AUTHENTICATED
U.S. GOVERNMENT
INFORMATION
GPO

federal register

THURSDAY, JANUARY 30, 1975

WASHINGTON, D.C.

Volume 40 ■ Number 21

Pages 4405–4630

PART I



HIGHLIGHTS OF THIS ISSUE

This listing does not affect the legal status of any document published in this issue. Detailed table of contents appears inside.

FEDERAL EMPLOYEES HEALTH BENEFITS PROGRAM—CSC proposes new guidelines for review of disputed claims for payment or service; comments by 3–3–75.... 4444

FEDERAL SAVINGS AND LOAN ASSOCIATIONS—FHLBB increases amount limitations on loans; effective 1–30–75 4417

BROKERS AND DEALERS—SEC proposes to amend rule on statements of account to customers; comments by 3–31–75..... 4454

MEDICARE—HEW/SSA proposes amending entitlement to hospital insurance benefits; comments by 3–30–75.. 4440

VETERANS BENEFITS—VA proposes to change awards to dependents of disappeared veterans; comments by 3–3–75 4455

COAL LEASES—Interior/GS proposes interim regulations for management and protection of public and Indian lands; comments by 3–30–75..... 4428

MEAT AND POULTRY INSPECTION—USDA/APHIS proposes to allow retail stores to refine edible livestock fat; comments by 3–31–75..... 4438

LIFESAVING DEVICES—DOT/CG amends specifications for inspecting, overhauling, testing, and storing hydraulic releases; effective 2–28–75..... 4421

PROPANE AND BUTANE ASSIGNMENTS—FEA gives notice of guidelines for allocations to purchasers..... 4485

(Continued inside)

PART II:

CANNED AND PRESERVED FOOD SEAPROCESSING—EPA adopts effluent limitations and guidelines; effective 1–30–75..... 4582

EPA proposes performance and pretreatment standards; comments by 3–3–75..... 4608

PART III:

MARINE SANITATION DEVICES—DOT/CG establishes certification procedures and design and construction requirements; effective 1–30–75.... 4621

January 30, 1975—Pages 4405–4630

reminders

(The items in this list were editorially compiled as an aid to FEDERAL REGISTER users. Inclusion or exclusion from this list has no legal significance. Since this list is intended as a reminder, it does not include effective dates that occur within 14 days of publication.)

Rules Going Into Effect Today

page no. and date

DOT/FAA—Alteration of Federal airway. 40847; 11–21–74

Alteration of transition area.... 40254; 11–15–74

Alteration of transition area.... 40848; 11–21–74

Alteration of transition area.... 43535; 12–16–74

Designation of transition area.... 40254; 11–15–74

Designation of Federal airways, area low routes, controlled airspace, and reporting points; extension of VOR airway..... 40581; 11–19–74

Designation of Federal airways, area low routes, controlled airspace, and reporting spaces; alteration of control zone and transition area..... 41966; 12–4–74

Designation of transition area; designation of Federal airways, area low routes, controlled airspace, and reporting points..... 43296; 12–12–74

IFR altitudes; miscellaneous changes. 44740; 12–27–74

Redesignation of Federal airways. 41838; 12–3–74

Transition area alteration; Burley, Idaho. 43197; 1–30–75

VOR Federal Airways, alteration.. 40848; 11–21–74

List of Public Laws

This is a listing of public bills enacted by Congress and approved by the President, together with the law number, the date of approval, and the U.S. Statute citation. Subsequent lists appear each day in the FEDERAL REGISTER, and copies of the laws may be obtained from the U.S. Government Printing Office.

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.

ATTENTION: Questions, corrections, or requests for information regarding the contents of this issue only may be made by dialing 202–523–5286. For information on obtaining extra copies, please call 202–523–5240. To obtain advance information from recorded highlights of selected documents to appear in the next issue, dial 202–523–5022.

federal register

Area Code 202 Phone 523–5240

Published daily, Monday through Friday (no publication on Saturdays, Sundays, or on official Federal holidays), by the Office of the Federal Register, National Archives and Records Service, General Services Administration, Washington, D.C. 20408, under the Federal Register Act (49 Stat. 500, as amended; 44 U.S.C., Ch. 15) and the regulations of the Administrative Committee of the Federal Register (1 CFR Ch. I). Distribution is made only by the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

The FEDERAL REGISTER provides a uniform system for making available to the public regulations and legal notices issued by Federal agencies. These include Presidential proclamations and Executive orders and Federal agency documents having general applicability and legal effect, documents required to be published by Act of Congress and other Federal agency documents of public interest.

The FEDERAL REGISTER will be furnished by mail to subscribers, free of postage, for $5.00 per month or $45 per year, payable in advance. The charge for individual copies is 75 cents for each issue, or 75 cents for each group of pages as actually bound. Remit check or money order, made payable to the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

There are no restrictions on the republication of material appearing in the FEDERAL REGISTER.

MEETINGS—
CRC: State Advisory Committees:
Michigan (2 documents), 2–19 and 2–20–75 ..... 4481, 4482
New York, 2–26–75 4482
Virginia, 2–20–75 4482
CSC: Federal Employees Pay Council, 3–5–75 4482
DOD:
Defense Science Board Task Force on Identification Friend, Foe or Neutral, 3–10–75 4465
Defense Science Board Advisory Committee, 2–27, 2–28–75 4465
Defense Science Board Task Force on "Training Technology", 2–18 and 2–19–75 4466
EPA: Effluent Standards and Water Quality Information Advisory Committee (2 documents) 2–26 and 3–6–75 ..... 4483, 4484
FCC: Radio Technical Commission for Aeronautics, 2–28–75 4485
Interior/NPS: Cape Cod National Seashore Advisory Commission, 2–14–75 4468
SBA: Concord District Advisory Council, 2–13–75 4504
Office of Telecommunications Policy: Frequency Management Advisory Council, 2–19–75 4500
VA: Station Committee on Educational Allowances, 2–6–75 4504

CANCELLED MEETINGS—
HEW/FDA: Advisory Committee, 2–5 thru 2–7–75 4472

contents

AGRICULTURAL MARKETING SERVICE
Rules
Limitations of handling:
Almonds grown in Calif.; suspension or termination 4416
Oranges (Navel) grown in Ariz. and designated part of Calif. 4415
Raisins produced from grapes grown in Calif.; free and reserve percentages 4417

AGRICULTURE DEPARTMENT
See also Agricultural Marketing Service; Farmers Home Administration; Soil Conservation Service.
Rules
Authority delegations:
ADP equipment and services procurement 4415

ALCOHOL, TOBACCO, AND FIREARMS BUREAU
Proposed Rules
Malt beverages; labeling and advertising; postponement of hearing 4428

ANIMAL AND PLANT HEALTH INSPECTION SERVICE
Proposed Rules
Retail stores and restaurants; exemption to refine or render edible livestock fat 4438

ATOMIC ENERGY COMMISSION
Notices
Environmental statements:
Liquid metal fast breeder reactor program; correction 4479

CIVIL AERONAUTICS BOARD
Rules
Denied-boarding compensation; interpretative amendment and partial stay 4409
Notices
Hearings, etc.
Fare investigation; domestic night coach 4479
Mail rates; priority and nonpriority domestic service 4479

CIVIL RIGHTS COMMISSION
Notices
Meetings; State advisory committees:
Michigan (2 documents) 4481, 4482
New York 4482
Virginia 4482

CIVIL SERVICE COMMISSION
Rules
Excepted service:
American Revolution Bicentennial Commission 4415
Export-Import Bank 4415
Interior Department (2 documents) 4415
Proposed Rules
Health benefits; review of claim for payment or service 4444
Notices
Rates and rate changes; dental hygienist, Knoxville, Iowa 4482
Meetings:
Federal Employees Pay Council 4482

COAST GUARD
Rules
Drawbridge operations:
Louisiana 4419
Lifesaving equipment 4421
Marine sanitation devices 4621
Notices
Environmental statements:
Deepwater Ports 4478

COMMERCE DEPARTMENT
See Domestic and International Business Administration; Import Programs Office.

COST ACCOUNTING STANDARDS BOARD
Proposed Rules
Freedom of information; fee schedules 4445
Notices
Evaluation Conference on Promulgated Standards and Regulations 4482
Indices; maintenance and publications 4483

DEFENSE DEPARTMENT
Notices
Meetings:
Defense Science Board (3 documents) 4465, 4466

DOMESTIC AND INTERNATIONAL BUSINESS ADMINISTRATION
Notices
Scientific articles; duty free entry:
Bowman Gray School of Medicine et al 4471
University of Miami 4471
University of Southern California et al 4472

DRUG ENFORCEMENT ADMINISTRATION
Rules
Authority delegations:
Regional Directors, et al 4419
Controlled substances:
Mebutamate 4418

ENVIRONMENTAL PROTECTION AGENCY
Rules
Air quality implementation plans:
Idaho 4420
Water pollution; effluent guidelines for certain point source categories:
Canned and preserved seafood processing 4582
Proposed Rules
Air quality implementation plans:
California 4445
Maryland 4447
Water pollution; effluent guidelines for certain point source categories:
Canned and preserved seafood processing 4608
Notices
Meetings:
Effluent Standards and Water Quality Information Advisory Committee (2 documents) 4483, 4484

FARMERS HOME ADMINISTRATION
Notices
Disaster areas:
Minnesota 4469
Texas 4470

FEDERAL AVIATION ADMINISTRATION
Rules
Federal airways ... 4409
Proposed Rules
Transition area ... 4444
Notices
Noise standards; propeller driven small aircraft, etc., hearings ... 4478

FEDERAL COMMUNICATIONS COMMISSION
Rules
Authority delegations:
Chief, Safety and Special Radio Services Bureau ... 4423
FM Broadcast stations; table of assignments:
South Carolina ... 4423
Maritime services; bridge-to-bridge transmitters ... 4427
Proposed Rules
Aeronautical navigation aids; station identification ... 4453
AM station assignment standards ... 4447
FM broadcast stations; table of assignments:
Certain states ... 4448
Kentucky, Illinois, and Missouri ... 4447
Franchise duration ... 4451
Notices
Meetings:
Radio Technical Commission for Aeronautics ... 4485
Prime time access rule; top 50 markets ... 4485
Hearings, etc.:
Crest Hill Communications, Inc. and Nelson Broadcasting Co ... 4484

FEDERAL CONTRACT COMPLIANCE OFFICE
Notices
State and local requirements:
Metropolitan Atlanta Rapid Transit Authority; approval of equal employment opportunity plan ... 4503

FEDERAL ENERGY ADMINISTRATION
Notices
Propane and butane; guidelines for adjustments and assignments ... 4485

FEDERAL HOME LOAN BANK BOARD
Rules
Federal Savings and Loan System:
Operations; limitations on loans in excess of 90 percent of value ... 4417

FEDERAL MARITIME COMMISSION
Notices
Agreements, etc.:
Niagara Frontier Transportation Authority and Marine Intercontinental Terminals of Buffalo, Inc ... 4487
Oakland, City of, and Japan Line, LTD ... 4487
Puerto Rico Marine Management, Inc. and Sea-Land Service, Inc ... 4488
Seattle, Port of, and Kerr Steamship Company, Inc (2 documents) ... 4488
Virginia Port Authority and Tidewater Stevedoring Corp ... 4489
Organization and functions ... 4489

FEDERAL POWER COMMISSION
Notices
Rate change filings ... 4496
Hearings, etc.:
Cities Service Gas Co ... 4490
Columbus and Southern Ohio Electric Co ... 4490
Commonwealth Edison Co ... 4490
Corpening, A. V., Jr.; estate of ... 4494
El Paso Alaska Co ... 4491
El Paso Natural Gas ... 4494
W. V. Harlow, et al ... 4494
Long Sault, Inc ... 4495
Shell Oil Co ... 4495
South Carolina Electric & Gas Co ... 4496
Wisconsin Power & Light Co ... 4496

FEDERAL TRADE COMMISSION
Rules
Prohibited trade practices:
Central Pontiac Inc. and Henry J. Rahe ... 4410
General Motors Corp ... 4411
Tri-State Carpets Inc. et al ... 4412

FISH AND WILDLIFE SERVICE
Rules
Fishing:
Refuges in certain States ... 4405
Proposed Rules
Dungeness National Wildlife Refuge, Wash.; curtailment of horseback riding; extension of time ... 4428
Notices
Endangered species permits, applications ... 4466

FOOD AND DRUG ADMINISTRATION
Rules
Animal drugs:
Monensin ... 4417
Notices
Meetings:
Internal Analgesics Review Panel; cancellation ... 4472
Psychopharmacological Agents Advisory Committee; time change ... 4472

FOREIGN-TRADE ZONES BOARD
Notices
Omaha; approval of Foreign-Trade Zone ... 4496

GENERAL ACCOUNTING OFFICE
Notices
Regulatory reports review:
Civil Aeronautics Board ... 4497
Federal Energy Administration ... 4497

GENERAL SERVICES ADMINISTRATION
Notices
Procurement of items from GSA stock ... 4497

GEOLOGICAL SURVEY
Proposed Rules
Coal mining operating regulations revision; protection of public and Indian lands ... 4428

HEALTH, EDUCATION, AND WELFARE DEPARTMENT
See also Food and Drug Administration.
Proposed Rules
Freedom of information; fee schedules ... 4439
Notices
Authority delegation:
Assistant Secretary for Health ... 4473
Longitudinal Manpower Study and Data Preparation; program results ... 4473
Organization and functions:
Social Security Administration ... 4473
University of Michigan, contract award ... 4472

HEARINGS AND APPEALS OFFICE
Notices
Applications, etc.:
Fairview Coal Co ... 4467

HOUSING AND URBAN DEVELOPMENT DEPARTMENT
See Interstate Land Sales Registration Office.

INTERIOR DEPARTMENT
See Fish and Wildlife Service; Geological Survey; Hearings and Appeals Office; Land Management Bureau; National Park Service.

INTERNATIONAL TRADE COMMISSION
Notices
Convertible game tables and components ... 4498

INTERNAL REVENUE SERVICE
Rules
Wines, still; carbon dioxide tolerance ... 4418

INTERSTATE COMMERCE COMMISSION
Notices
Car service exemptions, mandatory (2 documents) ... 4505
Hearing assignments ... 4505
Motor carrier, broker, water carrier and freight forwarder applications ... 4508
Motor carriers:
Irregular route property carriers; gateway elimination ... 4521
Temporary authority applications ... 4506
Petition notice:
Chicago, Burlington & Quincy Railway Co., et al ... 4505
Rerouting of traffic:
New York, Susquehanna and Western Railroad Co ... 4505

INTERSTATE LAND SALES REGISTRATION OFFICE
Notices
Hearings, etc.:
Indian Mountain Filings ... 4478

JUSTICE DEPARTMENT
See Drug Enforcement Administration.

LABOR DEPARTMENT

See Federal Contract Compliance Office; Occupational Safety and Health Administration.

LAND MANAGEMENT BUREAU

Notices

Off-road vehicle area designation:
Washington 4466
Pipeline right-of-way applications:
Chevron Oil Co 4466

MANAGEMENT AND BUDGET OFFICE

Notices

Clearance of reports; list of requests (2 documents) 4500

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

Notices

Inventions withdrawal 4498

NATIONAL PARK SERVICE

Notices

Meetings:
Cape Cod National Seashore Advisory Commission 4468
Authority delegation:
Administrative officer (Castillo de San Marcos National Monument) 4468
Administrative officer (Theodore Roosevelt National Memorial Park) 4468

NUCLEAR REGULATORY COMMISSION

Notices

Applications, etc.:
Louisiana Power and Light Co. 4498
Northeast Nuclear Energy Co., et al 4499
Omaha Public Power District 4498
Tennessee Valley Authority (2 documents) 4499

OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION

Proposed Rules

Accreditation of testing laboratories; extension of post-hearing comment period 4439

POSTAL SERVICE

Rules

Postal service manual; miscellaneous amendments 4420

SECURITIES AND EXCHANGE COMMISSION

Proposed Rules

Broker-dealers statement of accounts to customers 4454

Notices

Hearings, etc.:
BBI, Inc 4501
Canadian Javelin, Ltd 4501
Equity Funding Corp. of America 4501
Hyperion Fund, Inc 4501
IMA Fund, Inc 4501
Industries International, Inc 4502
Nicoa Corp. (2 documents) 4502, 4503
Palisade Mining and Milling Co. 4503
Westgate of Calif. Corp 4503
Zenith Development Corp 4503

SELECTIVE SERVICE SYSTEM

Notices

Lottery drawing; selection sequence 4504

SMALL BUSINESS ADMINISTRATION

Notices

Meetings:
Concord District Advisory Council 4504

SOCIAL SECURITY ADMINISTRATION

Proposed Rules

Federal health insurance for aged and disabled; entitlement to hospital insurance benefits 4440

SOIL CONSERVATION SERVICE

Notices

Environmental statements:
Indian Creek Watershed Project, Mich. 4470
Twenty-five Mile Stream Watershed Project, Maine 4470
Equipment grant eligibility determination; Tygarts Valley District, W. Va., correction 4470

TELECOMMUNICATIONS POLICY OFFICE

Notices

Meetings:
Frequency Management Advisory Council 4500

TRANSPORTATION DEPARTMENT

See Coast Guard; Federal Aviation Administration.

TREASURY DEPARTMENT

See also Alcohol, Tobacco and Firearms Bureau; Internal Revenue Service.

Notices

Imported article effects on national security; Secretary of the Treasury's report 4457

VETERANS ADMINISTRATION

Proposed Rules

Disappearance of veteran; awards to dependents 4455

Notices

Meetings:
Educational Allowances Station Committee 4504

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 guide is published separately at the end of each month. The guide lists the parts and sections affected by documents published since January 1, 1974, and specifies how they are affected.

4 CFR

PROPOSED RULES:

303 4445

5 CFR

213 (4 documents) 4415

PROPOSED RULES:

890 4444

7 CFR

2 4415
907 4415
981 4416
989 4417

9 CFR

PROPOSED RULES:

303 4438
381 4438

12 CFR

545 4417

14 CFR

71 4409
250 4409

PROPOSED RULES:

71 4444

16 CFR

13 (3 documents) 4410–4412

17 CFR

PROPOSED RULES:

240 4454

20 CFR

PROPOSED RULES:

404 4440
405 4440

21 CFR

135e 4417
1308 4418

26 CFR

240 4418
250 4418
251 4418

27 CFR

PROPOSED RULES:

7 4428

28 CFR

0 4419

29 CFR

PROPOSED RULES:

1907 4439

30 CFR

PROPOSED RULES:

211 4428
216 4428

33 CFR

117 4419
159 4622

38 CFR

PROPOSED RULES:

3 4455

39 CFR

111 4420
122 4420
132 4420
159 4420

40 CFR

52 4420
408 4582

PROPOSED RULES:

52 (2 documents) 4445,4447
408 4608

45 CFR

PROPOSED RULES:

5 4439

46 CFR

160 4421

47 CFR

73 4422
83 4427

PROPOSED RULES:

0 4423
73 (3 documents) 4447, 4448
76 4451
87 4453

50 CFR

33 4405

PROPOSED RULES:

28 4428

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 January.

1 CFR

PROPOSED RULES:
203 2709

2 CFR

PROPOSED RULES:
2 2592

3 CFR

PROCLAMATIONS:
3279 (Amended by Proc. 4341) 3965
4210 (See Proc. 4341) 3965
4339 749
4340 3553
4341 3965
4342 4115
4343 4245

EXECUTIVE ORDERS:
6073 (Revoked in part by EO 11825) 1003
6260 (Revoked by EO 11825) 1003
6359 (Revoked in part by EO 11825) 1003
6556 (Revoked by EO 11825) 1003
6560 (See EO 11825) 1003
10289 (Revoked in part by EO 11825) 1003
10896 (Revoked by EO 11825) 1003
10905 (Revoked by EO 11825) 1003
11037 (Revoked by EO 11825) 1003
11126 (Council continued by EO 11827) 1217
11145 (Committee continued by EO 11827) 1217
11183 (Commission continued by EO 11827) 1217
11287 (Committee continued by EO 11827) 1217
11342 (Committee continued by EO 11827) 1217
11415 (Committee continued by EO 11827) 1217
11472 (Committee continued by EO 11827) 1217
11476 (amended by EO 11835) 4247
11562 (Council continued by EO 11827) 1217
11583 (Council continued by EO 11827) 1217
11625 (Council continued by EO 11827) 1217
11667 (Committee continued by EO 11827) 1217
11753 (Council continued by EO 11827) 1217
11756 (See EO 11824) 751
11768 (Amended by EO 11831) 2413
11776 (Committee continued by EO 11827) 1217
11807 (Council continued by EO 11827) 1217
11814 (See EO 11834) 2971
11824 751
11825 1003
11826 1004
11827 1217
11828 1219
11829 1497
11830 2411
11831 2413
11832 2415

3 CFR—Continued

EXECUTIVE ORDERS—Continued
11833 2673
11834 2971
11835 4247
11836 4255

PRESIDENTIAL DOCUMENTS OTHER THAN PROCLAMATIONS OR EXECUTIVE ORDERS:
Memorandum of December 30, 1974 1221
Memorandum of December 31, 1974 4257
Memorandum of January 10, 1975 4258
Message to Congress 1637
Notice of International Trade Negotiations 2670

4 CFR

400 4259
409 4259

PROPOSED RULES:
303 4445

5 CFR

151 4267
213 1499, 1681, 2173, 2435, 2575, 3285, 3405, 4415
294 2436
352 1223

PROPOSED RULES:
294 3313
890 4444
1302 3477
2401 2214

6 CFR

602 3572

7 CFR

2 2419, 2991, 3285, 3572, 4415
6 2791
51 2791
180 1026
215 3573
220 1499, 3405
225 3406
246 3573
250 3757
270 1882
271 1884, 2204
272 1894
273 1897
274 1899
301 1223
401 1701, 1703
722 1704, 2992
729 4276
730 1027
874 1028
905 2792
906 3286, 4117
907 753, 1228, 1704, 3214, 3285, 3573, 4012, 4415
910 753, 1228, 2205, 3004, 3758
911 2793
912 2206, 3004, 3759
913 2206, 3005
915 2677

7 CFR—Continued

916 1499
917 4012, 4117
928 4276
944 2793
959 3407
971 1028, 2794, 4277
981 3005, 4416
989 4277, 4416
993 4013
1001 4013
1002 4013
1004 4013
1006 4013
1007 4013
1011 4013
1012 4013
1013 4013
1015 4013
1030 4013
1033 4013
1036 4013
1040 4013
1044 4013
1046 4013
1049 4013
1050 4013
1060 4013
1061 4013
1062 4013
1063 4013
1064 4013
1065 4013
1068 4013
1069 4013
1070 4013
1071 4013
1073 4013
1075 4013
1076 4013
1078 4013
1079 4013
1090 4013
1094 4013
1096 4013
1097 4013
1098 4013
1099 4013
1101 4013
1102 4013
1106 4013
1108 4013
1120 4013
1121 4013
1124 4013
1125 4013
1126 4013
1127 4013
1128 4013
1129 4013
1130 4013
1131 4013
1132 4013
1133 4013
1134 4013
1136 4013
1137 4013
1138 4013
1139 2694, 3214, 4013
1430 3286
1421 1029
1434 2726
1474 1705

7 CFR—Continued

1806 ... 2420
1822 ... 1229, 4277
1832 ... 4118

PROPOSED RULES:

1 ... 3604
20 ... 1711
26 ... 2208, 3217
52 ... 3217
55 ... 1706, 2694
56 ... 1706, 2694
59 ... 1706, 2694
63 ... 4315
68 ... 3007
70 ... 1706, 2694
210 ... 3452
220 ... 2697
916 ... 1515
917 ... 1516
926 ... 4315
980 ... 2819
981 ... 2589
982 ... 4151
989 ... 787, 788
1001 ... 2589
1004 ... 2589
1002 ... 2589
1006 ... 2589
1007 ... 2589
1011 ... 2589
1012 ... 2589
1013 ... 2589
1015 ... 2589
1030 ... 2589
1032 ... 2589
1033 ... 2589
1036 ... 2589
1040 ... 2589
1044 ... 2589
1046 ... 2589
1049 ... 2589
1050 ... 2589
1060 ... 2589
1061 ... 2589
1062 ... 2589
1063 ... 2589
1064 ... 2589
1065 ... 2589
1068 ... 2589
1069 ... 2589
1070 ... 2589
1071 ... 2589
1073 ... 2589
1075 ... 2589
1076 ... 2589
1078 ... 2589
1079 ... 2589
1090 ... 2589
1094 ... 2589
1096 ... 2589
1097 ... 2589
1098 ... 2589
1099 ... 2589
1101 ... 2589
1102 ... 2589
1104 ... 2589
1106 ... 2589
1108 ... 2589
1120 ... 2589
1121 ... 7, 2589
1124 ... 2589
1125 ... 2589
1126 ... 7, 2589
1127 ... 7, 2589
1128 ... 7, 2589
1129 ... 7, 2589
1130 ... 7, 2589
1131 ... 2589

PROPOSED RULES—Continued

1132 ... 2589
1133 ... 2589
1134 ... 2589
1136 ... 2589
1136 ... 2589
1137 ... 2589
1138 ... 2589
1139 ... 2589, 2695, 3218
1207 ... 2697
1421 ... 4019
1427 ... 3601
1446 ... 4019
1434 ... 2726, 3310

8 CFR

100 ... 3407
108 ... 3407
214 ... 2794
235 ... 3210A
238 ... 3408
242 ... 3408
299 ... 3210A, 3408

PROPOSED RULES:

103 ... 2817

9 CFR

73 ... 757, 3574
78 ... 2173
91 ... 2691
97 ... 757
113 ... 757, 2691, 2692, 4017
304 ... 2575
305 ... 2576
317 ... 2576
445 ... 1500
447 ... 1500

PROPOSED RULES:

112 ... 788
113 ... 788, 4017
114 ... 788
303 ... 4438
381 ... 4438

10 CFR

1 ... 1230
2 ... 2973, 2974
35 ... 3210B
50 ... 2974, 3210C
51 ... 2978
205 ... 3210D
210 ... 2795
211 ... 2560, 2692, 3467, 4014
212 ... 2795, 3467

PROPOSED RULES:

2 ... 4158
9 ... 2714
19 ... 799
20 ... 799
40 ... 2209
51 ... 1005
170 ... 3010
207 ... 2212
211 ... 3467
212 ... 3467

12 CFR

204 ... 3973
225 ... 2677
226 ... 1681
265 ... 1505
524 ... 3973
543 ... 4118
545 ... 3973, 4417

12 CFR—Continued

555 ... 3973
745 ... 1505, 3287

PROPOSED RULES:

7 ... 2836
9 ... 4151
226 ... 1717
261 ... 3474
271 ... 4022
309 ... 2715
329 ... 2212
404 ... 2449
505 ... 2715
523 ... 1277
524 ... 1277
525 ... 1277
526 ... 1277
532 ... 1277
544 ... 3011
545 ... 1076, 1278, 3011
556 ... 1278
561 ... 1076, 3011
563 ... 1076, 3011
563(b) ... 4398
571 ... 1279
588 ... 1279
602 ... 2590
701 ... 4321
720 ... 2591

13 CFR

101 ... 2419
107 ... 1230, 1231
120 ... 1682
121 ... 4119
123 ... 3210D
301 ... 1029
304 ... 2796

PROPOSED RULES:

102 ... 3014

14 CFR

21 ... 1029, 2173, 2420, 2576, 2797
23 ... 2577
25 ... 2577
29 ... 2420
36 ... 1029, 2173, 2797
39 ... 1, 2, 1036, 1037, 1232, 1682, 2797, 2978, 2979, 3287, 3288, 3408, 3574, 3575, 3759, 4119, 4409
71 ... 299, 1038, 1507, 1508, 1682, 2421, 2422, 2577, 3210K, 3289, 3409, 3575, 3760, 4119–4121, 4297, 4300
73 ... 299, 1038, 4298
75 ... 299
91 ... 2420
95 ... 2577, 3576
97 ... 1232, 3576, 3577, 3761
121 ... 1039
228 ... 2797
239 ... 1039
250 ... 4409
288 ... 1040, 3578
372a ... 1233
385 ... 4300
399 ... 3409

PROPOSED RULES:

21 ... 1061, 2823, 4152
36 ... 1061, 2823, 4152
39 ... 1711, 3312, 3784
49 ... 2445
71 ... 1059–1061, 1518, 2824, 2825, 3220, 3312, 3313, 3611, 3784, 3785, 4152, 4153, 4319, 4444

14 CFR—Continued

PROPOSED RULES—Continued

73 ... 1518, 3220
91 ... 1072
310 ... 2826
385 ... 2826
389 ... 2826
401 ... 2446
1206 ... 2716

15 CFR

377 ... 1041, 2174
399 ... 1041
923 ... 1683

PROPOSED RULES:

4 ... 2821

16 CFR

2 ... 760
3 ... 761
4 ... 761
13 ... 761, 3761, 3762, 3974, 3977–3981, 4121–4123, 4410–4412
1500 ... 1480

PROPOSED RULES:

4 ... 2450
438 ... 2450
439 ... 2451
Ch. II ... 3276
302 ... 3279
1500 ... 1480, 1488, 1491, 2211, 2212, 4320
1512 ... 1493, 2211, 2212
1700 ... 2827

17 CFR

140 ... 4124
200 ... 1009, 3222
210 ... 1012
211 ... 2678
231 ... 1695, 2678
240 ... 1012, 2678, 3765
241 ... 1695, 2678
249 ... 1013
251 ... 2678

PROPOSED RULES:

1 ... 789
150 ... 4017
200 ... 3222
210 ... 1078, 1079
240 ... 1079, 1520, 1719, 2215, 4454
249 ... 1079

18 CFR

2 ... 2579, 3410
157 ... 3410, 3981
260 ... 2680

PROPOSED RULES:

1 ... 1077
2 ... 2716
3 ... 1077
34 ... 4320
154 ... 2716
157 ... 2716

19 CFR

10 ... 3448
141 ... 3448
171 ... 2797, 4124

PROPOSED RULES:

1 ... 5, 3452
4 ... 2437
111 ... 2437, 3299
152 ... 2437
174 ... 2437

19 CFR—Continued

PROPOSED RULES—Continued

177 ... 2437
201 ... 2452

20 CFR

404 ... 1233, 2683
405 ... 1022, 3219, 3765
416 ... 1508
614 ... 3

PROPOSED RULES:

200 ... 3317
404 ... 4440
405 ... 797, 1057, 4440
416 ... 4316
730 ... 791

21 CFR

2 ... 2580, 2979
29 ... 2798
121 ... 2580, 2581, 2683, 2798, 2799, 2980, 3289
135 ... 1013, 2422, 3448, 3766
135c ... 1013, 1014, 3448
135e ... 1013, 2422, 2800, 3766, 4417
314 ... 4300
449 ... 3766
450 ... 1512
600 ... 4304
610 ... 4304
640 ... 4304
1308 ... 1236, 4150, 4418

PROPOSED RULES:

3 ... 3783
101 ... 4315
132 ... 2822
133 ... 2822
940 ... 8
1304 ... 787
1308 ... 787, 4016

22 CFR

22 ... 2800
51 ... 1512
61 ... 2423

PROPOSED RULES:

6 ... 2443
42 ... 1515
212 ... 2442
503 ... 3317

23 CFR

490 ... 2581
625 ... 2179
653 ... 3584
712 ... 2179, 3982
713 ... 3767

PROPOSED RULES:

655 ... 2708

24 CFR

58 ... 1392
203 ... 2800
205 ... 3, 2800
207 ... 2800
213 ... 2800
220 ... 2801
221 ... 2801
232 ... 2801
234 ... 2801
235 ... 2801
236 ... 2801
241 ... 2801
242 ... 2802

24 CFR—Continued

244 ... 2802
300 ... 2683, 3210K
570 ... 2582
1275 ... 3734
1914 ... 766, 767, 2180, 2181, 2424, 2425, 3585, 3586, 3770–3772, 3983–3985
1915 ... 767, 776, 2182–2203, 2425, 3586, 3773, 3985, 4125

PROPOSED RULES:

1280 ... 1902
1909 ... 3310
1911 ... 3310
1914 ... 3585, 3586
1915 ... 3586

25 CFR

91 ... 3586
221 ... 4305, 4306

PROPOSED RULES:

41 ... 3309
221 ... 787

26 CFR

1 ... 1014, 1236, 1238, 1697, 2683, 2802, 3289
3 ... 1237
11 ... 1016
20 ... 1240
25 ... 1240
240 ... 4418
250 ... 4418
251 ... 4418

PROPOSED RULES:

1 ... 1044, 1250, 2694, 3007
31 ... 1251, 3299
301 ... 1044, 3299

27 CFR

4 ... 1240

PROPOSED RULES:

7 ... 4428

28 CFR

0 ... 3409, 4419
4a ... 3210K

PROPOSED RULES:

16 ... 2443

29 CFR

75 ... 4394
99 ... 2360
512 ... 4
1601 ... 3210M
1910 ... 3982
1925 ... 3593
1952 ... 1512, 3593
2200 ... 3594
2555 ... 2203

PROPOSED RULES:

70 ... 2705
103 ... 2591, 3220
1208 ... 2451
1401 ... 4155
1601 ... 3220, 3786
1610 ... 3011
1907 ... 4439
1908 ... 2703
1910 ... 797, 2822, 3392, 3787, 4019
1952 ... 1082, 3606, 4022

30 CFR

PROPOSED RULES::

211 ... 4428
216 ... 4428

31 CFR

316 ... 754
346 ... 4240

PROPOSED RULES:

1 ... 2836
223 ... 786, 2694

32 CFR

737 ... 1402
724 ... 4274
870 ... 3555
1459 ... 1240
1470 ... 1240
1811 ... 3212

PROPOSED RULES:

286 ... 2208
1608 ... 2593
Ch. XIX ... 3010
Ch. XXI ... 3612

33 CFR

110 ... 1016, 2688
117 ... 3290, 4307, 4308, 4419
124 ... 4308
127 ... 1016
159 ... 4622
204 ... 3993
210 ... 2582

PROPOSED RULES:

117 ... 3311, 4317, 4318
207 ... 3601
209 ... 2816
263 ... 1612
380 ... 1619
384 ... 1620
401 ... 4158

34 CFR

232 ... 3290

35 CFR

67 ... 2204, 3595
253 ... 3213

PROPOSED RULES:

9 ... 3316

36 CFR

7 ... 762, 4135
231 ... 3290
313 ... 4313

PROPOSED RULES:

404 ... 2447
405 ... 2447

38 CFR

2 ... 4135
3 ... 1241
9 ... 4135
36 ... 1513, 4143

PROPOSED RULES:

1 ... 2829
3 ... 4455

39 CFR

111 ... 4420
122 ... 4420
132 ... 4420
159 ... 4420
281 ... 2179

PROPOSED RULES:

262 ... 3220
3001 ... 2451

40 CFR

52 ... 2585, 2802, 3413–3444, 3566–3570, 3767, 3994, 3995, 4267–4270, 4272, 4420

40 CFR—Continued

60 ... 2803
85 ... 3447
120 ... 1041
180 ... 1042, 1043, 1241, 2179, 2586, 2803, 3571, 4273
406 ... 915
408 ... 4582
416 ... 3718
418 ... 2650
422 ... 4102
426 ... 2952
427 ... 1874
428 ... 2334
429 ... 2804
432 ... 902

PROPOSED RULES:

2 ... 3786
52 ... 1711, 2212, 2448, 2832, 2833, 3465, 4155, 4445, 4447
171 ... 2528, 3010
180 ... 1276, 1519, 2448
204 ... 3466
205 ... 3467
406 ... 921
408 ... 4608
415 ... 1712
416 ... 3730
418 ... 2654
422 ... 4110
426 ... 2963
427 ... 1879
428 ... 2347
429 ... 2833, 2834
432 ... 912
443 ... 2352

41 CFR

1–1 ... 2810
1–2 ... 2811
1–7 ... 2812
Ch. 3 ... 4143
4–3 ... 3997
4–5 ... 3997
Ch. 5 ... 3291, 3998
5–60 ... 3998
5A–1 ... 3998
5A–16 ... 4000
5A–60 ... 3291
5A–72 ... 4000
7–1 ... 3449
7–4 ... 3449
7–7 ... 3449
9–5 ... 3294
9–7 ... 2587, 4146
9–12 ... 2587
9–16 ... 2587, 4146
14–1 ... 2812
14–3 ... 2812
15–7 ... 3595
15–12 ... 3595
Ch. 51 ... 2980
101–18 ... 2587
105–63 ... 2668
114–1 ... 3450
114–3 ... 3450
114–25 ... 3450, 3596
605 ... 4308

PROPOSED RULES:

114–26 ... 3450
114–43 ... 3451
105–60 ... 2838
105–61 ... 3474

42 CFR

37 ... 3294

42 CFR—Continued

PROPOSED RULES:

23 ... 1204
50 ... 3218
59 ... 2823
66 ... 3074
72 ... 8

43 CFR

1780 ... 3294
4110 ... 2812

PUBLIC LAND ORDERS:

5462 ... 1017

PROPOSED RULES:

52c ... 4152
2920 ... 2818
3500 ... 2590
3520 ... 2590

45 CFR

75 ... 1242
103 ... 4309
141 ... 1017
177 ... 2813
205 ... 4000
233 ... 2435
1060 ... 3213

PROPOSED RULES:

Ch. I ... 3607
5 ... 4439
11 ... 3712
19 ... 2707
63 ... 1516
99 ... 1208, 2208
103 ... 8
166 ... 3382
182 ... 3007
189 ... 1053
250 ... 2707
503 ... 3786
612 ... 3313
704 ... 4154
1100 ... 3014
1215 ... 3462

46 CFR

35 ... 2689
78 ... 2689
97 ... 2689
160 ... 4421
196 ... 2689
221 ... 2434
503 ... 2983

PROPOSED RULES:

10 ... 3610
12 ... 3610
30 ... 2707
146 ... 4318, 4319
151 ... 2707
167 ... 3311
283 ... 2445
538 ... 1280

47 CFR

0 ... 2985, 4423
1 ... 3844
2 ... 1243, 2813, 3596
5 ... 2813
13 ... 3844
73 ... 1700, 4001, 4147, 4423
76 ... 2690, 3296
81 ... 2435, 2986, 2988
83 ... 2986, 4427
87 ... 2988
89 ... 2988
91 ... 1021, 2988
93 ... 2988

47 CFR—Continued

95 ..... 1243, 2988, 3596
97 2988
99 2989

PROPOSED RULES:

0 4155
21 800
73 ..... 801, 1714, 1716, 2449, 2710, 2712, 2713, 2828, 4451
76 3223
87 4453

49 CFR

1 ..... 3412, 3596
173 2435
178 2435
217 2690
255 4232
571 ..... 4, 1246, 1248, 2989, 3296, 3597
576 3296
1001 3215
1033 ..... 1700, 2587, 2691, 2990–2991, 3597, 3767, 4011, 4309, 4311, 4313
1064 1248
1100 3769
1125 ..... 1624, 3215

49 CFR—Continued

1201 4148
1208 2500

PROPOSED RULES:

7 3456
213 1076
395 ..... 2208, 4319
571 ..... 10, 4153
575 1273
581 10
Ch. VI 2534
1001 1718
1090 3787
1124 801

50 CFR

28 ..... 762, 763, 1701, 3297, 4011
33 ..... 764, 1701, 2815, 3297, 3599, 4011, 4405
3965–4113 24
216 764

PROPOSED RULES:

17 ..... 5, 4320
21 2444
28 4428
216 2820
219 2820

FEDERAL REGISTER PAGES AND DATES—JANUARY

Pages	*Date*	*Pages*	*Date*	*Pages*	*Date*
1–747	Jan. 2	2411–2573	Jan. 13	3405–3552	Jan. 22
749–1002	3	2575–2671	14	3553–3755	23
1003–1216	6	2673–2790	15	3756–3964	24
1217–1495	7	2791–2969	16	3965–4113	27
1497–1679	8	2971–3210	17	4115–4243	28
1681–2172	9	3210A–3283	20	4245–4404	29
2173–2409	10	3285–3404	21	4405–4630	30

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 50—Wildlife and Fisheries

CHAPTER I—U.S. FISH AND WILDLIFE SERVICE, DEPARTMENT OF THE INTERIOR

PART 33—SPORT FISHING

Wildlife Refuges in Certain States

The following special regulations are issued and are effective on January 1, 1975.

