security number to the Commission, he will be informed under what statutory or other authority such number is solicited, what uses will be made of it, whether disclosure is mandatory or voluntary, and if it is mandatory, under what provisions of law or regulation.

(d) The use of third-party sources to collect information about an individual may be appropriate in certain circumstances. In determining when the use of third-party sources would be appropriate, the following considerations will govern:

(1) When the information needed can only be obtained from a third party;

(2) When the cost of collecting the information directly from the individual concerned far exceeds the cost of collecting it from a third party;

(3) When there is little risk that the information proposed to be collected from the third party, if inaccurate, could result in an adverse determination about the individual concerned.

(4) When there is a need to insure the accuracy of information supplied by an individual by verifying it with a third party, or there is a need to obtain a qualitative assessment of the individual's capabilities or character; or

(5) When there are provisions for verifying any third-party information with the individual concerned before making a determination based on that information.

Third party sources, where feasible, will be informed of the purposes for which information which they are asked to provide will be used. In appropriate circumstances, pursuant to 5 U.S.C. 552a (k) (2), (5), and (7), the Commission may assure a third party that his identity will not be revealed to the subject of the collected information.

§ 3b.203 Rules of conduct.

(a) The Executive Director of the Commission has the overall administrative responsibility for implementing the provisions of the Privacy Act of 1974 and overseeing the conduct of all Commission employees with respect to the Act.

(b) It is the responsibility of the Comptroller of the Commission, under the guidance of the Executive Director, to prepare the appropriate internal administrative procedures to assure that all persons involved in the design, development or operation of any system of records, or in collecting, using, or disseminating any individual record, and who have access to any system of records, are informed of all rules and requirements of the Commission to protect the privacy of the individuals who are the subjects of the records, including the applicable provisions of the FPC Standards of Conduct for Employees, Special Government Employees and Commissioners, specifically 18 CFR 3.207(e) and 3.228 (d).

(c) The Director, Office of Personnel Programs, is responsible for establishing and conducting an adequate training program for such persons whose official duties require access to and collection, maintenance, use, and dissemination of such records.

(d) The General Counsel of the Commission is responsible for providing legal interpretation of the Privacy Act of 1974, and for preparing all agency rules and notices for official publication in compliance with the Act.

(e) Commission employees will be informed of all the implications of their actions in this area, including especially:

(1) That there are criminal penalties for knowing and willful unauthorized disclosure of material within a system of records; for willful failure to publish a public notice of the existence of a system of records; and for knowingly and willfully requesting or obtaining records under false pretenses;

(2) That the Commission may be subject to civil suit due to failure to amend an individual's record in accordance with his request or failure to review his request in conformity with § 3b.224; refusal to comply with an individual's request of access to a record under § 3b.221; willful or intentional failure to maintain a record accurately pursuant to § 3b.201(b) and consequently a determination is made which is adverse to the individual; or willful or intentional failure to comply with any other provision of the Privacy Act of 1974, or any rule promulgated thereunder, in such a way as to have an adverse effect upon an individual.

§ 3b.204 Safeguarding information in manual and computer-based record systems.

(a) The administrative and physical controls to protect the information in the manual and computer-based record systems from unauthorized access or disclosure will be specified for each system in the FEDERAL REGISTER. The system managers, who are responsible for providing protection and accountability of such records at all times and for insuring that the records are secured in proper containers whenever they are not in use or under direct control of authorized persons, will be identified for each system of records in the FEDERAL REGISTER.

(b) Whenever records in the manual or computer-based record systems, including input and output documents, punched cards, and magnetic tapes or disks, are not under the personal control of an authorized person, they will be stored in lockable containers and/or in a secured room, or in alternative storage systems which furnish an equivalent or greater degree of physical security. In this regard, the Commission may refer to security guidelines prepared by the General Services Administration, the Department of Commerce (National Bureau of Standards), or other agencies with appropriate knowledge and expertise.

(c) Access to and use of records will only be permitted to persons pursuant to §§ 3b.221, 3b.224, and 3b.225. Access to areas where records are stored will be limited to those persons whose official duties require work in such areas. Proper control of data, in any form, associated with the manual and computer-based record systems will be maintained at all times, including maintenance of an accounting of removal of the records from the storage area.

Subpart C—Rules for Disclosure of Records

§ 3b.220 Notification of maintenance of records to individuals concerned.

(a) Upon written request, either in person or by mail, to the appropriate system manager specified for each system of records, an individual will be notified whether a system of records maintained by the Commission and named by the individual contains a record or records pertaining to him and filed under his individual name, or some other identifying particular.

(b) The system manager may require appropriate identification pursuant to § 3b.222, and if necessary, may request from the individual additional information needed to locate the record which the individual should reasonably be expected to know, such as, but not limited to, date of birth, place of birth, and a parent's first name.

(c) When practicable, the system manager will provide a written acknowledgement of the inquiry within ten days of receipt of the inquiry (excluding Saturdays, Sundays and legal public holidays) and notification of whether or not a system of records maintained by the Commission and named by the individual contains a record pertaining to him and filed under his individual name or some other identifying particular. If the system manager is unable to provide an answer within the ten-day period, he will so inform the individual in writing, stating the reasons therefor (for good cause shown), and when it is anticipated that notification will be made. Such an extension will not exceed fifteen days from receipt of the inquiry (excluding Saturdays, Sundays, and legal public holidays).

(d) "For good cause shown", as used in all sections of this part, includes circumstances such as the following: where a search for and/or collection of requested records from inactive storage, field offices, or other establishments is required; where a voluminous amount of data is involved; where information on other individuals must be separated or expunged from the record; or where consultations are required with other agencies or with others having a substantial interest in the determination of the request.

§ 3b.221 Access of records to individuals concerned.

(a) Upon written request, either in person or by mail, to the appropriate system manager specified for each system of records, any individual may gain access to records or information in a system of records pertaining to him and filed under his individual name, or some other identifying particular, to review and to have a copy made of all or any portion thereof in a form comprehensible to him.

(b) A person of his own choosing may accompany the individual to whom the record pertains when the record is disclosed [see § 3b.222(e)].

(c) Before disclosure, the following procedure may apply:

Medical or psychological records will be disclosed directly to the individual to whom they pertain unless, in the judgment of the system manager, in consultation with a medical doctor or a psychologist, access to such records could have an adverse effect upon the individual. When the system manager and a doctor determine that the disclosure of such information could have an adverse effect upon the individual to whom it pertains, the system manager may transmit such information to a medical doctor named by the requesting individual.

(d) The system manager will provide a written acknowledgement of the receipt of a request for access within ten days of receipt (excluding Saturdays, Sundays, and legal public holidays). Such acknowledgement may, if necessary, request any additional information needed to locate the record which the individual may reasonably be expected to know, and may require appropriate identification pursuant to § 3b.222 of this part. No acknowledgment is required if access can be granted within the ten-day period.

(1) If access can be granted, the system manager will notify the individual, in writing, as to when, and whether

access will be granted in person or by mail, so that access will be provided within twenty days of the receipt of the request (excluding Saturdays, Sundays, and legal public holidays). If the system manager is unable to provide access within twenty days of receipt of the request, he will inform the individual in writing as to the reasons therefor (for good cause shown), and when it is anticipated that access will be granted. If the expected date of access indicated in the written notification to the individual cannot be met, the system manager will advise the individual in writing of the delay, the reasons therefor (for good cause shown), and of a revised date when access will be granted. Such extensions will not exceed thirty days from receipt of the request (excluding Saturdays, Sundays, and legal public holidays).

(2) If access cannot be granted, the system manager will inform the individual, in writing, within twenty days of receipt of the request (excluding Saturdays, Sundays, and legal public holidays) of the refusal of his request; the reasons for the refusal; the right of the individual, within thirty days of receipt of the refusal, to request in writing a review of the refusal by the Chairman of the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, or by an officer designated by the Chairman pursuant to § 3b.224(f); and the right of the individual to seek advice or assistance from the system manager in obtaining such a review.

(e) The Chairman, or officer designated pursuant to § 3b.224(f), not later than thirty days (excluding Saturdays, Sundays, and legal public holidays) from the date of receipt of the individual's request for review will complete such review, unless, for good cause shown, the Chairman, or designated officer, extends the thirty-day period in writing to the individual with reasons for the delay and the approximate date on which the review is expected to be completed. Such an extension will not exceed thirty-five days from receipt of the request for review (excluding Saturdays, Sundays and legal public holidays). The Chairman, or designated officer, will make one of the following determinations:

(1) Grant the individual access to the requested record and notify the individual, in writing, as to when, and whether access will be granted in person or by mail; or

(2) Inform the individual in writing of the refusal, the reasons therefor, and the right of the individual to seek judicial review of the refusal of his request for access.

(f)(1) The Commission will deny an individual access to the following records pertaining to him:

(i) Information compiled in reasonable anticipation of a civil action or proceeding;

(ii) Records listed in the FEDERAL REGISTER as exempt from certain provisions of the Privacy Act of 1974, pursuant to subpart D of this part; and

(iii) Records which may be required to be withheld under other statutory provisions.

(2) The Commission will not deny an individual access to a record pertaining to him because that record is permitted to be withheld from members of the public under the Freedom of Information Act, 5 U.S.C. 552, as amended.

(g) Disclosure of an original record will take place in the presence of the Commission representative having physical custody of the record.