§ 33.5 Special regulations; sport fishing; for individual wildlife refuge areas.

ALABAMA

CHOCTAW NATIONAL WILDLIFE REFUGE

Sport fishing on the Choctaw National Wildlife Refuge, Jackson, Alabama, is permitted only on the areas designated by signs as open to fishing. These open areas, comprising 2,000 acres, are shown on a map available at the refuge headquarters and from the office of the Regional Director, U.S. Fish and Wildlife Service, 17 Executive Park Drive, N.E., Atlanta, Georgia 30329. Sport fishing shall be in accordance with all applicable State regulations subject to the following special conditions:

(1) The sport fishing season is open year-round on all refuge waters not closed by signs.

(2) Fishing is permitted during daylight hours only.

(3) Firearms are not permitted.

(4) Equipment (boats, trailers, vehicles, etc.) not permitted overnight.

ARKANSAS

BIG LAKE NATIONAL WILDLIFE REFUGE

Sport fishing on the Big Lake National Wildlife Refuge, Manila, Arkansas, is permitted on all water areas. These areas, comprising 4,000 acres, are delineated on a map available at the refuge headquarters and from the office of the Regional Director, U.S. Fish and Wildlife Service, 17 Executive Park Drive, N.E., Atlanta, Georgia 30329. Sport fishing shall be in accordance with all applicable State regulations except for the following special conditions:

(1) The sport fishing season on the refuge extends year-round except for closure during duck hunting season.

(2) Limb lines may not be used.

(3) Trotline fishing permitted at night.

HOLLA BEND NATIONAL WILDLIFE REFUGE

Sport fishing is permitted on all waters of Holla Bend National Wildlife Refuge. Sport fishing shall be in accordance with all applicable State and Federal regulations covering fishing, subject to the following special condition:

(1) Fishing is permitted only during the period March 15 through September 30, daylight hours only.

WAPANOCCA NATIONAL WILDLIFE REFUGE

Sport fishing on the Wapanocca National Wildlife Refuge, Turrell, Arkansas, is permitted on Wapanocca Lake and other areas as designated by signs as open to fishing. These open areas are delineated on a map available at the refuge headquarters and from the office of the Regional Director, U.S. Fish and Wildlife Service, 17 Executive Park Drive, N.E., Atlanta, Georgia 30329. Sport fishing shall be in accordance with all applicable State regulations except the following special conditions:

(1) The sport fishing season on the refuge extends from April 1, 1975, through September 30, 1975.

(2) Fishing permitted during daylight hours only.

(3) Motors larger than 10 horsepower are prohibited. No boats are allowed in the Woody Ponds area on the south side of the refuge.

(4) The use of jug, drop, or trotlines is prohibited.

(5) The use of live carp, shad, buffalo, and goldfish for bait is prohibited.

(6) No fishing permitted within 100 yards of the bridge, water control structure and boat dock which is located behind the refuge headquarters.

WHITE RIVER NATIONAL WILDLIFE REFUGE

Sport fishing on the White River National Wildlife Refuge, DeWitt, Arkansas, is permitted only on the areas designated by signs as open to fishing. These open areas comprising 2,592 acres are delineated on a map available at the refuge headquarters and from the office of the Regional Director, U.S. Fish and Wildlife Service, 17 Executive Park Drive, N.E., Atlanta, Georgia 30329. Sport fishing shall be in accordance with all applicable State regulations except the following special conditions:

(1) The sport fishing season on the refuge extends from March 16, 1975, through October 31, 1975.

(2) Boats without owner's name plate affixed in a conspicuous place may not be left overnight.

(3) Taking of frogs is prohibited.

(4) All fishermen must exhibit their fishing license, fish, and vehicle and boat contents to Federal and State officers upon request.

(5) It is unlawful to fail to run trotlines every 24 hours and remove catch therefrom. Lines not being properly tended shall be confiscated and removed from the water.

FLORIDA

LAKE WOODRUFF NATIONAL WILDLIFE REFUGE

Sport fishing on the Lake Woodruff National Wildlife Refuge, de Leon Springs, Florida, is permitted only on the areas designated by signs as open to fishing. These open areas, comprising 650 acres, are delineated on a map available at the refuge headquarters and from the office of the Regional Director, U.S. Fish and Wildlife Service, 17 Executive Park Drive, N.E., Atlanta, Georgia 30329. Sport fishing shall be in accordance with all applicable State regulations, subject to the following special conditions:

(1) The sport fishing season is open year-round on refuge waters west of Norris Dead River, Lake Woodruff, and Spring Garden Creek. Refuge waters east of the canal bordering the east side of Norris Dead River, Lake Woodruff, and Spring Garden Creek will be open to fishing only when such use will not result in undue disturbance to wildlife or will not interfere with wildlife management practices being carried out on the area. Such periods of permitted use will be designated by appropriate signing and will generally occur during the period from March 15 to October 15.

(2) Limited areas throughout the refuge may be designated as closed by appropriate signing to protect wildlife or other refuge values.

(3) Fishing on refuge waters is permitted during daylight hours only.

(4) Air-thrust boats are prohibited.

(5) Firearms of any type are prohibited.

(6) State regulations govern fishing in State-owned waters contained in Spring Garden Lake, Spring Garden Creek, Norris Dead River and Highland Park Canal, Lake Woodruff, Tick Island Mud Lake, Tick Island Creek, and Lake Dexter.

LOXAHATCHEE NATIONAL WILDLIFE REFUGE

Sport fishing is permitted in all waters of the Loxahatchee National Wildlife Refuge, Delray Beach, Florida, except those marked by signs as being closed. The open areas, comprising 74,492 acres, are delineated on a map available at the refuge headquarters and from the office of the Regional Director, U.S. Fish and Wildlife Service, 17 Executive Park Drive, N.E., Atlanta, Georgia 30329. Sport fishing shall be in accordance with all applicable State and Federal regulations subject to the following special conditions:

(1) Sport fishing is permitted year-round.

(2) Fishing is restricted to 1½ hours before sunrise until 1 hour after sunset.

(3) Boats must enter or leave the refuge through the three public ramps as follows:

(a) S–5A (Twenty-Mile Bend) boat ramp.

(b) Headquarters boat ramp.

(c) S–39 (Loxahatchee Recreation Area) boat ramps.

(4) Method of fishing is with attended rod and reel and/or pole and line.

(5) Air-thrust boats may be authorized only by special permit issued by the refuge manager. Speedboats and racing craft are prohibited.

(6) Persons must follow such routes of travel within the area as may be designated by posting by the refuge officer-in-charge. To protect Government property or wildlife the refuge officer-in-charge may close any or all of the area.

MERRITT ISLAND NATIONAL WILDLIFE REFUGE

Sport fishing on the Merritt Island National Wildlife Refuge, Titusville, Florida, is permitted only on the areas designated by signs as open to fishing. These open areas are delineated on a map available at the refuge headquarters and from the Regional Director, U.S. Fish and Wildlife Service, 17 Executive Park Drive, N.E., Atlanta, Georgia 30329. Salt and freshwater fish may be taken in accordance with all applicable State regulations except for the following special conditions:

(1) Sport fishing is permitted in the open areas year-round except that fishing may be prohibited at certain times when safety and operational factors by NASA so require. At such times the area will be posted as closed. Bank fishing along Banana Creek is prohibited. Airthrust boats are not allowed on Refuge waters.

(2) Legal methods of fishing:

(a) Attended rod and reel and/or pole and line permitted.

(b) Bow fishing with retrieving line attached.

(c) Cast nets are permitted with not more than 7 feet length and not more than 14 feet in diameter and no less than 1 inch mesh.

(3) All State regulations must be obeyed while fishing on the refuge and fishing license must be carried on the person to be exhibited to Federal or State officers upon request. No special Refuge permit is required.

ST. MARKS NATIONAL WILDLIFE REFUGE

Sport fishing on the St. Marks National Wildlife Refuge, St. Marks, Florida, is permitted only on the areas designated by signs as open to fishing. These open areas, comprising 50,000 acres, are delineated on a map available at the refuge headquarters and from the office of the Regional Director, U.S. Fish and Wildlife Service, 17 Executive Park Drive, N.E., Atlanta, Georgia 30329. Sport fishing shall be in accordance with all applicable State regulations except the following special conditions:

(1) The sport fishing season on the refuge extends from March 15, 1975, through October 15, 1975.

(2) Fishing permitted one-half hour before sunrise until one-half hour after sunset, 7 days a week.

(3) Boats with gasoline engines to 4 horsepower and electric motors are permitted.

(4) Trotlines as permitted by State regulations are allowed except that lines shall be taken up prior to closing hour of fishing daily.

ST. VINCENT NATIONAL WILDLIFE REFUGE

Sport fishing on the St. Vincent National Wildlife Refuge, Franklin County, Apalachicola, Florida, is permitted only on the areas designated by signs as open to fishing. These open areas, comprising 360 acres, are delineated on a map available at the refuge headquarters and from the office of the Regional Director, U.S. Fish and Wildlife Service, 17 Executive Park Drive, N.E., Atlanta, Georgia 30329. Sport fishing shall be in accordance with all applicable State regulations.

(1) The sport fishing season extends from March 1, 1975, through October 30, 1975.

(2) Fishermen are permitted on the refuge from 1 hour before sunrise to 1 hour after sunset.

(3) No motors of any type may be used.

(4) Users must follow designated routes of travel from the beach to the open fishing area.

(5) Boats may be left on the island at designated points during the open season provided they are identified with their owner's name and address. Boats must be removed from the refuge no later than October 30, 1975.

(6) Use of live minnows as bait is prohibited.

GEORGIA

BLACK BEARD ISLAND NATIONAL WILDLIFE REFUGE

Sport fishing on the Blackbeard Island National Wildlife Refuge, McIntosh County, Townsend, Georgia, is permitted only on the areas designated by signs as open to fishing. These open areas, comprising 680 acres, are delineated on a map available at the refuge headquarters and from the office of the Regional Director, U.S. Fish and Wildlife Service, 17 Executive Park Drive, N.E., Atlanta, Georgia 30329. Sport fishing shall be in accordance with all applicable State regulations except the following special conditions:

(1) The sport fishing season on the refuge extends from March 15, 1975, through October 25, 1975.

(2) Fishing is permitted in daylight hours only.

(3) Boats with electric motors permitted. Boats with gasoline powered motors prohibited.

(4) Use of live minnows as bait prohibited.

OKEFENOKEE NATIONAL WILDLIFE REFUGE

Sport fishing is permitted on the Okefenokee National Wildlife Refuge, Waycross, Georgia. Certain isolated areas are closed and posted. The open areas are delineated on a map available at the refuge headquarters and from the office of the Regional Director, U.S. Fish and Wildlife Service, 17 Executive Park Drive, N.E., Atlanta, Georgia 30329. Sport fishing shall be in accordance with all applicable State regulations except the following special conditions:

(1) Fishing permitted during daylight hours only.

(2) Boats with motors not larger than 10 hp., canoes, and rowboats permitted.

(3) Artificial and live bait (except live minnows) permitted.

(4) Trotlines, limb lines, nets, or other set tackle prohibited.

(5) Persons entering refuge from main access points must register with the respective concessioner.

(6) Persons using the sill access ramp on the pocket are required to sign and register when they enter the swamp and again when they leave. Use of launching facilities is permitted as long as parking regulations are not violated. Parking regulations are posted at registration station.

PIEDMONT NATIONAL WILDLIFE REFUGE

Sport fishing on the Piedmont National Wildlife Refuge, Round Oak, Georgia, is permitted only on the area designated by signs as open to fishing. This open area, comprising approximately 25 acres, is delineated on a map available at the refuge headquarters and from the office of the Regional Director, U.S. Fish and Wildlife Service, 17 Executive Park Drive, N.E., Atlanta, Georgia 30329. Sport fishing shall be in accordance with all applicable State regulations subject to the following special conditions:

Open season: June 1–September 22, 1975—Allison Lake.

Hours: Daylight hours only (camping prohibited).

Species, limits and equipment: Same as State regulations with following exceptions:

Electric motors permitted on boats.

Boats may not be left in fishing area overnight.

Fishing area open for bank fishing within posted areas only.

General: Weapons and dogs are prohibited. Littering and alcoholic beverages are prohibited. The destruction, disturbance, or removal of wood duck nesting facilities, plants, animals, or any public property is prohibited.

Vehicles: Use only roads and trails that are designated as being open for public travel. Maximum speed on gravel roads open for travel is 15 MPH.

LOUISIANA

CATAHOULA NATIONAL WILDLIFE REFUGE

Sport fishing on the Catahoula National Wildlife Refuge, Jena, Louisiana, is permitted on the areas designated by signs as open to fishing. The open areas, comprised of the Cowpen Bayou Impoundment and Duck Lake Marsh, are delineated on a map available at the refuge headquarters and from the office of the Regional Director, U.S. Fish and Wildlife Service, 17 Executive Park Drive, N.E., Atlanta, Georgia 30329.

Sport fishing shall be in accordance with all applicable State regulations and the following special refuge conditions:

(1) The sport fishing season on the refuge extends from April 12, 1975, through October 26, 1975.

(2) Fishing permitted from 30 minutes before sunrise to 30 minutes after sunset.

(3) Gasoline powered outboard motors are not allowed in Cowpen Bayou. Electric trolling motors only may be used. Outboard motors may be used in Duck Lake Marsh.

(4) Boats may not be left in the refuge overnight.

(5) No camping or campfires permitted.

(6) No firearms permitted on the refuge.

DELTA NATIONAL WILDLIFE REFUGE

Sport fishing and sport shrimping on the Delta National Wildlife Refuge, Venice, Louisiana, are permitted only on the areas designated by signs as open to fishing. These open areas, comprising approximately 48,000 acres, are delineated on a map available at the refuge headquarters and from the office of the Regional Director, U.S. Fish and Wildlife Service, 17 Executive Park Drive, N.E., Atlanta, Georgia 30329. Sport fishing and sport shrimping shall be in accordance with all applicable State regulations except the following special conditions:

(1) The sport fishing and sport shrimping season on the refuge shall be closed during the waterfowl hunting season.

(2) Fishing and shrimping permitted during daylight hours only.

(3) Sport shrimp trawls are restricted to a maximum of 25 feet.

(4) Air-thrust boats are prohibited.

LACASSINE NATIONAL WILDLIFE REFUGE

Sport fishing on the Lacassine National Wildlife Refuge, Lake Arthur, Louisiana, is permitted only on the areas designated by signs as open to fishing. These open areas, comprising 28,000 acres, are delineated on a map available at the refuge headquarters and from the office of the Regional Director, U.S. Fish and Wildlife Service, 17 Executive Park Drive, N.E., Atlanta, Georgia 30329. Sport fishing shall be in accordance with all applicable State regulations except the following special conditions:

(1) The sport fishing season on the refuge extends from March 1, 1975, through October 15, 1975.

(2) No person may possess more than the daily creel limit allowed by State regulations.

(3) Fishing permitted from one hour before sunrise to one hour after sunset.

(4) Entry to Lacassine Pool restricted to four-roller-ways provided.

(5) Boats may not be left inside the refuge overnight.

(6) Boats with outboard motors no larger than 20 horsepower permitted in Lacassine Pool. No size restrictions on boats and motors in the canals and streams.

SABINE NATIONAL WILDLIFE REFUGE

Sport game fishing on the Sabine National Wildlife Refuge, Sulphur, Louisiana, is permitted only on the areas designated by signs as open to fishing. These open areas, comprising 40,000 acres, are delineated on a map available at the refuge headquarters and from the office of the Regional Director, U.S. Fish and Wildlife Service, 17 Executive Park Drive, N.E., Atlanta, Georgia 30329. Sport fishing shall be in accordance with all applicable State regulations except the following special conditions:

(1) The sport game fishing season on the refuge extends from March 1, 1975, through October 15, 1975.

(2) No person may possess more than the daily creel limit allowed by State regulations.

(3) Fishermen must not enter refuge waters earlier than one hour before sunrise and shall leave refuge waters by one hour after sunset.

(4) Boats may be moored only at designated areas in Pool 1b or Pool 3. Boats left at these mooring sites must bear owner's name and address. Boats found moored outside designated areas or without required identification will be removed to refuge headquarters. All boats must be removed from the refuge prior to the close of the fishing season.

(5) Boats may not be dragged across levees for access to poor areas. Travel over the refuge is restricted to waterways. Fishermen are not to walk canal banks or levees. Boat access into Pool 1b is restricted to bridge sites on Road Canal.

(6) Boats with outboard motors not larger than 20 horsepower permitted in refuge lakes and impoundments. No size restrictions on boats and motors in the canals and bayous.

MISSISSIPPI

NOXUBEE NATIONAL WILDLIFE REFUGE

Sport fishing on the Noxubee National Wildlife Refuge, Brooksville, Mississippi, is permitted on all refuge waters not specifically posted as closed to entry. These open areas, comprising 2,000 acres, are delineated on a map available at the refuge headquarters and from the office of the Regional Director, U.S. Fish and Wildlife Service, 17 Executive Park Drive, N.E., Atlanta, Georgia 30329. Sport fishing shall be in accordance with all applicable State regulations subject to the following special conditions:

(1) The sport fishing season on the refuge extends from March 1 through October 31, 1975.

(2) Fishing permitted during daylight hours only.

(3) A daily permit (50 cents) is required by the Mississippi Game and Fish Commission to fish in Bluff and Loakfoma Lakes and tail-waters of the spillways.

(4) No limb lines or limb hooks are permitted in Bluff and Loakfoma Lakes.

(5) All trotlines will be removed from the refuge by the close of the refuge fishing season.

(6) Private boats may not be left overnight on the refuge.

(7) No snag lines permitted.

NORTH CAROLINA

MATTAMUSKEET NATIONAL WILDLIFE REFUGE

Sport fishing, bow fishing, and herring dipping on the Mattamuskeet National Wildlife Refuge are permitted only on the areas designated by signs as open. These open areas, comprising 40,000 acres, are delineated on a map available at the refuge headquarters and from the office of the Regional Director, U.S. Fish and Wildlife Service, 17 Executive Park Drive, N.E., Atlanta, Georgia 30329. These activities shall be in accordance with all applicable State regulations subject to the following special conditions:

(1) Sport fishing and bow fishing seasons extend from March 1 through November 1.

(2) As an exception to (1) above, the following areas are open to bank fishing during the entire year.

(a) The causeway (State Highway 94 which crosses the lake).

(b) In the immediate vicinity of the Lake Landing water control structure.

(c) In the immediate vicinity of the Outfall Canal water control structure at Mattamuskeet Lodge.

(3) Herring (alewife) dipping will be permitted from March 1 through May 15 from the canal banks and water control structures in the immediate vicinity of the following locations:

(a) Waupoppin Canal control structure—daylight hours only.

(b) Outfall Canal control structure—daylight hours only.

(c) Lake Landing control structure—closed from sunset Sunday to sunrise Monday; sunset Tuesday to sunrise Wednesday; sunset Thursday to sunrise Friday. Open at other times.

(4) Boats and outboard motors without size limitations permitted. Airboats are prohibited.

(5) Certain areas will be posted as closed to motor boats to prevent disturbance in prime spawning zones.

PEE DEE NATIONAL WILDLIFE REFUGE

Sport fishing on the Pee Dee National Wildlife Refuge, Wadesboro, North Carolina, is permitted only on the areas designated by signs as open to fishing. These open areas are delineated on a map available at the refuge headquarters and from the office of the Regional Director, U.S. Fish and Wildlife Service, 17 Executive Park Drive, N.E., Atlanta, Georgia 30329. Sport fishing shall be in accordance with all applicable State regulations, except the following special conditions:

(1) Open Season: Year-round—Brown Creek—within 100 yards of the Brown Creek Recreation Area.

(2) Open Season: April 1–September 30—Sullivan Pond—Anson County; Andrews Pond—Richmond County; Pee Dee River—Anson and Richmond Counties.

(3) Fishing permitted from sunrise to sunset.

(4) Only bank fishing permitted.

(5) Firearms, camping, open fires, and night use prohibited.

(6) No special refuge permit is required.

SOUTH CAROLINA

CAPE ROMAIN NATIONAL WILDLIFE REFUGE

Sport fishing on the Bulls Island Unit of the Cape Romain National Wildlife Refuge, Awendaw, South Carolina, is permitted only on the areas designated by signs as open to fishing. These open areas, comprising 610 acres, are delineated on a map available at the refuge headquarters and from the office of the Regional Director, U.S. Fish and Wildlife Service, 17 Executive Park Drive, N.E., Atlanta, Georgia 30329. Sport fishing shall be in accordance with all applicable State regulations except the following special conditions:

(1) The sport fishing season on the refuge extends from March 15, 1975, through September 30, 1975.

(2) Fishing permitted during daylight hours only. No overnight camping allowed.

(3) Boats with electric motors permitted; gasoline powered engines prohibited.

(4) Boats must be removed from the refuge at the close of each day.

CAROLINA SANDHILLS NATIONAL WILDLIFE REFUGE

Sport fishing on the Carolina Sandhills National Wildlife Refuge, McBee, South Carolina, is permitted only on the areas designated by signs as open to fishing. These open areas, comprising 135 acres, are delineated on a map available at the refuge headquarters and from the office of the Regional Director, U.S. Fish and Wildlife Service, 17 Executive Park Drive, N.E., Atlanta, Georgia 30329. Sport fishing shall be in accordance with all applicable State regulations except the following special conditions:

(1) The sport fishing season on the refuge extends from January 1, 1975, through December 31, 1975 on Lake Bee, and the Black Creek Bridge areas on State Road 33, State Road 145, and U.S. Highway 1; from March 17, 1975, through October 11, 1975 on Martin's Lake, Lake 16, Pools A, D, G, and H; and from March 17, 1975, through September 12, 1975 on Lake 17 and Pool J.

(2) Fishing permitted from official local sunrise until one-half hour after official local sunset.

(3) Boats with electric motors permitted only in Lake Bee, Lake 16, and Lake 17, and Martin's Lake. Other type motors prohibited. The other areas are open only for bank fishing within posted areas.

(4) Alcoholic beverages prohibited.

(5) All boats and fishermen must remain at least 30 feet away from wood duck nesting boxes or goose nesting areas. Nesting areas in Martin's Lake are closed and posted with closed area signs.

SANTEE NATIONAL WILDLIFE REFUGE

Sport fishing on Santee National Wildlife Refuge is permitted on all areas except for those designated by signs as being closed. The closed areas are delineated on a map that is available at refuge headquarters and from the office of the Regional Director, U.S. Fish and Wildlife Service, 17 Executive Park Drive, N.E., Atlanta, Georgia 30329. Sport fishing shall be inaccordance with all applicable State regulations and subject to the following conditions:

(1) Waters within all land units (Cuddo, Pine Island, Bluff, and Dingle Pond) are closed to fishing.

(2) Cantey Bay, Blackbottom, and Savannah Branch are closed from November 1 to February 28.

SAVANNAH NATIONAL WILDLIFE REFUGE

Sport fishing on the Savannah National Wildlife Refuge, Jasper County, Hardeeville, South Carolina, is permitted only on the areas designated by signs as open to fishing. These open areas, comprising 3,000 acres, are delineated on a map available at the refuge headquarters and from the office of the Regional Director, U.S. Fish and Wildlife Service, 17 Executive Park Drive, N.E., Atlanta, Georgia 30329. Sport fishing shall be in accordance with all applicable State regulations except the following special conditions:

(1) The sport fishing season on the refuge extends from March 15, 1975, through October 25, 1975.

(2) Fishing is permitted during daylight hours only.

(3) Boats powered with electric motors are permitted in the impoundments. Boats powered with gasoline motors are prohibited in the impoundments.

TENNESSEE

CROSS CREEKS NATIONAL WILDLIFE REFUGE

Sport fishing on the Cross Creeks National Wildlife Refuge, Dover, Tennessee, is permitted only on areas designated by signs as open to fishing. These open areas, comprising 4,050 acres, are delineated on a map that is available at the refuge headquarters and from the office of the Regional Director, U.S. Fish and Wildlife Service, 17 Executive Park Drive, N.E., Atlanta, Georgia 30329. Sport fishing shall be in accordance with all applicable State regulations subject to the following special conditions:

(1) The open season for Elk and South Cross Creek Reservoirs and the 15 smaller refuge ponds extends from April 1 through September 15, 1975. Fishing is permitted in these refuge bodies of water from 30 minutes before sunrise to 30 minutes after sunset. The sport fishing season is open 24 hours per day, yearround on Barkley Lake.

(2) Boats powered by outboard motors of 5 horsepower or less are permitted on Elk and South Cross Creek Reservoirs. The 15 smaller refuge ponds are restricted to use by boats powered only by electric trolling motors and/or paddle. Motor size is not restricted on Barkley Lake.

(3) Methods of fishing the two reservoirs and impoundments are limited to hand fishing with rod and reel and/or pole and line.

(4) Overnight camping and/or overnight mooring of boats are prohibited on the refuge.

(5) For their safety fishermen must follow designated routes of travel while on the refuge and use the parking areas as provided.

(6) All State regulations must be obeyed while fishing on refuge reservoirs as well as that portion of Barkley Lake within the refuge. Fishing license must be carried on the person to be exhibited to Federal or State officers upon request. No special refuge permit is required.

HATCHIE NATIONAL WILDLIFE REFUGE

Sport fishing on the Hatchie National Wildlife Refuge, Brownsville, Tennessee, is permitted only on the areas designated by signs as open to fishing. These open areas, comprising 100 acres, are delineated on a map available at the refuge headquarters and from the Regional Director, U.S. Fish and Wildlife Service, 17 Executive Park Drive, N.E., Atlanta, Georgia 30329. Sport fishing shall be in accordance with all applicable State regulations except the following special conditions:

(1) The sport fishing season on the refuge extends from April 1, 1975, through November 14, 1975.

(2) Fishing permitted during daylight hours only.

(3) Boats powered with electric outboard motors are permitted. Gasoline outboard motors are prohibited.

(4) Methods of fishing are limited to pole and line or rod and reel, using natural or artificial bait.

(5) Vehicles may be used on refuge roads and trails to reach fishing area.

(6) Footpaths may be used to reach all lakes from Hatchie River.

(7) Firearms prohibited.

(8) Boats must be removed from refuge no later than November 30.

REELFOOT NATIONAL WILDLIFE REFUGE

Sport fishing on the Reelfoot National Wildlife Refuge, Tennessee, is permitted only on the areas designated by signs as open to fishing. These open areas, comprising 9,092 acres, are delineated on a map available at the refuge headquarters and from the office of the Regional Director, U.S. Fish and Wildlife Service, 17 Executive Park Drive, N.E., Atlanta, Georgia 30329. Sport fishing shall be in accordance with all applicable State regulations except the following special conditions:

(1) The fishing season on that portion of the refuge located north of Upper Blue Basin extends from February 15, 1975, through October 23, 1975. The fishing season on that portion of the refuge located south of Upper Blue Basin extends from January 21, 1975 until the day preceding opening of the 1975 waterfowl season.

(2) Fishing with bows and arrows is prohibited at all times.

(3) Boats with motors of not more than 10 horsepower may be used.

LAKE ISOM NATIONAL WILDLIFE REFUGE

Sport fishing on the Lake Isom National Wildlife Refuge, Tennessee, is permitted only on the areas designated by signs as open to fishing. These open areas, comprising 750 acres, are delineated on a map available at the refuge headquarters and from the office of the Regional Director, U.S. Fish and Wildlife Service, 17 Executive Park Drive,

N.E., Atlanta, Georgia 30329. Sport fishing shall be in accordance with all applicable State regulations except the following special conditions:

(1) The sport fishing season on the refuge extends from March 16, 1975, through September 30, 1975, sunrise to sunset daily.

(2) Fishing with bows and arrows is prohibited at all times.

(3) Boats with motors of not more than 6 horsepower may be used.

The provisions of these special regulations supplement the regulations which govern fishing on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 33, and are effective through December 31, 1975.

ALBERT W. JACKSON,
Acting Regional Director,
U.S. Fish and Wildlife Service.

JANUARY 21, 1975.

[FR Doc.75-2736 Filed 1-29-75;8:45 am]

Title 14—Aeronautics and Space

CHAPTER I—FEDERAL AVIATION ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

[Airspace Docket No. 74-NE-24]

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

Alteration of Federal Airways

On December 11, 1974, a notice of proposed rule making (NPRM) was published in the FEDERAL REGISTER (39 FR 43230) stating that the Federal Aviation Administration (FAA) was considering an amendment to Part 71 of the Federal Aviation Regulations that would extend V-496 from Lebanon, N.H., to Kennebunk, Maine, and rescind V-141E between Concord, N.H., and Lebanon.

Interested persons were afforded an opportunity to participate in the proposed rule making through the submission of comments. All comments received were favorable.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., April 24, 1975, as hereinafter set forth.

Section 71.123 (40 FR 307) is amended as follows: a. In V-141 all after "Concord, N.H.;" is deleted and "Lebanon, N.H.; Burlington, Vt.; to Massena, N.Y." is substituted therefor.

b. In V-496 "to Lebanon, N.H." is deleted and "Lebanon, N.H.; to Kennebunk, Maine," is substituted therefor.

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

Issued in Washington, D.C. on January 23, 1975.

GORDON E. KEWER,
Acting Chief, Airspace and
Air Traffic Rules Division.

[FR Doc.75-2732 Filed 1-29-75;8:45 am]

CHAPTER II—CIVIL AERONAUTICS BOARD

SUBCHAPTER A—ECONOMIC REGULATIONS

[Reg. ER-897; Amdt. 8]

PART 250—PRIORITY RULES, DENIED-BOARDING COMPENSATION TARIFFS AND REPORTS OF UNACCOMMODATED PASSENGERS

Denied-Boarding Compensation; Interpretative Amendment and Partial Stay

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., January 27, 1975.

By ER-880, dated August 13, 1974,[1] the Board adopted an amendment to its "denied-boarding compensation" rule, as set forth in Part 250 of its Economic Regulations (14 CFR Part 250), so as to expand coverage of the rule to include foreign air carriers.

Subsequent to the issuance of ER-880, and in response to numerous requests by foreign air carriers, the Board issued ER-890,[2] which deferred until March 1, 1975, the effective date of ER-880. In taking this action, the Board explained that while the various requests had made a persuasive showing that there should be some deferral of the effectiveness of amendments extending the "denied-boarding" rule to foreign air carriers, we did not believe that such effectiveness should be delayed, in its entirety, beyond March 1, 1875.

A. INTERPRETATIVE AMENDMENT OF § 250.2

Insofar as several foreign air carriers had raised a fundamental question as to the precise manner in which the rule would apply to their operations, we stated that we would shortly issue our interpretation of the provision in § 250.2 which describes the rules applicability. In pertinent part, § 250.2, which was not amended by ER-880, provides that our denied-boarding rule "applies to flights or portions of flights originating or terminating in the United States, its territories or possessions * * *." One of the main purposes of the within amendment is thus to revise § 250.2 so as to explicitly reflect our interpretation of the scope of applicability which we have intended for the "denied-boarding" rule to have, both with respect to U.S. air carriers—whom the rule has covered for more than seven years[3]—and foreign air carriers.

The above-quoted provision in § 250.2 has adequately expressed the rule's application to the carriage of passengers in "interstate air transportation" and "overseas air transportation," as those terms are respectively defined in sections 101(21)(a) and 101(21)(b) of the Act. However, questions have occasionally arisen as to its precise application to certain international flights performed by U.S. air carriers, since, in such cases, a flight which may be said to "originate" or "terminate" in the United States might well include flight portions in which some or all of the passengers are not even carried in "foreign air transportation," as that term is defined in section 101(21)(c) of the Act, and are thus not within our jurisdiction.

For example, every flight performed by a U.S. air carrier in "foreign air transportation" is necessarily a flight "originating or terminating" in the United States, within the literal description of § 250.2. Yet, we have never intended for Part 250 to apply to "local traffic" carried by U.S. carriers in international flights, *i.e.*, passengers carried between two foreign points in the course of an aircraft's flight between a foreign terminal point and a U.S. terminal point.

Clearly, a person who buys a ticket in Rome for a flight from Rome to Athens has not been covered by our rule merely because the flight is to be performed on an aircraft which "originates" in the United States and is operated by a U.S. carrier. Similarly, our staff has taken the position, which we here affirm, that a person who buys a ticket in New York from a U.S. carrier for a flight to London and thence to Rome has been covered by our rule only with respect to the flight from New York to London, but not with respect to the London-Rome flight, even though his journey "originates" in the United States.

In short, for the purposes of determining the extent to which passengers on international flights operated by U.S. carriers have been protected by the denied-boarding rule, § 250.2 has been interpreted to mean that, regardless of where the aircraft originates or terminates, our rule applies only to a passenger holding a confirmed reservation for space aboard that aircraft for a flight to or from a point in the United States—as evidenced by a separate flight coupon naming such point. Consequently, for example, if a U.S. carrier denies boarding in Athens to passengers holding confirmed reserved space for a flight aboard an aircraft whose ultimate destination is New York, our staff has advised carriers and consumers that the rule applies only with respect to those "bumped" passengers who hold a single Athens-New York ticket; but passengers who hold an Athens-Rome-New York ticket consisting of an Athens-Rome flight coupon and a Rome-New York flight coupon are within the rule's protection only for the latter portion of their flight, *i.e.*, the remedies of Part 250

---

[1] Published in the FEDERAL REGISTER on October 29, 1974, 39 F.R. 38087.

[2] December 17, 1974, 39 FR 44197, December 23, 1974. Contemporaneously, the Board also issued PS-60, granting the same deferral for the effectiveness of PS-58, which had amended the Board's related policy statement on orally confirmed reservations so as to apply to foreign air carriers.

[3] Part 250 was adopted by ER-503, dated August 3, 1967, and became effective on October 17, 1967. Since the rule was initially adopted, the quoted portion of § 250.2 has remained unchanged.

are available to them if they are denied boarding in Rome, but not in Athens.[4]

Since our intention in amending Part 250 was to have the rule apply to the operations of foreign air carriers in the same manner that it has applied to the international operations of U.S. carriers, we are amending the pertinent provisions in § 250.2 so as to describe more accurately the rule's applicability, as discussed above.

In doing so, we shall also correct a technical defect in § 250.2, which presently refers only to flights "originating or terminating" in the United States. By its literal terms, this description would thus exclude any flight performed by a foreign air carrier to or from an intermediate point within the United States, simply because the flight neither originates nor terminates here. For example, Air Jamaica has authority to carry passengers on a flight originating in Jamaica and terminating in Toronto, but with an intermediate stop in Philadelphia. Yet, although § 250.2 would appear to exclude all passengers carried by Air Jamaica between Philadelphia and either Toronto or Jamaica, we certainly did not intend to exclude such passengers from the protection of our "denied-boarding" rule. On the contrary, our intention to include such passengers was manifested by the amendment which ER–880 made to § 250.10; there, in revising the reporting requirements of the rule, we expressly stated that, for foreign air carriers, the reporting basis "will be all flights originating or terminating at, or serving a point within, the United States or its territories or possessions." By inadvertence we neglected in ER–880 to add the underscored phrase to § 250.2, as well, and we now cure that oversight.

B. Stay of § 250.10 as to Foreign Air Carriers

As noted above, one of the requirements imposed upon foreign air carriers by ER–880 was a reporting requirement, effected by amendment of § 250.10 so as to require foreign air carriers to file only Form 251, as distinguished from the requirement imposed on U.S. carriers, which must file both Forms 250 and 251. This reporting requirement was objected to by some foreign air carriers, because it calls for disclosure of the total number of passengers enplaned on flights "originating or terminating at, or serving a point within, the United States or its territories or possessions." We are persuaded that this aspect of ER–880 warrants further consideration and that, pending such consideration, the effectiveness of the reporting requirement should be postponed.

Accordingly, the effectiveness of ER–880, insofar as it amended § 250.10 so as to impose a reporting requirement on foreign air carriers, is hereby stayed until we can devise a preferable method for monitoring foreign carriers' compliance with Part 250.

C. Foreign Currency Restrictions

As we noted in ER–890, a number of foreign air carriers raised questions as to a possible conflict between the obligation imposed by our rule, requiring prompt payment of liquidated damages in specified sums, and the prohibitions in some countries against certain types of "foreign currency" transactions. We are not persuaded that effectiveness of the rule's coverage of foreign air carriers should be postponed until such questions can be conclusively resolved. Even if we were disposed to do so, we could not fashion a rule which, by its terms, would fully insure avoidance of conflict with every foreign legal authority which applies to U.S. and foreign carriers. Moreover, where an accommodation must be made between our rules and those of a foreign authority, we need not assume that revising our requirements is the only or best way to resolve the conflict.

Suffice it to say here that we are not persuaded that compliance with our "denied-boarding-compensation" rules will actually place any air carrier, U.S. or foreign, in a posture of noncompliance with any foreign legal authorities. Indeed, as stated above, it must be remembered that Part 250 has applied for some years to the operations of U.S. carriers in various foreign countries, and we are not aware of any instance in which compliance with Part 250 has presented a U.S. carier with a dilemma *vis-a-vis* any foreign authority. Thus, for example, the procedures described in § 250.8 for promptly tendering, to a passenger entitled to denied boarding compensation, "a draft for the appropriate amount of compensation," are sufficiently flexible to allow a carrier to utilize foreign currency drafts or internal charge orders payable at one of its appropriate offices.

Although, as explained above, we do not believe that the suggested "conflict of laws" questions necessitate or warrant regulatory action of a general nature—as by amending or staying Part 250—we shall of course be prepared to consider requests for such relief as may prove to be necessary in particular cases, upon particular showings of hardship.

Since the within amendment to § 250.2 is interpretative, the Board finds that notice and public procedure hereon are unnecessary and that it may become effective immediately.

Except to the extent granted by the action taken herein the various requests for rule making, stay of effectiveness and other related relief, which were filed in Dockets 25592, 27236, and 27242, with respect to ER–880, be and they hereby are denied.

In consideration of the foregoing the Civil Aeronautics Board hereby amends Part 250 of the Economic Regulations (14 CFR Part 250), effective January 27, 1975, as follows:

Revise § 250.2 to read as follwos:

§ 250.2 Applicability.

This part applies to every carrier, as defined in § 250.1, with respect to its operation of flights originating or terminating at, or serving, a point within the United States or its territories or possessions, insofar as it denies boarding to a passenger on a flight, or portion of flight, for which he holds confirmed reserved space and which is covered by a flight coupon naming any such point: *Provided, however,* That this part shall not apply to intra-Alaskan service conducted with aircraft whose maximum takeoff weight is 12,500 pounds or less.

(Sec. 102, 204(a), 402, 403, 404, 411, 1002, Federal Aviation Act of 1958, as amended; 72 Stat. 740, 743, 757, 758, 760, 769, and 788; 49 U.S.C. 1302, 1324, 1372, 1373, 1374, 1381, and 1482)

By the Civil Aeronautics Board.

[SEAL] Edwin Z. Holland,
Secretary.

[FR Doc.75-2833 Filed 1-29-75;8:45 am]

Title 16—Commercial Practices

CHAPTER I—FEDERAL TRADE COMMISSION

[Docket No. C-2585]

PART 13—PROHIBITED TRADE PRACTICES, AND AFFIRMATIVE CORRECTIVE ACTIONS

Central Pontiac, Inc. and Henry J. Rahe

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

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended, 82 Stat. 146, 147; 15 U.S.C. 45, 1601–1605) [Cease and desist order, Central Pontiac, Inc., et al. Seattle, Wash., Docket C–2585, Oct. 22, 1974.]

In the Matter of Central Pontiac, Inc., a Corporation, and Henry J. Rahe, Individually and as an Officer of Said Corporation.

Consent order requiring a Seattle, Wash., retailer of new and used automobiles, among other things to cease violating the Truth in Lending Act by fail-

[4] It does not matter whether the trip of the Athens-New York passenger is to be interrupted in Rome for his convenience, as a stopover, or for the purpose of making a connecting flight with the same carrier or a different carrier. All that matters is that there is to be a journey interruption necessitating the issuance of a separate flight coupon for the resumed portion of his trip. In this connection, see § 250.5, where the amount of denied-boarding compensation is measured by "the value of the first remaining flight coupon;" thus, for example, if two passengers holding New York-Los Angeles tickets were "bumped" in New York, differences in their itinerary—as evidenced by the flight coupons comprising their tickets—could result in substantially different amounts of compensation, computed on the basis of their different "first remaining" coupons.

ing to disclose to consumers, in connection with the extension of consumer credit, such information as required by Regulation Z of the said Act.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows.[1]

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

1. Representing in any such advertisement, directly or by implication, the amount of the downpayment required or that no downpayment is required, the amount of any installment payment, the dollar amount of any finance charge, the number of installments or the period of repayment, or that there is no charge for credit, unless all of the following items are stated in terminology prescribed under § 226.8 of Regulation Z, as required by § 226.10(d)(2) of Regulation Z:

a. The cash price;

b. The amount of the downpayment required or that no downpayment is required, as applicable;

c. The number, amount, and due dates or period of payments scheduled to repay the indebtedness if the credit is extended;

d. The amount of the finance charge expressed as an annual percentage rate; and

e. The deferred payment price.

2. Failing, in any consumer credit transaction or advertisement, to make all disclosures, determined in accordance with §§ 226.4 and 226.5 of Regulation Z, at the time and in the manner, form and amount required by §§ 226.6, 226.7, 226.8, 226.9, and 226.10 of Regulation Z.

It is further ordered, That respondents deliver a copy of this order to cease and desist to all personnel of respondents engaged in the consummation of any extension of consumer credit or in any substantial aspect of the preparation, creation or placing of advertising, to all persons engaged in reviewing the legal sufficiency of advertising, to all agencies engaged in preparation, creation or placing of advertising on behalf of respondents, and to all persons and agencies who become so engaged during the two-year period following the effective date of this order, and that respondents secure from each such person and agency a signed statement acknowledging receipt of said order.

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

It is further ordered, That the individual respondent named herein promptly notify the Commission of the discontinuance of his present business or employment, and/or of his affiliation with any other business which extends, arranges or advertises consumer credit, in the event of such discontinuance or affiliation within ten (10) years after the effective date of this order. Such notice shall include the respondent's current business address and a statement as to the nature of the business or employment in which he is engaged, as well as a description of his duties and responsibilities.

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

Decision and order issued by the Commission Oct. 22, 1974.

CHARLES A. TOBIN,
Secretary.

[FR Doc.75-2800 Filed 1-29-75;8:45 am]

[Docket No. C-2564]

PART 13—PROHIBITED TRADE PRACTICES, AND AFFIRMATIVE CORRECTIVE ACTIONS

General Motors Corp.

Subpart—Advertising falsely or misleadingly: § 13.10 *Advertising falsely or misleadingly;* § 13.20 *Comparative data or merits;* 13.20-20 Competitors' products; § 13.170 *Qualities or properties of product or service;* 13.170-34 Economizing or saving; § 13.205 *Scientific or other relevant facts;* § 13.210 *Scientific tests;* § 13.265 *Tests and investigations.* Subpart—Disparaging competitors and their products—Competitors' products: § 13.1000 *Performance;* § 13.1010 *Qualities or properties.* Subpart—Furnishing means and instrumentalities of misrepresentation or deception: § 13.1055 *Furnishing means and instrumentalities of misrepresentation or deception.* Subpart—Misrepresenting oneself and goods—Goods: § 13.1575 *Comparative data or merits;* § 13.1710 *Qualities or properties;* § 13.1730 *Results;* § 13.1740 *Scientific or other relevant facts;* § 13.1762 *Tests, purported.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 5, 38 State 719, as amended; 15 U.S.C. 45) [Cease and desist order, General Motors Corporation, Detroit, Mich., Docket C-2564, Oct. 7, 1974.]

In the matter of General Motors Corporation, a Corporation

Consent order requiring a Detroit, Mich., automobile manufacturer, among other things to cease misrepresenting the superiority of the fuel economy of its automobiles; misrepresenting the conclusions of tests or studies relating to automobile performance; disparaging competing products; and furnishing means and/or instrumentalities of misrepresentation or deception to its dealers.

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

It is ordered, That respondent General Motors Corporation and its officers, agents, representatives, and employees, directly or through any corporation, subsidiary, division or other device, in connection with the advertising, offering for sale, sale or distribution of automobiles, in commerce as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Representing, directly or by implication, by reference to a test or tests, that any of respondent's automobiles is superior with regard to fuel economy to any other automobiles, whether manufactured by respondent or others, unless:

(a) Such superiority has been demonstrated, as to the model(s) for which it is claimed, by such test or tests with respect to each sample, or the valid average of all identical samples, of each model represented to have been tested; or

(b) The valid test results for each sample, or the valid average of all identical samples, of each model so compared, including the advertised model as well as such makes and models to which the advertised model is compared, are clearly and conspicuously disclosed.

For the purpose of this order "sample" shall mean an actual automobile tested. *It is provided, however*, That nothing contained in this paragraph is intended to conflict with any guidelines, rules or regulations with respect to fuel economy testing or advertising that may hereafter from time to time be promulgated by any agency of the United States Government, and, if such conflict does occur, the guidelines, rules or regulations shall govern.

2. Misrepresenting in any manner the fuel economy of any automobiles or the superiority of any automobile over competing products in terms of fuel economy.

3. Representing, directly or by implication, by reference to a test or tests, that the performance of any automobile has been tested either alone or in comparison with other automobiles unless such representation(s) accurately reflect the test results and unless the tests themselves are so devised and conducted as to substantiate each such representation concerning the featured tests.

4. Misrepresenting in any manner the purpose, contents or conclusion of any test, report or study relating to the performance of its automobile.

[1] Copies of complaint & decision and order filed with the original document.

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

For purposes of paragraphs 3 and 4 of this order, "test" shall include demonstrations which are claimed to be proof of the representations made.

5. Disparaging the quality or properties of any competing product or products through the use of false or misleading comparisons relative to fuel economy.

6. Placing in the hands of dealers for any of the products of the company an advertisement which contains any of the representations prohibited by paragraphs 1–5 above.

It is further ordered, That the respondent corporation shall forthwith distribute a copy of this order to each of its operating divisions.

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

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

The Decision and Order was issued by the Commission, October 7, 1974.

CHARLES A. TOBIN,
Secretary.

[FR Doc.75-2801 Filed 1-29-75;8:45 am]

[Docket No. 8945]

PART 13—PROHIBITED TRADE PRACTICES, AND AFFIRMATIVE CORRECTIVE ACTIONS

Tri-State Carpets, Inc. et al.

Subpart—Advertising falsely or misleadingly: § 13.10 *Advertising falsely or misleadingly;* § 13.70 *Fictitious or misleading guarantees;* § 13.73 *Formal regulatory and statutory requirements;* 13.73–92 Truth in Lending Act; § 13.75 *Free goods or services;* § 13.125 *Limited offers or supply;* § 13.155 *Prices;* 13.155–5 Additional charges unmentioned; 13.155–10 Bait; 13.155–95 Terms and conditions; 13.155–95(a) Truth in Lending Act; § 13.160 *Promotional sales plans;* § 13.175 *Quality of product or service;* § 13.180 *Quantity;* 13.180–35 Offered; § 13.240 *Special or limited offers;* § 13.245 *Specifications or standards conformance.* Subpart—Aiding, assisting and abetting unfair or unlawful act or practice: § 13.290 *Aiding, assisting and abetting unfair or unlawful act or practice.* Subpart—Contracting for sale any evidence of indebtedness prior to specified time: § 13.527 *Contracting for sale any evidence of indebtedness prior to specified time.* Subpart—Corrective actions and/or requirements: § 13.533 *Corrective actions and/or requirements;* 13.533–45 Maintain records; 13.533–45(k) Records, in general. Subpart—Delaying or withholding corrections, adjustments or action owed: § 13.675 *Delaying or withholding corrections, adjustments or action owed.* Subpart—Disparaging products, merchandise, services, etc.: § 13.1042 *Disparaging products, merchandise, services, etc.* Subpart—Failing to maintain records: § 13.1051 *Failing to maintain records;* 13.1051–20 Adequate; 13.1051–30 Formal regulatory and/or statutory requirements. Subpart—Misrepresenting oneself and goods—Goods: § 13.1625 *Free goods or services;* § 13.1647 *Guarantees;* § 13.1715 *Quality;* § 13.1720 *Quantity;* § 13.1747 *Special or limited offers;* § 13.1760 *Terms and conditions;* 13.1760–50 Sales contract. — Prices: § 13.1778 *Additional costs unmentioned;* § 13.1779 *Bait;* § 13.1823 *Terms and conditions;* 13.1823–20 Truth in Lending Act.—Promotional sales plans: § 13.1830 *Promotional sales plans.* Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1852 *Formal regulatory and statutory requirements;* 13.1852–75 Truth in Lending Act; § 13.1855 *Identity;* § 13.1882 *Prices;* 13.1882–10 Additional prices unmentioned; § 13.1886 *Quality, grade or type;* § 13.1892 *Sales contract, right-to-cancel provision;* § 13.1905 *Terms and conditions;* 13.1905–60 Truth in Lending Act.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 82 Stat. 146, 147; 15 U.S.C. 45, 1601–1605) [Cease and desist order, Tri-State Carpets, Inc., et al., College Park, Md., Docket 8945, Oct. 15, 1974]

In the matter of Tri-State Carpets, Inc., a Corporation, and Michael J. Lightman and William R. Lightman, Individually and as Officers of Said Corporation, and Mathew Mintz, Individually and as Manager of Said Corporation

Order requiring a College Park, Md., carpeting retailer, among other things to cease using bait and switch tactics and deceptive sales plans; disparaging merchandise; misrepresenting terms and conditions, guarantees, and limited or special offers; and in connection with the extension of consumer credit, to cease violating the Truth in Lending Act by failing to make such disclosures as required by Regulation Z of the said Act.

FINAL ORDER

This matter has come before the Commission on its own motion, for consideration of the question whether the consumer warning provision ordered by the Administrative Law Judge should be adopted as part of the Commission's cease-and-desist order. The Commission has determined that this matter is indistinguishable from the matter of *Wilbanks Carpet Specialists, Inc., et al.*, Docket 8933, inasmuch as the record presents insufficient evidence that a consumer warning is a necessary or appropriate means for the termination of the acts or practices complained of or for the prevention of their recurrence. Having declined to order a consumer warning in the *Wilbanks* matter, the Commission has concluded that the same disposition is warranted herein.

Accordingly, the initial decision issued by the judge should be modified in accordance with the foregoing views of the Commission, and, as so modified, adopted as the decision of the Commission:

It is ordered, That the initial decision issued by the Administrative Law Judge be modified by striking therefrom the following:

Those portions of the conclusions of law which concern "consumer warning" relief (at pp. 45–47, sub nom. "The Remedy"); and the second "Further ordered" paragraph of the order to cease and desist issued by the judge (at p. 57).

As so modified, the initial decision is hereby adopted.

The order contained in the initial decision is as follows: [1]

I

It is ordered, That respondents Tri-State Carpets, Inc., a corporation, its successors and assigns, and its officers, and Michael J. Lightman and William R. Lightman, individually and as officers of said corporation, and Matthew Mintz, individually and as a manager of said corporation, and their agents, representatives, and employees, directly or through any corporation, subsidiary, division or other device, or as an official or employee of any firm or corporation, in connection with the advertising, offering for sale, sale or distribution of carpeting and floor coverings, or of any other product, merchandise or service of whatever nature or description, in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from, and do forthwith cease and desist from contributing to, or aiding or abetting in any manner whatever, any firm or corporation in:

1. Using in any manner, a sales plan, scheme, or device wherein false, misleading, or deceptive statements or representations are made in order to obtain leads or prospects for the sale of carpeting or of any other product, merchandise or service.

2. Making representations, directly or by implication, orally or in writing, purporting to offer any product, merchandise or service for sale when the purpose of the representation is not to sell the offered product, merchandise or service but to obtain leads or prospects for the sale of another product, or merchandise or service, at higher prices.

3. Disparaging in any manner, or discouraging the purchase of any product, merchandise or service which is advertised or offered for sale.

4. Representing, directly or by implication, orally or in writing, that any product, merchandise or service is offered for sale when such offer is not a bona fide offer to sell such product, merchandise or service.

5. Failing to maintain and produce for inspection and copying, on demand by the Federal Trade Commission or its representatives, adequate records which reveal for every advertisement published

[1] Copies of the complaint, initial decision and final order filed with the original document.

in print or broadcast media, for three years from the date of its publication:

a. The volume of sales made of the advertised product, merchandise or service at the advertised price; and

b. The net profit from the sale of each advertised product, merchandise or service at the advertised price.

6. Representing, directly or by implication, orally or in writing, that a stated price for carpeting or floor coverings includes the cost of separate padding and the installation of such padding, unless in every instance where it is so represented the stated price for floor coverings does, in fact, include the cost of such separate padding and installation.

7. Misrepresenting in any manner, the prices, terms or conditions under which separate padding and installation is provided in connection with the sale of carpet and floor coverings.

8. Representing, directly or by implication, orally or in writing, that the purchaser of any advertised product, merchandise or service will receive a "free" vacuum cleaner or any other "free" merchandise, gift, service, prize or award unless all conditions, obligations, or other prerequisites to the receipt and retention of such merchandise, service, gift, prize or award are clearly and conspicuously disclosed at the outset in close conjunction with the word "free" wherever it first appears in any advertisement or offer.

9. Representing, directly or by implication, orally or in writing, that any merchandise or service is furnished "free" or at no cost to the purchaser of any advertised product, merchandise or service, when, in fact, the cost of such merchandise or service is added to what would otherwise have been the selling price of the advertised product, merchandise or service.

10. Representing, directly or by implication, orally or in writing, that a "free" offer is being made in connection with the introduction of any new product, merchandise or service offered for sale at a specified price unless it is planned, in good faith, to discontinue the offer after a limited time and to commence selling such product, merchandise or service separately at the same price at which it was sold with a "free" offer.

11. Representing, directly or by implication, orally or in writing, that any product, merchandise or service is being offered "free" with the sale of a product, merchandise or service which is usually sold at a price arrived at through bargaining, rather than at a regular, previously established and published price, or where there may be a regular, previously established, and published price, but where other material factors such as quantity, quality, or size are arrived at through bargaining.

12. Representing, directly or by implication, orally or in writing, that a "free" offer is available in a trade area for more than six (6) months in any twelve (12) month period.

NOTE: After one "free" offer is made, at least thirty (30) days shall elapse before another such "free" offer is made in the same trade area. No more than three such "free" offers shall be made in the same area in any twelve (12) month period. In such period, sales of respondents, or any of them, in that area of the product or service in the amount, size or quality promoted with the "free" offer shall not exceed 50 percent of the total volume of sales of the product or service, in the same amount, size or quality, in the area.

13. Representing, directly or by implication, orally or in writing, that any product, merchandise or service is being given "free" in connection with the purchase of any other product, merchandise or service, unless the stated price of the product, merchandise or service required to be purchased in order to obtain said "free" product, merchandise or service is the same or less than the regular price at which the same product, merchandise or service required to be purchased has been sold separately, for a substantial period of time in the recent and regular course of business of respondents, or any of them in the geographic market or trade area in which the "free" offer is made.

14. Representing, directly or by implication, orally or in writing, that a product or service is being offered as a "gift", "without charge", "bonus", or by other words or terms which tend to convey the impression to the consuming public that the article of merchandise or service is free, when the use of the term "free" in relation thereto is prohibited by the provisions of this order.

15. Representing, orally or in writing, directly or by implication, that any product or service is guaranteed unless the nature and extent of the guarantee, the identity of the guarantor, and the manner in which the guarantor will perform thereunder are clearly and conspicuously disclosed, and unless there is delivered to each purchaser, prior to the signing of the sales contract, a written guarantee clearly setting forth all of the terms, conditions and limitations of the guarantee fully equal to the representations, orally or in writing, directly or by implication, made to each such purchaser, and unless all obligations and requirements under the terms of each such guarantee are promptly and fully performed.

16. Advertising any carpeting or floor covering using any unit of measurement not usually and customarily employed in the retail advertising of such products unless the unit of measurement usually and customarily employed in the retail advertising of such products is also given.

17. Advertising any carpeting or floor covering using any unit of measurement which tends to mislead or deceive by exaggerating the size or quantity of carpeting or floor covering offered at the advertised price.

18. Contracting for any sale whether in the form of trade acceptance, conditional sales contract, promissory note, or otherwise which shall become binding on the buyer prior to midnight of the third day, excluding Sundays and legal holidays, after the date of execution.

19. Failing to furnish the buyer with a fully completed receipt or copy of any contract pertaining to such sale at the time of its execution, which is in the same language as that principally used in the oral sales presentation, and which shows the date of the transaction and contains the name and address of the seller, and in immediate proximity to the space reserved in the contract for the signature of the buyer or on the front page of the receipt, if a contract is not used, and in bold face type of a minimum size of 10 points, a statement in substantially the following form:

You, the buyer, may cancel this transaction at any time prior to midnight of the third business day after the date of this transaction. See the attached notice of cancellation form for an explanation of this right.

20. Failing to furnish each buyer, at the time he signs the sales contract or otherwise agrees to buy consumer goods or services, a completed form in duplicate, captioned "Notice of cancellation", which shall be attached to the contract or receipt and easily detachable, and which shall contain in ten point bold face type the following information and statements in the same language as that used in the contract:

NOTICE OF CANCELLATION

(Date)

You may cancel this transaction, without any penalty or obligation, within three business days from the above date.

If you cancel, any property traded in, any payments made by you under the contract or sale, and any negotiable instrument executed by you will be returned within 10 business days following receipt by the seller of your cancellation notice, and any security interest arising out of the transaction will be cancelled.

If you cancel, you must make available to the seller at your residence, in substantially as good condition as when received, any goods delivered to you under this contract or sale:

Or you may if you wish, comply with the instructions of the seller regarding the return shipment of the goods at the seller's expense and risk.

If you do make the goods available to the seller and the seller does not pick them up within 20 days of the date of your notice of cancellation, you may retain or dispose of the goods without any further obligation. If you fail to make to goods available to the seller, or if you agree to return the goods to the seller and fail to do so, then you remain liable for performance of all obligations under the contract.

To cancel this transaction, mail or deliver a signed and dated copy of this cancellation notice or any other written notice, or send a telegram, to _____, at
[Name of seller]

_____
[Address of seller's place of business]
not later than midnight of _____
(Date)

I hereby cancel this transaction.

(Date)

_____
(Buyer's signature)

21. Failing, before furnishing copies of the "Notice of Cancellation" to the buyer, to complete both copies by entering the name of the seller, the address of the seller's place of business, the date of the transaction, and the date, not earlier than the third business day following

the date of the transaciton, by which the buyer may give notice of cancellation.

22. Including in any sales contract or receipt any confession of judgment or any waiver of any of the rights to which the buyer is entitled under this order including specifically his right to cancel the sale in accordance with the provisions of this order.

23. Failing to inform each buyer orally, at the time he signs the contract or purchases the goods or services, of his right to cancel.

24. Misrepresenting, directly or by implication, orally or in writing, the buyer's right to cancel.

25. Failing or refusing to honor any valid notice of cancellation by a buyer and within 10 business days after the receipt of such notice, to (i) refund all payments made under the contract or sale; (ii) return any goods or property traded in, in substantially as good condition as when received by the seller; (iii) cancel and return any negotiable instrument executed by the buyer in connection with the contract or sale and take any action necessary or appropriate to terminate promptly any security interest created in the transaction.

26. Negotiating, transferring, selling, or assigning any note or other evidence of indebtedness to a finance company or other third party prior to midnight of the fifth business day following the day the contract was signed or the goods or services were purchased.

27. Failing, within 10 business days of receipt of the buyer's notice of cancellation, to notify him whether the seller intends to repossess or to abandon any shipped or delivered goods.

28. Advertising the price of carpet, either separately or with padding and installation included, for specified areas of coverage without disclosing in immediate conjunction and with equal prominence the square yard price for additional quantities of such carpet with padding and installation needed.

Provided, however, That nothing contained in this order shall relieve respondents, or any of them, of any additional obligations respecting contracts required by federal law or the law of the state in which the contract is made. When such obligations are inconsistent, respondents, or any of them, can apply to the Commission for relief from this provision with respect to contracts executed in the state in which such different obligations are required. The Commission, upon showing, will make such modifications as may be warranted in the premises.

II

It is further ordered, That respondent Tri-State Carpets, Inc., a corporation, its successors and assigns, and its officers, and Michael J. Lightman and William R. Lightman, individually and as officers of said corporation, and Matthew Mintz, individually and as manager of said corporation, and respondents' agents, representatives, and employees, directly or through any corporation, subsidiary, division or other device, or as an official or employee or any firm or corporation, in connection with any extension of consumer credit or advertisement to aid, promote, or assist directly or indirectly any extension of consumer credit, as "consumer credit" and "advertisement" are defined in Regulation Z (12 CFR 226) of the Truth in Lending Act (Pub. L. 90-321, 15 U.S.C. 1601 et seq.), do forthwith cease and desist from, and do forthwith cease and desist from contributing to, or aiding or abetting in any manner whatever, any firm or corporation in:

1. Failing, in any credit transaction, to include and to itemize the amount of premiums for credit life and disability insurance as part of the finance charge, unless the amount of such premiums is excluded from the finance charge because of appropriate exercise of the option available pursuant to § 226.4(a)(5) of Regulation Z.

2. Failing to disclose accurately the "amount financed", and the "finance charge", as required by §§ 226.8(c)(7), and 226.8(c)(8)(i), respectively, of Regulation Z.

3. Failing to disclose the "annual percentage rate" accurately to the nearest quarter of one percent, computed in accordance with the provisions of § 226.5(b)(1) of Regulation Z, as required by § 226.8(b)(2) of Regulation Z.

4. Failing to disclose the number, amount and due dates or period of payments scheduled to repay the indebtedness, as required by § 226.8(b)(3) of Regulation Z.

5. Failing to use the term "amount financed" to describe the amount of credit extended as required by § 226.8(c)(7) of Regulation Z.

6. Failing to use the term "total of payments" to describe the sum of the payments scheduled to repay the indebtedness, as required by § 226.8(b)(3) of Regulation Z.

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

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

It is further ordered, That each of respondents shall maintain for a period of one (1) year following the date this order becomes final, unless at the time this order becomes final such respondent has ceased engaging in the offering for sale, sale or distribution of carpeting or floor coverings, or of any other product, merchandise or service, in which circumstance one year from the date such respondent again engages, directly or indirectly, in such business, copies of all newspaper, radio and television advertisements and solicitations, direct mail and in-store advertisements and solicitations, and any other such promotional material utilized for the purpose of obtaining leads for the sale of carpeting or floor coverings, or of any other product, merchandise or service, or utilized in the advertising, promotion or sale of carpeting or floor coverings, or of any other product, merchandise or service.

It is further ordered, That each of respondents shall provide, for a period of one (1) year from the date this order becomes final, unless at the time this order becomes final such respondent has ceased engaging in the offering for sale, sale or distribution of carpeting or floor coverings, of any other product, merchandise or service, in which circumstance for a period of one (1) year from the date such respondent again engages, directly or indirectly in such business, each advertising agency utilized by such respondent and each newspaper publishing company, television or radio station, or other advertising medium, which is utilized by such respondent to obtain leads for the sale of carpeting or floor coverings and of any other product, merchandise or service, with a copy of the Commission's News Release setting forth the terms of this order.

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

It is further ordered, That respondents shall forthwith distribute a copy of this order to each of their operating divisions.

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

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

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

Final order issued by the Commission October 15, 1974.

CHARLES A. TOBIN,
Secretary.

[FR Doc. 75-2802 Filed-1-29-75; 8:45 am]

Title 5—Administrative Personnel

CHAPTER I—CIVIL SERVICE COMMISSION

PART 213—EXCEPTED SERVICE

Department of the Interior

Section 213.3312 is amended to show that one position of Coal Policy Coordinator in the Office of the Assistant Secretary for Energy and Minerals is excepted under Schedule C.

Effective January 30, 1975, § 213.3312 (a) (16) is added as set out below.

§ 213.3312 Department of the Interior.

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

(16) One Coal Policy Coordinator, Office of the Assistant Secretary for Energy and Minerals.

* * * * *

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

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

[FR Doc.75-2829 Filed 1-29-75;8:45 am]

PART 213—EXCEPTED SERVICE

Department of the Interior; Correction

In the FEDERAL REGISTER of December 24, 1974, on page 44402, FR Doc. 74–29957, subparagraph (18) of paragraph (a) was erroneously shown as two Confidential Assistants to the Secretary (Interdepartmental Activities). It should read as set out below.

§ 213.3312 Department of the Interior.

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

(18) One Confidential Assistant to the Secretary (Interdepartmental Activities.

* * * * *

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

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

[FR Doc.75-2830 Filed 1-29-75;8:45 am]

PART 213—EXCEPTED SERVICE

Export-Import Bank of the United States

Section 213.3342 is amended to show that one position of Private Secretary to the Special Assistant to the President and Chairman who serves as Economic Adviser to the Chairman and Board of Directors is reestablished under Schedule C.

Effective January 30, 1975, § 213.3342 (h) is amended as set out below.

§ 213.3342 Export-Import Bank of the United States.

* * * * *

(h) One Private Secretary to the Special Assistant to the President and Chairman who serves as Economic Adviser to the Chairman and Board of Directors.

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

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

[FR Doc.75-2827 Filed 1-29-75;8:45 am]

PART 213—EXCEPTED SERVICE

American Revolution Bicentennial Administration; Temporary Boards and Commissions

Section 213.3399 is amended to show that one position of Staff Assistant (Secretary) to the Deputy Administrator, American Revolution Bicentennial Administration is excepted under Schedule C.

Effective January 30, 1975, §213.3399 (b) (6) is added as set out below.

§ 213.3399 Temporary Boards and Commissions.

* * * * *

(b) *American Revolution Bicentennial Administration.* * * *

(6) One Staff Assistant (Secretary) to the Deputy Administrator.

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

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

[FR Doc.75-2828 Filed 1-29-75;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

Procurement of ADP Equipment and Services

Part 2, Subtitle A of Title 7, Code of Federal Regulations, is amended to transfer delegations of authority for procurement of automatic data-processing and data transmission equipment, software, services, maintenance, and related supplies from the Director, Office of Automated Data Systems to the Director, Office of Operations as follows:

Subpart J—Delegations of Authority by the Assistant Secretary for Administration

1. Section 2.76 is amended as follows:

§ 2.76 Director, Office of Automated Data Systems.

(a) * * *

(2) [Revoked & Reserved]

* * * * *

2. Section 2.79(a) is amended as follows:

§ 2.79 Director, Office of Operations.

(a) * * *

(1) * * *

(i) Contracting for and the procurement of administrative and operating supplies, services, and construction.

* * * * *

(5) Exercise full Department-wide contracting and procurement authority for automatic data processing and data transmission equipment, software, services, maintenance, and related supplies. This authority includes the promulgation of departmental directives regulating the management of contracting and procurement functions related to the above.

* * * * *

Effective Date: December 8, 1974.

Dated: January 27, 1975.

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

[FR Doc.75-2764 Filed 1-29-75;8:45 am]

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

[Navel Orange Reg. 337]

PART 907—NAVEL ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

Limitation of Handling

This section fixes the quantity of California-Arizona Navel oranges that may be shipped to fresh market during the weekly regulation period Jan. 31–Feb. 6, 1975. It is issued pursuant to the Agricultural Marketing Agreement Act of 1937, as amended, and Marketing Order No. 907. The quantity of Navel oranges so fixed was arrived at after consideration of the total available supply of Navel oranges, the quantity currently available for market, the fresh market demand for Navel oranges, Navel orange prices, and the relationship of season average returns to the parity price for Navel oranges.

§ 907.637 Navel Orange Regulation 337.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 907, as amended (7 CFR Part 907), regulating the handling of Navel 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 Navel 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 Navel oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) The need for this section to limit the respective quantities of Navel oranges that may be marketed from District 1, District 2, and District 3 during the en-

suing week stems from the production and marketing situation confronting the Navel orange industry.