§ 3b.222 Identification requirements.

The appropriate system manager specified for each system of records will require reasonable identification from individuals to assure that records in a system of records are disclosed to the proper person. Identification requirements will be consistent with the nature of the records being disclosed.

(a) Disclosure of records to the individual to whom the record pertains, or under whose name or some other identifying particular the record is filed, in person, requires that the individual show an identification card. Employee identification, a Medicare card, or a driver's license are examples of acceptable identification. Documents incorporating a picture and signature of the individual are preferred.

(b) For records disclosed by mail, the system manager will require certain minimum identifying information: name, date of birth, or the system's personal identifier if known to the individual. A comparison of the signatures of the requester and those in the record will be used to determine identity.

(c) If the system manager determines that the data in the record is so sensitive that unauthorized access could cause harm or embarrassment to the individual involved, a signed notarized statement asserting identity or some other reasonable means to verify identity will be required.

(d) If an individual can provide no suitable information or documents for identification, the system manager will require a signed statement from the individual asserting his identity and stipulating that the individual understands that knowingly or willfully seeking or obtaining access to records about an individual under false pretenses is a misdemeanor punishable by a fine of up to $5,000.

(e) The system manager will require an individual who wishes to be accompanied by another person when reviewing his records to furnish a signed written statement authorizing discussion of his records in the presence of the accompanying person.

(f) The appropriate identification requirements of this section may be required by a system manager from an individual to whom a record does not pertain who seeks access to the record pursuant to section 3b.225 of this part.

(g) No individual will be denied notification of maintenance of a record pursuant to § 3b.220 or access to a record pursuant to §§ 3b.221 and 3b.224 for refusing to disclose a social security number.

(h) No verification of identity will be required of individuals seeking notification of or access to records which are otherwise available to a member of the public under the Freedom of Information Act, 5 U.S.C. 552, as amended.

§ 3b.223 Fees.

(a) Fees will be charged for the direct cost of duplication of records in a system of records when copies are requested by the individual seeking access to the records. Any person may obtain a copy of the Commission's schedule of fees by telephone, by mail or by coming in person to the office of the appropriate system manager who is responsible for the protection and accountability of the desired record. Requests for copies of requested records and payment therefor must be made to the system manager. Fees will only be charged for costs of $2 or more.

(b) Where practicable, self-service duplication of requested documents may also be made on duplicating machines by the person requesting the records, on a reimbursable basis to the system manager, in the presence of the Commission representative having physical custody of the record. Where data has been extracted from one of the Commission's systems of records on magnetic tape or disks, or computer files, copies of the records of these files may be secured on a reimbursable basis upon written request to the appropriate system manager. The fee will vary for each requirement, depending on size and complexity.

(c) No fee will be charged in the following instances: (1) when the system manager determines that he can grant access to records only by providing a copy of the record through the mail because he cannot provide reasonable means for the individual to have access in person; (2) for search and review of requested records to determine if they fall within the disclosure requirements of this part; and (3) when the system manager makes a copy of the record as a necessary part of the process of making it available for review.

(d) Except for requests made by Government agencies, certification of copies of any official Commission record shall be accompanied by a fee of $2 per document.

§ 3b.224 Requests to amend records and disputes thereon.

(a) Upon written request, either in person or by mail, to the appropriate system manager specified for each system of records, any individual may amend records in a system of records pertaining to him and filed under his individual name or some other identifying particular. Such requests should contain identifying information needed to locate the record, a brief description of the item or items of information to be amended, and information in support of the request for amendment. The individual may obtain assistance in preparing his request to amend a record from the appropriate system manager.

(b) The system manager will provide a written acknowledgement of the receipt of a request to amend within ten days of receipt (excluding Saturdays,

Sundays, and legal public holidays). Such an acknowledgement may, if necessary, request any additional information needed to make a determination which the individual may reasonably be expected to know, and verification of identity consistent with § 3b.222. The acknowledgement will clearly describe the request and advise the individual requesting the amendment when he may expect to be notified of action taken on the request. No acknowledgement is required if the request can be reviewed, processed, and the individual notified of compliance or denial within the ten-day period.

(c) The system manager will complete the review and advise the individual in writing of the results within twenty days of the receipt of the request (excluding Saturdays, Sundays, and legal public holidays). If the system manager is unable to complete the review within twenty days of the receipt of the request, he will inform the individual in writing as to the reasons therefor (for good cause shown) and when it is anticipated that the review will be completed. If the completion date for the review indicated in the acknowledgement cannot be met, the system manager will advise the individual in writing of the delay, the reasons therefor (for good cause shown), and of a revised date when the review may be expected to be completed. Such extensions will not exceed thirty days from receipt of the request (excluding Saturdays, Sundays, and legal public holidays). The system manager will take one of the following actions:

(1) Make the requested correction or amendment; so advise the individual in writing; and, where an accounting of the disclosure of the record was made pursuant to § 3b.226, advise all previous recipients of the record in writing of the fact that the amendment was made and the substance of the amendment [see § 3b.225(d)]; or

(2) Inform the individual in writing of the refusal to amend the record in accordance with the request; the reasons for the refusal including any of the standards which were employed pursuant to paragraph (d) of this section in conducting the review; the right of the individual, within thirty days of receipt of the refusal, to request in writing a review of the refusal by the Chairman of the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, or by an officer designated by the Chairman pursuant to paragraph (f) of this section; and the right of the individual to seek advice or assistance from the system manager in obtaining such a review.

(d) In reviewing a record in response to a request to amend, the system manager and the Chairman, or the officer he designates pursuant to paragraph (f) of this section, shall assess the accuracy, relevance, timeliness and completeness of the record. They shall consider the record in terms of the criteria established in section 3b.201 of this part.

(e) The Chairman, or officer designated pursuant to paragraph (f) of this section, not later than thirty days (excluding Saturdays, Sundays, and legal public holidays) from the date of receipt of the individual's request for review, will complete such review, unless, for good cause shown, the Chairman, or designated officer, extends the thirty-day period in a writing to the individual with reasons for the delay and the approximate date on which the review is expected to be completed. Such an extension will not exceed thirty-five days from receipt of the request for review (excluding Saturdays, Sundays, and legal public holidays). The Chairman, or designated officer, will make one of the following determinations:

(1) Make the correction in accordance with the individual's request and proceed as in subsection (c)(1) of this section; or

(2) Inform the individual in writing of (i) the refusal to amend the record in accordance with the request, (ii) the reasons therefor, including any of the standards which were employed pursuant to paragraph (d) of this section in conducting the review; (iii) the right of the individual to file with the Chairman, or designated officer, a concise written statement setting forth the reasons for his disagreement with the decision; (iv) the fact that the statement of disagreement will be made available to anyone to whom the record is subsequently disclosed, together with the portion of the record which is disputed clearly noted, and, with, at the discretion of the Chairman, or designated officer, a brief statement by the Chairman, or designated officer, summarizing the reasons for refusing to amend the record; (v) where an accounting of the disclosure of the record was made pursuant to section 3b.226 of this part, the fact that prior recipients of the disputed record will be provided a copy of the individual's statement of disagreement, with the portion of the record which is disputed clearly noted, and, at the Chairman's or designated officer's discretion, the statement summarizing the refusal to amend [see § 3b.225(d)]; and (vi) the individual's right to seek judicial review of the refusal to amend.

(f) The Chairman may designate, in writing, another officer of the Commission to act in his capacity for the purposes of this part. The officer will be organizationally independent of or senior to the system manager who made the initial determination and will conduct a review independent of the initial determination.

§ 3b.225 Written consent for disclosure.

(a) The Commission will not disclose any record which is contained in a system of records by any means of communication to any person, or to any other agency, unless it has the written request by, or the prior written consent of, the individual to whom the record pertains and under whose individual name, or some other identifying particular, the record is filed. The written request or consent should include, at a minimum, the general purposes for or the types of recipients to whom disclosure may be made. The fact that an individual is informed of the purposes for which information will be used when information is collected pursuant to § 3b.202(b)(2) will not constitute consent.

(b) A written request or consent is not required if the disclosure is:

(1) To those officers and employees of the Commission who have a need for the record in the performance of their duties;

(2) Required under the provisions of the Freedom of Information Act, 5 U.S.C. 552, as amended;

(3) For a routine use as defined in subsection 3b.2(g) of this part and as described in the public notice for each system of records;

(4) To the Bureau of the Census for purposes of planning or carrying out a census or survey or related activity pursuant to the provisions of title 13 of the United States Code;

(5) To a recipient who has provided the appropriate system manager specified for each system of records with advance adequate written assurance that the record will be used solely as a statistical research or reporting record, and the record is to be transferred in a form that is not individually identifiable. The written statement of assurance should include at a minimum:

(i) A statement of the purpose for requesting the record; and

(ii) Certification that the record will only be used for statistical purposes.