(i) The committee has submitted its recommendation with respect to the quantities of Navel 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 Navel oranges is very good. Prices f.o.b. averaged $3.44 per carton on a reported sales volume of 1,121 carlots last week, compared with an average f.o.b. price of $3.37 per carton and sales of 991 carlots a week earlier. Track and rolling supplies at 428 cars were up 64 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 Navel 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 section 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 section is based became available and the time this section 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 Navel 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, including the 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 Navel oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section 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 January 28, 1975.

(b) *Order.* (1) The respective quantities of Navel oranges grown in Arizona and designated part of California which may be handled during the period January 31, 1975, through February6, 1975, are hereby fixed as follows:

(i) District 1: 1,348,000 cartons;
(ii) District 2: 202,000 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: January 29, 1975.

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

[FR Doc.75-3012 Filed 1-29-75;12:10 pm]

PART 981—ALMONDS GROWN IN CALIFORNIA

Suspension or Termination of Certain Provisions

Notice of a proposal to (1) suspend § 981.71 and the second sentence in § 981.72 of the marketing agreement, as amended, and Order No. 981, as amended (7 CFR Part 981), regulating the handling of almonds grown in California (hereinafter referred to collectively as the "order"), and to (2) terminate § 981.471 of Subpart—Administrative Rules and Regulations (7 CFR 981.441-981.482; 39 FR 23239; 39258), was published in the December 26, 1974, issue of the Federal Register (39 FR 44666). The provisions to be suspended or terminated pertain to handlers' records and reports of almond receipts.

The order is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674). The proposal was unanimously recommended by the Almond Control Board.

The notice afforded interested persons an opportunity to submit written data, views, or arguments with respect to the proposal; none were received.

Section 981.71 requires handlers, upon receiving lots of almonds for their own account, to issue to the person from whom received a receipt which is serially numbered and shows for each lot received, the number of containers in the lot, the variety, whether shelled or unshelled, and the settlement weight for each such variety. The second sentence of § 981.72 requires reports of receipts, submitted pursuant to § 981.72 to the Control Board, to be accompanied by duplicate copies of the receipts issued pursuant to § 981.71 for all almonds included in such report. Section 981.471 supplements provisions of § 981.71. Section 981.471 prescribes additional information to be shown on the receipts issued growers, and establishes procedures handlers must follow in issuing such receipts.

Since 1950, when the provisions of § 981.71 were formulated, major handlers have changed the method of receiving and sampling incoming almonds. Although the order does not require incoming inspection of almonds, many handlers have each lot sampled and analyzed for determination of defects. Generally, after the samples have been analyzed and the results known, a weight certificate and a settlement sheet produced by a data processing system are issued to the grower. Periodic summaries of the settlement sheets are sent to the Control Board.

The purpose of § 981.71 was to enable the Control Board to establish the reserve obligation of each handler and furnish the Control Board with statistical information necessary for the conduct of its operations. However, receipts covering each load delivered have never served as the sole means of determining a handler's assessment or reserve obligations. Information enabling the Control Board to make these determinations is obtained through other reports, such as the report of receipts submitted pursuant to §§ 981.-72 and 981.472, and redetermination reports submitted pursuant to §§ 981.73 and 981.473. The submission of grower receipts has only served to confirm the accuracy of the printout summaries from the data processing systems.

Thus, the requirements in §§ 981.71 and 981.471, and in the second sentence of § 981.72, are no longer necessary and have become obsolete. Moreover, to the extent that such receipts are prepared, tabulated, and maintained, these requirements impose an unnecessary financial burden on handlers and on the Control Board. This cost burden could adversely affect producer returns.

Therefore, after consideration of all relevant matter presented, including that in the notice, the information and recommendations submitted by the Control Board, and other available information, it is found that to suspend the operation of § 981.71, and the second sentence of § 981.72, and, to terminate the operation of § 981.471 of the administrative rules and regulations, will tend to effectuate the declared policy of the act.

It is further found that good cause exists for not postponing the effective time until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 553) and for making it effective at the time hereinafter provided in that: (1) This action deletes an obsolete provision applicable to operations under the order; (2) this action will require no advance preparation by handlers; (3) this action relieves restrictions imposed on handlers; and (4) no useful purpose would be served by delaying this action.

It is therefore ordered, That:

1. The operation of § 981.71, and the second sentence of § 981.72 which reads, "Such reports shall be accompanied by duplicate copies of the receipts issued pursuant to the provisions of § 981.71 for all almonds included in such report," shall be suspended.

2. The operations of § 981.471 of the administrative rules and regulations (Subpart—Administrative Rules and Regulations) shall be terminated.

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

Dated January 27, 1975 to become effective February 10, 1975.

RICHARD L. FELTNER,
Assistant Secretary.

[FR Doc.75-2763 Filed 1-29-75;8:45 am]

PART 989—RAISINS PRODUCED FROM GRAPES GROWN IN CALIFORNIA

Free and Reserve Percentages for the 1974–75 Crop Year

Notice was published in the January 3, 1975, issue of the FEDERAL REGISTER (40 FR 40) of a proposal to designate for natural Thompson Seedless raisins for the 1974–75 crop year, beginning September 1, 1974, a free tonnage percentage of 73 percent and a reserve tonnage percentage of 27 percent. Preliminary 1974–75 crop year free and reserve percentages of 62 percent and 38 percent, respectively, were designated for this varietal type of raisin on November 11, 1974 (39 FR 39726).

Interested persons were afforded an opportunity to submit written data, views, or arguments on the proposal. None were received.

The proposal was unanimously recommended by the Raisin Administrative Committee. The Committee's recommendation was under § 989.54 of the marketing agreement, as amended, and Order No. 989, as amended (7 CFR Part 989), hereinafter referred to collectively as the "order". The order is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), hereinafter referred to as the "act".

Production of natural Thompson Seedless raisins for the 1974–75 crop year has been estimated to be about 212,106 tons by the Committee. A field price of $640 per ton was established on September 27, 1974. Under § 989.54(b) of the order, the Committee is required to recommend to the Secretary no later than February 15, of a crop year a free tonnage percentage which, when applied to the estimated production of a varietal type would tend to release the full desirable free tonnage designated for that varietal type. A desirable free tonnage for natural Thompson Seedless raisins of 155,000 tons was designated on October 18, 1974 (39 FR 37118). Dividing 155,000 tons by the estimated production (212,106 tons) and rounding to the nearest full percent results in a free percentage of 73 percent. Section 989.54(b) also provides that any difference between any free tonnage percentage designated and 100 percent shall be the reserve percentage. Thus, the reserve percentage would be 27 percent.

After consideration of all relevant matter presented, including that in the notice, the information and recommendation of the Committee, and other available information, it is found that designation, under § 989.55 of the order, of free and reserve percentages, as hereinafter set forth will tend to effectuate the declared policy of the act.

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 percentages designated herein for a crop year apply to all standard natural Thompson Seedless raisins acquired by handlers from the beginning of the crop year; (2) the current crop year began on September 1, 1974, and the free and reserve percentages will automatically apply to all such raisins acquired by handlers beginning on that date; (3) handlers are aware of this action as recommended by the Committee and require no additional time to comply; and (4) no useful purpose would be served by delaying this action.

Therefore, § 989.230 (39 FR 39726) is revised to read as follows:

§ 989.230 Free and reserve percentages for the 1974–75 crop year.

The percentages of standard natural Thompson Seedless raisins acquired by handlers during the crop year beginning September 1, 1974, which shall be free tonnage and reserve tonnage, respectively, are designated as follows: Free tonnage percentage, 73 percent; and reserve tonnage percentage, 27 percent.

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

Dated: January 24, 1975.

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

[FR Doc.75-2845 Filed 1-29-75;8:45 am]

Title 12—Banks and Banking

CHAPTER V—FEDERAL HOME LOAN BANK BOARD

SUBCHAPTER C—FEDERAL SAVINGS AND LOAN SYSTEM

[No. 75-80]

PART 545—OPERATIONS

Limitations on Loans in Excess of 90 Percent of Value

JANUARY 24, 1975.

The Federal Home Loan Bank Board considers it advisable to amend § 545.6–1(a)(5) of the rules and regulations for the Federal Savings and Loan System (12 CFR 545.6–1(a)(5)) to increase from $40,000 to $42,000 the limitation specified in subdivision (i) thereof for loans made thereunder other than with respect to single-family dwellings in Alaska, Guam and Hawaii. Accordingly, the Board hereby amends § 545.6–1(a)(5)(i) to read as set forth below. Since this amendment relieves restriction, the Board hereby finds that notice and public procedure are unnecessary under the provisions of 12 CFR 508.11 and 5 U.S.C. 553(b); and the Board hereby provides that the amendment shall become effective January 30, 1975.

The text of amended § 545.6–1(a)(5)(i) is as follows:

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

* * * * *

(a) *Homes or combination of homes and business property*—* * *

(5) *Loans in excess of 90 percent of value* * * *

(i) The amount of the loan does not exceed the lesser of: (*a*) $42,000, or $50,000 with respect to single-family dwellings in Alaska, Guam and Hawaii, (*b*) 95 percent of the value of the real estate securing the loan, or (*c*) 95 percent of the purchase price of such security property;

* * * * *

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

By the Federal Home Loan Bank Board.

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

[FR Doc.75-2813 Filed 1-29-75;8:45 am]

Title 21—Food and Drugs

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

SUBCHAPTER C—DRUGS

PART 135e—NEW ANIMAL DRUGS FOR USE IN ANIMAL FEEDS

Monensin

The Commissioner of Food and Drugs has evaluated a supplemental new animal drug application (38–878V) filed by Elanco Products Co., a Division of Eli Lilly & Co., Indianapolis, IN 46206. It proposes to change the expiration date requirements of monensin-containing poultry feeds to 90 days after the date of manufacture. After due consideration of submitted material, the supplemental application is approved.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 512(i), 82 Stat. 347; 21 U.S.C. 360b(i)) and under authority delegated to the Commissioner (21 CFR 2.120), § 135e.50 *Monensin* in Chapter I of Title 21 of the Code of Federal Regulations is amended in paragraph (d) by deleting the number "30" and inserting the number "90".

Effective date. This order shall be effective January 30, 1975.

(Sec. 512(i), 82 Stat. 347; 21 U.S.C. 360b(i))

Dated: January 23, 1975.

FRED J. KINGMA,
Acting Director,
Bureau of Veterinary Medicine.

[FR Doc.75-2745 Filed 1-29-75;8:45 am]

CHAPTER II—DRUG ENFORCEMENT ADMINISTRATION, DEPARTMENT OF JUSTICE

PART 1308—SCHEDULES OF CONTROLLED SUBSTANCES

Placement of Mebutamate in Schedule IV

A notice was published in the FEDERAL REGISTER, on Friday, December 13, 1974 (39 FR 43408) proposing that Schedule IV of the Comprehensive Drug Abuse Prevention and Control Act of 1970 (Pub. L. 91-513) be amended to include mebutamate (and its salts). All interested persons were given until January 13, 1975 to submit their objections, comments, or requests for hearing.

In view of the fact that no comments, objections, or requests for a hearing were received as to the proposed order, and based upon the investigations and review of the Drug Enforcement Administration and upon the scientific and medical evaluation and recommendation of the Secretary of Health, Education, and Welfare, received pursuant to sections 201(a) and 201(b) of the Comprehensive Drug Abuse Prevention and Control Act of 1970 (21 U.S.C. 811(a) and 811(b)), the Administrator of the Drug Enforcement Administration finds that:

1. Based on information now available, mebutamate has a low potential for abuse relative to the drugs or other substances currently listed in Schedule III.

2. Mebutamate will, upon the approval of a New Drug Application by the FDA, have a currently accepted medical use in treatment in the United States.

3. Abuse of mebutamate may lead to limited physical dependence or psychological dependence relative to the drugs or other substances in Schedule III.

Therefore, under the authority vested in the Attorney General by section 201 (a) of the Comprehensive Drug Abuse Prevention and Control Act of 1970 (21 U.S.C. 811(a)), and delegated to the Administrator of the Drug Enforcement Administration by § 0.100 of Title 28 of the Code of Federal Regulations, the Administrator hereby orders that Title 21 of the Code of Federal Regulations (CFR) be revised to read as follows:

§ 1308.14 Schedule IV.

* * * * *

(b) Depressants. Unless specifically excepted or unless listed in another schedule, any material, compound, mixture, or preparation which contains any quantity of the following substances, including its salts, isomers, and salts of isomers whenever the existence of such salts, isomers, and salt of isomers is possible within the specific chemical designation:

(1) Barbital	2145
(2) Chloral betaine	2460
(3) Chloral hydrate	2465
(4) Ethchlorvynol	2540
(5) Ethinamate	2545
(6) Mebutamate	2800
(7) Meprobamate	2820
(8) Methohexital	2264
(9) Methylphenobarbital	2250
(10) Paraldehyde	2585
(11) Petrichloral	2591
(12) Phenobarbital	2285

* * * * *

The issuing of a letter approving the New Drug Application for mebutamate, by FDA, has occurred simultaneously with the issuing of this order, which is effective on January 30, 1975.

Dated: January 24, 1975.

JOHN R. BARTELS, JR.,
Administrator,
Drug Enforcement Administration.

[FR Doc.75-2862 Filed 1-29-75;8:45 am]

Title 26—Internal Revenue

CHAPTER I—INTERNAL REVENUE SERVICE, DEPARTMENT OF THE TREASURY

SUBCHAPTER E—ALCOHOL, TOBACCO AND OTHER EXCISE TAXES

[T.D. ATF-13]

PART 240—WINE

PART 250—LIQUORS AND ARTICLES FROM PUERTO RICO AND THE VIRGIN ISLANDS

PART 251—IMPORTATION OF DISTILLED SPIRITS, WINES, AND BEER

Carbon Dioxide Tolerance

The purpose of these amendments is to conform the regulations to changes made by Pub. L. 93-490, which increases the amount of carbon dioxide permitted to be contained in still wine. Formerly there had been permitted 0.277 gram of carbon dioxide per hundred milliliters of wine, but the new law permits 0.392 gram of carbon dioxide per hundred milliliters of wine. The purpose of this change, as explained in the Committee Report accompanying the bill, is to improve the shelf life of wines with low alcoholic content. As stated in the Report, "The committee understands that wine tends to deteriorate more quickly as the alcoholic content decreases because there is less alcohol to act as a preservative. If still wines with low-alcoholic content were produced with a greater volume of carbon dioxide than is now permitted, this would help preserve the color and flavor by displacing some of the oxygen which reacts with the bacteria in the product". Elsewhere in the Report, it is stated that the change is expected to have no effect on the revenue.

In addition, a minor change is made to update terminology, reflecting the establishment of the Bureau of Alcohol, Tobacco, and Firearms as a separate entity under Treasury.

Therefore, the regulations in 26 CFR Parts 240, 250, and 251 are amended as follows:

PARAGRAPH A. The regulations in 26 CFR Part 240 are amended as follows:

1. Section 240.15 is amended by deleting the language defining the term "assistant regional commissioner" and inserting instead, a cross reference to new § 240.42. As amended, § 240.15 reads as follows:

§ 240.15 Assistant regional commissioner.

"Assistant regional commissioner", wherever used in this part shall mean a Regional Director, Bureau of Alcohol, Tobacco, and Firearms, as defined in § 240.42.

2. A new section, § 240.42, is added, immediately following § 240.41, to provide a definition of Regional Director, Bureau of Alcohol, Tobacco, and Firearms. As added, § 240.42 reads as follows:

§ 240.42 Regional Director.

"Regional Director" shall mean a Regional Director, Bureau of Alcohol, Tobacco, and Firearms, who is responsible to, and functions under the direction and supervision of, the Director, Bureau of Alcohol, Tobacco, and Firearms.

3. Section 240.531 is amended to change the quantity of carbon dioxide permitted in still wine from 0.277 gram per 100 milliliters of wine to 0.392 gram per 100 milliliters of wine. As amended, § 240.531 reads as follows:

§ 240.531 General.

The addition to (and retention in) still wines of small quantities of carbon dioxide is permitted: *Provided*, That, at the time of removal for consumption or sale, the still wine shall not contain more than 0.392 gram of carbon dioxide per 100 milliliters of wine, subject to the tolerance provisions of § 240.533. Where carbon dioxide is added to, or retained in, still wines, the proprietor shall file notice in accordance with § 240.532. Where such carbon dioxide content of wine, at the time of removal for consumption or sale, is to be less than 0.225 gram of carbon dioxide per 100 milliliters of wine, the provisions of § 240.534 shall not be applicable.

(Title II, sec. 201, Pub. L. 85-859, 72 Stat. 1331; Sec. 6, Pub. L. 93-490, 88 Stat. 1466 (26 U.S.C. 5041))

4. Section 240.533 is amended to change the quantity of carbon dioxide permitted in still wine from 0.277 gram per 100 milliliters of wine to 0.392 gram per 100 milliliters of wine, and to replace the phrase "assistant regional commissioner" by the phrase "regional director". As amended, § 240.533 reads as follows:

§ 240.533 Tolerance.

A tolerance to the maximum limitation on carbon dioxide in still wines, not to exceed 0.009 gram of carbon dioxide per 100 milliliters of wine, will be allowed where the proprietor shows to the satisfaction of the regional director that the amount of carbon dioxide in excess of 0.392 gram per 100 milliliters of wine was due to mechanical variations which could not be completely controlled under good commercial practices. Such tolerance will not be allowed where it is found that the proprietor continuously or intentionally exceeds 0.392 gram of carbon dioxide per 100 milliliters of wine or where the variation results from the use of methods or equipment not in accord with good commercial practices.

(Title II, sec. 201, Pub. L. 85-859, 72 Stat. 1331; sec. 6, Pub. L. 93-490, 88 Stat. 1466 (26 U.S.C. 5041))

PAR. B. The regulations in 26 CFR Part 250 are amended as follows:

1. Section 250.53a is amended to change the quantity of carbon dioxide permitted in still wine from 0.277 gram per 100 milliliters of wine to 0.392 gram

per 100 milliliters of wine. As amended, § 250.53a reads as follows:

§ 250.53a Still wines containing carbon dioxide.

Still wines may contain not more than 0.392 gram of carbon dioxide per 100 milliliters of wine; except that a tolerance to this maximum limitation, not to exceed 0.009 gram of carbon dioxide per 100 milliliters of wine, will be allowed where the amount of carbon dioxide in excess of 0.392 gram per 100 milliliters of wine was due to mechanical variations which could not be completely controlled under good commercial practices. Such tolerance will not be allowed where it is found that the limitation of 0.392 gram of carbon dioxide per 100 milliliters of wine is continuously or intentionally exceeded, or where the variation results from the use of methods or equipment not in accord with good commercial practices. Where the carbon dioxide is added to, or retained in, still wine, the proprietor shall so indicate on his Form 27–B Supplemental, identifying the method or process and the type of equipment to be used.

2. Section 250.223a is amended to change the quantity of carbon dioxide permitted in still wine from 0.277 gram per 100 milliliters of wine to 0.392 gram per 100 milliliters of wine. As amended, § 250.223a reads as follows:

§ 250.223a Still wines containing carbon dioxide.

Still wines may contain not more than 0.392 gram of carbon dioxide per 100 milliliters of wine; except that a tolerance to this maximum limitation, not to exceed 0.009 gram of carbon dioxide per 100 milliliters of wine, will be allowed where the amount of carbon dioxide in excess of 0.392 gram per 100 milliliters of wine was due to mechanical variations which could not be completely controlled under good commercial practices. Such tolerance will not be allowed where it is found that the limitation of 0.392 gram of carbon dioxide per 100 milliliters of wine is continuously or intentionally exceeded, or where the variation results from the use of methods or equipment not in accord with good commercial practice. Where carbon dioxide is added to, or retained in, still wine, the proprietor shall so indicate on his Form 27–B Supplemental, identifying the method or process and the type of equipment to be used.

PAR. C. The regulations in 26 CFR 251.42a are amended to change the quantity of carbon dioxide permitted in still wine from 0.277 gram per 100 milliliters of wine to 0.392 gram per 100 milliliters of wine. As amended, § 251.42a reads as follows:

§ 251.42a Still wines containing carbon dioxide.

Still wines may contain not more than 0.392 gram of carbon dioxide per 100 milliliters of wine; except that a tolerance to this maximum limitation, not to exceed 0.009 gram of carbon dioxide per 100 milliliters of wine, will be allowed where the amount of carbon dioxide in excess of 0.392 gram per 100 milliliters of wine was due to mechanical variations which could not be completely controlled under good commercial practices. Such tolerance will not be allowed where it is found that the limitation of 0.392 gram of carbon dioxide per 100 milliliters of wine is continuously or intentionally exceeded.

Because this Treasury decision merely implements the provisions of a Public Law and is liberalizing in nature, it is found that it is unnecessary to issue this Treasury decision with notice and public procedure thereon under 5 U.S.C. 553 (b), or subject to the effective date limitation of 5 U.S.C. 553(d). Accordingly, this Treasury decision shall become effective on February 1, 1975, the date when the provisions of the Pub. L. 93–490 take effect.

Dated: January 20, 1975.

REX D. DAVIS,
Director, Bureau of Alcohol, Tobacco, and Firearms.

Approved: January 28, 1975.

DAVID R. MACDONALD,
Assistant Secretary of the Treasury.

[FR Doc.75–2909 Filed 1–29–75;8:45 am]

Title 28—Judicial Administration

CHAPTER I—DEPARTMENT OF JUSTICE

[Directive 75–1]

PART 0—ORGANIZATION OF THE DEPARTMENT OF JUSTICE

SUBPART R—DRUG ENFORCEMENT ADMINISTRATION

REDELEGATION OF FUNCTIONS

Under the authority delegated to the Administrator of the Drug Enforcement Administration by § 0.100 and § 0.104 of Subpart R, of Title 28, Code of Federal Regulations, the Appendix to Subpart R is hereby amended as follows:

1. The existing paragraph in section 2 is designated as "(a)" and the following new paragraph (b) is added:

(b) All Regional Directors are authorized to conduct enforcement hearings under 21 U.S.C. 883 with the concurrence of the Chief Counsel and to take custody of seized property in accordance with directions from the Administrator under 21 U.S.C. 881.

2. Paragraphs (c), (d), and (e) of section 3 are hereby deleted.

3. In section 4, the term "Acting" with reference to the Chief Counsel is deleted.

4. The following new section 7 is added:

Sec. 7. *Issuance of Subpoenas.* (a) All Regional Directors and the Chief Inspector are authorized to sign and issue subpoenas with respect to controlled substances under 21 U.S.C. 875 and 876.

(b) All special agents in charge of offices, with the concurrence in each case of the responsible Regional Director, are authorized to sign and issue subpoenas with respect to controlled substances under 21 U.S.C. 875 and 876 in regard to matters within their respective jurisdiction.

(c) All Inspectors-in-Charge of field offices, with the concurrence of the Chief Inspector in each case, are authorized to sign and issue subpoenas under 21 U.S.C. 875 and 876 in any investigation relating to the functions of the Office of Inspection with respect to controlled substances.

The amendments made by this order shall be effective on January 30, 1975.

Dated: January 24, 1975.

JOHN R. BARTELS, Jr.,
Administrator, Drug Enforcement Administration.

[FR Doc.75–2863 Filed 1–29–75;8:45 am]

Title 33—Navigation and Navigable Waters

CHAPTER I—COAST GUARD, DEPARTMENT OF TRANSPORTATION

[CGD 74 295]

PART 117—DRAWBRIDGE OPERATION REGULATIONS

GIWW, Mile 57.6 Through Mile 59.8, West of Harvey Lock, Houma, La.

This amendment changes the regulations for the drawbridges located across the GIWW at mile 57.6 through mile 59.8, west of Harvey Lock, Houma, Louisiana to allow closed periods during the morning and evening rush hour vehicular traffic. This amendment is required while extensive repairs are completed on the drawbridge located at mile 57.7. Marine interests have agreed to this temporary restriction. The Coast Guard has found that good cause exists for granting this change without notice of proposed rule making on the basis that it would be contrary to the public interest to delay this work.

Accordingly, Part 117 of Title 33 of the Code of Federal Regulations is amended by adding a new § 117.241 immediately after § 117.240 to read as follows:

§ 117.241 GIWW, Houma, Louisiana, bridges.

(a) The drawbridges located at mile 57.6 through mile 59.8, west of Harvey Lock, Houma, Louisiana need not open for the passage of vessels from 7:30 to 8:30 a.m. and 4:30 to 5:30 p.m., Monday through Friday, except holidays.

(b) These regulations shall be revoked as of January 31, 1975.

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

Effective date. This revision shall become effective on December 24, 1974.

Dated: December 16, 1974.

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

[FR Doc.75–2854 Filed 1–29–75;8:45 am]

Title 39—Postal Service

CHAPTER I—U.S. POSTAL SERVICE

PART 111—GENERAL INFORMATION ON POSTAL SERVICE

Postal Service Manual Amendments

Chapter I of the Postal Service Manual, which has been incorporated by refererence in the FEDERAL REGISTER (see 39 CFR 111.1), has been amended by the issuance of Post Office Services (Domestic) Transmittal Letter 33, Issue 94, dated January 17, 1975.

In accordance with 39 CFR 111.3 notice of these changes is hereby published in the FEDERAL REGISTER as an amendment to that section and the text of the changes is filed with the Director, Office of the Federal Register. Subscribers to the Manual will receive these amendments automatically from the Government Printing Office. (For other availability of Chapter I of the Postal Service Manual, see 39 CFR 111.2).

Description of these amendments to Chapter I of the Postal Service Manual follows:

PART 122—ADDRESSES

1. Section 122.13 is expanded to provide instructions regarding the proper use of return addresses and the treatment accorded unpaid mail bearing the same return and delivery address.

PART 132—SECOND CLASS

2. Section 132.122d is amended to refer to § 134.5 which covers the definitions of the eight types of nonprofit organizations and the type of organizations that do not qualify for the special rates.

PART 159—UNDELIVERABLE MAIL

3. Section 159.11 is amended to include unpaid mail among the reasons for nondelivery of mail.

4. Section 159.112b is amended to include the endorsement *Returned for postage* to be applied to unpaid mail returned to the sender.

5. New § 159.41*l* is added to specifically designate nonreturnable firearms as a separate category of undeliverable mail and cross reference new § 159.721d for handling instructions.

6. Former § 159.41*l* is renumbered § 159.41m and amended to provide disposition instructions for mail that bears an identical return address and delivery address.

7. Section 159.721c is amended to reflect prior changes in claim adjudication procedures.

8. New § 159.721d is added to require that registered mail must be used when firearms are sent to dead parcel branches.

9. New § 159.742d is added to provide guidance to dead letter branches on the handling of mail matter which was forwarded to them because it was found in the mail without postage.

10. New § 159.745b is added to clarify procedures involved in second-time treatment of mail, which was originally sent to a dead letter branch because it was found in the mail without postage.

11. New § 159.772b(5) is added to clarify dead letter branch procedures for handling certain negotiable or intangible property.

12. Section 159.811 is amended to clarify opening procedures at Dead Parcel Post Branches.

13. Section 159.813 is amended to clarify procedures for processing of dead parcels. Particular guidance is given regarding the handling of mail matter which was forwarded to Dead Parcel Post Branches because it was found in the mail without postage.

The remainder of the changes are minor, technical, or editorial in nature.

In consideration of the foregoing, 39 CFR 111.3 is amended by adding the following:

§ 111.3 Amendments to Chapter I of the Postal Service Manual.

* * * * *

Amendments to Postal Service Manual

Transmittal letter	Date	Federal Register Publication
* * * * *		
Letter 33, Issue 94	1-17-75	40 FR.

These amendments are effective immediately.

(5 U.S.C. 552(a), 39 U.S.C. 401, 404, 407, 408, 3001-3011, 3201-18, 3403-05, 3601, 3621 and 50 U.S.C. 1463-64)

ROGER P. CRAIG,
Deputy General Counsel.

[FR Doc.75-2779 Filed 1-29-75;8:45 am]

Title 40—Protection of Environment

CHAPTER I—ENVIRONMENTAL PROTECTION AGENCY

SUBCHAPTER C—AIR PROGRAMS

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

Approval of Idaho Indirect Source Regulation

On May 31, 1972 (37 FR 10842), pursuant to section 110 of the Clean Air Act and 40 CFR Part 51, the Administrator of the Environmental Protection Agency (EPA) approved, with specific exceptions, the Idaho Implementation Plan for the Control of Air Pollution. Pursuant to a court ruling by the United States Court of Appeals for the District of Columbia in the case Natural Resource Defense Council Inc., et al. v. Environmental Protection Agency, 475 F. 2d 968 (D.C. Cir. 1973), the Administrator, on March 8, 1973 (38 FR 6279), disapproved all State plans to the extent to which they do not adequately assure the maintenance of national ambient air quality standards.

On June 18, 1973 (38 FR 15834), the Administrator promulgated requirements directing States to submit implementation plan revisions by August 15, 1973, to provide for preconstruction review and approval of indirect sources of air pollution to insure maintenance of standards. Indirect sources are facilities which have an impact on air quality because of associated mobile source activity. On June 3, 1974, the State of Idaho held a public hearing in accordance with 40 CFR Part 51 to obtain public comments on proposed revisions to the Idaho Implementation Plan including: (1) a new section 4 of Regulation A of the Rules and Regulations for the Control of Air Pollution in Idaho (Chapter VII of Implementation Plan) and (2) an addition to Chapter XI of the Implementation Plan, to include administrative procedures for indirect source review. On June 20, 1974, the Board of Environmental and Community Services adopted the amendments to Regulation A to be effective on the day of adoption. Chapter XI of the Implementation Plan was amended accordingly on June 20, 1974. On July 1, 1974, the Governor of the State of Idaho submitted these amendments to the Administrator as proposed revisions to the Idaho Implementation Plan.

The amendments to Idaho's Rules and Regulations provide for preconstruction review of indirect sources both in and outside urbanized areas. An urbanized area is defined as any area within the city limits, or within five (5) miles of the city limits, of any city with a population of more than 10,000 persons.

In an urbanized area, any new parking facility or other new indirect source with associated parking for 1,000 or more cars, any modification of an existing parking facility and any modification of a parking area associated with an indirect source which increases parking capacity by 500 or more cars are subject to review. Also, any new highway section with an anticipated average annual daily traffic volume of 20,000 or more vehicles per day within ten years of construction and any modified highway section which will increase average annual daily traffic volume by 10,000 or more vehicles per day within ten years after modification are subject to the amended regulations.

In non-urbanized areas, any new parking facility or other new indirect source with associated parking for 2,000 or more cars, any modification of an existing parking facility and any modification of a parking area associated with an indirect source which increases parking capacity by 1,000 or more cars are subject to the amended regulation.

Any new airport which will have 50,000 or more operations per year or will be used by 1,600,000 or more passengers per year and any airport modification which will increase operations by 50,000 or more per year or use by 1,600,000 or more passengers per year are subject to the amended regulations.

Administrative procedures to implement these amendments have been developed and are on file with the Department of Health and Welfare (the Department of Environmental and Community Service became the Department of Health and Welfare on July 1, 1974).

On August 23, 1974 (39 FR 30496), a summary of the Idaho indirect source regulation was published by EPA as proposed rulemaking and an opportunity for public comment was provided. No comments were received by EPA during the 30-day comment period.

As stated in the proposed rulemaking document, approval of the State indirect source regulation enables the Administrator to remove the requirements for federal review of new or modified indirect sources in the State. Therefore, the Administrator is revoking 40 CFR 52.679, promulgated February 25, 1974 (39 FR 7270).

The size criteria chosen for sources subject to the State's indirect source regulation are identical to the size criteria used in the federal indirect source regulation. The population criteria of the State regulation is lower than the federal regulation. The State regulation is effective in areas of 10,000 or more persons, while the federal regulation is effective in areas of 50,000 or more persons. The State regulation is effective prior to the federal regulation. Specifically, the effective date of the State regulation is June 20, 1974, whereas the federal regulation would have been applicable to sources which had construction or modification commencing after June 30, 1975. The Administrator finds good cause for making this approval effective immediately since the Idaho regulation is now in effect and it serves no useful purpose to defer revoking the federal indirect source regulation.

The proposed revision has been reviewed by EPA for compliance with 40 CFR Part 51 and found to be approvable. An evaluation report of the adequacy of the State regulation is available for public inspection at the Region X Office of EPA, 1200 Sixth Avenue, Seattle, Washington 98101, and at the Freedom of Information Center, EPA, 401 M Street, SW, Washington, D.C. 20460.

(Secs. 110(a)(2)(B), 110(c), 301(a) Clean Air Act, as amended (42 U.S.C. 1857c-5(a)(2)(B), 1857c-5(c), 1857g(a)))

Dated: January 23, 1975.

JOHN QUARLES,
Acting Administrator.

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

1. In § 52.670, paragraph (c)(2) is amended by adding the phrase "and July 1, 1974 (Idaho Indirect Source Regulation)" at the end of the sentence.

2. Section 52.679 is revoked and reserved.

[FR Doc.75-2861 Filed 1-29-75;8:45 am]

Title 46—Shipping

CHAPTER I—COAST GUARD, DEPARTMENT OF TRANSPORTATION

SUBCHAPTER Q—SPECIFICATIONS

[CGD 73-153R]

PART 160—LIFESAVING EQUIPMENT

Releases, Lifesaving Equipment, Hydraulic and Manual

The purpose of these amendments to the regulations concerning specifications for hydraulic releases for lifesaving devices is to allow tests and periodic servicing to be conducted at a laboratory acceptable to the Commandant, U.S. Coast Guard.

In the January 8, 1974 issue of the FEDERAL REGISTER (39 FR 1361), the Coast Guard proposed specifications for inspecting, overhauling, testing, and storing hydraulic releases for lifesaving devices. Five written comments were submitted to the Coast Guard on the proposed specifications. Three commenters, including an operator of Great Lakes vessels, a manufacturer of both inflatable liferafts and hydraulic releases, and an inflatable liferaft servicing depot, supported the proposal. The remaining two commenters, including the manufacturer of an approved hydraulic release and the developer of a comparable device for the U.S. Navy 22 years ago, objected to the proposal. The following contains the comments and the Coast Guard action on the comments:

Sections 160.062-2(c) and 160.062-4(c), and (d)(2), (3) and (4). The Coast Guard should not relinquish its reliance on tests conducted at a "Government laboratory."

Hydraulic releases of 3 manufacturers currently are approved by the Coast Guard. The first of the approved releases underwent prototype testing in 1969 under current specifications which requires testing at a "Government Laboratory." The only government facilities having previous testing experience with hydraulic releases are located in California and in Virginia. Both laboratories imposed certain restrictions that delayed the testing of the devices. The Coast Guard standards for the device and the standards proposed for the acceptance of a laboratory to perform the servicing and tests have been determined to be sufficient to ensure safe devices. Accordingly, the suggestion that the tests be performed only at government laboratories was not accepted.

Sections 160.062-4(f)(1), (2), and (3). The storage limitation criterion of "9 months or less" proposed in § 160.062-4(f) (1) and (2), and the criterion of more than "9 months" proposed in § 160.062-4(f)(3) are unrealistic and should be broadened to a 36-month base. The brevity of the proposed storage periods would not be conducive to raft manufacturers nor their affiliated servicing facilities for having stocks of devices on hand against unforeseen demands. A storage period of 9 months would therefore lead to higher costs for the consumer. It was further pointed out that in the commenter's experience, devices, under normal warehouse conditions, can be stored for as long as 15 years without showing signs of deterioration, and a storage limitation of 60 months would be entirely reasonable.

The two proposed storage specifications are based on Coast Guard public information circulars published before 1971. The circulars indicate that liferafts and hydraulic releases could remain in storage prior to their installation on vessels or their reinspection. Hydraulic releases are frequently installed with inflatable liferafts on shipboard, and the intent of the proposed specification was to have these items of equipment on identical schedules for overhaul, storage, and installation.

In light of the received comments and of the experiences described by ship operators to the Coast Guard concerning the redeployment of rafts on vessels operating overseas, the Coast Guard has changed the proposed specification.

The suggested storage basis of 36 months is considered tenuous for safety purposes but it is agreed that a longer storage period is desirable. Accordingly, the storage specifications are changed by increasing the period from 9 months to 24 months. Since this change results in a reduced burden, no further rule making procedure is considered necessary.

Sections 160.062-4(f)(3)(ii), (4)(ii), and (iii), and (f)(5). As proposed, the depth at which a device must release its test loads is not clearly indicated. Section 160.062-3(c) specifies release depth ranges of "5 to 15 feet" and "5 to 25 feet".

It is the intention of § 160.062-3(c) to require devices that are new or reconditioned to be tested at a depth between 5 feet and 15 feet, and devices that are conditioned by low temperature and corrosion testing to be tested at a depth between 5 feet and 25 feet. For clarification, the proposed requirement is changed specifying 5 feet and 15 feet for the submergence test. Since this requirement was contained in the proposal, no further rule making procedure is considered necessary.

Section 160.062-7. The proposed concept permitting reconditioning of devices to occur at local repair facilities not chosen by nor amenable to the manufacturer of an approved device was criticized. In the opinion of the manufacturer, a local repair facility not having the experience, proprietary knowledge, and tooling of the manufacturer of the hydraulic release could not test and rebuild production lots to guarantee product reliability.

One of the proposed standards that a repair facility must meet in order to be accepted by the Coast Guard is the capacity to manufacture replacement parts or have a source of supply. In either case, the replacement part must meet the specifications and standards contained in 46 CFR 160.062-1. The Coast Guard concluded that this standard would contribute to product reliability and the personnel and testing standards specified in proposed § 160.062-7 would result in a reconditioned device as good as, or better than, a new device.

It was the intention of the proposal that the applicant would have to show some evidence of a source of supply if he did not have the capacity to manufacture replacement parts. Since this requirement was not clearly stated, proposed § 160.062-7(a)(2) is changed by adding the words, evidenced by a signed agreement between the facility and his source of supply," to follow the words "hydraulic release".

Since this change is a clarification, no further rule making procedure is considered necessary.

In consideration of the foregoing, the proposed regulations are hereby adopted

subject to the changes discussed above. As adopted, the regulations are set forth below.

Effective date. These amendments shall become effective on February 28, 1975.

Dated: January 20, 1975.

O. W. SILER,
Admiral, U.S. Coast Guard,
Commandant.

Subpart 160.062 of Title 46, Code of Federal Regulations, is amended as follows:

§ 160.062–2 [Amended]

1. By amending § 160.062–2(c) by striking the words "Government laboratory" and inserting "laboratory accepted by the Commandant" in place thereof.

§ 160.062–4 [Amended]

2. By amending § 160.062–4 as follows:

a. By striking the words "Government laboratory designated by" in the second sentence of the introductory text of both paragraph (c) and paragraph (d)(2) and inserting "laboratory accepted by" place thereof.

b. By amending paragraph (d)(3) by striking the word "Government" in the fourth sentence of the introductory text.

c. By amending paragraph (d)(4) by striking the word "Government" in the third sentence.

d. By amending paragraph (e) by striking the words "designated repair facility" in the second sentence and inserting the words "a repair facility accepted by the Commandant in accordance with the procedure contained in § 160.062–7" in place thereof.

e. By revising paragraph (f) to read as follows:

§ 160.062–4 Inspections and tests.

* * * * *

(f) *Periodic Servicing and Testing.* A hydraulic release is inspected as follows:

(1) *Inspection for devices not installed after manufacture.* A hydraulic release, that is not installed after manufacture and is stored for period of 24 months or less, is not required to be inspected or tested before installation but must be stamped by a marine inspector on the inspection tag required in § 160.062–5(b)(2) with—

(i) The word "Installed";

(ii) The installation date; and

(iii) His initials.

(2) *Inspection for devices that have been installed.* A hydraulic release that is installed for a period of 12 months or more must pass the test contained in paragraph (f)(3) of this section and be marked as required in paragraph (f)(5) of this section. If, after passing the test, the device is stored for a period of 24 months or less, it must be stamped as required in paragraph (f)(1) of this paragraph by the marine inspector before reinstallation.

(3) *Devices stored longer than 24 months.* A hydraulic release that is stored for a period of more than 24 months must be inspected and tested by an employee of a repair or test facility, accepted in accordance with the requirement contained in § 160.062–7 or § 160.062–8, as follows:

(i) The device must be manually operated to determine if it releases.

(ii) If the device releases, it must pass the submergence test contained in paragraph (c)(2)(i) of this section, at a depth between 5 feet and 15 feet and be marked as required in paragraph (f)(5) of this section.

(iii) If the device fails to release or fails to pass the submergence test required in paragraph (f)(3)(ii) of this section, the device must be disassembled, repaired, and tested in accordance with the requirements contained in paragraph (f)(4) of this paragraph.

(4) *Disassembly and repair tests.* If a hydraulic release fails the test contained in paragraph (f)(3)(iii) of this section, it must be disassembled and repaired by the manufacturer or a repair facility accepted in accord with the requirements contained in § 160.062–7 and be tested as follows:

(i) A production lot must be formed consisting of 12 or more but not exceeding 100 devices.

(ii) In the presence of a marine inspector, the device must pass the submergence test contained in paragraph (c)(2)(i) of this section at a depth between 5 feet and 15 feet.

(iii) Any device that fails must be—

(A) Repaired;

(B) Placed in a subsequent lot; and

(C) Submitted to the submergence test contained in paragraph (c)(2)(i) of this section at a depth between 5 feet and 15 feet.

(5) *Marking of devices.* If a hydraulic release passes the submergence test required in paragraph (c)(2)(i) of this section at a depth between 5 feet and 15 feet the marine inspector stamps the inspection tag with—

(i) The test date;

(ii) His initials; and

(iii) The letters "USCG".

3. By revising § 160.062–6(b) to read as follows:

§ 160.062–6 Procedure for approval.

* * * * *

(b) *Manufacturer's drawings and specifications.* The manufacturer must submit to the Commander of the Coast Guard District in which a proposed hydraulic release is to be manufactured, four copies of the—

(1) Detailed part and assembly drawings of the proposed device; and

(2) Specifications of the proposed device.

* * * * *

4. By adding §§ 160.062–7 and 160.062–8 to follow § 160.062–6 and to read as follows:

§ 160.062–7 Procedures for acceptance of repair facility.

(a) Before a repair facility is accepted by the Commandant to perform the services required in § 160.062–4(f), it must be inspected by the cognizant Officer in Charge, Marine Inspection, to determine if it has—

(1) The testing apparatus to perform all the tests required in § 160.062–4;

(2) A source of supply of replacement parts for a hydraulic release, evidenced by a signed agreement between the facility and his source of supply, or the parts for it; all replacement parts must be in compliance with applicable specifications and standards contained in § 160.062–1; and

(3) Employees competent to perform the services required in this paragraph. Each employee who is engaged in serving a hydraulic release must demonstrate his competence to the Officer in Charge, Marine Inspection by—

(i) Disassembling a hydraulic release;

(ii) Making all necessary repairs to the disassembled unit;

(iii) Reassembling the unit in conformance with the specifications and standards contained in § 160.062–1(a); and

(iv) Showing that the reassembled unit meets the buoyant capacity and release depth requirements contained in § 160.062–3 (b) and (c) after being inspected and tested in conformance with the requirements contained in § 160.062–4(f).

(b) Based on the report of the Officer in Charge, Marine Inspection, regarding the inspection required in paragraph (a) of this section, the Commandant notifies the facility that—

(1) It is an accepted repair facility for the reconditioning and testing of hydraulic releases; or

(2) It is not accepted as a repair facility, lists each discrepancy noted by the Officer in Charge, Marine Inspection, and describes the procedure for reinspection if applicable corrections are made.

§ 160.062–8 Procedures for acceptance of testing facility.

(a) The Commandant may consider the acceptance of a facility that conducts only the submergence test contained in § 160.062–4(c)(2)(i). Before a facility is accepted by the Commandant to conduct this test, it must be inspected by the cognizant Officer in Charge, Marine Inspection, to determine if it has—

(1) The testing apparatus to perform the test required in § 160.062–4(c)(2)(i); and

(2) Employees competent to perform the test required in § 160.062–4(c)(2)(i). Each employee who is engaged in testing a device must demonstrate his competence to the Officer in Charge, Marine Inspection by conducting a submergence test.

(b) Based on the report of the Officer in Charge, Marine Inspection, regarding the inspection required in paragraph (a) of this section, the Commandant notifies each applicant, in accordance with the procedures described in § 160.062–7(b), whether or not it is an accepted testing facility.

(R.S. 4400, as amended, R.S. 4491, as amended, sec. 3, 70 Stat. 152; sec. 6(b)(1), 80 Stat. 937 (46 U.S.C. 481, 489, 390b; 49 U.S.C. 1655(b)(1)); 49 CFR 1.46(b)).

[FR Doc. 75–2671 Filed 1–29–75; 8:45 am]

Title 47—Telecommunication

CHAPTER I—FEDERAL COMMUNICATIONS COMMISSION

[FCC 75-29]

PART 0—COMMISSION ORGANIZATION

Authority Delegations

In the matter of Amendment of Part 0 of the Commission's rules—Commission Organization—with respect to delegations of authority to the Chief, Safety and Special Radio Services Bureau.

1. The Commission has completed a review of the delegations of authority to the Chief, Safety and Special Radio Services Bureau, and has decided that the public interest would be served by eliminating the lengthy recitation of specific delegations of authority presently appearing in §§ 0.331 and 0.332 of the rules, and in lieu thereof to make the delegations in terms of those matters to be referred to the Commission *en banc*. All other matters will be disposed of at staff level in accordance with established policy and precedent unless, in the opinion of the staff, a particular matter warrants referral to the Commission.

2. The internal handling of petitions for reconsideration and applications for review will not vary from past practice. Specifically, petitions for reconsideration filed under section 405 of the Communications Act will continue to be acted on by the Commission *en banc* or by the "designated authority" within the Commission, depending upon the circumstances of the case, whereas all properly filed applications for review will, in accordance with section 5(d) of the Communications Act, continue to be referred to the Commission *en banc*. Persons aggrieved by actions taken at any level within the Commission are thus assured that their right of access to the full Commission is in no way affected by the ordered changes.

3. The restatement of specific delegations of authority herein ordered requires that the working relationships of the Safety and Special Radio Services Bureau with other bureaus and staff offices be defined as to joint areas of responsibility. Section 0.332 has been amended for this purpose.

4. Authority for the adoption of this Order is contained in section 5(d) of the Communications Act of 1934, as amended. Since it relates to internal Commission management, practice, and procedure, and because the early implementation of these changes will expedite the transaction of public business, compliance with the notice and effective date provisions of 5 U.S.C. 553 is not required.

5. *Accordingly, it is ordered*, That effective January 30, 1975, §§ 0.331, 0.332, and 0.337 of the rules are amended, in the manner set forth in the Appendix.

(Secs. 4, 5, 303, 48 Stat., as amended, 1066, 1068, 1082; 47 U.S.C. 154, 155, 303)

Adopted: January 15, 1975.

Released: January 23, 1975.

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

Part 0 of Chapter I of Title 47 of the Code of Federal Regulations is amended as follows:

1. Section 0.331 is revised to read as follows:

§ 0.331 Authority delegated.

The performance of functions and activities described in § 0.131 of this part is delegated to the Chief, Safety and Special Radio Services Bureau, provided that

(a) The following matters shall be referred by the Chief, Safety and Special Radio Services Bureau to the Commission *en banc* for disposition:

(1) Notices of proposed rulemaking and of inquiry and final orders in rulemaking proceedings, inquiry proceedings, and non-editorial orders making rule changes. (See § 0.231(d)).

(2) Petitions for review of actions taken pursuant to delegated authority. (See § 1.115 of this Chapter.)

(3) Petitions and other requests for waivers of Commission rules, whether or not accompanied by an application, when such petitions or requests contain new or noval arguments not previously considered by the Commission, or present facts or arguments which appear to justify a change in Commission policy.

(4) Petitions and other requests for declaratory rulings, when such petitions or requests contain new or novel arguments not previously considered by the Commission, or present facts or arguments which appear to justify a change in Commission policy.

(5) Any other petition, pleading, or request presenting new or novel questions of fact, law, or policy which cannot be resolved under outstanding precedents and guidelines.

(6) Proposed public notices expressing new or novel Commission policy, interpreting the provisions of law, regulations, or treaties, or warning licensees in the Safety and Special Radio Services as to certain types of violations.

(7) Proposed U.S. positions to be transmitted to the Department of State for international meetings of telecommunications entities.

(8) Any other complaint or enforcement matter presenting new or novel questions of fact, law, or policy which cannot be resolved under outstanding precedents and guidelines.

(b) Rulings and orders concerning matters in a hearing status shall not be made by the Chief, Safety and Special Radio Services Bureau.

2. Section 0.332 and headnote are revised to read as follows:

§ 0.332 Actions taken under delegated authority.

In discharging the authority conferred by § 0.331, the Chief, Safety and Special Radio Services Bureau, shall establish working relationships with other bureaus and staff offices to assure the effective coordination of actions taken in the following areas of joint responsibility:

(a) Complaints arising under section 605 of the Communications Act—Office of General Counsel.

(b) Matters involving international coordination, World Administrative Radio Conferences, U.S. positions and preparation for international meetings of telecommunications entities—Office having primary responsibility for the matter.

(c) Requests for waiver or refund of filing fee—Office of Executive Director and Office of General Counsel.

(d) Requests for waiver of tower painting and lighting specifications—Field Operations Bureau.

(e) Matters involving emergency communications—Office of Executive Director.

(f) Complaints involving equal employment opportunities—Office of General Counsel.

(g) Requests for use of frequencies or bands of frequencies shared with broadcast, common carrier, or government services—Office of Chief Engineer and appropriate operating bureau.

(h) Requests involving coordination with other Federal or state agencies or foreign government when appropriate—Office of General Counsel, Office of Chief Engineer or operating bureau.

(i) Proposals involving transmitter sites on public lands owned or controlled by the Departments of Agriculture or Interior—Office of Chief Engineer.

(j) Proposals involving possible harmful impact on radio astronomy or radio research installations—Office of Chief Engineer.

§ 0.377 [Amended]

3. In § 0.337 reference to § 0.332 is deleted.

[FR Doc.75-2788 Filed 1-29-75;8:45 am]

[FCC 75-56; Docket No. 19771]

PART 73—RADIO BROADCAST SERVICES

FM Broadcast Table of Assignments, S.C.

In the matter of Amendment of § 73.202(b), Table of Assignments, FM Broadcast Stations. (Cheraw and Florence, S.C.) Docket No. 19771, RM-1992, RM-2212.

1. Before the Commission for consideration herein are conflicting proposals for amendment of the FM Table of Assignments as concerns Cheraw and Florence, South Carolina.

2. The *Cheraw* proposal, upon which comments were invited in the notice of proposed rule making and order to show cause, adopted June 13 and released June 18, 1973, herein (FCC 73-641, 38 FR 16660) in response to a petition (RM-1992) of Town & Country Radio, Inc. (Town & Country), licensee of the daytime-only AM station (WCRE) at Cheraw, would assign FM Channel 276A to Cheraw as a first FM assignment and nighttime local aural broadcast service by substituting Channel 292A for Channel 276A at Florence[1], as follows:

[1] The deletion of Channel 276A from Florence would be required to permit the proposed Cheraw Channel 276A assignment since, with Cheraw and Florence located only about 30 miles apart, Channel 276A could not be assigned and used in both communities in accordance with the 65-mile minimum mileage separation requirements for Class A FM stations.

City	Channel No.	
	Present	Proposed
Cheraw, S.C.		276A
Florence, S.C.	276A, 288A	288A, 292A

Since the Florence Channel 276A assignment is occupied by Station WSTN, the Notice also ordered the station's licensee, Atlantic Broadcasting Company (Atlantic), to show cause why its license therefor should not be modified to change Station WSTN's operating frequency from Channel 276A to Channel 292A as this proposal would require.

3. The conflicting *Florence* proposal, advanced in a petition for rule making (RM–2212) filed on June 12, 1973, by Forjay Broadcasting Corporation (Forjay), licensee of AM Station WYNN, a daytime-only operation at Florence, would assign Channel 292A to Florence as a third FM assignment for a second local FM service [2] and a fifth (fourth full time) local aural broadcast service without any change in existing assignments. By Public Notice, Report No. 870, released June 25, 1973, interested parties were advised that the Forjay petition was being consolidated into this proceeding and that its Channel 292A proposal for Florence would be treated as a counterproposal herein.

4. Comments and reply comments supporting their respective FM proposals for Cheraw and Florence were received from the proponents, Town & Country (Cheraw) and Forjay (Florence). Comments and reply comments opposing both proposals were filed by Atlantic, the Florence FM Channel 276A licensee (WSTN). Comments opposing the Cheraw proposal were also received from Carolina Broadcasting Company (Carolina), licensee of Station WSOC–FM (Channel 279), Charlotte, North Carolina, and from Seacoast Broadcasting Corporation (Seacoast), licensee of FM Station WSHG (Channel 292A), Georgetown, South Carolina. Letters in opposition to the Cheraw proposal were also received from the mayors of the communities of Hemingway, Kingstree, Andrews, and Johnsville, all in South Carolina. They, as well as Seacoast, oppose the Cheraw proposal basically because it would require the assignment of Channel 292A to Florence (in place of Channel 276A). Since the alternative Forjay proposal would also assign Channel 292A to Florence, thir opposing arguments is relevant to that proposal also.

[2] While Florence has two FM channels assigned—Channels 276A and 288A—and both channels are occupied, only Channel 276A is occupied by a Florence station (WSTN). Channel 288A is used by Station WDAR–FM at Darlington, South Carolina, a community located approximately 10 miles northwest of Florence, in accordance with § 73.203(b) of the rules which permits an FM Class A assignment to be used in a community lot listed in the FM Table of Assignments (Darlington) when the Class A channel requested is assigned to a listed community within ten miles of the unlisted community (as Florence is with respect to Darlington).

5. After the time for public comment on these proposals expired (August 6, 1973) [3], on August 10, 1973, Town & Country tendered an "Answer" to the Atlantic reply comments, together with a petition for leave to file it. On August 13, 1973, Seacoast also tendered a "Response" to the reply comments of Atlantic and Town & Country. Its pleading, however, was not accompanied by either a request for its acceptance or a showing of justification for its late submission.

6. Our rules provide for the participation of interested parties in rule making proceedings such as this normally only by the submission of comments and reply comments. The filing of additional comments is specifically prohibited by § 1.415 (d) of the rules unless specifically requested or authorized by the Commission. Also, as we have repeatedly stated in FM proceedings, we are opposed to reopening them to the receipt of untimely comments and pleadings, absent a strong showing of justification, not only in fairness to all parties filing timely comments but because, considering the substantial backlog of FM assignment cases existing, it is particularly disruptive to the orderly administration and dispatch of the Commission's business. In view thereof, we are not accepting Seacoast's tendered unauthorized late pleading since it was not accompanied by any showing which would constitute justifiable reasons for its acceptance despite its lateness, and we do not find that it contains any significant or relevant new matter or argument needed in reaching a decision with respect to the proposals before us. We are, however, accepting the Town & Country late filing for consideration which is accompanied by a request and a showing of justification therefor which we find convincing. Its "Answer" to Atlantic's reply comments furnishes revised coverage data which takes into account ground conductivity data which Atlantic in its reply comments claimed it should have used for accuracy in making its computations of existing service to Cheraw. Since Atlantic did not supply a coverage showing based thereon in its reply comments (filed August 6, 1973, the last day for filing reply comments) and it is useful in evaluating the Cheraw proposal, we feel that Town & Country was justified in supplying it.

Cheraw Channel 276A Proposal

7. *Cheraw* has a population of 5,267,[4] is the seat and largest community in Chesterfield County (population 33,667), and is located in the northeastern section of South Carolina, about 30 miles north of Florence and about 60 miles southeast of Charlotte, North Carolina. Town & Country's daytime-only AM station (WCRE) at Cheraw is the only aural broadcast station in operation in Chesterfield County, and no FM channels are assigned therein. A first FM assignment at Cheraw would provide a first local FM and nighttime aural broadcast service at Cheraw and in Chesterfield County, for which, based upon Town & Country's present and prior showing containing demographic data on Cheraw, which it incorporated by reference in its comments herein and which has been adequately discussed in the Notice, there appears to be a need and demand. It also appears from Town & Country's present showing that, based on its coverage study for a Cheraw Channel 276A FM station using *Roanoke Rapids-Goldsboro, N.C.*, criteria [5] for determining service to unserved and underserved areas, as requested in the Notice, that while a Cheraw FM station would not provide a first FM or aural broadcast service to any areas or population, it would provide a second FM service to an area of 212 square miles containing 16,983 persons and a second aural broadcast service to an area of 168 square miles with 13,659 persons.[6]

8. Since there is no FM channel available which could be assigned to Cheraw without changing or deleting existing assignments of other communities Town & Country urges that its proposal to assign Channel 276A to Cheraw by substituting Channel 292A for Channel 276A at Florence, occupied by Station WSTN, is a technically feasible means of providing Cheraw with a first assignment with the least disturbance to existing assignments and stations. Its showing demonstrates that Channel 276A would meet technical requirements for assignment and use at Cheraw if deleted from Florence and used for a Cheraw station at least 3.5 miles southeast of Cheraw to meet the 65-mile required minimum separation from Station WSOC–FM, operating on Channel 279 at Charlotte, North Carolina, and that Channel 292A would also be a technically satisfactory replacement for Channel 292A at Florence and require no changes in existing assignments. In its comments, Town &

[3] The due date specified in the Notice for comments was July 26, 1973, and for reply comments, August 6, 1973.

[4] Population figures cited are from the 1970 U.S. Census unless otherwise indicated.

[5] 9 F.C.C. 2d 672 (1967).

[6] These aural coverage figures are shown in Town & Country's additional coverage showing accompanying its "Answer" to Atlantic's reply comments and are reduced and corrected from those shown in the coverage showing accompanying its comments to take into account the nighttime coverage of AM Station WBT, Charlotte, North Carolina, based on the latest available field intensity measurements for the station which it had not used in making its computations of aural service from a Cheraw station in the coverage showing in its comments and which provided a basis for Atlantic to charge in its reply comments that Town & Country's coverage showing in its comments was for that reason inaccurate. While taking the later ground conductivity data for Station WBT into account would change the computed amount of aural service from a Cheraw FM station to unserved and underserved areas, as recognized and shown by Town & Country in its "Answer" to the Atlantic reply comments, it would not change those figures as to FM service from a Cheraw FM station shown in the Town & Country coverage showing in its comments.

Country affirms its intention to apply for Channel 276A at Cheraw if it is assigned there and that, should it be the successful applicant for the channel, it would be agreeable to reimbursing Atlantic, Station WSTN's licensee, for all reasonable costs incurred in the required changeover of Station WSTN's operating frequency from Channel 276A to Channel 292A.

FLORENCE CHANNEL 292A PROPOSAL

9. *Florence* has a population of 25,997, is the largest community in Florence County (population, 89,636), and is also located in the northeastern section of South Carolina, about 30 miles south of Cheraw and about 60 miles northwest of Myrtle Beach on the South Carolina Atlantic Coast. Existing aural broadcast stations at Florence are three AM stations, two of which are fulltime operations (WJMX and WOLS) and one a daytime-only operation (WYNN), licensed to Forjay, the proponent of the Florence Channel 292A proposal herein, and one FM station (WSTN), licensed to Atlantic, which now operates on Channel 276A but would be required to change to operation on Channel 292A by Town & Country's Cheraw Channel 276A proposal. As mentioned in footnote 2, *supra*, in addition to Channel 276A, Channel 288A is also assigned to Florence but is occupied by Station WDAR-FM at Darlington, South Carolina (population, 6,990), located approximately 10 miles northwest of Florence.

10. Forjay states that it seeks the assignment of Channel 292A to Florence in order to provide Florence with a new and second local FM outlet, and, more specifically, for a service to implement and expand upon that of its daytime-only AM station (WYNN) to the black population of Florence so that this group which numbered 32,659 persons and 36.43 percent of the total population of Florence in 1970 (U.S. Census), would have a first nighttime local aural broadcast service.[7] Its petition and comments furnish data concerning Florence and Florence County which indicate that both have been steadily growing, with Florence experiencing a 5.2 percent (from 24,722 to 25,977 persons) growth and Florence County experiencing a 6.2 percent (from 84,438 to 89,636) growth over the 1960–1970 period; that, due to a number of factors, such as Florence's location, temperate climate, transportation facilities for motor, rail and air service, its hard goods and service related industries, as well as its schools, hospitals, churches and recreational facilities, the prospects for future growth of this area appear promising; and that, as Forjay claims, a second local FM service would hold benefits for the area and serve the need of Florence's organizations and activities for more broadcast exposure.

11. The Forjay showing also indicates that Channel 292A is technically feasible as a "drop-in" assignment to Florence in full conformity with all spacing and other technical requirements of the rules (provided that the conflicting Cheraw Channel 276A proposal, requiring the substitution of Channel 292A for Channel 276A at Florence, is rejected) and that the assignment can be made without adverse preclusionary effect upon new assignments elsewhere. Forjay did not furnish a *Roanoke Rapids-Goldsboro, N.C.*, coverage showing for its Florence Channel 292A assignment proposal. However, staff study indicates that the proposed additional FM assignment at Florence would provide no area with a first FM or aural broadcast service but would provide a second FM service to a roughly estimated population of 2,000 persons.

OBJECTIONS RAISED TO PROPOSALS

12. A principal objection raised to these conflicting Cheraw and Florence FM assignment proposals by Atlantic, the Florence Channel 276A licensee, and by Seacoast, the Georgetown Channel 292A licensee, as well as by the mayors of Andrews, Hemingway, Kingstree and Johnsville in their letters, lies in the fact that both proposals would assign Channel 292A to Florence. They oppose a Florence Channel 292A assignment because of concern that co-channel interference between Florence and Georgetown Channel 292A stations would cause a loss of existing service from Station WSHG at Georgetown and from Station WSTN at Florence if it were to operate on Channel 292A instead of Channel 276A to rural areas and communities, such as Andrews, Hemingway, Kingstree and Johnsville, located between the stations and beyond their 1 mV/m contours. While urging denial of both the Cheraw and Florence proposals for this, as well as other reasons, Atlantic also urges that if Channel 292A is to be assigned to Florence it be assigned as an additional assignment rather than as a replacement for Channel 276A so that the communities and people residing in the co-channel 292A interference area that would be created by a Florence Channel 292A assignment would not lose existing Channel 276A service from Station WSTN as well as the Channel 292A service they receive from Station WSHG at Georgetown.

13. FM Class A channels and stations are assigned on the basis of minimum mileage separation requirements which are considered adequate protection from interference for stations to provide service (1 mV/m) normally within areas 15 miles from the station. Both Station WSHG at Georgetown and a co-channel station on Channel 292A at Florence would have the built-in interference protection to their service areas which the spacing requirements of our rules and policies afford all stations of this class. While, in the absence of interference, Class A stations may provide an adequate signal for service in rural areas beyond their 1 mV/m service contour but within their 50 uV/m service contours, as it is claimed Station WSHG and Station WSTN now do, the spacing we require between stations in most cases subject such signals to interference and limit stations to signals closer to the 1 mV/m contour. In any case, the mileage spacing standard of our rules provides the only standard of protection from interference to existing stations.

14. We, of course, acknowledge the probability that co-channel interference from Channel 292A stations at both Florence and Georgetown would limit their signals closer to their 1 mV/m contours and possibly impair their signals in and around Hemingway, Kingstree and Johnsville since these communities are all well beyond the 1 mV/m service contour (15 miles) of Station WSHG at Georgetown and of Station WSTN at Florence and would be also of a Florence Channel 292A station at other than the WSTN site.[8] However, as we have stated before[9], while loss of existing service is one of the factors to be taken into account in acting on FM assignment proposals in these proceedings, we are of the view that such loss beyond the normally protected distance assured by spacing requirements should not stand in the way of a desirable assignment which can be made in conformity with all applicable rules and policies. We believe this position is sound and in the overall public interest since, otherwise, the potential of the nationwide FM assignment table for meeting the needs of communities and areas for outlets and service with the available FM channels would be severely limited and our goals for a fair, efficient, and equitable distribution of the available FM channels would be impossible to achieve. Nor, on the basis of this record, do we believe that there is any public interest justification for departing from this position and concluding that the service areas of Stations WSTN and WSHG should be provided with a greater degree of protection from interference than the service areas of other Class A stations are afforded under the rules. Consequently, we are of the view that the claims of loss of existing service beyond the 1 mV/m contours of these stations which might result from the adoption of either of the conflicting proposals before us for a first local FM service at Cheraw

[7] With respect to Forjay's argument concerning this particular programming need at Florence and its particular programming objectives should its proposal be adopted and it be the successful applicant for the FM channel assigned, it should be noted that these are considerations which are relevant to applications and not to whether a channel assignment should be made. Should a channel assignment be made to Florence for an additional FM service, it would be available for any applicant who is qualified. As concerns programming generally, an applicant would have to conform to the *Primer on Ascertainment of Community Problems*, 27 F.C.C. 2d 650 (1971).

[8] Since Andrews is only some 16 miles from Georgetown (45 miles from Florence), it should continue to be able to receive Station WSHG at Georgetown should a station operate on Channel 292A at Florence. Hemingway, Kingstree, and Johnsville are located some 37 miles, 28 miles, and 32 miles, respectively, from Georgetown. Johnsville is located approximately 32 miles, and Hemingway and Kingstree approximately 35 miles, from Florence.

[9] *Muncie, Indiana*, 32 F.C.C. 2d 839, 844 (1967).

or a second such service at Florence are not a decisive reason for their denial.

15. While the opposing comments leave the impression that the only FM service presently available to the rural areas and communities in the probable co-channel 292A interference area in question should Channel 292A be assigned to Florence are from Station WSHG at Georgetown and Station WSTN at Florence, this does not appear to be the case. There are several other South Carolina FM stations located no farther from these rural areas and communities than Stations WSHG and WSTN. It would appear that they should also provide service to these areas, especially since, as Seacoast informs, these areas of the state are relatively flat and not an impediment to the propagation of FM signals. These South Carolina stations include Station WINH–FM (Channel 249A), Georgetown; Station WDKD–FM (Channel 261A), Kingstree; Station WLAT–FM (Channel 281), Conway; Station WTGR–FM (Channel 269A), Myrtle Beach; Station WTAP–FM (Channel 232A), Marion; and a prospective new station at Mullins (Channel 296A), for which a construction permit is outstanding.[10]

16. Objection is also raised to a Florence Channel 292A assignment by Seacoast because spacing restrictions would place added limitations on site relocation possibilities for its Georgetown Channel 292A station (WSHG) which it claims will be necessary in the very near future. Atlantic raises the same objection to operating Station WSTN on Channel 292A instead of Channel 276A at Florence, as the Cheraw Channel 276A proposal would require. Carolina, the Charlotte Channel 279 licensee (WSOC–FM), likewise claims that the assignment of Channel 276A to Cheraw because of spacing requirements would limit its flexibility to make future changes in the transmitter site of Station WSOC–FM, which it anticipates will be needed to serve the growing Charlotte area effectively.

17. We grant that spacing restrictions would limit the area of choice for location or relocation of sites of Channel 292A stations at Florence and Georgetown under both the Cheraw and Florence proposals, as well as that of the Charlotte Channel 279 station and a Cheraw Channel 276A station under the Cheraw Channel 276A proposal. However, no information has been furnished by any of the opposing parties which suggests that there is any basis for concluding that a suitable site for location of new Channel 276A and Channel 292A stations at Cheraw and Florence, or for future relocation of existing sites of these Florence, Georgetown and Charlotte stations could not be found in the areas where spacing restrictions would permit if either the Cheraw or Florence proposal is adopted. While the expressed concern respecting future site relocation is appreciated, in the circumstances we find here, it does not, in our judgment, constitute justifiable public interest reason for refusing to make a new assignment meeting spacing requirements which would satisfy a need and demand for a first or additional local FM service in a community.

18. The Forjay and Atlantic comments also raise the specter of a possible violation of the Commission's multiple ownership rules, § 73.240(a)(1), resulting from the assignment of Channel 276A to Cheraw should Town & Country be authorized to operate on the channel. This is in view of the possible overlap of the 1 mV/m contour of a Town & Country Cheraw FM station with the 1 mV/m contour of Station WDAR–FM at Darlington (unless its Cheraw station were to operate with less than maximum facilities) and the ownership interests of a Town & Country principal in Rebel Radio, Inc., licensee of the Darlington station. There is no cause for concern in any case on this score at this time, for by transfer of control, granted October 22, 1974 (BPTC–7556), the principal (100 percent) of Town & Country Radio divested himself of all ownership interest in Station WDAR–FM and its licensee. Also, even assuming that Town & Country were the successful applicant for a Cheraw FM channel if assigned, which is by no means certain, and it held an ownership interest in the Darlington station, although a Cheraw Channel 276A station would have to be located 3.5 miles southeast of Cheraw to meet spacing requirements, as Town & Country pointed out, its Cheraw station could be located a few miles northeast of the assumed site, and thus still meet spacing requirements and not create a prohibited overlap problem.

19. In sum, our analysis of the objections of the opponents to these conflicting Cheraw and Florence FM proposals convinces us that none of them, singly or collectively, constitute valid technical or public interest reason for rejecting either proposal. Both proposals, we have concluded after careful consideration in light of the record, have merit. They each present, we believe, a technically feasible way to bring a first local FM service to Cheraw and a second local FM service to Florence, as well as a second needed FM service to underserved areas, with the least possible impact upon existing assignments and stations, and the showings of their proponents adequately demonstrate a need and demand for such a service at Cheraw and Florence. Since we must, however, for technical reasons choose between these proposals for adoption, we have decided that the Cheraw proposal is to be preferred over the Florence proposal. This choice is dictated in the public interest, in our judgment, since, despite the fact that Florence is considerably larger than Cheraw, it has two fulltime AM stations, one daytime-only AM station and one Class A FM station for local outlets whereas Cheraw has but one daytime-only AM station for a local outlet, and the proposed assignment of Channel 276A to Cheraw will not only bring it a needed first FM and local nighttime aural service but also bring a second needed FM service to a substantially greater number of people than would the Florence Channel 292A proposal (approximately 16,982 persons for a Cheraw station as opposed to roughly 2,000 persons for a Florence station). In the circumstances, we feel that the mandate of Section 307(b) of the Communications Act for a fair, efficient and equitable distribution of radio service requires that Cheraw be provided with a first assignment over Florence for a second assignment.

20. In making the Cheraw Channel 276A assignment, a change in the Florence Channel 276A assignment to Channel 292A and in the operating frequency of Atlantic's Florence FM station (WSTN) from Channel 276A to Channel 292A is also required. As mentioned in paragraph 2 above, Atlantic was ordered in the notice of rule making on the Cheraw and Florence proposals to show cause why its license for Station WSTN should not be modified to specify this change in operating frequency should the Cheraw proposal be adopted, with the understanding that it would receive reasonable reimbursement for the change. In response to the notice and show cause order, Atlantic in its comments, in addition to advising of its opposition to the Cheraw and Florence proposals and its reasons therefore, also requests that in the event we nevertheless deem a Cheraw Channel 276A assignment to be warranted and it be required to shift the operation of Station WSTN on Channel 276A to Channel 292A that it be reimbursed for the reasonable expenses of the channel change, recognizing that costs appropriate to reimbursement are not necessarily limited to strictly engineering costs, since as a practical matter other expenses may be involved.[11] Town & Country in its reply comments advises of its willingness, if granted a license for Channel 276A at Cheraw, to reimburse Atlantic for all reasonable expenses in accordance with Commission policy.[12] It is Commission policy to allow and provide for reimbursement for the reasonable costs of a channel change in a station's frequency if required by a change in the FM Table of Assignments from the party or parties ultimately benefitting

[10] As previously noted, Andrews should continue to receive service from Station WSHG at Georgetown even if a Florence co-channel 292A station were to operate. It should also receive service from the other Georgetown station (WINH–FM) and from Station WDKD–FM at Kingstree. Kingstree, in addition to its own local FM service (WDKD–FM), should be able to receive Station WINH–FM at Georgetown and also Station WWDM (Channel 267) at Sumter, South Carolina (i.e., with signal strength of less than 1 mV/m).

[11] Reimbursement on this basis would conform with Commission guidelines in a number of cases. See, for example, *Circleville, Ohio*, 8 F.C.C. 2d 159 (1967); *Ashland and Roanoke, Alabama*, 26 F.C.C. 2d 448 (1970); and *Kenton and Bellefontaine, Ohio*, 3 F.C.C. 2d 598 (1966).