In addition to stripping personally identifying information from records released for statistical purposes, the system manager will ensure that the identity of the individual cannot reasonably be deduced or determined by combining various statistical records, or by reference to public records or other available sources of information;

(6) To the National Archives of the United States, pursuant to 44 U.S.C. 2103, as a record which has sufficient historical or other value to warrant its continued preservation by the United States Government, or for the evaluation by the Administrator of General Services or his designee to determine whether the record has such value;

(7) To another agency or to an instrumentality of any governmental jurisdiction within or under the control of the United States for a civil or criminal law enforcement activity if the activity is authorized by law, and if the head of the agency or instrumentality, or his delegated official, has made a written request to the appropriate system manager specifying the particular portion of the record desired and the law enforcement activity for which the record is being sought;

(8) To a person pursuant to a showing of compelling circumstances affecting the health or safety of an individual (not necessarily the individual to whom the record pertains), if, upon disclosure, notification of such is sent to the last known address of the individual to whom the record pertains;

(9) To either House of Congress, or to any committee or subcommittee thereof, on a matter within its jurisdiction;

(10) To the Comptroller General, or any of his authorized representatives, in the course of the performance of the duties of the General Accounting Office; or

(11) Pursuant to the order of a court of competent jurisdiction.

(c) When a record is disclosed under compulsory legal process and such process becomes a matter of public record, the system manager will make reasonable efforts to notify the individual to whom the record pertains. A notice will be sent to the individual's last known address noted in the Commission's files.

(d) The appropriate system manager shall notify all prior recipients of records, disclosure to whom an accounting was made pursuant to § 3b.226, of any amendments made to the records, including corrections, amendments and notations of dispute made pursuant to §§ 3b.224(c)(1) and 3b.224(e)(1) and (2)(v), within ten days of receipt of the corrected information or notation of dispute (excluding Saturdays, Sundays, and legal public holidays), except under unusual circumstances [see circumstances described in § 3b.220(d)].

(e) The content of the records disclosed under this section shall be maintained pursuant to the standards established in § 3b.201(c).

§ 3b.226 Accounting of disclosures.

(a) The appropriate system manager specified for each system of records will keep an accurate written account of all disclosures of records made to any person or to any other agency with the written consent or at the written request of the individual to whom the record pertains and pursuant to §§ 3b.225(b)(3)–(11). The account will include the following information:

(1) The date, nature, and purpose of each disclosure;

(2) The name and address of the person or agency to whom the disclosure is made; and

(3) A reference to the justification or basis upon which the release was made, including reference to any written document required as when records are released for statistical or law enforcement purposes pursuant to §§ 3b.225(b)(5) and (7).

(b) Each system manager will retain the accounting made under paragraph (a) of this section for at least five years from the date of disclosure for which the accounting is made, or the life of the record, which ever is longer.

(c) Except for disclosures made for law enforcement purposes pursuant to § 3b.225(b)(7), and unless the system of records has been exempted from this provision pursuant to subpart D of this part, each system manager will make the accounting made under paragraph (a) of this section available to the individual named in the record at his written request.

(d) The accounting of disclosures is not a system of records under the definition in § 3b.2(e) and no accounting will be maintained for disclosure of the accounting of disclosures.

§ 3b.227 Mailing lists.

An individual's name and address maintained by the Commission will not be sold or rented for commercial or other solicitation purposes not related to the purposes for which the information was collected, unless such sale or rental is specifically authorized by law. This provision shall not be construed to require the withholding of names or addresses otherwise permitted to be made public, as pursuant to the Freedom of Information Act, 5 U.S.C. 552, as amended.

Subpart D—Rules for Exemptions

§ 3b.250 Specific exemptions.

Any system of records maintained by the Commission may be exempt from certain provisions of the Privacy Act of 1974, and the appropriate sections of this part promulgated pursuant thereto, if the following requirements are met:

(a) The system of records falls within one or more of the following categories:

(1) Records subject to the provisions of 5 U.S.C. 552(b)(1) as classified material;

(2) Investigatory material compiled for law enforcement purposes [except to the extent that the system is more broadly exempt under 5 U.S.C. 552a(j)(2) covering records maintained by an agency whose principal function pertains to the enforcement of criminal laws] provided, however, that is such record is used as a basis for denying an individual any right, privilege, or benefit to which the individual would be entitled in the absence of that record, the individual must be granted access to that record except to the extent that access would reveal the identity of a confidential source who furnished the information to the Government under an express promise that his identity would be held in confidence, or, prior to September 27, 1975, under an implied promise that his identity would be held in confidence;

(3) Records maintained to provide protective services to the President of the United States or other individuals pursuant to 18 U.S.C. 3056;

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

(5) Investigatory material compiled solely for determining suitability, eligibility, or qualifications for Federal civilian employment, military service, Federal contracts, or access to classified information, but only to the extent that disclosure of such material would reveal the identity of a source who furnished information to the Government under an express promise that his identity would be held in confidence, or, prior to September 27, 1975, under an implied promise that his identity would be held in confidence;

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

(7) Material used to evaluate potential for promotion in the armed services, but only to the extent that the disclosure of such material would reveal the identity of a source who furnished the information to the Government under an express promise that his identity would be held in confidence, or, prior to September 27, 1975, under an implied promise that his identity would be held in confidence;

(b) Publication in the FEDERAL REGISTER is made in accordance with the requirements (including general public notice) of the Administrative Procedure Act, 5 U.S.C. 553, to include, at a minimum:

(1) The name of the system of records;

(2) The specific provision or provisions of the Privacy Act of 1974, and the appropriate sections of this part promulgated pursuant thereto, from which the system is to be exempted; and

(3) The reasons for the exemption; and

(c) The system of records is exempted from one or more of the following provisions of the Privacy Act and the appropriate sections of this part promulgated pursuant thereto:

(1) 5 U.S.C. 552a(c)(3); 18 C.F.R. 3b.226(c)—Making the accounting of disclosures available to the individual named in the record at his request;

(2) 5 U.S.C. 552a(d); 18 C.F.R. 3b.221, 3b.224—Granting an individual the right of access to his records and permitting him to request amendment of such;

(3) 5 U.S.C. 552a(e)(1); 18 C.F.R. 3b.201(a)—Requiring maintenance of relevant and necessary information in a system of records as required by statute or executive order of the President;

(4) 5 U.S.C. 552a(e)(4)(G); 18 C.F.R. 3b.3(a)(8)—Requiring a description of procedures for determining if a system contains a record on an individual in the public notice of the system of records;

(5) 5 U.S.C. 552a(e)(4)(H); 18 C.F.R. 3b.3(a)(9)—Requiring a description of procedures for gaining access to and contesting the contents of a record in the public notice of the system of records;

(6) 5 U.S.C. 552a(e)(4)(I); 18 C.F.R. 3b.3(a)(10)—Requiring a description of the categories of the sources of records in the public notice of the system of records; and

(7) 5 U.S.C. 552a(f); 18 C.F.R. 3b.220–3b.224—Requiring agency rules for determining if an individual is the subject of a record, for handling requests for access, for granting requests for access, for amending records, and for fees.

(B) The rules adopted herein shall be effective as of September 27, 1975.

(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.75-25715 Filed 9-24-75;8:45 am]

Title 32—National Defense

CHAPTER I—OFFICE OF THE SECRETARY OF DEFENSE

PART 299a—PRIVACY ACT SYSTEMS OF RECORDS—DISCLOSURES AND AMENDMENT PROCEDURES—SPECIFIC EXEMPTIONS, NATIONAL SECURITY AGENCY

Notice was published in the FEDERAL REGISTER of 26 August 1975 (published at 40 FR 37579), that the National Security Agency (NSA) proposed adoption of rules to provide for disclosure and amendment with respect to records on individuals contained in systems of records for which notice had been published pursuant to 5 U.S.C. 552a, subsection (e)(4) and to designate such systems of records for exemption. Notices of NSA systems of records were first published in the FEDERAL REGISTER on 18 August 1975, at pages 35741-48. Interested persons desiring to submit written data, views or arguments in connection with the proposed rules were given until 12 September 1975, to do so. Due to the tremendous volume of rules and systems notices, however, the NSA rules were not published until 26 August 1975. Only one comment, a request for an extension from 12 September to 26 September, was received. The request for extension was granted but comments have not been received by the required publication time.

During the period between publication of the proposed rules and the system of records notices, the question was raised as to the need to include within each authority for maintenance of the system section of system of records notices a citation of section 3103 of Title 44 of the U.S. Code. Although it was not considered necessary to so state in each system notice, a statement to the effect that each systems notice includes implied authority pursuant to section 3103 of Title 44 has been added to § 299a.1(b) Purpose and Scope of this Part. The only other change is § 299a.10, Specific exemptions, paragraph (b)(10), Authority, to correct the omission of (k)(5). A justification for the (k)(5) exemption was included in the original notice.

After consideration of the relevant facts the proposed rules are hereby adopted with the changes noted. The rules are set forth below.

Effective date: 27 September 1975.

Part 299a is added as follows below:

Sec.

299a.1 Purpose and scope.
299a.2 Definitions.
299a.3 Procedures for requests concerning individual records in a system of records.
299a.4 Times, places and procedures for disclosure of records to individuals.
299a.5 Medical or psychological records—special procedures.
299a.6 Parents or legal guardians acting on behalf of minor applicants.
299a.7 Procedures for amendment.
299a.8 Appeal.
299a.9 Fees.
299a.10 Specific exemptions.

AUTHORITY: 5 U.S.C. 552a, the Privacy Act of 1974; 5 U.S.C. 552, the Freedom of Information Act as amended by Pub. L. 93-502; Pub. L. 86-36, Pub. L. 88-290 and 18 U.S.C. 798.