[12] It is noted that this representation is made in light of the cost estimates furnished by Atlantic with regard to such a change for Station WSTN.

from the new or changed assignments thereby permitted, and we believe that equitable considerations also dictate that Atlantic should be reimbursed for such costs from Town & Country or other party who may be granted a construction permit for the new Cheraw FM assignment. Assisted by the guidelines we have furnished in similar cases, such as *Circleville*, cited in footnote 11, *supra*, the appropriate costs making up the "reasonable" reimbursement figure are generally left to the good faith judgment of the parties eventually involved, subject to Commission approval in the event of disagreement, and we believe it desirable to do so here.

21. In addition, Atlantic requests in its comments that if it is required to change over to operation of Station WSTN on Channel 292A that we defer grant of program test authority on the new Cheraw Channel 276A assignment until 60 days after Station WSTN receives authority to operate on Channel 292A at Florence. It urges that this hiatus will be necessary to preserve fully its interest in the public good will and acceptance it has secured and that it will simultaneously permit prompt activation of the new Cheraw station. For like reasons, it points out this procedure was approved in *Ashland and Roanoke, Alabama*, 26 F.C.C. 2d 448 (1970), where the Roanoke FM licensee was also required to change frequency because of a channel reassignment to permit a first FM assignment to Ashland. Town & Country in reply states that it has no objection to such a condition but suggests that Station WSTN should also be ordered to shift to Channel 292A within a specified period after the assignments ordered herein become effective. Since we do not feel that grant of this Atlantic request would delay the advent of a new FM service on Channel 276A at Cheraw or would otherwise conflict with the public interest, we are persuaded, in light of Atlantic's representations, that it is reasonable and warranted in the circumstances and that we should accede to it. Therefore, if requested, we will defer grant of program test authority on Channel 276A at Cheraw until a period up to 60 days after Atlantic has received authority for operation of Station WSTN on Channel 292A at Florence.

22. In view of the foregoing, and pursuant to authority contained in Sections 4(i), 303(g) and (r), and 307(b) of the Communications Act of 1934, as amended, *It is ordered*, That effective March 7, 1975, the FM Table of Assignments, § 73.202(b) of the rules and regulations, is amended to read as follows for the cities listed below:

City:	*Channel No.*
Cheraw, South Carolina	276A
Florence, South Carolina	288A, 292A

23. *It is further ordered*, That effective March 7, 1975, and pursuant to Section 316(a) of the Communications Act of 1934, as amended, the oustanding license of Atlantic Broadcasting oCmpany for of Atlantic Broadcasting Company for Station WSTN(FM), Florence, South Carolina, is modified to specify operation on Channel 292A instead of Channel 276A, subject to the following conditions:

(a) The license may continue to operate on Channel 276A until it is ready to operate on Channel 292A but no later than 45 days after it receives notice from the Commission that a construction permit has been granted for operation on Channel 276A, assigned to Cheraw.

(b) At least 30 days before it wishes to commence operation on Channel 292A, or within 30 days of receiving notification from the Commission that operating authority on its current channel (276A) is about to cease, the licensee of Station WSTN shall submit to the Commission the technical information normally required of an applicant for a construction permit on Channel 292A at Florence, South Carolina.

(c) Ten days prior to commencing operations on Channel 292A, the licensee shall submit the same measurement data normally required in an application for an FM broadcast station license.

(d) Atlantic Broadcasting Company shall not commence operation on Channel 292A until the Commission specifically authorizes it to do so.

24. *It is further ordered*, That the proposal to assign Channel 292A to Florence, South Carolina, for an additional FM assignment, advanced by Forjay Broadcasting Corporation in RM-2212 and treated as a counterproposal herein, and treated as a counterproposal herein, is denied.

25. *It is further ordered*, That the Secretary of the Commission send a copy of this Report and Order by Certified Mail—Return Receipt Requested, to Atlantic Broadcasting Co., Inc., licensee of Station WSTN, Florence, South Carolina, and also a copy thereof by regular mail to its attorneys, Dow, Lohnes & Albertson, 1225 Connecticut Avenue NW., Washington, D.C. 20036.

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

Adopted: January 15, 1975.

Released: January 24, 1975.

(Secs. 4, 303, 307, 48 Stat., as amended, 1066, 1082, 1083; 47 U.S.C. 154, 303, 307)

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

[FR Doc. 75-2789 Filed 1-29-75; 8:45 am]

PART 83—STATIONS ON SHIPBOARD IN THE MARITIME SERVICES

Portable Bridge-to-Bridge Transmitters

In the matter of Editorial amendment of § 83.713(e) of the rules regarding Radio Frequency Indicators on portable Bridge-to-Bridge transmitters.

1. Section 83.713(e) of the rules is inconsistent with § 83.721 of the rules regarding whether or not radio frequency (R.F.) indicators are required on *portable* Bridge-to-Bridge transmitters. It is not intended to require them and to do so would be highly impractical.

2. Accordingly, Section 83.713(e) of the rules is amended by deleting the reference to Section 83.721 as set forth below.

3. Authority for this action is delegated to the Executive Director by § 0.231 (d) of the rules. Because the amendment is editorial, the public notice, procedure and effective date requirements of the Administrative Procedure Act, 5 USC 553, do not apply.

4. In view of the above, *it is ordered*, That the rule amendment set forth in the attached Appendix shall be adopted effective February 5, 1975.

Adopted: January 22, 1975.

Released: January 23, 1975.

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

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] R. D. LICHTWARDT,
Acting Executive Director.

Part 83 of Chapter I of Title 47 of the Code of Federal Regulations is amended as follows:

1. Section 83.713(e) of the rules is revised by deleting the reference therein to § 83.721 of the rules, to read as follows:

§ 83.713 Bridge-to-bridge transmitter.

* * * * *

(e) Portable transmitters shall be type accepted as required by § 83.139. For transmitters type accepted after August 1, 1972, intended to be usable for the purpose of the subpart, the application for type acceptance shall include a showing of compliance with the pertinent requirements of paragraphs (a), (b), and (c) of this section, and § 83.723, in addition to all other applicable requirements. Additionally, an individual demonstration of the communication capability of a licensed transmitter as used on board ship may be required whenever, in the judgment of the Commission, this is deemed necessary.

[FR Doc.75-2794 Filed 1-29-75;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 THE TREASURY

Bureau of Alcohol, Tobacco and Firearms

[27 CFR Part 7]

[Notice No. 270]

LABELING AND ADVERTISING OF MALT BEVERAGES

Postponed Hearing

The public hearing on proposed amendments to the above part, pertaining to ingredient labeling of malt beverages, which was originally announced for October 1, 1974 (FR Doc. 74–17720), and postponed to February 3, 1975 (FR Doc. 74–21814) has again been postponed to April 15, 1975, at the same time and location. The last date for submission of written material and requests to present oral testimony has consequently been extended to April 8, 1975.

The postponement was caused by unforeseen difficulties arising in connection with the publication of notices of hearing on ingredient labeling of wine and distilled spirits. These hearings were originally intended to be held contemporaneously with the malt beverage hearing, but Congressional and international interest made it desirable to delay publication of these notices to allow sufficient time for interested parties to explore the ramifications of the proposed regulations. Publication of notices of hearing for wine and distilled spirits will be published soon, with all three hearings scheduled during April 1975. As indicated in the previous postponement notice, all alcoholic beverage industries are interrelated, and our final regulations for each will undoubtedly be much the same. As a result, much of the data presented at the wine and distilled spirits hearings will also be relevant to our proposed malt beverage regulation, and prudence would seem to dictate that many of the substantive decisions in connection with the malt beverage regulation be withheld until after the wine and distilled spirits hearings. For this reason, and also the fact that for competitive reasons it is highly desirable that the transition period during which ingredient labeling is optional and the mandatory compliance dates for all three regulations coincide, it is highly unlikely that an earlier hearing date would result in an earlier effective date for the malt beverage regulation.

For these reasons, we have decided that it would be in the best interests of all concerned to postpone the malt beverage ingredient labeling hearing to April 15, 1975, with hearings on wine and distilled spirits to be scheduled for the same month.

Dated: January 28, 1975.

REX D. DAVIS,
Director, Bureau of Alcohol, Tobacco and Firearms.

[FR Doc.75–2908 Filed 1–29–75;8:45 am]

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

[50 CFR Part 28]

DUNGENESS NATIONAL WILDLIFE REFUGE, WASH.

Proposed Curtailment of Horseback Riding; Extension of Time

In FR Doc. 74–29393 appearing in the issue of December 18, 1974, (39 FR 43728) the date reading "January 30, 1975," for receiving written comments has been extended and should read "March 1, 1975."

Dated: January 27, 1975.

LYNN A. GREENWALT,
Director,
U.S. Fish and Wildlife Service.

[FR Doc.75–2724 Filed 1–29–75;8:45 am]

Geological Survey

[30 CFR Parts 211, 216]

COAL MINING OPERATING REGULATIONS

On April 30, 1973, a notice and text of a proposed revision of the coal mining operating regulations, governing operations conducted under coal permits (leases, and licenses on public and acquired lands of the United States and Indian lands administered by the Department of the Interior, and a proposed revocation of 30 CFR Part 216—*Operating Regulations Governing the Mining of Coal in Alaska*, was published in the FEDERAL REGISTER (38 F.R. 10686–10692). The proposed revision of 30 CFR Part 211 was for the following purposes:

(1) To update the existing regulations by deleting obsolete provisions and including requirements consistent with modern mining practices; and

(2) To clarify the responsibility of lessees, permittees, and licensees for the protection of the surface, the natural resources, the environment and existing improvements during operations for the discovery, testing, development, mining and preparation and handling of coal.

It was also proposed that 30 CFR Part 216, applicable to coal mining operations under leases in the State of Alaska issued pursuant to the Alaska Coal Leasing Act of October 20, 1914 (38 Stat. 741), prior to its repeal by Pub. L. 86–252, September 9, 1959, 73 Stat. 490, be revoked and that operations under those leases also be governed by the regulations in 30 CFR Part 211.

The notice stated that after expiration of the 60-day period provided for submitting comments, suggestions, or objections with respect to the proposed regulations, the regulations would be further revised, if deemed necessary, and republished in the FEDERAL REGISTER as interim regulations. After consideration of the views presented, and in light of policy decisions made subsequent to the April 1973 notice, it is deemed necessary, in accordance with the policy of the Department of the Interior, to afford the public an opportunity to participate in the rulemaking process whenever practicable, to repropose these regulations for further public review.

Therefore, notice is hereby given that pursuant to the authority vested in the Secretary of the Interior under the Mineral Leasing Act of February 25, 1920, as amended and supplemented (30 U.S.C. 181–287), the Mineral Leasing Act for Acquired Lands (30 U.S.C. 351–359), 5 U.S.C. 301, the National Environmental Policy Act of 1969 (42 U.S.C. 4321–4347), and various statutes relating to mining on Indian lands, it is proposed to revise 30 CFR Part 211 as set forth below.

It is also proposed that 30 CFR Part 216, applicable to coal mining operations under leases in the State of Alaska which were issued pursuant to the Alaska Coal Leasing Act of October 20, 1914 (38 Stat. 741), prior to its repeal by Pub. L. 86–252, September 9, 1959, 73 Stat. 490, be revoked and that operations under those leases also be governed by the regulations in 30 CFR Part 211 as set forth below.

The Department of the Interior is currently conducting an environmental review of the coal leasing program. The Council on Environmental Quality has recommended that regulations for the effective management and protection of the public lands be promulgated to serve as interim regulations pending completion of that environmental review. The revision of 30 CFR Part 211, presently proposed, is essential for such effective management and protection of the public lands. The delay which would be occasioned by the preparation of a separate environmental statement related solely to the proposed regulations or the withholding of promulgation until an environmental statement on the coal

leasing program is completed would create a period during which effective management and protection of the public lands would be hindered. Moreover, the interim nature of the revised regulations will limit their overall cumulative impact on the quality of the human environment.

Accordingly, the proposed regulations are published without the preparation of an environmental statement. When the review and statement on the coal leasing program are completed, the regulations in effect at that time will be revised to conform with the conclusions of the review.

Additionally, as a matter of policy, it is imperative not to delay any longer the specification of performance standards for surface coal mining on public and acquired lands of the United States and Indian lands administered by the Department of the Interior. So far as possible under existing leasing law, these revised standards will require that surface mined Federal coal land is reclaimed to the standards which will be recommended by the Administration for inclusion in Federal legislation for the regulation of all surface coal mining. The Administration's recommended standards will clarify ambiguities and meet the other objections which led to the withholding of the President's signature from the surface mining bill passed by the 93rd Congress. It is anticipated that by establishing performance standards for mining and reclamation now, permittees, lessees, and licensees will be able to more clearly project and understand obligations and attendant costs in developing the coal deposits in which they have an interest.

Major changes from the April 30, 1973, proposed revision are as follows:

(1) Section 211.1 has been changed to make it clear that the regulations apply to Federal and Indian-owned coal regardless of surface ownership.

(2) Section 211.2 has been expanded to include definitions of "Approximate original contour," "Exploration plan," "Mining plan," and "Mining Operations Orders," and the definition of the term "Reclamation" has been amended.

(3) Section 211.3(b)(2) has been expanded to require that reclamation work be performed as an integral part of the mining operation and be completed within reasonable prescribed time limits, and that in the case of mining operations for which performance standards have been established, reclamation be accomplished in accordance with such standards.

(4) Section 211.3(b)(9) has been amended to enlarge the Mining Supervisor's responsibility for reporting trespasses to include exploration activities conducted in trespass.

(5) Section 211.3(b)(10) has been expanded to require that exploratory or mining operations be conducted in compliance with applicable water or air effluent or emission standards and regulations.

(6) Section 211.3(b)(11) has been amended to provide authority for the Mining Supervisor to issue Mining Operations Orders. These Orders, which require prior approval of the Chief, Conservation Division of the U.S. Geological Survey, will implement the regulations in this Part 211 and will apply to operations in an area or a major portion thereof. Authority to issue Mining Operations Orders is considered desirable because the different conditions which exist on Federal and Indian lands in different parts of the country require variations in the manner in which the general regulations contained in this Part 211 will be implemented.

(7) In § 211.3, paragraph (b)(12) has been added to provide that it is the Mining Supervisor's responsibility to determine the amount of reclamation bond adequate to insure reclamation as required under the mining plan.

(8) In § 211.4(c) the obligation of lessees, permittees, and licensees has been enlarged to include avoidance of serious alteration of the normal flow of water and damage to archaeological values.

(9) In § 211.4(e), a provision has been added to permit the Mining Supervisor to require sampling and analysis of waters affected by mining operations when he has reason to believe a water pollution problem may exist.

(10) In § 211.4(f), the last sentence has been changed to require an operator to submit, within 30 days after an accident, a detailed report indicating the cause of the accident and the corrective action taken.

(11) Section 211.4(h) has been amended to provide that mineral areas shall be reclaimed in such a manner that there will not be continued air or water pollution from the area affecting surrounding or adjacent lands; and to make it clear if an operator fails to take appropriate action to protect the mine, coal deposits, or surrounding environment, the mine and land will not be deemed to have been properly conditioned for abandonment in accordance with the requirements of these regulations.

(12) In § 211.4(i), a provision has been added to permit the Mining Supervisor to specify the type of tests that are to be made to analyze the soil in overburden.

(13) In § 211.5, a new paragraph (b) has been added to require that mining plans be made available for public inspection.

(14) Section 211.10 has been expanded to include the following additional requirements:

(a) Reclamation of mined areas is to be an integral part of a mining plan and must progress contemporaneously with the mining operation.

(b) The Mining Supervisor shall consider public comments received on mining plans when making decisions on such plans.

(c) The items listed in paragraphs (b) and (c) to be included, respectively, in exploration and mining plans are made required items rather than items that the Mining Supervisor could or could not require.

(d) A description of the present land use within and adjacent to exploration and mining areas and projected use after completion of operations is to be included in exploration and mining plans.

(e) Expanded revegetation requirements have been made a part of the exploration plan requirements.

(f) A description of the measures to be taken for prevention of air, surface and water pollution, is to be included in the mining plans.

(g) The surface reclamation portion of an exploration or mining plan is to take into account the impact of the proposed operation on adjacent land uses and the proposed future use of the lands.

(h) The estimated cost of reclamation is to be furnished.

(i) A description of the hydrologic consequence of mining and reclamation is to be furnished to the Mining Supervisor.

(j) The location of surface drainage controls and diversion structures and structure contour lines on mineable coal beds is to be included on mining maps.

(k) Previous underground mines are to be shown on mining maps.

(15) In § 211.37, paragraphs (a), (b), and (c) have been renumbered (b), (c), and (d) respectively. Former paragraph (d) has been designated as paragraph (a) and has been expanded to include performance standards for the reclamation of mined areas affected by coal surface mining operations. These revised standards are based on the performance standards contained in the bill passed by the 93rd Congress (see Conference Report on Surface Mining Control and Reclamation Act of 1974, H.R. Rept. 93–1152, 93rd Cong. 2nd Sess. (1974)). Some changes, particularly in provisions relating to hydrology, siltation and impoundment standards, have been made. It should be noted that performance standards relating specifically to steep-slope surface mining (any slope above twenty degrees) have been omitted from § 211.37(a), since no such mines exist or are contemplated on public and acquired lands of the United States and Indian lands administered by the Department of the Interior. It should be further noted that the limited number of mines which would have qualified as "special bituminous coal mines" under the bill passed by the 93rd Congress (*Id.* at 57) may be subject to alternative requirements regarding standards governing onsite handling of spoils, elimination of depressions capable of collecting water, creation of impoundments, and regrading to approximate original contour. Such alternative requirements will be authorized by Mining Operations Orders issued in accordance with § 211.3(b)(11). These Orders will be published in the FEDERAL REGISTER for public review.

(16) In § 211.39, paragraph (c) has been deleted since it substantially duplicates 30 CFR 211.37(b), and paragraphs (d), (e), and (f) have been redesignated (c), (d), and (e), respectively. Redesignated paragraph (d) has been changed to require that details of reclamation be included in mining plans required under § 211.10; and the 2 to 1 ratio (grade

requirement) for the highwall slope has been deleted. Paragraph (e) has been changed to make it clear that the requirements for reclamation and clean-up following cessation of mining operations includes removal of all the equipment and structures related to the mining operation.

(17) Section 211.51(a) has been changed to require that solid wastes shall be disposed of in a manner that will not cause air and water pollution and will not spontaneously ignite.

(18) Section 211.51(b) has been changed to require that waste piles shall be shaped to blend into the surrounding area, covered with top soil and revegetated.

(19) Section 211.61(a) has been changed to substitute a "value basis" for "sale basis" for the purpose of determining coal royalties, and to provide that coal will be deemed to have been sold when it is delivered at the usual and customary place of shipment.

(20) Section 211.72 has been changed to make it clear that, absent the threat of immediate, serious or irreparable damage to the environment, mine, or other resources, suspension of operations by the Mining Supervisor will not be ordered for non-compliance with regulations, terms and conditions of the lease or permit, or requirements of an approved exploration or mining plan during the period an appeal is pending from a notice requiring corrective action.

(21) Provisions pertaining to the health and safety of miners have been deleted from these regulations since health and safety standards for coal mines are now covered by the Coal Mine Health and Safety Act of 1969, and the regulations in 30 CFR Chapter I.

Additional changes of a minor nature or for clarification but of no substantive effect have also been made in the proposed regulations.

Interested persons may submit written comments, suggestions, or objections with respect to the proposed revision of 30 CFR Part 211 and the proposed revocation of 30 CFR Part 216 to the Director, U.S. Geological Survey, Reston, Virginia 22092, on or before March 3, 1975. After the period for comments has expired, the proposed regulations will be revised, if appropriate, and republished in the FEDERAL REGISTER as interim regulations. It is anticipated that upon republication the regulations will take effect immediately. All applicants for permits, leases, or licenses will thereupon be required to comply with the requirements of this part. Operators holding existing permits, leases, or licenses will be required to comply with the requirements of this part no later than 180 days following the date of republication of these regulations in the FEDERAL REGISTER with respect to lands from which overburden and the coal seam being mined have not been removed.

Part 211 of Title 30 of the Code of Federal Regulations is revised to read as follows:

PART 211—COAL-MINING OPERATING REGULATIONS

ADMINISTRATION OF REGULATIONS AND DEFINITIONS

Sec.
211.1 Scope and purpose.
211.2 Definitions.
211.3 Responsibilities.
211.4 General obligations of licensees, permittees and lessees (including designated operators or agents).
211.5 Public inspection of records.
211.6 Appeals.

MAPS AND PLANS

211.10 Exploration and mining plans.
211.11 Approaching oil, gas or water wells.
211.12 Mine maps.
211.13 Failure of lessee to furnish maps.

PROSPECTING AND EXPLORATION OPERATIONS

211.20 Information required to be submitted.
211.21 Core and test holes.

MINING METHODS AND MINE ABANDONMENT

211.30 Good practice to be observed.
211.31 Maximum recovery.
211.32 Multiple seam mining.
211.33 Advance workings; underground mines.
211.34 Pillar extraction.
211.35 Pillars left for support.
211.36 Development of leased tract through adjoining mines.
211.37 Surface mining.
211.38 Mining isolated blocks of non-leased coal.
211.39 Mine abandonment; surface openings.

PROTECTION AGAINST MINE HAZARDS

211.40 Abandonment of underground workings.
211.41 Coal dust.

WASTE FROM MINING

211.51 Disposal of mine wastes or rejects.

PRODUCTION RECORDS, ROYALTY AND AUDITS

211.60 Production records.
211.61 Basis for royalty computation.
211.62 Production reports and payment—other reports.
211.63 Audits.

INSPECTION, ISSUANCE OF ORDERS, AND ENFORCEMENT OF ORDERS

211.70 Inspection of underground and surface conditions.
211.71 Issuance of notices, instructions and orders.
211.72 Enforcement of orders.

AUTHORITY: 34 Stat. 539, 35 Stat. 312 (25 U.S.C. 355 NT); 35 Stat. 781 (25 U.S.C. 396); sec. 32, 41 Stat. 450 (30 U.S.C. 189); 49 Stat. 1967 (25 U.S.C. 501, 502); 52 Stat. 347 (25 U.S.C. 396 a–f); 61 Stat. 915 (30 U.S.C. 359); 5 U.S.C. 301; Pub. L. 91-190, 83 Stat. 852 (42 U.S.C. 4321).

ADMINISTRATION OF REGULATIONS AND DEFINITIONS

§ 211.1 Scope and purpose.

(a) The regulations in this part shall govern operations for the discovery, testing, development, mining, preparation, and handling of coal under coal leases, licenses and permits issued for federally-owned coal, regardless of surface ownership, pursuant to the regulations in 43 CFR Group 3500 and the Alaska Coal Leasing Act of October 20, 1914 (38 Stat. 741), and for the reclamation of lands disturbed by such operations. These regulations shall also apply to operations for the discovery, testing, development, mining, preparation, and handling of coal in tribal and allotted Indian lands under leases and permits, regardless of ownership of the surface, issued under the regulations in 25 CFR Parts 171, 172, 173, and 174; and for the reclamation of lands disturbed by such operations.

(b) The purpose of the regulations in this part is to promote orderly and efficient prospecting, exploration, testing, development, mining, preparation and handling operations and production practices, without avoidable waste or loss of coal or other mineral deposits or damage to coal or other mineral-bearing formation; to encourage maximum recovery and use of coal resources; to promote operating practices which will avoid, minimize or correct damage to the environment—land, water, and air—and avoid, minimize or correct hazards to public health and safety; to require effective reclamation of lands; and to obtain a proper record and accounting of all coal produced.

(c) These regulations will be interpreted and administered to the fullest extent possible in accordance with the policies of the National Environmental Policy Act of 1969 (83 Stat. 852; 42 U.S.C. 4321–4347).

(d) When the regulations in this part relate to matters included in the regulations in 25 CFR Part 177—Surface Exploration, Mining and Reclamation of Lands—pertaining to Indian lands, the regulations in that part shall govern to the extent of any inconsistencies, except with respect to the performance standards of § 211.37.

(e) When the regulations in this part relate to matters included in the regulations in 43 CFR Part 23, the regulations in that part shall govern with respect to technical examinations, issuance or denial of leases, performance bonds, and reports to the extent of any inconsistencies; otherwise, the regulations in this part shall govern. In any event, the performance standards of § 211.37 shall apply.

(f) The responsibility for enforcement of the Federal Coal Mine Health and Safety Act of 1969 (83 Stat. 742; 30 U.S.C. 801) and the coal mine health and safety regulations contained in Chapter I of this Title is vested in the Mining Enforcement and Safety Administration, Department of the Interior, and compliance with the regulations in this part shall not be deemed to fulfill any requirements contained in the regulations promulgated under that act.

§ 211.2 Definitions.

The terms used in this part shall have the following meanings:

(a) *Secretary.* The Secretary of the Interior.

(b) *Director.* The Director of the U.S. Geological Survey, Department of the Interior.

(c) *Division Chief.* The Chief of the Conservation Division, U.S. Geological Survey.

(d) *Conservation Manager.* A Conservation Manager, Conservation Division, U.S. Geological Survey.

(e) *Mining Supervisor.* The Area Mining Supervisor, Conservation Division, U.S. Geological Survey, a representative of the Secretary, subject to the direction and supervisory authority of the Director, the Division Chief, and the appropriate Conservation Manager, authorized and empowered to regulate operations and to perform other duties prescribed in the regulations in this part, or a District Mining Supervisor or other subordinate acting under his direction.

(f) *Lessee.* Any person or persons, partnership, association, corporation, or municipality to whom a coal lease is issued subject to the regulations in this part, or an assignee of such lease under an approved assignment.

(g) *Permittee.* Any person or persons, partnership, association, corporation, or municipality to whom a coal prospecting permit is issued subject to the regulations in this part, or an assignee of such permit under an approved assignment.

(h) *Licensee.* Any individual, association of individuals, or municipality to whom a coal license is issued subject to the regulations in this part.

(i) *Leased lands, leased premises, or leased tract.* Any lands under a coal lease and subject to the regulations in this part.

(j) *Permit lands.* Any lands under a coal prospecting permit and subject to the regulations in this part.

(k) *Operator.* A lessee, permittee, or licensee, or one conducting operations on lands under the authority of the lessee, permittee, or licensee.

(l) *Reclamation.* The process of land, air, and water treatment that restricts and controls water degradation, air pollution, damage to aquatic or wildlife habitat, flooding, erosion, and other harmful effects resulting from exploration, mineral development, mining, on-site processing operations or waste disposal so that the affected area, including where appropriate, areas adjacent to the mining site are restored to a stable condition capable of supporting the uses which they were capable of supporting prior to exploration, mining or processing operations, or an equal or better economic or public use suitable to the locality.

(m) *Coal.* Coal of all ranks from lignite to anthracite.

(n) *Mine.* An underground or surface excavation and all parts of the property of a mining plant, either on the surface or underground, that contribute directly or indirectly to the mining and preparation and handling of coal.

(o) *Preparation.* The sizing, cleaning, drying, mixing, and crushing of the coal and such other work of preparing coal for market.

(p) *Portal.* Any surface entrance to an underground mine.

(q) *Entry.* An underground passage used for haulage, ventilation or as a manway.

(r) *Shaft.* A portal, the axis of which is approximately vertical, extending from the surface to develop one or more coal deposits.

(s) *Slope.* An inclined mine opening or inclined entry in a dipping coal formation or an inclined tunnel through rock to intersect a coal bed.

(t) *Drift.* A horizontal mine opening or horizontal entry or passage underground.

(u) *Stripping operation.* The term "stripping operation" or "strip pit" or "open pit" shall mean a mining excavation or development by means of a surface pit in which material over the coal bed is first removed and the coal itself is then extracted.

(v) *Approximate original contour.* A surface configuration achieved by backfilling and grading of the mined area so that it closely resembles the surface configuration of the land prior to mining (although not necessarily the original elevation) and blends into and complements the drainage pattern of the surrounding terrain, with all highwalls, spoil piles, and depressions eliminated except that water impoundments may be permitted where the Mining Supervisor determines that they are in compliance with the requirements of this part.

(w) *Exploration plan.* A detailed plan submitted to the Mining Supervisor for approval before operations commence, showing the location and type of work to be conducted, environmental protection procedures, access and support roads, and reclamation procedures to be followed upon completion of operations to restore and revegetate disturbed areas.

(x) *Mining plan.* A detailed plan submitted to the Mining Supervisor for approval prior to commencement of mining operations showing location, method of mining and extent, and all related activities necessary and incident to such operations, and to show steps to be taken to protect the environment during operations and the reclamation methods to be used to restore and revegtate the disturbed areas.

(y) *Mining Operations Orders.* A formal numbered order issued by the Mining Supervisor, with the prior approval of the Division Chief, which implements the regulations in this part and applies to operations in an area or a major portion thereof.

§ 211.3 Responsibilities.

(a) Subject to the supervisory authority of the Secretary, the regulations in this part shall be administered by the Director through the Division Chief, the Conservation Manager, and the Mining Supervisor.

(b) The Mining Supervisor is empowered to regulate prospecting, exploration, testing, development, mining, preparation, handling, and reclamation operations under the regulations in this part. The Mining Supervisor in the performance of his duties shall:

(1) *Inspection and supervision of operations to prevent waste or damage.* Examine as frequently as necessary the lease, permit, or license lands where operations for the discovery, testing, development, mining or preparation and handling of coal are conducted or are to be conducted; inspect and regulate such operations, including operations at accessory plants, for the purpose of preventing waste or degradation of mineral substances or damage to formations and deposits, or non-mineral resources affected by the operations, and to insure that the provisions of applicable laws and regulations, the terms and conditions of the permit, lease, or license and the requirements of the approved exploration or mining plans are being complied with.

(2) *Compliance with regulations, lease, permit, or license terms; and approved plans.* Require operators to conduct their operations in compliance with the provisions of applicable laws and regulations, the terms and conditions of the leases, permits, or licenses, and the requirements of approved exploration or mining plans, and require that reclamation work be performed in an environmentally sound manner and as contemporaneously as practicable with the mining operation, within time limits prescribed by the Mining Supervisor; and that, in the case of mining operations for which performance standards have been established, require that reclamation be accomplished in accordance with such standards.

(3) *Reports on condition of lands and manner of operation; recommendations for protection of property.* Make reports to the Division Chief through the Conservation Manager, as to the general conditions of lands under permit, lease, or license and the manner in which operations are being conducted and orders or instructions are being complied with; and submit information and recommendations for protecting the coal, the coal-bearing formations, other minerals and the non-mineral resources.

(4) *Manner and form of records, reports and notices.* Prescribe, subject to the approval of the Division Chief, the manner and form in which records of operations, reports and notices shall be made.

(5) *Records of production; rentals and royalties.* Obtain and check the records of production of coal; determine rental and royalty liability of lessees and permittees; collect and deposit rental and royalty payments; and maintain rental and royalty accounts.

(6) *Suspension of operations and production.* Act on applications for suspension of operations or production or both filed pursuant to 43 CFR 3503.3–2(e), and terminate, when appropriate, suspensions which have been granted; and transmit to the Bureau of Indian Affairs for appropriate action applications for suspension of operations or production or both under leases on Indian lands.

(7) *Cessation and abandonment of operations.* Upon receipt of a report of cessation or abandonment of operations, or relinquishment of a lease, permit, or license, inspect and determine whether the operator has complied with the terms and conditions of the permit or lease and the approved exploration or mining plans; and determine and report

to the agency having administrative jurisdiction over the lands when the lands have been properly conditioned for abandonment. The Mining Supervisor, in accordance with applicable regulations, in 43 CFR Part 23 or 25 CFR Part 177, will consult with, or obtain the concurrence of the authorized officer of the agency having administrative jurisdiction over the lands with respect to compliance by the operator with the surface protection and reclamation requirements of the lease or permit and the exploration or mining plan.

(8) *Wells or prospect holes.* Prescribe or approve the methods of protection from wells or prospect holes drilled for any purpose through the coal measures and mines on leased lands and on coal lands subject to lease, with a view to the prevention of leakage of oil, gas, water, or other fluid substances that might damage coal deposits or contaminate surface water and/or ground water, and prescribe or approve methods of obtaining the maximum extraction, so far as practicable, of coal in the vicinity of such wells.

(9) *Trespass.* Report to the agency having administrative jurisdiction over the lands any trespass that involves exploration activities or removal of coal deposits.

(10) *Water and air quality.* Inspect exploratory and mining operations to determine the adequacy of water management and pollution control measures for the protection and control of the quality of surface and ground water resources and the adequacy of emission control measures for the protection and control of air quality and require that the exploratory or mining operations be conducted in compliance with applicable water and air effluent or emission standards and regulations.

(11) *Compliance with regulations.* Issue Mining Operations Orders and other orders and instructions necessary to assure compliance with the purposes of the regulations in this part.

(12) *Posting of Reclamation Bonds.* Determine the amount of reclamation bonds or other equally appropriate financial arrangements so that they are at all times sufficient to satisfy the estimated costs of the reclamation requirements of the approved exploration or mining plan in the event that reclamation is not completed in accordance with the plan.

§ 211.4 General obligations of licensees, permittees and lessees (including designated operators or agents).

(a) Operations involving the discovery, testing, development, mining, preparation, handling of coal, and reclamation of lands shall conform to the provisions of applicable laws and regulations; the terms and conditions of the lease, permit, or license; the requirements of approved exploration or mining plans; and the orders and instructions issued by the Mining Supervisor.

(b) The operator shall take precautions to prevent waste and damage to coal-bearing formations or other mineral formations.

(c) The operator shall take such action as may be needed to avoid, minimize, or control soil erosion; pollution of air; pollution of surface or ground water; serious alteration of the normal flow of water; damage to vegetative growth, crops, or timber; injury or destruction of fish and wildlife and their habitat; creation of unsafe or hazardous conditions; damage to improvements, whether owned by the United States, its permittees, licensees or lessees, or by others; and damage to recreational, scenic, historical, archaeological, and ecological values of the land. The surface of leased or permit lands shall be reclaimed in accordance with the terms and conditions prescribed in the lease or permit and the provisions of the approved exploration or mining plan. Good "housekeeping" practices shall be observed at all times. Where any question arises as to the necessity for or the adequacy of an action to meet the requirements of this paragraph, the determination of the Mining Supervisor shall be final, subject to the right of appeal as provided in Part 290 of this chapter.

(d) All operations conducted under the regulations in this part must be consistent with appropriate requirements as established pursuant to the Federal Water Pollution Control Act as amended and the Clean Air Act as amended.

(e) If the Mining Supervisor has reason to believe that a water pollution problem exists, he may require that a lessee, permittee, or licensee sample and analyze water affected by the mining operations. When the Mining Supervisor determines that a water pollution problem exists, he shall require that a lessee, permittee, or licensee maintain records of the use of water, quantity and quality of waste water produced, and the quantity and quality of waste water disposal, including mine drainage discharge, process wastes and associated wastes. In order to obtain this information, the lessee, permittee, or licensee may be required to install a suitable monitoring system.

(f) Accidents threatening damage to the mine, the lands, or the deposits, or accidents which could cause water pollution shall be reported promptly to the Mining Supervisor by telephone. Within 30 days after an accident the operator shall submit to the Mining Supervisor a detailed report of damages caused by the accident and the corrective action taken.

(g) Lessees and permittees shall submit the reports required by 25 CFR Part 177, 43 CFR Part 23, and Part 200 of this chapter.

(h) The mined area shall be reclaimed in such a manner that there will not be continued air or water pollution from the area affecting surrounding or adjacent lands. If the operator fails to take appropriate action to protect the mine, coal deposits, or surrounding environment from damage or threatened damage by fire, water, oil, gas, or other hazards, or fails to protect properly the mine or deposits or eliminate hazards to the public, such mine and lands shall not be deemed to have been properly conditioned for abandonment in compliance with §§ 211.3(c)(7) and 211.39 of this part, and the lessee, permittee, or licensee shall be liable for the expense of labor and supplies used by, or under the direction of the Mining Supervisor for the protection of the property, air, water, and other environmental resources and elimination of hazards to the public.