§ 299a.1 Purpose and scope.

(a) The purpose of this rule is to comply with and implement title 5 U.S.C. 552a, sections (f) and (k), hereinafter identified as the Privacy Act. It establishes the procedures by which an individual may be notified whether a system of records contains information pertaining to the individual; defines times, places and requirements for identification of the individual requesting records, for disclosure of requested records where appropriate; special handling for medical and psychological records; for amendment of records; appeal of denials of requests for amendment; and provides a schedule of fees to be charged for making copies of requested records. In addition, this rule contains the exemptions promulgated by the Director, NSA, pursuant to 5 U.S.C. 552a(k), to exempt Agency systems of records from subsections (c)(3); (d); (e)(1); (e)(4)(G)(H), (I); and (f) of section 552a.

(b) The procedures established and exemptions claimed apply to systems of records for which notice has been published in the FEDERAL REGISTER pursuant to the Privacy Act. Requests from individuals for records pertaining to themselves will be processed in accordance with these procedures and consistent with the exemptions claimed. Requests for records which do not specify the statute pursuant to which they are made but which may be reasonably construed to be requests by an individual for records pertaining to that individual will also be processed in accordance with these procedures and consistent with exemptions claimed. To the extent appropriate, these procedures apply to records maintained by this Agency pursuant to system of records notices published by the Civil Service Commission. The primary category of records affected by a Commission notice is that maintained in conjunction with the CSC system identified as "CSC-Retirement Life Insurance and Health Benefits Records System." Authority pursuant to 44 U.S.C. 3101 to maintain each system of records for which notice has been published is implied in each "authority for maintenance of a system" of each systems notice.

§ 299a.2 Definitions.

(a) *Access to the NSA headquarters:* means current and continuing daily access to those facilities making up the NSA headquarters.

(b) *Individual:* means a natural person who is a citizen of the United States or an alien lawfully admitted for permanent residence.

(c) *Request:* means a request in writing for records pertaining to the requester contained in a system of records and made pursuant to the Privacy Act or if no statute is identified considered by the Agency to be made pursuant to that Act.

(d) *System of Records:* means a grouping of records maintained by the Agency for which notice has been published in the FEDERAL REGISTER pursuant to section 552a(e)(4) of title 5 U.S.C.

§ 299a.3 Procedures for requests concerning individual records in a system of records.

(a)(1) *Notification:* Any individual may be notified in response to a request if any system of records contains a record pertaining to the requester by sending a request addressed to: Information Officer, National Security Agency, Fort George G. Meade, Maryland 20755. Such request shall be in writing, shall be identified on the envelope and the request as a "Privacy Act Request," shall designate the system or systems of records using the names of the systems as published in the system notices, shall contain the full name, present address, date of birth, social security number and dates of affiliation or contact with NSA/CSS of the requester and shall be signed in full by the requester.

(2) A request pertaining to records concerning the requester which does not specify the Act pursuant to which the request is made shall be processed as a Privacy Act request. A request which does not designate the system or systems of records to be searched shall be processed by checking the following systems of records: Applicants; Personnel; Health, Medical and Safety.

(b)(1) *Identification:* Any individual currently not authorized access to the National Security Agency headquarters who requests disclosure of records shall provide the following information with the written request for disclosure: full name, present address, date of birth, social security number, and date of first affiliation or contact with NSA/CSS and date of last affiliation or contact with NSA/CSS.

(2) Any individual currently authorized access to the National Security Agency headquarters shall provide the following information with the request for notification: full name, present organizational assignment, date of birth, social security number.

(3) Such request shall be treated as a certification of the requester that the requester is the individual named. Individuals should be aware that the Privacy Act provides criminal penalties for any person who knowingly and willfully requests or obtains any records concerning an individual under false pretenses.

§ 299a.4 Times, places and procedures for disclosures.

(a) Individual not currently affiliated with NSA:

(1) *Request procedure:* Any individual currently not authorized access to the National Security Agency headquarters shall make the request for notification in writing and shall include the required identifying data. Upon verification of the existence in systems of records of records pertaining to the requester, a copy of the records located shall be mailed to the requester subject to appropriate specific exemptions, applicable Public Laws, special procedures pertaining to medical records, including psychological records, and the exclusion

for information compiled in reasonable anticipation of a civil action or proceeding. If the request cannot be processed within ten working days from the time of receipt of the request, an acknowledgement of receipt of the request will be sent to the requester.

(2) *Appointment of other individual:* If a requester wishes another individual to obtain the requested records on his behalf, the requester shall provide a written, signed, notarized statement appointing that individual as his representative, certifying that the individual appointed may have access to the records of the requester and that such access shall not constitute an invasion of the privacy of the requester nor a violation of his rights under the Privacy Act of 1974.

(b) *Individual currently affiliated with NSA:* (1) *Request procedure:* Any individual currently authorized access to the National Security Agency headquarters may make the request for notification to the appropriate official delegated responsibility for a system of records pursuant to internal agency regulations pertaining to the Privacy Act of 1974. In the alternative, such individual may direct the request to the NSA Information Officer in writing in the same form and including the data required in paragraph 4(a)(1) above. In the case of any denial of notification by officials delegated responsibility for a system the request shall be referred to the NSA Information Officer for review.

(2) *Appointment of other individual:* If the requester makes a request pursuant to this paragraph and wishes to designate another individual to accompany him, the same procedures as provided in § 299a.4(a)(2) above apply. If the individual appointed is currently authorized access to the National Security Agency headquarters, he may accompany the requester. If the individual appointed is not currently authorized access, a copy of the records located may be mailed to the appointed individual subject to appropriate specific exemptions, applicable Public Laws, special procedures pertaining to medical records including psychological records, and the exclusion for information compiled in reasonable anticipation of a civil action or proceeding.

§ 299a.5 Medical or psychological records.

If the request includes records of a medical or psychological nature, and if an Agency doctor makes the determination that the records requested contain information which would have an adverse effect upon the requester, the requester will be advised to appoint a medical doctor in the appropriate discipline to receive the information. The appointment of the doctor shall be in the same form as that indicated in § 299a.4(a)(2) above and shall include a certification that the doctor appointed is authorized to practice the appropriate specialty by virtue of a license to practice same in the state which granted the license.

§ 299a.6 Parents or legal guardians acting on behalf of minor applicants and and employees.

Parents or Legal Guardians acting on behalf of minors who request records concerning NSA/CSS applicants or employees who are minors shall be subject to the same requirements contained in § 299a.4(a)(1) Appointment of Other Individuals, including the requirement for written authorization. Requests by parents or legal guardians acting on behalf of minors will be processed in the same manner and in accordance with the procedures established herein for individuals not currently authorized access to the NSA headquarters.

§ 299a.7 Procedures for amendment.

(a) *Request procedure:* Any request for amendment of a record or records contained in a system of records shall be in writing addressed to the Information Officer, National Security Agency, Fort George G. Meade, Md. 20755, Attention: Privacy Act Amendment, and shall contain sufficient details concerning the requested amendment, justification for the amendment, and a copy of the record(s) to be amended or sufficient identifying data concerning the affected record(s) to permit its timely retrieval. Such requests may not be used to accomplish actions for which other procedures have been established such as grievances, performance appraisal protests, etc. In such cases the requester will be advised of the appropriate procedures for such actions.

(b) *Initial determination:* The NSA Information Officer may make an initial determination concerning the requested amendment within ten working days or shall acknowledge receipt of the amendment request within that period if a determination cannot be completed. The determination shall advise the requester of action taken to make the requested amendment or inform the requester of the rejection of the request, the reason(s) for the rejection and the procedures established by the Agency for review of rejected amendment requests.

(c) *Request on appeal:* A requester may appeal the rejection by the NSA Information Officer of a request for amendment to the Executive for Staff Services. Such appeal shall be in writing, addressed to the Executive for Staff Services, National Security Agency, Fort George G. Meade, Md 20755, Attention: Privacy Act Amendment Appeal.

§ 299a.8 Appeal determination.

The Executive for Staff Services shall acknowledge receipt of the appeal within ten working days. A determination concerning the appeal shall be provided to the requester within 30 working days, unless the Director, National Security Agency, extends the period for good cause. The Executive for Staff Services shall advise the requester of the action taken to make the requested amendment or inform the requester of the rejection of the appeal, the right to submit for incorporation in the file containing the disputed record(s) a concise statement of disagreement, and notify the requester of the right of judicial review of the denial pursuant to subsection (g)(1)(A) of 5 U.S.C. 552a.

§ 299a.9 Fees.

A fee may be charged for the reproduction of copies of any requested records, provided one copy is made available without charge where access is limited to mail service only. Fees shall be charged in accordance with The Uniform Schedule of Fees established by the Department of Defense pursuant to Pub. L. 93-502.

§ 299a.10 Specific exemptions.

(a)(1) The following National Security Agency systems of records, published in the FEDERAL REGISTER, are specifically exempted from the provisions of 5 U.S.C. 552a, subsections (c)(3), (d), (e)(1), (e)(4)(G), (e)(4)(H), (e)(4)(I) and (f) pursuant to subsection (k) of Section 552a to the extent that each system contains indvidual records or files within the category or categories provided by subsection (k). Notice is hereby given that individual records and files within each NSA system of records may be subject to specific provisions of Pub. L. 86-36, Pub. L. 88-290 and Title 18 U.S.C. 798 and other laws limiting access to certain types of information or application of laws to certain categories of information.