(i) In areas where strip mining is anticipated, the operator shall drill an adequate number of core holes in the overburden overlying the coal, the stratum immediately below the coal to be mined, and will log each stratum penetrated and have each stratum analyzed for at least the following: nitrogen, phosphorus, potassium, pH, and any other tests which the Mining Supervisor may specify. The analyses will be used to determine which material must be buried during the stripping operations and to determine suitable material that will be placed near the surface for favorable propagation of vegetation. The number of holes and analyses will be specified by the Mining Supervisor.

§ 211.5 Public inspection of records.

(a) Geological and geophysical interpretations, maps, and data and commercial and financial information required to be submitted under this part shall not be available for public inspection without the consent of the permittee or lessee so long as the permittee or lessee furnishing such data, or his successors or assignees, continues to hold a permit or lease of the lands involved.

(b) Mining plans submitted under § 211.10 of this part will be made available for public inspection in the office of the appropriate Mining Supervisor. For new mine plans, for major modifications in existing surface mine plans, or for surface related changes in existing underground plans submitted for approval, interested parties will have a 30-day period after publication of notice to inspect such plans in the office of the District or Area Mining Supervisor and to comment thereon. A notice of the availability of the plan will be posted at the appropriate office on the day the plan is received and a copy of the posting will be mailed to the appropriate county clerk for posting or publication.

§ 211.6 Appeals.

Orders or decisions issued under the regulations in this part may be appealed as provided in Part 290 of this Chapter.

MAPS AND PLANS

§ 211.10 Exploration and mining plans.

(a) *General.* Before conducting any operations, the operator shall submit to the Mining Supervisor for approval an exploration or mining plan, in quintuplicate, which shall show in detail the proposed exploration, prospecting, testing, development, mining and reclamation operations to be conducted. Exploration and mining plans shall be consistent with and responsive to the requirements of the lease or permit for maximizing recovery of the resources, for the protection

of non-mineral resources and for the reclamation of the surface of the lands affected by the operations. The mining plan must show that reclamation is an integral part of the plan and will progress contemporaneously with the mining operation and must provide sufficient information to substantiate the effectiveness of the proposed reclamation method. The Mining Supervisor, after considering all comments received pursuant to § 211.5(b), shall approve or disapprove the plan or indicate what modifications are necessary to conform to the provisions of the applicable regulations and the terms and conditions of the permit or lease. No operations shall be conducted except in accordance with an approved plan.

(b) *Exploration plans.* The Mining Supervisor shall require that an exploration plan include all of the following:

(1) A description of the environmental conditions within the area where exploration is to be conducted and a general description of the regional environmental conditions.

(2) A description of the present land use within and adjacent to the area and the projected use after completion of operations.

(3) A narrative description including:

(i) Method of exploration and types of equipment to be used.

(ii) Measures to be taken to prevent or control fire, soil erosion, pollution of surface and ground water, pollution of air, damage to fish and wildlife or their habitat, or other natural resources and hazards to public health and safety. Such measures shall include the actions necessary to meet the requirements of the applicable Federal and State environmental regulatory agencies.

(iii) Method for plugging drill holes.

(iv) Measures to be taken for surface reclamation which shall take into account the impact of the proposed operation on adjacent land uses and the proposed future use of the lands explored and shall include:

(A) A reclamation schedule.

(B) Method of grading, backfilling, and contouring.

(C) Method of soil preparation and fertilizer application.

(D) Type and mixture of shrubs, trees, grasses, or legumes to be planted.

(E) Method of planting, including amount and spacing.

(4) Estimated timetable for each phase of the work and for final completion of the program.

(5) Five copies of a suitable map or aerial photograph showing existing topographic, cultural and drainage features, and the proposed location of drill holes, trenches, access roads, etc.

(c) *Mining plans.* The Mining Supervisor shall require that a mining plan include all of the following as appropriate to either surface or underground mines:

(1) A description of the environmental conditions within the area where mining is to be conducted and a general description of the regional environmental conditions. The description of the area environmental conditions shall include as a minimum types, depths, and distribution of soils and types, density, and distribution of vegetation. The description of the regional environmental conditions shall include a monthly range of temperature, precipitation, average direction and velocity of prevailing winds, and the dominant wildlife species.

(2) The conditions of the land covered by the mining plan prior to any mining including:

(i) The uses existing at the time the mining plan is submitted for approval, and if the land has a history of previous mining, the uses which preceded any mining.

(ii) The capability of the land prior to any mining to support a variety of uses giving consideration to soil and foundation characteristics, topography and vegetative cover.

(3) The use which is proposed to be made of the land following reclamation, including a discussion of the utility and capacity of the reclaimed land to support a variety of alternative uses and the relationship of such use to existing land use policies and plans, and the comments of any State and local governments or agencies thereof which would have to approve or authorize the proposed use of the land following reclamation.

(4) A detailed description of how the proposed postmining land use is to be achieved and the necessary support activities which may be needed to achieve the proposed land use.

(5) A narrative description including:

(i) Nature and extent of the coal deposit, including estimated recoverable reserves.

(ii) Method of mining, including mining sequence and production rate.

(iii) The engineering techniques proposed to be used in mining and reclamation and a description of the major equipment; the plan for the control of surface water drainage and of water accumulation; the plan, where appropriate, for backfilling, soil stabilization, and compacting, grading, and appropriate revegetation (where vegetation existed immediately prior to mining); and estimate of the cost per acre of the reclamation, including a statement as to how the operator plans to comply with each of the requirements set out in § 211.37(a) of this part.

(iv) The anticipated or actual starting and termination dates of each phase of the mining operation and number of acres of land to be affected.

(v) The steps to be taken to comply with applicable air and water quality laws and regulations and any applicable health and safety standards.

(vi) The consideration which has been given to developing reclamation in a manner consistent with local, physical, environmental, and climatological conditions and current mining and reclamation technologies.

(vii) The consideration which has been given to insuring the maximum practicable recovery of the mineral resource.

(viii) A detailed estimated timetable for the accomplishment of each major step of reclamation.

(ix) The consideration which has been given to making the surface mining and reclamation operations consistent with applicable State and local land use plans and programs.

(x) Method of abandoning mine openings, including mine portals, shafts, slopes and entries.

(xi) The logs and analyses of core samples taken of the strata and a description of the method of depositing the spoils based on these samples.

(xii) A description of the hydrologic consequences, if any, of the mining and reclamation operations, both on and off the mine site, with respect to the hydrologic regime, quantity and quality of water in surface and ground water systems, including sufficient data regarding dissolved and suspended solids under seasonal flow conditions and sufficient data for the mine site and surrounding area so that an assessment can be made of the probable cumulative impacts of the anticipated mining operation upon the hydrology of the area.

(6) Five copies of suitable maps or aerial photographs showing:

(i) Topographic, cultural, and natural drainage features, roads, and vehicular trails.

(ii) The name of the watershed and location of the surface stream or tributary into which mine waters will be discharged, if applicable.

(iii) Cross-section maps or plans of the land to be affected including the actual area to be mined, showing pertinent elevation and location of test borings or core samplings and depicting the following information: the nature and depth of the various strata of overburden; the location of subsurface water, if encountered, and its quality; the nature and thickness of any coal or rider seam above the coal seam to be mined; the nature of the stratum immediately beneath the coal seam to be mined; all mineral crop lines and the strike and dip of the coal to be mined within the area of land to be affected; existing or previous surface mining limits; the location and extent of known workings or any underground mines, including mine openings to the surface; the location of aquifers; the estimated elevation of the water table; the location of spoil, waste, or refuse areas and topsoil preservation areas; the location of all impoundments for waste or erosion control; any settling or water treatment facilities; constructed or natural drainways and the location of any discharges to any surface body of water on the area of land to be affected or adjacent thereto; and profiles at appropriate cross-sections of the anticipated final surface configuration that will be achieved pursuant to the operator's proposed reclamation activities.

(iv) Size and locations for mine and surface structures and facilities.

(v) For an underground mine, the planned mine layout, including location

of shafts, slopes, drifts, main haulageway, aircourses, entries and barrier pillars; and the proposed widths of all slopes, entries, haulageways, aircourses, rooms, crosscuts, and barrier pillars.

(d) *Changes in plans.* Exploration and mining plans may be reasonably revised or supplemented by the Mining Supervisor at any time to adjust to changed conditions or to correct an oversight. If the operator seeks to obtain approval of a changed or supplemental plan, he shall submit a written statement of the proposed changes or supplement and the justification for the proposed changes.

§ 211.11 Approaching oil, gas, or water wells.

When mining operations approach wells or bore holes that may liberate oil, gas, water, or other fluid substances, the lessee shall present his plans for mining the coal in proximity to such holes to the Mining Supervisor and obtain his approval before proceeding with the work planned.

§ 211.12 Mine maps.

(a) *General requirements.* The operator shall maintain an accurate and up-to-date map of the mine, drawn to a scale acceptable to the Mining Supervisor. All maps shall be appropriately marked with reference to Government landmarks or lines and elevations with reference to sea level. Copies of such maps shall be properly posted to date and furnished, in duplicate, to the Mining Supervisor annually or at such other times as he deems necessary. Before any mine or section of a mine is abandoned, closed or made inaccessible, a survey of such mine or section shall be made and recorded on the map. All excavations in each separate bed shall be shown in such a manner that the production of coal for any royalty period can be accurately ascertained. Additionally, the map shall show the name of the mine; the name of the lessee; the Land Office serial number, or Bureau of Indian Affairs lease or permit contract number, tribal name of tribal land, allotment number if allotted land, and name of Indian reservation; the lease boundary lines; surface buildings, dip of the coal bed; true north; the map scale; and explanatory legend; and such other information as the Mining Supervisor shall request.

(b) *Underground mine maps.* Underground mine maps shall, in addition to the general requirement of paragraph (a) of this section, show all mine workings; the date of extension of the mine workings, and a coal section at each entry face; the location of all surface mine fans; the position of all fire walls, dams, main pumps, fire pipelines, permanent ventilating stoppings, doors, overcasts, undercasts, permanent seals and regulators; the direction of the ventilating current in the various parts of the mine at the time of making the latest surveys; sealed areas, known bodies of standing water, either in or above the workings of the mine, areas affected by squeezes; the elevations of surface and underground levels of all shafts, slopes or drifts; and the elevation of the floor or bottom of the mine workings at regular intervals in main entries, panels or sections, and sump areas.

(c) *Surface mine maps.* Surface mine maps shall, in addition to the general requirements of paragraph (a) of this section include date of extension of the mine workings and a coal section at each working face; all worked out areas; the stripped but unmined coal bed; and the elevation of the top of the coal beds and the surface.

(d) *Profiles of steeply dipping beds; vertical view of workings.* When required by the Mining Supervisor, vertical projections and cross-sections shall accompany plan views of steeply dipping beds.

(e) *Other maps.* The operator shall prepare such other maps of the leased lands as in the judgment of the Mining Supervisor are necessary to show the surface boundaries; location, surface elevation, depth and thickness of the coal and total depth of each bore hole; improvements; reclamation completed; topography, including subsidence resulting from mining; and the geological conditions as determined from outcrops, drill holes, exploration or mining.

(f) *Accuracy of maps.* The accuracy of maps furnished shall be certified by a professional engineer, professional land surveyor, or other professionally qualified person.

§ 211.13 Failure of lessee to furnish maps.

(a) *Liability of lessee for expense of survey.* If the operator fails to furnish a required map, the Mining Supervisor shall employ a competent mine surveyor to make a survey and a map of the mine, the cost of which shall be charged to and promptly paid by the operator.

(b) *Incorrect maps.* If any map submitted by an operator is believed to be incorrect, the Mining Supervisor may cause a survey to be made. If the survey shows the maps submitted by the lessee to be substantially incorrect in whole or in part, the cost of making the survey and preparing the map shall be charged to and promptly paid by the operator.

PROSPECTING AND EXPLORATION OPERATIONS

§ 211.20 Information required to be submitted.

The operator shall submit promptly to the Mining Supervisor upon request, completion, suspension of prospecting or exploration operations, or as provided in the leases and permits, signed copies, in duplicate, of records and geologic interpretation of all prospecting operations performed on the lease or permit lands, including recoverable reserve calculations, along with vertical cross-sections through the land and a map showing the exact location of coal outcrops, all drill holes, trenches and other prospecting activities. The records shall include a log of all strata penetrated and conditions encountered, such as water, quicksand, gas, or any unusual conditions; copies of all other in-hole surveys, such as electric logs, gamma ray-neutron logs, sonic logs or any other logs produced; and copies of coal analyses and results of other tests conducted on the land. All drill holes, trenches, and excavations will be logged under the supervision of a competent geologist or engineer. Unless otherwise authorized by the Mining Supervisor, at least one-fourth of the core from a longitudinal split from core holes shall be retained by the operator for one year and shall be available for inspection at the convenience of the Mining Supervisor. The Mining Supervisor may sample such parts of the core and cuttings as he deems advisable.

§ 211.21 Core and test holes.

(a) *Abandonment.* Drill holes, trenches, and other excavations for development or prospecting shall be abandoned in a manner to protect the surface and not to endanger any present or future underground operations or any deposit of oil, gas, other mineral substances, or water strata. Methods of abandonment shall be by backfilling, cementing or capped casing, or both, or by methods approved in advance by the Mining Supervisor.

(b) *Surveillance wells.* With the approval of the Mining Supervisor, drill holes may be utilized as surveillance wells for the purpose of determining the effect of subsequent operations upon the quantity, quality, or pressure of ground water or mine gases.

(c) *Blowout control devices.* When drilling on lands valuable or potentially valuable for oil and gas or geothermal resources, the operator shall, when required by the Mining Supervisor, set and cement casing in the hole and install suitable blowout prevention equipment.

(d) *Use of wells by others.* Upon receipt of a written request from the surface owner or surface administering agency, the Mining Supervisor may approve the transfer of an exploratory well for further use as a water well. Approval of such well transfer will be accompanied by a corresponding transfer of responsibility for any liability for damage and eventual plugging.

MINING METHODS AND MINE ABANDONMENT

§ 211.30 Good practice to be observed.

The operator shall observe good practice following the highest standards in performing any operations on the leased or permit lands.

§ 211.31 Maximum recovery.

(a) *Maximum recovery and protection for future use.* Mining operations shall be conducted in a manner to yield the maximum recovery of the coal deposits, consistent with the protection and use of other natural resources, sound economic practice, and the protection and preservation of the environment—land, water, and air.

(b) *No available coal to be abandoned.* The lessee shall not leave or abandon any coal which otherwise could be safely recovered by approved methods of mining when in the regular course of mining operations the time shall arrive for mining such coal. No entry, level, or panel

workings in which the pillars have not been completely extracted within safe limits shall be permanently abandoned and rendered inaccessible, except with the written approval of the Mining Supervisor.

§ 211.32 Multiple seam mining.

(a) *Sequence of mining.* In general, the available coal in the upper beds shall be worked out before the coal in the lower beds is mined. Simultaneous workings in an upper coal bed shall be kept in advance of the workings in each lower bed. The Mining Supervisor may authorize mining of any lower beds before mining the available coal in each known upper bed.

(b) *Protective barrier pillars in multiple seam mining.* In areas subject to multiple seam extraction, the protective barrier pillars for all main and secondary slope entries, main haulageways, primary aircourses, bleeder entries and manways in each seam shall be superimposed regardless of vertical separation or rock competency; however, modifications, exceptions, or variations of this requirement may be approved in advance by the Mining Supervisor.

§ 211.33 Advance workings; underground mines.

Where the room and pillar or other system of mining requires advance workings in solid coal, including entries, rooms or crosscuts, the lessee shall leave sufficient pillars to insure the ultimate maximum recovery of the coal deposits.

§ 211.34 Pillar extraction.

(a) The pillar recovery plan must be approved in advance by the Mining Supervisor.

(b) Where full pillar recovery is undertaken, extraction shall be such as to allow total caving of the main roof in the pillared area.

(c) Pillars of substantial size which must be abandoned prematurely due to safety considerations must be drilled and shot, if possible, to reduce their size so as to minimize undue forces overriding the working places.

(d) Pillaring methods shall be designed to eliminate pillar points and pillars that project in by the breakline.

(e) The overall pillar recovery system shall be designed to minimize the possibility of outbursts, bounces and squeezes.

§ 211.35 Pillars left for support.

(a) *Barrier pillars.* The operator shall not, without the prior consent of the Mining Supervisor, mine any coal, drive any underground workings, or drill any lateral bore holes within 50 feet of any of the outside boundary lines of the leased lands, nor within such greater distance of said boundary lines as the Mining Supervisor may prescribe. Payment up to and including the full value of the coal mined may be required for coal mined within such designated distances of the boundary without the written consent of the Mining Supervisor.

(b) *Lessee may be required to mine barrier pillars on adjacent lands.* If the coal on land covered by these regulations beyond any barrier pillar has been worked out and the water level beyond the pillar is below the lessee's adjacent operations, the lessee shall, on the written demand of the Mining Supervisor, mine out and remove all available Federal coal in such barrier, both in the lands covered by the lease and in the adjoining premises, if it can be mined without hardship to the lessee.

(c) *Privately or tribally owned coal on adjoining premises.* If the coal mining rights in adjoining premises are privately or tribally owned and this coal has been worked out, an agreement may be made with the coal owner for the extraction of the coal remaining in the boundary pillars which otherwise may be lost.

§ 211.36 Development of leased tract through adjoining mines.

An operator may mine leased land from an adjoining underground mine on land privately owned or controlled or from adjacent leased lands, under the following conditions:

(a) The entire mine and operations therein including that part on land privately owned or controlled shall conform to all the regulations in this part.

(b) Free access for inspection of said connecting mine on land privately owned or controlled shall be given at any reasonable time to the Mining Supervisor or his representative.

§ 211.37 Surface mining.

(a) *Performance standards for reclamation of mined areas.* Performance standards for the reclamation of mined areas affected by coal surface mining operations shall require the operator as a minimum to:

(1) Conduct surface coal mining operations so as to maximize the utilization and conservation of the solid fuel resource being recovered so that reaffecting the land in the future through surface coal mining can be minimized.

(2) Restore the land affected to a condition at least fully capable of supporting all actual or practicable uses which it was capable of supporting prior to any mining, or higher or better uses of which there is a reasonable likelihood, so long as such use or uses do not present any actual or probable hazard to public health or safety or pose any actual or probable threat of water diminution or pollution, and the operator's declared proposed land use following reclamation is not deemed to be impractical or unreasonable, inconsistent with applicable land use policies and plans, involves unreasonable delay in implementation, or is violative of Federal, State, or local laws.

(3) With respect to all surface coal mining operations backfill, compact (where advisable to insure stability or to prevent leaching of toxic materials), and grade in order to restore the approximate original contour of the land with all highwalls, spoil piles, and depressions eliminated, unless small depressions are needed in order to retain moisture to assist revegetation or as otherwise authorized pursuant to this part; provided, however, that in surface coal mining which is carried out at the same location over a substantial period of time where the operation transacts the coal deposit, and the thickness of the coal deposits relative to the volume of overburden is large, and where the operator demonstrates that the overburden and other spoil and waste materials at a particular point in the mining site or otherwise available from the entire mining site is insufficient, giving due consideration to volumetric expansion, to restore the approximate original contour, the operator, at a minimum, shall backfill, grade, and compact (where advisable) using all available overburden and other spoil and waste materials to attain the lowest practicable grade but not more than the angle of repose, to provide adequate drainage and to cover all acid forming and other toxic materials, in order to achieve an ecologically sound land use compatible with the surrounding region; and provided further, that in surface coal mining where the volume of overburden is large relative to the thickness of the coal deposit and where the operator demonstrates that due to volumetric expansion the amount of overburden and other spoil and waste materials removed in the course of the mining operation is more than sufficient to restore the approximate original contour, the operator shall after restoring the approximate contour, backfill, grade, and compact (where advisable) the excess overburden and other spoil and waste materials to attain the lowest grade but not more than the angle of repose, and to cover all acid-forming and other toxic materials, in order to achieve an ecologically sound land use compatible with the surrounding region and that such overburden or spoil shall be shaped and graded in such a way as to prevent slides, erosion, and water pollution and is revegetated in accordance with the requirements of this part.

(4) Stabilize and protect all surface areas including spoil piles affected by the mining and reclamation operation to effectively control erosion and attendant air and water pollution.

(5) Remove the topsoil from the land in a separate layer, replace it on the backfill area, or if not utilized immediately, segregate it in a separate pile from other spoil and when the topsoil is not replaced on a backfill area within a time short enough to avoid deterioration of the topsoil, maintain a successful cover by quick growing plants or other means thereafter so that the topsoil is preserved from wind and water erosion, remains free of any contamination by other acid or toxic material, and is in a usable condition for sustaining vegetation when restored during reclamation, except if topsoil is of insufficient quantity or of poor quality for sustaining vegetation, or if other strata can be shown to be more suitable for vegetation requirements, then the operator shall remove, segregate, and preserve in a like manner such other strata which is best able to support vegetation.

(6) Restore the topsoil or the best available subsoil which has been segregated and preserved.

(7) Protect offsite areas from slides or damage occurring during surface mining and reclamation operations, and not deposit spoil material or locate any part of the operations or waste accumulations outside the mining site.

(8) Create, if authorized in the approved mining plan, permanent impoundments of water on mining sites as part of reclamation activities only when it is adequately demonstrated that:

(i) The size of the impoundment is adequate for its intended purposes.

(ii) The impoundment dam construction will be so designed as to achieve necessary stability with an adequate margin of safety compatible with that of structures constructed under Pub. L. 83-566 (16 U.S.C. 1006).

(iii) The quality of impounded water will be suitable on a permanent basis for its intended use and that discharges from the impoundment will not degrade the water quality in the receiving stream.

(iv) The level of water will be reasonably stable.

(v) Final grading will provide adequate safety and access for proposed water users.

(vi) Such water impoundments will not result in the diminution of the quality or quantity of water utilized by adjacent or surrounding landowners for agricultural, industrial, recreational, or domestic uses.

(9) Fill all auger holes with an impervious and noncombustible material in order to prevent drainage.

(10) Minimize the disturbances to the prevailing hydrologic balance at the mine site and in associated offsite areas and to the quality and quantity of water in surface and ground water systems, both during and after surface coal mining operations and during reclamation by:

(i) Avoiding acid or other toxic mine drainage by such measures as, but not limited to, preventing or removing water from contract with toxic producing deposits; treating drainage to reduce toxic content which adversely affects downstream water upon being released to water courses; or casing, sealing, or otherwise managing bore holes, shafts, and wells to keep acid or other toxic drainage from entering ground and surface waters.

(ii) Conducting surface mining operations so as to prevent to the maximum extent practicable additional contributions of suspended solids to streamflow or runoff outside the mining site above natural levels under seasonal flow conditions as measured prior to any mining, and avoiding channel deepening or enlargement in operations requiring the discharge of water from mines.

(iii) Removing temporary or large siltation structures from drainways after disturbed areas are revegetated and stabilized.

(iv) Restoring recharge capacity of the aquifer at the mine site to approximate premining conditions.

(v) Preserving to the maximum extent practicable throughout the mining and reclamation process the hydrologic integrity of alluvial valley floors in arid and semiarid areas.

(vi) Such other actions as the Mining Supervisor may prescribe.

(11) With respect to surface disposal of mine wastes, coal processing wastes, and other wastes in areas other than the mine working or excavations, stabilize all waste piles in designated areas through construction in compacted layers, including the use of incombustible and impervious materials, if necessary, and assure the final contour of the waste pile will be compatible with natural surroundings and that the site can and will be stabilized and revegetated according to the provisions of this part.

(12) Refrain from surface coal mining within 500 feet from active and abandoned underground mines in order to prevent breakthroughs and to protect the health or safety of miners: Provided, that the Mining Supervisor may permit an operator to mine closer to an active or abandoned underground mine where this does not create hazards to the health and safety of miners and shall permit an operator to mine near, through or partially through an abandoned underground mine working where such mining through will achieve improved resource recovery, abatement of water pollution, or elimination of public hazards, and such mining shall be consistent with the provisions of this part.

(13) With respect to the use of existing or new impoundments for the disposal of coal mine wastes, coal processing wastes, or other liquid or solid wastes, incorporate the best engineering practices for the design and construction of water retention facilities and construct or reconstruct such facilities to insure that the construction will be so designed to achieve necessary stability with an adequate margin of safety to protect the health and safety of the public, and which at a minimum, is compatible with that of structures constructed under Pub. L. 83-566 (16 U.S.C. 1006); that leachate will not pollute surface or ground water; that no mine waste such as coal fines and slimes determined as unsuitable for construction constituents by sound engineering methods and design practices are used in the construction of water impoundments, water retention facilities, dams, or settling ponds; and that the structures are so located as to minimize danger to the public health and safety.

(14) Insure that all debris, acid forming materials, toxic materials, or materials constituting a fire hazard are treated or disposed of in a manner designed to prevent contamination of ground or surface waters or sustained combustion.

(15) Insure that explosives are used only in accordance with existing State and Federal law and the requirements specified by the Mining Supervisor which shall include provisions to:

(i) Provide adequate advance written notice by publication and/or posting of the planned blasting schedule to local governments and to residents who might be affected by the use of such explosives and maintain for a period of at least two years a log of the magnitudes and times of blasts.

(ii) Limit the type of explosives and detonating equipment, the size, the timing and frequency of blasts based upon the physical conditions of the site so as to prevent injury to persons, damage to public and private property outside the mining site, adverse impacts on any underground mine, and change in the course, channel, or availability of ground or surface water outside the mining side.

(16) Insure that all reclamation efforts proceed in an environmentally sound manner and as contemporaneously as practicable with the surface mining operations.

(17) Insure that construction, maintenance, and postmining conditions of access roads into and across the site of operations will control or prevent erosion and siltation, pollution of water, damage to fish or wildlife or their habitat, or public or private property, except that the Mining Supervisor may permit the retention after mining of certain access roads where consistent with land use plans and programs and where necessary may permit a limited exception to the restoration of approximate original contour for that purpose.

(18) Refrain from the construction of roads or other access ways up a stream bed or drainage channel or in such proximity to such channel so as to seriously alter the normal flow of water.

(19) Establish on the regraded areas, and all other lands affected, a diverse, effective and permanent vegetative cover native to the area of land to be affected and capable of self-regeneration and plant succession at least equal in extent of cover to the natural vegetation of the area; except, that introduced species may be usd in the revegetation process where desirable and necessary to achieve the approved postmining land use plan.

(20) Assume the responsibility for successful revegetation, as required by paragraph (a)(19) of this section, for a period of five full years after the last year of augmented seeding, fertilizing, irrigation, or other work in order to assure compliance with paragraph (a)(19) of this section, except in those areas or regions of the country where the annual average precipitation is 26 inches or less, then the operator's assumption of responsibility and liability will extend for a period of 10 full years after the last year of augmented seeding, fertilizing, irrigation, or other work; except when the Mining Supervisor approves a long-term intensive agricultural postmining land use the applicable 5 or 10-year period of responsibility for revegetation shall commence at the date of initial planting for such long-term intensive agricultural postmining land use; and except further that when the Mining Supervisor approves a long-term, intensive, agricultural postmining land use as part of the mining plan, he may grant exceptions to the provisions of paragraph (a)(19) of this section.

(21) Meet such other criteria as are necessary to achieve reclamation in accordance with the purposes of this part, taking into consideration the physical, climatological, and other characteristics of the site, and to insure the maximum

practicable recovery of the mineral resources.

(b) *Fire prevention.* Accumulations of slack coal or combustible waste shall be stored in a location and manner so as not to be a fire hazard. If a coal seam exposed by surface mining or accumulation of slack coal or combustible waste becomes ignited during the term of a lease, the operator will immediately extinguish the fire.

(c) *Coal face to be covered in strip pits.* Upon completion or indefinite suspension of mining operations in all or any part of a strip pit, the face of the coal shall be covered with non-combustible material that will effectively prevent the coal bed from becoming ignited.

(d) *Underground workings from any strip pit.* The driving of any underground openings by auger or other methods from any strip pit shall not be undertaken without prior written approval of the Mining Supervisor.

§ 211.38 Mining isolated blocks of non-leased coal.

Narrow strips of coal which are owned by the United States between leased lands and the outcrop, or small blocks of coal which are owned by the United States adjacent to leased land that would otherwise be isolated or lost may be mined on written authorization of the Mining Supervisor.

§ 211.39 Mine abandonment; surface openings.

(a) *General requirement for abandonment.* The operator shall substantially backfill, fence, protect or otherwise effectively close all surface openings, auger holes, subsidence holes, surface excavations or workings which are a hazard to people or animals. Such protective measures shall be maintained in a secure condition during the term of the lease, permit or license. Before permanent abandonment of operations, all openings and excavations, including water discharge points, shall be closed or backfilled according to the mining plan approved by the Mining Supervisor.

(b) *Permanent abandonment of shafts.* Mine shafts, slopes and drift openings shall be abandoned in a permanent manner. All proposals for abandoning shafts, slopes, and drift openings must have prior approval of the Mining Supervisor.

(c) *Temporary abandonment of underground mines.* Surface openings at all underground mines which are temporarily closed shall be adequately fenced or equipped with a substantial incombustible gate or door which shall remain locked when not in use. Conspicuous signs shall be posted prohibiting entrance of unauthorized persons. Such temporary abandonment shall not relieve the operator of his obligation to comply with the provisions of his approved mining plan.

(d) *Permanent abandonment—surface mines and strip pits.* Details for permanent abandonment of surface mines and strip pits shall be provided in the approved mining plan required under Section 211.10 of this part.

(e) *Reclamation and clean-up.* Reclamation and clean-up of surface areas around and near permanently abandoned underground and strip mines, including removal of equipment and structures related to the mining operation, must commence without delay following cessation of mining operations.

PROTECTION AGAINST MINE HAZARDS

§ 211.40 Abandonment of underground workings.

Approval for abandonment is required. No underground workings or part thereof shall be permanently abandoned and rendered inaccessible without the written approval of the Mining Supervisor.

§ 211.41 Coal dust.

Accumulations of coal dust, loose coal and other combustible materials shall not be permitted to accumulate in areas where it is likely to cause air or water pollution.

WASTE FROM MINING

§ 211.51 Disposal of mine waste or rejects.

(a) The operator shall dispose of all solid wastes resulting from the mining and preparation of coal in a manner that will not cause air and water pollution and will not spontaneously ignite.

(b) All waste or rejects containing practically no coal shall be deposited separately and apart from sized coal for which no immediate market exists. Waste piles shall be shaped to blend into the surrounding area, covered with topsoil and revegetated.

(c) Waste containing coal in such quantity that it may be later separated from the waste by washing or other means shall also be stored separately.

PRODUCTION RECORDS, ROYALTY AND AUDITS

§ 211.60 Production records.

(a) Lessees shall maintain books in which will be kept a correct account by weight of all coal mined; coal sold, to whom sold and the price received; coal stored, coal used on the premises; and coal otherwise disposed of.

(b) Licensees must maintain a correct record of all coal mined and removed from the land under license.

(c) All records and books maintained by lessees and licensees showing the required information must be kept current and in such manner that the records can be readily checked by the Mining Supervisor or his representative upon request.

§ 211.61 Basis for Royalty Computation.

(a) *Value basis.* The value basis for determination of the amount of royalty due shall not be less than the best obtainable market price. In the determination of market price of coal sold used by the operator or stored, due consideration shall be given the applicable contracts, the highest and best obtainable market price for coal of similar quality at the usual and customary place of disposal, and other relevant matters. Coal will be deemed to be sold when it is delivered at the usual and customary place of shipment.

(b) *Bone or other impurities.* All bone coal, rock and other impurities may be removed from the raw coal prior to determination of coal weights for royalty purposes.

(c) *Discretion of Mining Supervisor.* (1) The right is reserved to the Mining Supervisor to determine and declare the value either before or after receipt of royalty payments if it is deemed necessary by him to do so for the protection of the interests of the lessor.

(2) If royalties become due and payable prior to extraction of bone coal, rock and other impurities or final weighing of coal, the Mining Supervisor may determine by estimate the weight of the coal for royalty purposes. In addition, the Mining Supervisor may, after the removal of bone coal, rock and other impurities and final weighing of the coal, require the payment of such additional royalties or allow such credits or refunds as may be necessary to adjust the royalty payments to reflect the true weight of the coal.

§ 211.62 Production reports and payment—other reports.

(a) *Lessees.* Lessees shall report, on the report form provided, within 30 days after expiration of the period covered by the report, all coal mined from the leased land during each calendar quarter and the value basis on which royalty has been paid or will be paid. Except as provided by leases and permits issued under the regulations in 25 CFR Parts 171, 172, 173, and 174, the royalty for coal mined shall be paid prior to the end of the third month succeeding the extraction of the coal from the mine.

(b) *Permittees.* Permittees shall report the prospecting work done, the cost of the work, the results of prospecting and such other information as may be necessary (see § 211.20 of this part). Permittees shall report all coal mined while determining the existence or workability of the deposit.

(c) *Licensees.* Licensees shall report all coal mined on a semi-annual basis on the report form provided.

(d) *Penalty.* If a lessee or permittee records or reports less than the true weight or value of coal mined, the Secretary may impose a penalty equal to double the amount of royalty due on the shortage, or the full value of the shortage. If, after warning, a lessee or permittee maintains false records or files false reports, a suit to cancel the lease may be instituted in addition to the imposition of penalties.

§ 211.63 Audits.

An audit of the lessee's or permittee's accounts and books may be required annually, or at other such times as may be directed by the Mining Supervisor, by qualified independent certified public accountants and at the expense of the lessee. The lessee shall furnish, free of cost, duplicate copies of such annual or other audits to the Mining Supervisor within 30 days after the completion of each auditing.

INSPECTION, ISSUANCE OF ORDERS AND ENFORCEMENT OF ORDERS

§ 211.70 Inspection of underground and surface conditions.

Operators shall provide means at all reasonable hours, either day or night, for the Mining Supervisor or his representative to inspect or investigate the underground or surface mine conditions; to conduct surveys; to estimate the amount of coal mined; to study the methods of prospecting, exploration, testing, development, preparation, and handling necessary; to determine the volumes, types, and composition of wastes generated, the adequacy of measures for minimizing the amount of such wastes, and the measures for treatment and disposal of such wastes; and to determine whether the terms and conditions of the permit or lease and the requirements of the exploration or mining plan have been complied with.

§ 211.71 Issuance of notices, instructions, and orders.

(a) *Address of responsible party.* Before beginning operations, the operator shall inform the Mining Supervisor in writing of the designation and post office address of the exploration or mining operation, the operator's temporary and permanent post office address, and the name and post office address of the superintendent, or designated operator or agent, who will be in charge of the operations and who will act as the local representative of the operator. Thereafter, the Mining Supervisor shall be informed of each change of address of the mine officer or in the name or address of the local representative.

(b) *Receipt of the notices, instructions and orders.* The operator shall be considered to have received all notices, instructions, and orders that are mailed to or posted at the mine or mine office, or mailed or handed to the superintendent, the mine foreman, the mine clerk, or higher officials connected with the mine or exploration site for transmittal to the operator or his local representative.

§ 211.72 Enforcement of orders.

(a) If the Mining Supervisor determines that an operator has failed to comply with the regulations in this part, other applicable Departmental regulations, the terms and conditions of the permit or lease, the requirements of an approved exploration or mining plan, or with the Mining Supervisor's orders or instructions, and such non-compliance does not threaten immediate, serious, or irreparable damage to the environment, the mine or the deposit being mined, or other valuable mineral deposits or other resources, the Mining Supervisor shall serve a notice of non-compliance upon the operator by delivery in person to him or his agent or by certified or registered mail addressed to the operator at his last known address. Failure of the operator to take action in accordance with the notice of non-compliance or to appeal to the Director pursuant to Part 290 of this chapter shall be grounds for suspension of operations by the Mining Supervisor.

(b) The notice shall specify in what respects the operator has failed to comply with the provisions of applicable regulations, the terms and conditions of the permit or lease, the requirements of an approved exploration or mining plan or the orders or instructions of the Mining Supervisor, and shall specify the action which must be taken to correct the non-compliance and the time limits within which such action must be taken. A written report shall be submitted by the operator when a non-compliance has been corrected.

(c) If, in the judgment of the Mining Supervisor, failure to comply with the regulations, the terms and conditions of the permit or lease, the requirements of approved exploration or mining plans, or the Mining Supervisor's orders or instructions threatens immediate, serious, or irreparable damage to the environment, the mine or the deposit being mined, or other valuable mineral deposits or other resources, the Mining Supervisor or his representative is authorized, either in writing or orally with written confirmation, to suspend operations without prior notice of non-compliance.