(2) In addition, those records maintained pursuant to notice of systems of records published by the CSC are exempted pursuant to Title 5 U.S.C. 552a (k)(1) to the extent that they contain classified information in order to protect such information from unauthorized disclosure. Such records may also be subject to other specific exemptions pursuant to rules promulgated by the CSC.

(b) Systems of records subject to specific exemptions:

(1) *System name:* NSA/CSS Access, Authority and Release of Information File.

(ii) *Exemption:* This system of records is exempted from the sections of title 5 U.S.C. 552a cited in paragraph 299a.10(a) and is subject to the limitations noted in that paragraph.

Authority: 5 U.S.C. 552a(k)(1), (k)(5)

Reasons: This system of records is exempted from all subsections cited pursuant to exemption (k)(1) to protect from unauthorized disclosure classified information which may be contained in records and files making up the system. The exemption does not limit access to that portion of the records in the system which are not classified or otherwise protected from unauthorized disclosure.

This system of records is also exempted from all subsections cited pursuant to exemption (k)(5) to protect the identity of confidential sources of information constituting investigatory material compiled solely for the purpose of determining access to classified information. The exemption does not limit access to that portion of the records in the system which are not exempted, not otherwise protected from unauthorized disclosure, and which would not undermine the integrity of the controlled access system.

(2) *System name:* NSA/CSS Applicants

Exemption: This system of records is exempted from the sections of title 5 U.S.C. 552a cited in paragraph 299a.10(a) and is subject to the limitations noted in that paragraph.

Authority: 5 U.S.C. 552a(k)(1), (k)(5)

Reasons: This system of records is exempted from all subsections cited pursuant to exemption (k)(1) to protect from unauthorized disclosure classified information which may be contained in records and files making up the system. The exemption does not limit access to that portion of the records in the system which are not classified or otherwise protected from unauthorized disclosure.

This system of records is also exempted from all subsections cited pursuant to exemption (k)(5) to protect the identity of confidential sources of information constituting investigatory material compiled solely for the purposes of determining suitability; eligibility; qualifications for Federal civilian employment; Federal contracts; or access to classified information which may be contained in records and files making up the system. The exemption does not limit access to that portion of the records in the system which are not subject to this exemption, nor otherwise protected from unauthorized disclosure.

(3) *System name:* NSA/CSS Correspondence, Cases, Complaints, Visitors, Requests

Exemption: This system of records is exempted from the sections of title 5 U.S.C. 552a cited in paragraph 299a.10(a) and is subject to the limitations noted in that paragraph.

Authority: 5 U.S.C. 552a(k)(1), (k)(2), (k)(4), (k)(5)

Reasons: This system of records is exempted from all subsections cited pursuant to exemption (k)(1) to protect from unauthorized disclosure classified information which may be contained in records and files making up the system. The exemption does not limit access to that portion of the records in the system which are not classified or otherwise protected from unauthorized disclosure.

This system of records is exempted from all subsections cited pursuant to exemption (k)(2) to protect from unauthorized disclosure individual records and files which constitute investigatory material compiled for law enforcement purposes pursuant to a lawful national security intelligence investigation and maintain the integrity of the personnel security system required by Pub. L. 88-290. The exemption does not limit access to that portion of the records in the system which are not investigatory material which are not exempted or otherwise protected from unauthorized disclosure.

This system is exempted from all subsections cited pursuant to exemption (k)(4) where individual records and files are maintained and used solely for statistical records in accordance with statutory requirements to insure compliance with those requirements with a minimum of administrative burden and expense.

This system is exempted from all subsections cited pursuant to exemption (k)(5) to protect the identity of confidential sources of information constituting investigatory material compiled solely for the purpose of determining suitability; eligibility; qualifications for Federal civilian employment, Federal contracts; or access to classified information which may be contained in records and files making up the system. The exemption does not limit access to that portion of the records in the system which are not subject to this exemption or otherwise protected from unauthorized disclosure.

(4) *System name:* NSA/CSS Cryptologic Reserve Mobilization Designee List

Exemption: This system of records is exempted from the sections of title 5 U.S.C. 552a cited in paragraph 299a.10(a) and is subject to the limitations noted in that paragraph.

Authority: 5 U.S.C. 552a (k)(1), (k)(5)

Reasons: This system of records is exempted from all subsections cited pursuant to exemption (k)(1) to prevent the unauthorized disclosure of classified information concerning anticipated personnel assignments to sensitive cryptologic positions during periods of national emergency or war requiring reserve mobilization.

This system of records is also exempted from all subsections cited pursuant to exemption (k)(5) to protect the identity of confidential sources of information constituting investigatory material compiled solely for the purpose of determining suitability, eligibility or qualifications for designation for mobilization to fill a sensitive cryptologic position or access to classified material as a result of designation for mobilization.

(5) *System name:* NSA/CSS Equal Employment Opportunity Data

Exemption: This system of records is exempted from the sections of title 5 U.S.C. 552a cited in paragraph 299a.10(a) and is subject to the limitations noted in that paragraph.

Authority: 5 U.S.C. 552a(k)(1), (k)(2), (4)

Reasons: This system of records is exempted from all subsections cited pursuant to exemption (k)(1) to protect from unauthorized disclosure classified information which may be contained in records and files making up the system. The exemption does not limit access to that portion of the records in the system which are not classified or otherwise protected from unauthorized disclosure.

This system of records is exempted from all subsections cited pursuant to exemption (k)(4) to protect the integrity of those statistical records compiled for Equal Employment Opportunity purposes.

This system of records is also exempted from all subsections cited pursuant to exemption (k)(2) to the extent that individual records and files are related to investigations to enforce the provisions of Pub. L. 92-261 and consistent with the provisions of that statute with respect to individual access to such records. The purpose of the exemption is to protect the integrity of investigations conducted pursuant to Pub. L. 92-261.

(6) *System name:* NSA/CSS Health, Medical and Safety Files

Exemption: This system of records is exempted from sections of title 5 U.S.C. 552a cited in paragraph 299a.10(a) and is subject to the statutory limitations noted in that paragraph.

Authority: 5 U.S.C. 552a(k)(1), (k)(5), (k)(6).

Reasons: This system of records is exempted from all subsections cited pursuant to exemption (k)(1) to protect from unauthorized disclosure classified information which may be contained in records and files making up the system. The exemption does not limit access to that portion of the records in the system which are not classified or otherwise protected from unauthorized disclosure.

This system of records is exempted from all subsections cited pursuant to exemption (k)(5) to protect the identity of confidential sources of information constituting investigatory material compiled solely for the purpose of determining suitability, eligibility, or qualifications for Federal civilian employment, Federal contracts or access to classified information. The exemption does not limit access to that portion of the records in the system which are not exempted or otherwise protected from unauthorized disclosure.

This system of records is also exempted from all subsections cited pursuant to exemption (k)(6) to protect those testing or examination materials used solely to determine individual qualifications for employment in the Federal service the disclosure of which would compromise the objectivity or fairness of the testing or examination process.

(7) *System name:* NSA/CSS Motor Vehicles and Carpools

Exemption: This system of records is exempted from the sections of title 5 U.S.C. 552a cited in paragraph 299a.10(a) and is subject to the statutory limitations noted in that paragraph.

Authority: 5 U.S.C. 552a(k)(1)

Reasons: This system of records is exempted from all subsections cited pursuant to exemption (k)(1) to protect from unauthorized disclosure any and all classified information which may be contained in records and files making up the system. The exemption does not limit access to that portion of the records in the system which are not classified or otherwise protected from unauthorized disclosure.

(8) *System name:* NSA/CSS Payroll and Claims

Exemption: This system of records is exempted from the sections of title 5 U.S.C. 552a cited in paragraph 299a.10(a) and is subject to the statutory limitations noted in that paragraph.

Authority: 5 U.S.C. 552a(k)(1), (k)(2)

Reasons: This system of records is exempted from all subsections cited pursuant to exemption (k)(1) to protect from unauthorized disclosure classified information which may be contained in records and files making up this system. The exemption does not limit access to that portion of the records in the system which are not classified or otherwise protected from unauthorized disclosure.

This system of records is also exempted from all subsections cited pursuant to exemption (k)(2) to protect investigatory materials related to the enforcement of laws with respect to claims against the Government. The exemption does not limit access to that portion of the records in the system not related to investigations of claims or otherwise protected from unauthorized disclosure.

(9) *System name:* NSA/CSS Personnel File

Exemption: This system of records is exempted from the sections of title 5 U.S.C. 552a cited in paragraph 299a.10(a) and is subject to the statutory limitations noted in that paragraph.

Authority: 5 U.S.C. 552a(k)(1), (k)(5), (k)(6)

Reasons: This system of records is exempted from all subsections cited pursuant to exemption (k)(1) to protect from unauthorized disclosure classified information which may be contained in records and files making up the system. The exemption does not limit access to that portion of the records in the system which are not classified or otherwise protected from unauthorized disclosure.

This system of records is exempted from all subsections cited pursuant to exemption (k)(5) to protect the identity of confidential sources of information constituting investigatory material compiled solely for the purpose of determining suitability, eligibility, or qualifications for Federal civilian employment, Federal contracts or access to classified information. The exemption does not limit access to that portion of the records in the system which are not exempted or otherwise protected from unauthorized disclosure.

This system of records is also exempted from all subsections cited pursuant to exemption (k)(6) to protect those testing or examination materials used solely to determine individual qualifications for employment in the Federal service the disclosure of which would compromise the objectivity or fairness of the testing or examination process.

(10) *System name:* NSA/CSS Personnel Security File

Exemption: This system of records is exempted from the sections of title 5 U.S.C. 552a cited in paragraph 299a.10(a) and is subject to the limitations noted in that paragraph.

Authority: 5 U.S.C. 552a(k)(1), (k)(2), (k)(5)

Reasons: This system of records is exempted from all subsections cited pursuant to exemption (k)(1) to protect from unauthorized disclosure classified information which may be contained in records and files making up the system. The exemption does not limit access to that portion of the records in the system which are not classified or otherwise protected from unauthorized disclosure.

This system of records is exempted from all subsections cited pursuant to exemption (k)(2) to protect investigatory materials compiled for purposes of enforcement of Pub. L. 88-290 and title 18 U.S.C. 798 as well as other appropriate criminal and civil laws related to the protection of sensitive cryptologic information. Both statutes cited require the Director, NSA, to observe special procedures and standards in permitting access to sensitive cryptologic information and provide statutory authority to act when those standards are breached. The materials contained in this system are of an investigatory nature, are maintained on a continuing basis and are used to insure compliance with and enforcement of the cited statutes.

This system of records is exempted from all subsections cited pursuant to exemption (k)(5) to protect the identity of confidential sources of information constituting investigatory material compiled solely for the purpose of determining suitability, eligibility, or qualifications for Federal civilian employment, Federal contracts or access to classified information. The exemption does not limit access to that portion of the records in the system which are not exempted or otherwise protected from unauthorized disclosure.

(11) *System name:* NSA/CSS Time, Attendance, and Absence

Exemption: This system of records is exempted from the sections of title 5 U.S.C. 552a cited in paragraph 299a.10(a) and is subject to the limitations noted in that paragraph.

Authority: 5 U.S.C. 552a(k)(1)

Reasons: This system of records is exempted from all subsections cited pursuant to exemption (k)(1) to protect from unauthorized disclosure classified information which may be contained in records and files making up the system. The exemption does not limit access to that portion of the records in the system which are not classified or otherwise protected from unauthorized disclosure.

(12) *System name:* NSA/CSS Training

Exemption: This system of records is exempted from the sections of title 5 U.S.C. 552a cited in paragraph 299a.10(a) and is subject to the limitations noted in that paragraph.

Authority: 5 U.S.C. 552a (k)(1), (k)(5), (k)(6)

Reasons: This system of records is exempted from all subsections cited pursuant to exemption (k)(1) to protect from unauthorized disclosure classified information which may be contained in records and files making up the system. The exemption does not limit access to that portion of the records in the system which are not classified or otherwise protected from unauthorized disclosure.

This system of records is exempted from all subsections cited pursuant to exemption (k)(5) to protect the identity of confidential sources of information constituting investigatory material compiled solely for the purpose of determining suitability, eligibility, or qualifications for Federal civilian employment, Federal contracts or access to classified information. The exemption does not limit access to that portion of the records in the system which are not exempted or otherwise protected from unauthorized disclosure.

This system of records is also exempted from all subsections cited pursuant to exemption (k)(6) to protect those testing or examination materials used solely to determine individual qualifications for employment in the Federal service the disclosure of which would compromise the objectivity or fairness of the testing or examination process.

Dated: September 22, 1975.

LEW ALLEN, Jr.
Lieutenant General, USAF,
Director, NSA/Chief, CSS.

MAURICE W. ROCHE,
Director, Correspondence and
Directives OASD (Comptroller).

SEPTEMBER 23, 1975.

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VETERANS ADMINISTRATION

PRIVACY ACT OF 1974

Employee Policy and Procedure Directive

MP–1, Part II, General Administrative, is an internal manual of the Veterans Administration. The material contained in Chapter 21, "Access to Veterans Administration Systems of Records Under the Privacy Act of 1974," is considered to be of sufficient interest to warrant partial publication in the FEDERAL REGISTER. Appendix A is excluded because it consists only of the Privacy Act of 1974, Pub. L. 93–579 (88 Stat. 1896). Appendix B is excluded because it consists only of the proposed systems of records of the Veterans Administration. This was published in the FEDERAL REGISTER on August 26, 1975 (40 FR 38095). Appendix C is excluded because it is merely a cross index of the systems of records for optional use by employees and considered to be of internal interest only. Forms and form letters referred to, including figure 1, which is a pattern letter to use in certain situations, are also excluded as being of internal interest only. Therefore Chapter 21, less the material excluded for the reasons given, is set forth below. Any of the excluded material, however, may be examined, copied, or obtained in accordance with the provisions of §§ 1.550 through 1.559, title 38, Code of Federal Regulations (40 FR 12656, March 20, 1975).

Approved: September 19, 1975.

R. L. ROUDEBUSH,
Administrator.

SEPTEMBER 27, 1975.

CHAPTER 21. ACCESS TO VETERANS' ADMINISTRATION SYSTEMS OF RECORDS UNDER THE PRIVACY ACT OF 1974

1. *Purpose and scope.* a. This manual of procedures is published pursuant to the Privacy Act of 1974, 5 U.S.C. 552a(f). (See Pub. L. 93–579, appendix A.) It establishes or advises of procedures whereby an individual can:

(1) Request notification of whether the VA maintains or has disclosed a record pertaining to him or her in any system of records;

(2) Requests a copy or other access to such record or to an accounting of its disclosure;

(3) Request that the record be amended; and

(4) Appeal any initial adverse determination of any such request.

b. The procedures specified herein apply only to a request by an individual and govern only records containing personal information maintained in the following systems of records:

(1) The systems of VA records listed in appendix B, of which notice has been published in the FEDERAL REGISTER pursuant to section 552a(e)(4) of the Privacy Act;

(2) Those records contained in systems of VA records which are not contained in governmentwide systems of personnel records of which notice has been published in the FEDERAL REGISTER by the Civil Service Commission. (NOTE.—Requests for notification, access and amendment of personnel records maintained by the VA, which are contained in systems of records of which notice has been given by the Civil Service Commission, are governed by the Commission's notices.)

(3) Regulations promulgated pursuant to drug and alcohol abuse legislation, published in the FEDERAL REGISTER of July 1, 1975 (40 FR 27802) by the Public Health Service, Department of Health, Education, and Welfare, will take precedence over the Privacy Act in matters dealing with confidentiality of alcohol and drug abuse records, until such time as VA regulations are promulgated.

2. *Definitions.* a. The term "individual" means a citizen of the United States or an alien lawfully admitted for permanent residence.

b. The term "maintain" includes maintain, collect, use or disseminate.

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

d. The term "system of records" means a group of any records under the control of the Agency from which information is retrieved by the name of the individual or by some identifying number, symbol, or other identifying particular assigned to the individual.

3. *Procedures for requests pertaining to individual records in a specific record system.* a. Individuals may request to be informed whether they are included in any system of VA records of which the existence and character have been published as a notice in the FEDERAL REGISTER. However, an individual has the right of access, under the Privacy Act, only to records which are contained in these systems of VA records and must be given access only to information which is retrievable based on the individual's own identifiers.

b. For records in a specific system of VA records of which notice has been published in the FEDERAL REGISTER and listed in appendix B, an individual may:

(1) Obtain notification of whether the VA maintains a record pertaining to him or her in such a system;

(2) Obtain notification of whether and to whom the VA has disclosed a record for which an accounting of disclosure is required to be kept and made available to him or her;

(3) Obtain a copy of a record pertaining to him or her or the accounting of its disclosure;

(4) Review a record pertaining to him or her or the accounting of its disclosure with or without a person of the individual's own choosing to accompany him or her;

(5) Request correction or amendment to his or her specific record.

c. An individual wanting such notification or access as indicated in subparagraph 3b above should mail or deliver a request to the office concerned. Although VA Regulation 579(B), (38 CFR 1.579(b)), states that such requests should be made to the "office having jurisdiction over the system or systems of records," individuals should be encouraged to follow the supplemental instructions shown in "Notice of Systems of Records" (app. B). Each specific system in this records inventory contains a "Notifications" and "Access" section which indicates the official to whom requests should be directed. Requests can be acted on more promptly and thoroughly when addressed to a local VA station, when so indicated. If the individual does not know the "office concerned" or so prefers, the request may be addressed to the Director or Veterans Services Officer of the nearest or any VA field station or to the Administrator of Veterans Affairs (271A), Veterans Administration Central Office, Washington, D.C. 20420. Mail requests received in an office other than the office of jurisdiction will be forwarded promptly to the office of jurisdiction, clearly identified as "Privacy Act Request," and the requester will be so notified. VA Form Letter 07–17, "Acknowledgment of Request Under the Privacy Act," may be used.

(1) Individuals who seek access to VA records under the Privacy Act should specify the system of records by the name under which it was published in the FEDERAL REGISTER. In order to identify the specific system with the pertinent VA records as they are known internally within the Agency, VA personnel may wish to refer to the "Cross-Reference Index of System Names" (app. C). This index shows the names of VA records as they are known familiarly within the Agency and the corresponding formal names as published in the FEDERAL REGISTER.

(2) Requests for access to VA records in a specific system must be in writing, must contain the printed or typewritten name of the individual to whom the records pertain, and if filed by the legal guardian of an incompetent person, the printed or typewritten name of the legal guardian and a statement of the relationship between such person and the individual to whom the record pertains, the signature of the person making the request and the address to which a reply should be sent.

(3) Each request should state the nature of the information or action desired and should identify to the extent feasible the record and system of records which are the subject of the request.

d. Some individuals will request to be informed whether the VA maintains any records on them. A request may read: "Does the VA have any records on me? If so, what are they?" Such requests, when received in field stations, will be referred to the organizational element designated by the Director (e.g., Veterans Services Officer, Chief Administrative Officer, Privacy Act Officer). Requests received in Central Office will be referred to the Supervisor, Central Office Veterans Services Unit 372/(271A).

(1) If the individual has identified himself/herself with a VA file number, social security number, military service number, or other identifying data, the request will be indexed by input of an IDXIDX type transaction to BIRLS (Beneficiary Identification and Records Locator Subsystem).

(a) When the BIRLS reply message shows the existence of a VA file number (C or SS) and location of the related claims folder, the folder will be reviewed to determine which program record(s) (e.g., compensation and pension, education, hospitalization) are maintained on the individual. If the claims folder is located in another office, a teletype message will be dispatched to that office requesting such review and reply by teletype. At the discretion of management, particularly if a non-specific request is received in Central Office or in a health care facility, such request may be referred for this action to the office having possession of the claims folder.

(b) If the BIRLS reply message contains an indication of an active or inactive insurance record, it may be assumed that the VA maintains an insurance record on the individual.

(c) Identified requests will be answered to the effect that:

The Veterans Administration is maintaining records concerning you in the following system(s) of records: (list the specific system(s), using the system title(s) as published in the Federal Register (app. B)). If

you believe the VA may have records concerning you in any other system of records, we will be glad to check further for you if you identify the system and provide the information stated in the "Notification" section of the system listing.

(2) If the BIRLS response is negative or if the request contains insufficient identifying information for input to BIRLS, the individual will be advised of the requirements for individual identification and that he or she should indicate the specific program records (e.g., loan guaranty, insurance, education, hospitalization) for which notification is requested.

4. *Times, places, and requirements for identification of individuals making requests.* a. Personal contacts should normally be made during the regular duty hours of the office concerned, which are 8 a.m. to 4:30 p.m., Monday through Friday for VA Central Office and most field stations.

b. Identification of the individual requesting the information will be required (except in cases where the information requested would be available to the public under the Freedom of Information Act, 5 U.S.C. 552) consisting of name, signature, address, and claim, insurance or other identifying file number, if any, as a minimum. Additional identifying data or documents may be required where the information involves sensitive medical, psychological or other material. (See par. 6g).

c. If the individual elects to inspect a record in person and desires to be accompanied by not more than one other person, the individual will present to the VA official concerned, a signed statement authorizing disclosure in the presence of the accompanying-named person. VA Form 07-5571, "Authorization To Disclose a Record in the Presence of a Third Party," may be used. One VA official must also be present at all times during a personal review of a record to insure the integrity of the record.

5. *Disclosure of requested information to individuals.* a. Responses to requests pursuant to paragraph 3 above normally will be made within ten days of receipt (excluding Saturdays, Sundays and legal public holidays). If unable to do so, an acknowledgement of written requests will be sent within ten days of receipt (excluding Saturdays, Sundays, and legal public holidays). VA Form Letter 07-17 is available for this purpose.

b. If a form letter response is in order, rather than a routine acknowledgment, VA Form Letter 07-18, "Reply to Request Under the Privacy Act," may be used to:

(1) Indicate when and where the records will be available for personal inspection;

(2) Transmit a copy of the information requested;

(3) Indicate whether the copy will be held pending receipt of fees to cover the cost of copying documents;

(4) Advise that the system of records named by the individual does or does not contain a record pertaining to him or her;

(5) Advise of acceptance of an amendment to an individual's records.

c. When an individual presents a request in person, that individual will be told whether he or she can be granted immediate access and the location at which he or she will be granted access.

6. *Special procedures: sensitive information—medical, psychological, and other.* a. Sensitive information is information which may have an adverse effect on an individual, a member of the individual's family, or a VA employee. It may be: information that could be prejudicial to a person's mental or physical health; information that an individual could not be expected to fully understand or accept because it is contrary to his or her own views; information which contains implications requiring explanation or interpretation by an intermediary, to assist in its acceptance and assimilation in order to preclude misinterpretation and adverse reactions or retaliatory consequences toward others; or information which could be construed as personally embarrassing to an individual or family member. There are four principal categories of sensitive information:

(1) Medical, including alcohol and drug abuse information, social disease information, or similar professional or technical information;

(2) Psychological information acquired by either a DM&S or DVB psychologist;

(3) Information in criminal, civil, or administrative records;

(4) Information regarding discharges from the Armed Forces under conditions other than honorable.

b. An individual wanting to review records in a health care facility medical file, a personnel health record or medical portion of a claims folder will be permitted to do so and, on request, will be furnished a copy of all or any portion of the records that are non-sensitive.

c. When a request involves medical information in a claims folder and the responsible regional office personnel believe that the information is sensitive, the request and related record will be referred to the appropriate VA health care facility for decision concerning the appropriate method of disclosure and processing by professional medical staff.

d. A request for disclosure of sensitive medical information will be referred to a physician or other professional person with the necessary professional qualifications to properly interpret and communicate the information desired. This professional person may be selected by the individual provided the selectee meets VA professional standards or is licensed in the appropriate professional specialty.

e. When a request involves phychological data and testing materials, the request and records will be referred to a professional psychologist for decision concerning the appropriate method of disclosure and processing. The psychologist may be selected by or from VA or by the individual provided the selectee meets VA professional standards or is licensed in the specialty.

f. When a request involves sensitive nonmedical or non-psychological information, the request and records will be referred to the department, staff office, or field station head or designee for review and decision concerning the appropriate type of disclosure.

g. When medical or other sensitive information is to be released, the individual will be required to submit additional information as determined necessary to verify identity and to provide assurance that the individual is not improperly requesting or obtaining access to records pertaining to someone else. The verification of identity will consist of a signed statement asserting the individual's identity. The signed statement will also include the stipulation that the individual understands that knowingly or willfully seeking or obtaining access to records about someone else under false pretenses is punishable by a fine up to $5,000. A notarized statement or other reasonable means of verification will be accepted when determined appropriate.

7. *Request for correction or amendment to record.* a. An individual may request amendment of a record pertaining to him or her in a specific VA system of records by mailing or delivering the request to the office concerned (see par. 3c above).

b. Such request must be in writing and must conform to the requirements in paragraph 3c above. It must also state the nature of the information in the record the individual believes to be inaccurate, irrelevant, untimely, or incomplete and the amendment desired. It must state concisely why it is believed to be inaccurate, irrelevant, untimely, or incomplete.

c. The requester will be advised of the title and address of the VA official who can assist in preparing the request to amend the record, if assistance is desired.

8. *Agency review of request for correction or amendment to record.* a. Not later than 10 days (excluding Saturdays, Sundays and legal public holidays) after the date of receipt of a request to amend a record, the VA official concerned will acknowledge in writing such receipt and, if a determination has not been made, inform the individual when he or she may expect to be advised of action taken on the request. VA Form Letter 07-17 may be used for this purpose.

b. Where the VA agrees with the individual's request to amend his or her record(s) the mandates of VA Regulations 576(C)(4) and 577(B), (38 CFR 1.576(c)(4) and 1.577(b)), will be followed. The record(s) will be corrected promptly and the individual will be advised promptly of the correction. VA Form Letter 07-18 may be used for this purpose. If the record has previously been disclosed to any person or agency, and an accounting of the disclosure was made, prior recipients of the record will be informed of the correction. VA Form Letter 07-19, "Notification to Other Person or Agency of Amendment to a Record," may be used.

c. If the field station director, or the department or staff office head or designee determines not to grant all or any portion of the request to amend a record, the official will promptly notify the individual in writing. The notice will specify the reasons therefor, and will advise that the denial may be appealed to the Administrator of Veterans Affairs and of the procedures for such an appeal. VA Form Letter 07-20, "Notification of Initial Refusal To Amend a Record," may be used.

9. *Appeal of initial adverse agency determination on correction or amendment.* a. After receipt by an individual of an adverse determination concerning any request made under paragraph 8 above, the individual may appeal to the Administrator of Veterans Affairs. The appeal should be by letter, mailed or delivered to the Office of the Administrator of Veterans Affairs, 810 Vermont Ave., NW., Washington, D.C. 20420. The letter of appeal should state clearly the reasons why the adverse determination should be reversed. It should also include any additional pertinent information.

b. The determination on such appeal will be made not later than 30 days (excluding Saturdays, Sundays and legal public holidays) from the date the individual's letter of appeal is received, unless the Administrator or Deputy Administrator, for good cause shown, extends such 30 day period. If the 30 day period is so extended, the individual will be notified promptly of the reasons for the extension and the date on which a final determination may be expected. The final determination in such appeals will be made by the Administrator or Deputy Administrator.

c. If the Administrator or Deputy Administrator finds that the adverse determination should be reversed, appropriate action will be taken and the individual will be notified promptly in writing of the corrective action. Previous recipients of the record will be informed of the correction.

d. If the Administrator or Deputy Administrator determines that the adverse determi-

nation will not be reversed, the individual will be notified promptly in writing of that determination, the reasons therefor, and of his or her right to seek judicial review of the decision pursuant to section 3 of the Privacy Act (5 U.S.C. 552a(g)). Figure 1 contains guide paragraphs which may be used or adapted as appropriate.

e. If the adverse determination is sustained by the Administrator or Deputy Administrator, the individual will also be advised promptly of his or her right to file a concise statement of reasons for disagreeing with the refusal to amend. The statement may contain information which the individual believes should be substituted.

f. When an individual files a statement disagreeing with the Agency's decision not to amend a record, the record will be clearly annotated so that the fact that the record is disputed is apparent to anyone who may subsequently access, use or disclose it. When the disputed record is disclosed to persons or other agencies, the fact of the dispute will be clearly noted. Copies of the statement of disagreement will be provided as well as copies of a concise statement of the reasons of the Agency for not making the amendments requested.

g. A decision by either the Administrator or the Deputy Administrator pursuant to subparagraph (d) above is final and will not be subject to petition for administrative reconsideration. It is subject to judicial review in the district court of the United States in which the complainant resides, or has his or her principal place of business, or in which the VA records are located, or in the District of Columbia.

h. The complainant will be advised of the title and address of the VA official who will advise him or her of the provisions for judicial review, if such assistance is desired.

10. *Disclosure of record to person other than the individual to whom it pertains.* a. The Veterans Administration will not disclose any record contained in a system of VA records by any means of communication to any person or any other agency except by written request of or prior written consent of the individual to whom the record pertains unless such disclosure is permitted under VA Regulation 576 (38 CFR 1.576). VA Form Letter 07-21, "Request for Individual's Consent to Disclose Records," may be used to request consent.

b. If the request for access is made orally by a person other than the individual to whom the record pertains, a VA Form 119, "Report of Contact," will be prepared. A copy will be enclosed with VA Form Letter 07-21.

c. As noted in paragraph 4c above, a VA official must be present at all times during a personal review of a record to insure the integrity of the record.

d. The Privacy Act of 1974 does not authorize disclosure of a record to members of Congress acting in their individual capacities without the consent of the individual to whom the record pertains. However, when an individual member of Congress requests disclosure of a constituent's record and encloses a letter (or copy) from the constituent which requests the Congressman's assistance, such inquiry to the Congressman will be construed as written consent of the individual to whom the record pertains.

e. An accounting is required for disclosures outside the Agency, even when such disclosure is at the request of the individual, except when disclosure is to VA employees who have a need for access in the performance of their official duties or when disclosure would be required under the Freedom of Information Act. A separate accounting in each individual record is not required in such actions as transfer of payroll or benefit check data to the Treasury Department provided the accounting information can be constructed when requested by the individual. The accounting will consist of the date, nature, and purpose of each disclosure, and the name and address of each person or agency to whom the disclosure is made. The accounting record may be maintained on VA Form 07-5572, "Record of Disclosure of Information Under Privacy Act," by creation of extra copies of the written transactions, on appropriately adapted data sheets, or in any other manner that will constitute a record. The accounting of disclosure will be retained for at least 5 years after the disclosure for which the accounting is made or the life of the record, whichever is longer.

11. *Fees.* a. No fee will be charged for any search or review of the record.

b. No fee will be charged an individual for making a single copy of ten or less pages of the individual's record. A fee of 5 cents per reproduction image will be charged for all reproductions from all types of copying processes if more than ten pages are requested.

c. No fee will be charged for making copies as a necessary part of the process of making the record available for review. Computer printouts or printouts from microforms, for example, will be provided free when there are no reasonable means for access by the individual by use of computer terminals or microform readers.

d. No fee will be charged for copies when it is determined that access can be reasonably granted only by providing copies in such situations, for example, as when individuals cannot be expected to visit an office in person because of physical condition or geographical location.

e. Nonpayment of a fee because of stated inability to pay or other reasons considered acceptable to a department, staff office, or field station head or designee will not be a bar to furnishing copies.

f. When an individual requests such services as certification, authentication, or other special services not required under the Privacy Act, fees in addition to those required for copying will be assessed in accordance with VA Regulation 579(E)(2) (38 CFR 1.579(e)(2)).

12. *Penalties.* a. Any VA officer or employee who, by virtue of his or her employment or official position has possession of or access to VA records which contain individually identifiable information, the disclosure of which is prohibited by VA Regulation 576(E) (38 CFR 1.576(e)), knowing that disclosure of the specific material is so prohibited, willfully discloses the material in any manner to any person or agency not entitled to receive it, shall be guilty of a misdemeanor and fined not more than $5,000.

b. Any VA officer or employee who willfully maintains a system of records without meeting the notice requirements of VA Regulation 578(D) (38 CFR 1.578(d)) shall be guilty of a misdemeanor and fined not more than $5,000.

c. Any person who knowingly and willfully requests or obtains any record concerning an individual from the VA under false pretenses shall be guilty of a misdemeanor and fined not more than $5,000.

d. When a court finds that an agency has acted willfully or intentionally in violation of the Privacy Act in such a manner as to have an adverse effect upon an individual (there was injury or harm to the individual), the United States will be required to pay actual damages or $1,000, whichever is greater, and court costs and attorney fees.

[FR Doc.75-25565 Filed 9-24-75;8:45 am]

NATIONAL TRANSPORTATION SAFETY BOARD

IMPLEMENTATION OF PRIVACY ACT OF 1974

Supplemental Notice of Systems of Records and Proposed Routine Uses Thereof

Pursuant to the requirements of the Privacy Act of 1974 (Pub. L. 93-579) as prescribed in 5 U.S.C. 552a(e)(4), notice is hereby given of the existence and character of two additional systems of records maintained by the National Transportation Safety Board and of the routine uses thereof. The two systems of records, and routine uses thereof, hereby added are: "Equal Employment Opportunity Complaint Records" and "Privacy Act Requests Records."

Public comment is solicited. Comments should be submitted on or before October 22, 1975, to the General Counsel, National Transportation Safety Board, 800 Independence Avenue, SW., Washington, D.C. 20594.

September 22, 1975.

25Fritz L. Puls,

26General Counsel.

NTSB—7

System **name:** Equal Employment Opportunity Complaint Records—NTSB.

System **location:** National Transportation Safety Board
800Independence Avenue, S.W.
Washington, D.C. 20594

Categories of individuals covered by the system: Employees of the Board or job applicants who file complaints of discrimination with the Board.

Categories of records in the system: Investigative files pertaining to equal employment opportunity complaints and problems.

Authority for maintenance of the system: Executive Order 11478; Pub. L. 92-261; Civil Service Regulations (5 CFR Part 713); Federal Personnel Manual, Chapter 713.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Used by Director of Equal Employment Opportunity, EEO counselors, investigators, and other agency employees and their representatives where appropriate to resolve discrimination complaints. When appeals are taken, may be reviewed by officials of Civil Service Board of Appeals and Review, officers of the courts, and attorneys for the parties.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records are maintained in individual file folders.

Retrievability: Indexed by name of complainants.

Safeguards: Folders are located in lockable metal file cabinets to which access is controlled by a Board employee.

Retention and disposal: Files are retained and disposed of in accordance with general records disposal schedules prescribed by the General Services Administration.

System manager(s) and address: Director of Equal Employment Opportunity
National Transportation Safety Board
800Independence Avenue, S.W.
Washington, D.C. 20594

Notification procedure: Address inquiries to Systems Manager.

Record access procedures: Procedures are detailed in NTSB regulation, 49 CFR Part 802 (40 FR 40134, August 29, 1975).

Contesting record procedures: Same as above

Record source categories: Persons filing complaints, their representatives, EEO officials, and persons affected by or having an involvement in the area covered by the complaint.

NTSB—8

System name: Privacy Act Request Records—NTSB.

System location: National Transportation Safety Board
800 Independence Avenue, S.W.
Washington, D.C. 20594

Categories of individuals covered by the system: Individuals who have requested personal information from the records systems of the Safety Board.

Categories of records in the system: Requests from the individual, and related correspondence and memoranda.

Authority for maintenance of the system: 5 U.S.C. 552a, sec. 2.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Used by Safety Board employees to record and efficiently process requests made under the Privacy Act of 1974. Users are each system manager for a record system covered by the Privacy Act, and those employees under his supervision who maintain and control the files for which a request is made under the provisions of the Act.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records are maintained in individual file folders.

Retrievability: Indexed by name of requester.

Safeguards: Folders are located in lockable metal file cabinets to which access is controlled by a Board employee assigned such responsibility.

Retention and disposal: Files are retained and disposed of in accordance with general records disposal schedules prescribed by the General Services Administration.

System manager(s) and address: Director of Administration
National Transportation Safety Board
800 Independence Avenue, S.W.
Washington, D.C. 20594

Notification procedure: Address inquiries to Systems Manager.

Record access procedures: Procedures are detailed in NTSB regulation, 49 CFR Part 802 (40 FR 40134, August 29, 1975).

Contesting record procedures: Same as above.

Record source categories: Individuals requesting access to records and employees processing such requests.

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