PART 216—OPERATING REGULATIONS GOVERNING THE MINING OF COAL IN ALASKA

Part 216 of Chapter II of Title 30 of the Code of Federal Regulations is revoked.

Dated: January 23, 1975.

JACK W. CARLSON,
Assistant Secretary of the Interior.

[FR Doc.75-2646 Filed 1-29-75;8:45 am]

DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

[9 CFR Parts 303, 381]

RETAIL STORES AND RESTAURANTS

Rendering and Refining of Edible Livestock Fat; Clarification of Calendar Year for Purposes of Exemption

Notice is hereby given in accordance with the administrative procedure provisions in 5 U.S.C. 553, that the Animal and Plant Health Inspection Service proposes to amend § 303.1 of the Federal meat inspection regulations (9 CFR 303.1), pursuant to the authority in the Federal Meat Inspection Act, as amended (21 U.S.C. 601 et seq.), to permit retail stores or restaurants exempted from inspection to render or refine livestock fat. It is also proposed under that Act and the Poultry Products Inspection Act (21 U.S.C. 451 et seq.) to amend § 303.1 and to amend § 381.10 of the poultry products inspection regulations to define the period constituting a "year" for the purposes of the retail store definition for exemption from Federal inspection under both Acts.

Statement of considerations. The Federal Meat Inspection Act (FMIA) and the Poultry Products Inspection Act (PPIA), with certain exceptions, require federal inspection of the preparation of products subject to their provisions. However, under the Acts and regulations, operations of types traditionally and usually conducted at retail stores and restaurants are exempted from the inspection requirements when conducted at retail stores or restaurants or similar retail-type establishments under specified conditions. One of the conditions for the retail store exemption is that the store must not sell in any "year" more than specified quantities of products to non-household consumers.

The present meat inspection regulations exclude the rendering or refining of livestock fat from the definition of operations of types traditionally and usually conducted at retail stores and restaurants. Information has been furnished to the Department to indicate that such operations may be traditional and usual at such establishments. Therefore, it is proposed to terminate this exclusion.

In addition, the proposal would clarify the term "year" as meaning a calendar year in § 303.1(d)(2)(iii) of the meat inspection regulations and in § 381.10(d)(2)(iii) of the poultry products inspection regulations, for purposes of the retail store exemptions under both Acts.

The proposed amendments would be as set forth below:

1. Section 303.1(d)(2)(i)(c) would be amended to read as follows:

§ 303.1 Exemptions.

* * * * *

(d) * * *

(2) * * *

(i) Operations of types traditionally and usually conducted at retail stores and restaurants are the following: * * *

(c) Curing, cooking, smoking, rendering or refining of livestock fat, or other preparation of products, except slaughtering or the retort processing of canned products;

* * * * *

2. Section 303.1(d)(2)(iii) would be amended by inserting "calendar" immediately before the word "year" and by inserting "(i.e., January 1 through December 31)" immediately after the word "year".

§ 381.10 [Amended]

3. Section 381.10(d)(2)(iii) would be amended by inserting "calendar" immediately before the word "year" and by inserting "(i.e., January 1 through December 31)" immediately after the word "year".

Any person wishing to submit written data, views, or arguments concerning the proposed amendments may do so by filing them, in duplicate, with the Hearing Clerk, U.S. Department of Agriculture, Washington, D.C. 20250, or if the material is deemed to be confidential, with the Inspection Standards and Regulations Staff, Scientific and Technical Services, Meat and Poultry Inspection Program, Animal and Plant Health Inspection Service, U.S. Department of Agriculture, Washington, D.C. 20250, by March 31, 1975.

Any person desiring opportunity for oral presentation of views should address

such request to the Staff identified in the preceding paragraph, so that arrangements may be made for such views to be presented prior to the date specified in the preceding paragraph. A record will be made of all views orally presented.

All written submissions and records of oral views made pursuant to this notice will be made available for public inspection in the Office of the Hearing Clerk during regular hours of business, unless the person makes the submission to the Staff identified in the preceding paragraph and requests that it be held confidential. A determination will be made whether a proper showing in support of the request has been made on grounds that its disclosure could adversely affect any person by disclosing information in the nature of trade secrets or commercial or financial information obtained from any person and privileged or confidential. If it is determined that a proper showing has been made in the support of the request, the material will be held confidential; otherwise, notice will be given of denial of such request and an opportunity afforded for withdrawal of the submission. Requests for confidential treatment will be held confidential (7 CFR 1.27(c)).

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

Done at Washington, D.C., on January 22, 1975.

F. J. MULHERN,
Administrator, Animal and Plant Health Inspection Service.

[FR Doc.75-2630 Filed 1-29-75;8:45 am]

DEPARTMENT OF LABOR

Occupational Safety and Health Administration

[29 CFR Part 1907]

[S-74-11]

ACCREDITATION OF TESTING LABORATORIES

Proposed Revocation: Extension of Post-Hearing Comment Period

On November 13, 1974, pursuant to authority in section 8(g) of the Williams-Steiger Occupational Safety and Health Act of 1970 (84 Stat. 1600; 29 U.S.C. 657), section 107 of the Contract Work Hours and Safety Standards Act (83 Stat. 96; 40 U.S.C. 333), 5 U.S.C. 553, Secretary of Labor's Order No. 12-71 (36 FR 8754) and notice of hearing published in the Federal Register on October 1, 1974 (39 FR 35381), an informal public hearing concerning the proposed revocation of Part 1907, Accreditation of Testing Laboratories, of Title 29 of the Code of Federal Regulations was held in the Departmental Auditorium, Constitution Avenue, NW, between 12th and 14th Streets, Washington, D.C.

The Administrative Law Judge kept the record of the hearing open until December 13, 1974, to receive written information from any person who had participated in the oral proceeding. On the basis of a request for additional time to submit written comments, and because certain documents which were not previously a part of the public record of this proceeding are currently being placed in the record so as to make them available for public inspection and comment, I hereby extend the period for public comments, from any interested person, until March 31, 1975.

Accordingly, any interested person may submit comments concerning the proposed revocation of 29 CFR Part 1907, postmarked no later than March 31, 1975. Written comments may be submitted to Arthur W. Campbell, OSHA Committee Management Office, Docket S-74-11, 1726 M Street, N.W., Room 200, U.S. Department of Labor, Washington, D.C. 20210.

(Sec. 8, P.L. 91-596, 84 Stat. 1600 (29 U.S.C. 657); Sec. 107, P.L. 91-54, 83 Stat. 96 (40 U.S.C. 333); 5 U.S.C. 553; Secretary of Labor's Order No. 12-71, 36 FR 8754, and 29 CFR Part 1911.)

Signed at Washington, D.C. this 23rd day of January 1975.

JOHN STENDER,
Assistant Secretary of Labor.

[FR Doc. 75-2770. Filed 1-29-75; 8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of the Secretary

[45 CFR Part 5]

AVAILABILITY OF INFORMATION TO THE PUBLIC

Fee Schedules

Notice is hereby given of proposed amendments to the Department's regulation on availability of records to the public, pursuant to 5 U.S.C. 552 and 42 U.S.C. 1306. Certain of the amendments are being made in compliance with the Freedom of Information Act Amendments (Pub. L. 93-502). In addition, certain technical amendments are being made in order to clarify the intent of the regulation.

The Freedom of Information Act Amendments direct that a uniform fee schedule be applicable to all constituent units of the Department. It is, therefore, proposed that the fee schedule which was adopted for the Office of the Secretary promulgated August 17, 1973 (38 FR 22230) be adopted department-wide with the following exception:

The current fee schedule provides that no fee will be charged where the total amount does not exceed 50 cents. It is proposed to provide that no charge will be made where the total amount does not exceed 5 dollars. Provision is also made for a waiver or reduction of fees where such waiver or reduction is in the public interest. Section 5.60 is amended to make it clear that no fee shall be charged for the time spent in reviewing records to determine whether or not access should be granted.

Section 5.73(b)(1) regarding access to investigatory files not yet closed is amended to conform to the amended exception regarding investigatory files.

A new § 5.51(d) is added and § 5.85 is revised to indicate under what circumstances extension of time limits within which the Department must respond to requests for information may be made. The circumstances are those which are prescribed in the amendments. Section 5.81 is revised to provide for an appeal of an initial decision adverse to the requestor within 30 days of receipt of a determination or within 30 days of receipt of records received in partial response to a request, whichever is later.

Section 5.82 is revised to require that adverse decisions on appeal be made only after consultation with the General Counsel.

Sections 5.32 and 5.53 are amended to make clear which officials of the Department have the authority to issue denials to access to records in response to requests under the Freedom of Information Act.

Prior to the final adoption of the proposed amendments to the regulation, consideration will be given to comments which are received within 30 days. Comments should be addressed to the Freedom of Information Officer, Room 5319 HEW North Building, 330 Independence Avenue, S.W., Washington, D.C. 20201. Comments received will be available for inspection at the above address. No extension of time to comment will be made because of the February 19 effective date of the amendments. However, untimely comments will be considered for possible future revisions.

Dated: January 27, 1975.

CASPAR W. WEINBERGER,
Secretary.

Section 5.32 is amended as follows:

§ 5.32 **Information Center Officers.**

* * * * *

(b) The Regional Information Center Officer in each Region shall have a like responsibility for records in his regional office. The Regional Information Center Officer in each Region shall be the Assistant Regional Director for Public Affairs.

(c) Records of the Public Health Service hospitals and clinics and District Offices of the Social Security Administration may be subject to determination in accordance with the regulations of such agencies.

(d) The Information Center Officer for each of the operating agency Information Centers shall have a like responsibility for the records of his operating agency. The Information Center Officer for the respective operating agency shall be as follows:

* * * * *

Section 5.51 is amended to revise paragraph (c), add a new paragraph (d), and redesignate the present paragraph (d) as paragraph (e).

§ 5.51 **Procedure.**

* * * * *

(c) A request should reasonably identify the requested record by brief description. Requestors who have detailed information which would assist in iden-

tifying the records requested are urged to provide such information in order to expedite the handling of the request. Envelopes in which written requests are submitted should be clearly identified as a Freedom of Information request. Receipt of unidentified requests may be delayed.

(d) Determination of whether records will be withheld will be made within 10 working days from date of receipt in the office having custody of the records or the appropriate information center. This time may be extended by written notice for no longer than an additional 10 working days, only in unusual circumstances. Unusual circumstances mean:

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

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

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

If such extension is made, the requestor will be notified in writing with an explanation of why the extension was necessary and the date on which a determination will be made.

Section 5.53 is revised to read as follows:

§ 5.53 Denial of request for records.

Written requests for inspection or copying of records shall be denied only by the Department's Freedom of Information Officer, the appropriate Information Center Officer of the Region or the operating agency, or their designees or as otherwise provided by regulation. Denials of requests shall be in writing and shall contain the reasons for the denial and provide the requestor with appropriate information on how to exercise the right of appeal under Subpart G of this Part. Such notification shall also set forth the names and titles or positions of each person responsible for the denial of such request, if such person or persons is other than the appropriate Information Center Officer.

Section 5.60 is revised as follows:

§ 5.60 Policy on fees.

It is the policy of the Department to provide routine information to the public without charge. Special information services involving a benefit that does not accrue to the general public shall be subject to the payment of fees which shall be fixed in amounts as to recover the direct cost to the Government of providing such services. Fees will be charged for the following special services:

(a) Reproduction, duplication or copying of records;

(b) Certification or authentication of records;

(c) Searches for records.

Section 5.61 is revised to read as follows:

§ 5.61 Fee schedules.

The fee schedule for the Department of Health, Education and Welfare is as follows:

(a) (1) Search for records—three dollars per hour provided, however, that no charge will be made for the first half hour.

(2) Reproduction, duplication or copying of records—ten cents per page where such reproduction can be made by commonly available photocopying machines. However, the cost of reproducing records which are not susceptible to such photocopying, e.g. punch cards, magnetic tapes, blueprints, etc., will be determined on a case-by-case basis at actual cost.

(3) Certification or authentication of records—three dollars per certification or authentication.

(4) Forwarding material to destination—any special arrangements for forwarding which are requested by the requestor shall be charged on an actual cost basis.

(5) No charge will be made where the total amount does not exceed five dollars.

(b) Waiver or reduction of the fees provided for in this subsection may be made upon a determination that such waiver or reduction is in the public interest because furnishing the information can be considered as primarily benefiting the general public.

Section 5.73(b) (1) is revised to read as follows:

§ 5.73 Records not available.

* * * * *

(b) *Investigatory files.* (1) Investigatory files compiled for law enforcement purposes in cases not yet closed, to the extent that production of such records would (A) interfere with enforcement proceedings, (B) deprive a person of a right to a fair trial or an impartial adjudication, (C) constitute an unwarranted invasion of personal privacy, (D) disclose the identity of a confidential source, and, in the case of a record compiled by a criminal law enforcement authority in the course of a criminal investigation, or by an agency conducting a lawful national security intelligence investigation, confidential information furnished only by the confidential source, (E) disclose investigative techniques and procedures, or (F) endanger the life or physical safety of law enforcement personnel. A file is closed within the meaning of this regulation when a final decision has been made not to take enforcement action or enforcement action has been taken and has been concluded. For the purpose of this section "enforcement action" means any authorized action intended to abate, prevent, counteract, deter, or terminate violations of law and includes action involving possible civil, criminal, or administrative sanctions, whether such sanctions involve adversary proceedings or other procedures, such as termination of benefits, protective measures, etc.

Section 5.81 is revised to read as follows:

§ 5.81 Time for initiation of request for review.

A person whose request has been denied may initiate a review by filing a request for review within (1) 30 days of receipt of the determination to deny or (2) within 30 days of receipt of records which are in partial response to his request if a portion of a request is granted and a portion denied, whatever is later.

Section 5.82(b) is revised to read as follows:

§ 5.82 By whom review is made.

* * * * *

(b) The decision on review, if adverse to the requestor, shall be made only with the concurrence of the Assistant Secretary for Public Affairs of his designee and after consultation with the General Counsel or his designee.

Section 5.85 is revised to read as follows:

§ 5.85 Decisions on review.

(a) Decisions on review shall be in writing within 20 working days from receipt of the request for review. Extension of the time limit may be granted to the extent that the maximum 10-day limit on extensions has not been exhausted on the initial determination. Such extension may only be granted for the reasons enumerated in subsection 5.51(d).

(b) The decision, which constitutes final action of the Department, if adverse to the requestor shall be in writing, stating the reasons for the decision, and advising the requestor of the right to judicial review of such decision.

(c) Failure to comply with time limits set forth in § 5.51 or in this subsection constitute an exhaustion of the requestor's administrative remedies.

[FR Doc.75-2784 Filed 1-29-75;8:45 am]

Social Security Administration

[20 CFR Parts 404, 405]

[Regulations Nos. 4 and 5]

FEDERAL HEALTH INSURANCE FOR THE AGED AND DISABLED

Entitlement to Hospital Insurance Benefits

Notice is hereby given, pursuant to the Administrative Procedure Act (5 U.S.C. 553), that the amendments to the regulations set forth in tentative form are proposed by the Commissioner of Social Security with approval of the Secretary of Health, Education, and Welfare. The proposed amendments to the regulations reflect and implement amendments to the Social Security Act made by sections 201, 202, and 299I of the Social Security Amendments of 1972 (Pub. L. 92-603) enacted October 30, 1972, and section 3 of the Railroad Retirement Amendments of 1973 (Pub. L. 93-58) enacted July 6, 1973. The proposed amendments set forth the conditions and duration of entitlement to hospital insurance benefits (1) for individuals age 65 or older not otherwise eligible for such in-

surance, at a monthly premium (currently $36); (2) for individuals under age 65 who are entitled to a disability insurance benefit, or have the status of a disabled qualified railroad retirement beneficiary, and who have been so entitled or have had such status for the preceding 24 consecutive calendar months; and (3) for individuals under age 65 who have chronic renal disease.

In addition, the proposed amendments set forth the requirements, provided in section 103 of the Social Security Amendments of 1965 (the transitional provision for the uninsured), for entitlement to hospital insurance benefits based on deemed entitlement to monthly benefits under section 202 of the Social Security Act. Regulations concerning this provision, presently in Part 404 (Regulations No. 4), Federal Old-Age, Survivors, and Disability Insurance, are being transferred to Part 405 (Regulations No. 5), Federal Health Insurance for the Aged and Disabled, since the subject matter of the regulations concerns the conditions of entitlement to health insurance benefits. The substantive material contained in §§ 404.366 through 404.373, Regulations No. 4, Subpart D, is replaced with appropriate cross-references to Regulations No. 5, Subpart A.

Prior to the final adoption of the proposed amendments to the regulations, consideration will be given to any data, views, or arguments pertaining thereto which are submitted in writing in triplicate to the Commissioner of Social Security, Department of Health, Education, and Welfare Building, Fourth and Independence Avenue SW., Washington, D.C. 20201, on or before March 3, 1975.

Copies of all comments received in response to this notice will be available for public inspection during regular business hours at the Washington Inquiries Section, Office of Public Affairs, Social Security Administration, Department of Health, Education, and Welfare, North Building, Room 4146, 330 Independence Avenue SW., Washington, D.C. 20201.

(Secs. 205, 226, 1102, as amended, 1801–1817, as amended, 1818, and 1871; 53 Stat. 1368, as amended, 79 Stat. 290, 49 Stat. 647, as amended, 79 Stat. 291–299, as amended, 86 Stat. 1374; 79 Stat. 331; 42 U.S.C. 405, 426, 1302, 1395–1395l–2, 1395hh)

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

Dated: January 8, 1975.

J. B. CARDWELL,
Commissioner of Social Security.

Approved: January 27, 1975.

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

Regulations No. 4 and Regulations No. 5 of the Social Security Administration (20 CFR Parts 404 and 405) are further amended as set forth below.

1. Sections 404.366 through 404.373 are revised to read as follows:

§ 404.366 Hospital insurance benefits; entitlement in general.

See § 405.101 of this chapter.

§ 404.367 Hospital insurance benefits; conditions of entitlement.

See § 405.102(a) of this chapter.

§ 404.368 Hospital insurance benefits; qualified railroad retirement beneficiary.

See § 405.102(b) of this chapter.

§ 404.369 Hospital insurance benefits; duration of entitlement.

See §§ 405.102 (c) and (d) of this chapter.

§ 404.370 Transitional provisions for deemed entitlement of uninsured individuals to monthly benefits under section 202 of the Act.

See § 405.103 of this chapter.

§ 404.371 Application for hospital insurance entitlement by uninsured individual.

See § 405.103(a)(5) of this chapter.

§ 404.372 Exclusions from "deemed entitlement"; Federal employees.

See § 405.103(b)(1) of this chapter.

§ 404.373 Exclusion from deemed entitlement; convictions for subversion, treason.

See § 405.103(b)(2) of this chapter.

2. Section 405.102 is revised to read as follows:

§ 405.102 Hospital insurance benefits for individuals age 65 or over.

(a) *Conditions of entitlement.* An individual is entitled to hospital insurance benefits under the provisions described in this Subpart A if such individual has attained age 65 and:

(1) Is entitled to monthly insurance benefits under section 202 of the Social Security Act as described in Subpart D of Part 404 of this chapter; or

(2) Is a "qualified railroad retirement beneficiary" as described in paragraph (b) of this section; or

(3) Is deemed entitled to monthly insurance benefits under section 202 of the Social Security Act, solely for purposes of entitlement to hospital insurance benefits, by meeting the requirements prescribed in § 405.103.

(b) *Qualified railroad retirement beneficiary.* For purposes of this Part 405, the term "qualified railroad retirement beneficiary" means an individual whose name has been certified to the Social Security Administration by the Railroad Retirement Board under section 21 of the Railroad Retirement Act of 1937. An individual shall cease to be a qualified railroad retirement beneficiary at the close of the month preceding the month which is certified by the Railroad Retirement Board as the month in which he ceases to meet the requirements of section 21 of the Railroad Retirement Act of 1937.

(c) *Beginning of coverage.* An individual is entitled to hospital insurance benefits beginning with the first day of the first month after June 1966 for which he meets the conditions of paragraph (a) of this section.

(d) *End of coverage*—(1) *General.* An individual's entitlement to hospital insurance benefits under paragraph (a) of this section ends with whichever occurs first:

(i) The last day of the month in which he dies; or

(ii) The last day of the month before the month he no longer meets the requirements:

(A) For entitlement to monthly benefits under section 202 of the Social Security Act;

(B) Of section 21 of the Railroad Retirement Act of 1937, if qualified for hospital insurance benefits solely as a qualified railroad retirement beneficiary; or

(C) Of the transitional provisions on eligibility for hospital insurance benefits (see § 405.103) because such individual has become entitled to monthly benefits under section 202 of the Social Security Act or has been certified as a qualified railroad retirement beneficiary.

(2) *Deemed entitlement in the month of death.* For purposes of paragraph (d)(1) of this section, an individual will be deemed to have been entitled to a monthly insurance benefit under section 202 of the Social Security Act, or to have been a qualified railroad retirement beneficiary, for the month in which he died if he would have been entitled to a monthly insurance benefit under section 202 of the Act, or would have been a qualified railroad retirement beneficiary, for such month had he died in the next month.

3. Section 405.103 is revised to read as follows:

§ 405.103 Transitional provisions for entitlement of aged uninsured individuals to hospital insurance benefits.

(a) *Requirements.* Unless excluded under the provisions of paragraph (b) of this section, an individual age 65 or over will be deemed entitled to monthly insurance benefits under section 202 of the Social Security Act, solely for purposes of entitlement to hospital insurance benefits (see § 405.102(a)(3)), if such individual:

(1) (i) Attained age 65 before 1968, or

(ii) Attained age 65 after 1967 and has not less than three quarters of coverage (as defined in Subpart B of Part 404 of this chapter or in section (5)(1) of the Railroad Retirement Act of 1937), whenever acquired, for each calendar year after 1966 and before the year he attained age 65;

(2) Is not entitled to hospital insurance benefits as provided in § 405.102(a)(1) and would not be entitled to such benefits upon filing an application for monthly insurance benefits under section 202 of the Social Security Act;

(3) Is not certifiable as a qualified railroad retirement beneficiary (see § 405.102(a)(2));

(4) Is a resident of the United States (for definition of United States see § 404.2(c)(6) of this chapter), and

(i) Is a citizen of the United States, or

(ii) Is an alien lawfully admitted for permanent residence who has resided in the United States continuously during the 5 years immediately preceding the month in which he files his application required under paragraph (a)(5) of this section; and

(5) Has filed an application for entitlement to hospital insurance benefits under § 405.102(a)(3). Such application must be filed no earlier than 3 months before the first month in which the individual meets the requirements of paragraphs (a) (1), (2), (3), and (4) of this section. An application filed within 12 months after any month in which these requirements are met will be deemed to have been filed in such month.

(b) *Individuals not deemed entitled.* An individual may not be deemed entitled to monthly insurance benefits under section 202 of the Social Security Act, for purposes of § 405.102(a)(3), if either of the following exists:

(1)(i) He was covered by an enrollment in a health benefits plan under the Federal Employees Health Benefits Act of 1959 as of February 16, 1965, or as of the first day of the first month in which he meets the requirements set forth in paragraph (a) of this section, or (ii) he could have been so covered for such first month if he or some other person had availed himself of an opportunity to enroll in a health benefits plan under the Federal Employees Health Benefits Act of 1959 and to continue such enrollment, provided that he or such other person was a Federal employee at any time after February 15, 1965. This exclusion shall not apply in the case of any individual for the month (or any month thereafter) in which—

(i) His coverage under such health benefits plan ceases (or would have ceased if he had had such coverage),

(ii) Such cessation of coverage was by reason of his or some other person's separation from Federal service, and

(iii) He, or such other person, was not (or would not have been) eligible to continue such coverage after such separation.

(2) Before the first month in which he meets the requirements of paragraph (a) of this section, he has been convicted of any offense under chapter 37 (relating to espionage and censorship), or chapter 115 (relating to treason, sedition, and subversive activities), or chapter 105 (relating to sabotage) of title 18 of the United States Code; or sections 4) relating to conspiracy to establish dictatorship), 112 (relating to espionage or sabotage), or 113 (relating to individuals assisting others wanted in connection with espionage or sabotage) of the Internal Security Act of 1950, as amended.

4. Section 405.104 is revised to read as follows:

§ 405.104 Entitlement to hospital insurance benefits based on chronic kidney failure.

(a) *Conditions of entitlement.* An individual is eligible for hospital insurance benefits based on chronic kidney failure if he:

(1) Has not attained age 65; and

(2) Is either—

(i) Fully or currently insured (as such terms are defined in section 214 of the Act and Subpart B of Part 404 of this chapter) or would be fully or currently insured if his service as an employee (as defined in the Railroad Retirement Act of 1937) after December 31, 1936, were included in the term "employment" as defined in the Social Security Act, or

(ii) Entitled to monthly insurance benefits under title II of the Social Security Act or to an annuity under the Railroad Retirement Act of 1937, or

(iii) The spouse or dependent child of a person who meets the requirements in paragraphs (a)(2)(i) or (ii) of this section; and

(3) Is medically determined to have end-stage renal disease as defined in paragraph (d)(1) of this section.

(b) *Beginning of coverage.* An eligible individual as defined in paragraph (a) of this section is entitled to hospital insurance benefits beginning with whichever of the following is the latest:

(1) July 1, 1973; or

(2) The first day of whichever first occurs—

(i) The month in which he receives a renal transplant, or

(ii) The month prior to the month in which he receives a renal transplant if, in such prior month, he is hospitalized in preparation for and in anticipation of such surgery, or

(iii) The third calendar month after the month in which he begins a course of dialysis; or

(3) The first month in which he meets the requirements of paragraph (a) of this section.

(c) *End of coverage.* An individual's entitlement to hospital insurance benefits based on chronic kidney failure ends with the last day of whichever of the following first occurs:

(1) The 12th month after the month in which he receives a kidney transplant or his course of dialysis otherwise terminates, unless on or before the last day of such 12th month the individual again requires a course of dialysis or another kidney transplant; or

(2) The month in which he dies.

(d) *Definitions.*—(1) *End-stage renal disease.* An individual who is medically determined to have chronic renal disease and who requires hemodialysis or renal transplantation for such disease has "end-stage renal disease." End-stage renal disease is that stage of kidney impairment which is irreversible, cannot be controlled by conservative management alone, and requires dialysis or kidney transplantation to maintain life.

(2) *"Child" and "spouse" defined.* An individual is the child or spouse of a person, for purposes of paragraph (a)(2)(iii) of this section, if the individual is so related to that person that he meets the relationship requirements set forth in Subpart L of Part 404 of this chapter for entitlement, respectively, to child's insurance benefits or to wife's, husband's, widow's, widower's, or mother's insurance benefits under title II on that person's earnings record, whether or not the relationship has continued long enough for such individual to qualify for such benefits. Notwithstanding the foregoing, an individual who qualifies as a spouse by virtue of § 404.1105 of this chapter must meet the duration of relationship requirements prescribed therein.

(3) *Dependency of a child.* For purposes of paragraph (a)(2)(iii) of this section, the child of a person is that person's "dependent child" if on the first day he has end-stage renal disease he meets the dependency requirements set forth in §§ 404.323–404.327a of this chapter for entitlement to child's insurance benefits on that person's earnings record and either:

(i) He has not attained age 22, or is under a disability (as defined in section 223(d) of the Act) which began before he attained age 22; or

(ii) (A) He has attained age 22, but not age 26, and

(B) He is receiving at least one-half support from that person, and

(C) He has continuously received since the day before he attained age 22, at least one-half support from that person.

For purposes of this subparagraph, the requirement in § 404.323(a)(1) that a child be dependent upon an individual "at the time the application for child's insurance benefits is filed," shall be deemed to read "on the first day he has end-stage renal failure," and the term "insured individual" referred to in §§ 404.323–404.324, and the term "individual" referred to in § 404.327a shall be deemed to read "a person who meets the requirements of paragraph (a)(2)(i) or (a)(2)(ii) of § 405.104."

(4) *What constitutes "at least one-half support."* A person is receiving at least one-half of his support from the insured individual if such individual makes regular contributions, in cash or kind, to such person's support and the amount of such contributions equals or exceeds one-half of such person's support.

5. Section 405.105 is added to read as follows:

§ 405.105 Hospital insurance entitlement based on entitlement to disability insurance benefits.

(a) *Conditions of entitlement*—(1) *General.* An individual is entitled to hospital insurance benefits described in this Subpart A if such individual:

(i) Has not attained age 65 and is entitled, and has for the 24 preceding consecutive calendar months been entitled, to—

(A) Disability insurance benefits under section 223 of the Social Security Act (see § 404.306 of this chapter), or

(B) Child's insurance benefits under section 202(d) of the Social Security Act by reason of disability (see § 404.320(a)(4)(iii) of this chapter), or

(C) Widow's insurance benefits under section 202(e) of the Social Security Act by reason of disability (see § 404.328(a)(3)(ii) of this chapter and paragraphs (a)(2), (4), and (5) of this section), or

(D) Widower's insurance benefits under section 202(f) of the Social Security Act by reason of disability (see § 404.331(a)(3)(ii) of this chapter and paragraphs (a)(3) and (4) of this section); or

(ii) Has not attained age 65 and is, and has for the immediately preceding 24 consecutive calendar months been, a disabled qualified railroad retirement beneficiary under section 22 of the Railroad Retirement Act of 1937.

(2) *Modification of age requirement for widow's insurance benefits.* For purposes of determining entitlement to hospital insurance benefits under paragraph (a)(1)(i)(C) of this section, § 404.328 (a)(3)(ii) and § 404.328(e) of this chapter are modified by substituting "age 65" where "age 60" appears therein.

(3) *Modification of age requirement for widower's insurance benefits.* For purposes of determining entitlement to hospital insurance benefits under paragraph (a)(1)(i)(D) of this section, § 404.331(a)(3)(ii) and § 404.331(c) of this chapter are modified by substituting "age 65" where "age 62" appears therein.

(4) *Deemed entitlement to widow's or widower's insurance benefits of certain individuals entitled to old-age insurance benefits.* For purposes of determining entitlement to hospital insurance benefits under paragraphs (a)(1)(i) (C) and (D) of this section, an individual who is entitled to old-age insurance benefits, and who was entitled to widow's or widower's insurance benefits based on disability for the month before the first month in which the individual was so entitled to old-age insurance benefits, shall be deemed to have continued to be entitled to such widow's insurance or widower's insurance benefits for and after such first month.

(5) *Deemed entitlement to widow's insurance benefits of certain individuals entitled to mother's insurance benefits.* For purposes of determining entitlement to hospital insurance benefits under paragraph (a)(1)(i)(C) of this section, an individual who is entitled to mother's insurance benefits under § 404.335 of this chapter (and would have been entitled to widow's insurance benefits by reason of disability if she had filed for such widow's insurance benefits) shall, upon application for hospital insurance benefits, be deemed to have filed for such widow's insurance benefits. Such individual shall, upon application and furnishing proof of such disability before July 1, 1974, be deemed to have been entitled to such widow's insurance benefits as of the first month she would have been entitled to such benefits if she had filed timely application therefor.

(b) *Beginning of coverage.* An individual is entitled to hospital insurance benefits under paragraph (a) of this section beginning with the first day of the first month after June 1973 in which he meets the conditions set forth in that paragraph.

(c) *End of coverage.* The entitlement of an individual entitled under paragraph (a) of this section ends with the last day of whichever occurs first:

(1) The later of—

(i) The last month for which he is entitled, or deemed to be entitled, to any of the benefits specified in paragraph (a)(1)(i) of this section, or the last month for which he has the status of a disabled qualified railroad retirement beneficiary (see paragraph (a)(1)(ii) of this section), or

(ii) The month following the month in which notice of termination of entitlement to such benefits or of termination of such status is mailed to him; or

(2) The month before the month in which he attains age 65; or

(3) The month in which he dies.

6. Section 405.106 is added to read as follows:

§ 405.106 Premium hospital insurance.

(a) *General.* Hospital insurance benefits under Part A of title XVIII are available on a voluntary basis beginning July 1973 to eligible individuals age 65 or over who do not otherwise qualify for hospital insurance benefits and are willing to pay the full average cost of such insurance in a monthly premium. Eligible individuals must enroll timely for this insurance, pay a monthly premium (see paragraph (d) of this section), and enroll or already be enrolled in the supplementary medical insurance plan under Part B.

(b) *Requirements for eligibility to enroll for premium hospital insurance.* An individual is eligible to enroll for premium hospital insurance if:

(1) He has attained age 65; and

(2) He is already enrolled under the supplementary medical insurance plan under Part B of title XVIII or is eligible for such enrollment and files a timely enrollment request which entitles him to such coverage; and

(3) He is a resident of the United States and is either—

(i) A citizen of the United States, or

(ii) An alien lawfully admitted for permanent residence who resided in the United States continuously for the 5-year period immediately preceding the month in which all other requirements are met; and

(4) He is not otherwise eligible for hospital insurance benefits.

(c) *Enrollment and coverage periods.* The regulations in Subpart B of this part governing supplementary medical insurance enrollment and coverage periods are applicable to enrollment and periods of coverage for premium hospital insurance, subject to the following exceptions:

(1) *Initial enrollment period—first eligibility before June 1973.* Individuals who first met the eligibility requirements of paragraph (b) of this section, other than subparagraph (2) thereof, before June 1973 could enroll for premium hospital insurance benefits during a 9-month initial general enrollment period that began December 1, 1972, and ended August 31, 1973. The premium hospital insurance coverage period of such an individual who enrolled during such 9-month period began on whichever of the following last occurred:

(i) The first day of the second month after the month in which he enrolled; or

(ii) July 1, 1973; or

(iii) The first day of the first month in which he met the requirements of paragraph (b) of this section.

(2) *Termination of premium hospital insurance coverage period—(i) Filing of request for termination.* An individual may at any time file a notice with the Social Security Administration that he no longer wishes to participate in the hospital insurance program. If such notice is filed before his hospital insurance coverage period begins, he will be deemed not to have enrolled for such insurance. If such notice is filed during his coverage period, such period will terminate at the close of the month following the month in which such notice is filed;

(ii) *Eligibility for hospital insurance not requiring premiums.* An individual's premium hospital insurance coverage shall terminate with the month before the first month in which he becomes eligible for hospital insurance benefits under § 405.102. Upon such termination, the individual shall be deemed, solely for purposes of hospital insurance entitlement, to have filed in such first month the application required to establish such entitlement;

(iii) *Termination of supplementary medical insurance benefits.* The termination of an individual's supplementary medical insurance coverage period shall result in the simultaneous termination of his premium hospital insurance coverage period.

(iv) *Nonpayment of premium.* An individual's premium hospital insurance coverage period shall be terminated because of nonpayment of premiums under the rules provided in Subpart I of this part governing termination for nonpayment of premiums of the supplementary medical insurance of an individual who is not entitled to monthly benefits payable under title II of the Social Security Act, the Railroad Retirement Act, or an act administered by the Civil Service Commission providing retirement or survivorship protection and who is not enrolled under a Federal-State agreement pursuant to section 1843 of the Act.

(3) *No deemed enrollment.* The provisions of § 405.210 (b) and (c) relating to deemed enrollment for supplementary medical insurance of certain individuals who become entitled to hospital insurance do not apply to individuals enrolling for hospital insurance under this section.

(d) *Premiums for hospital insurance—(1) Premiums before July 1974; enrollment in initial enrollment period.* The monthly premium for each month of coverage before July 1974 shall be $33.

(2) *Premiums after June 1794; enrollment in initial enrollment period.* For each month of premium hospital insurance coverage after June 1974, the amount of the hospital insurance premium will be governed as follows: The Secretary will, during the last calendar quarter of 1973 and of each year thereafter, determine and announce the dollar amount of the premium for each such month of coverage in the 12-month period commencing July 1 of the next year. Such premium amount for each month of the next year shall be equal to ($33 divided by $76) multiplied by the amount of the inpatient hospital de-

ductible for such next year, promulgated under § 405.113. Any amount determined under the preceding sentence which is not a multiple of $1 shall be rounded to the nearest multiple of $1, or if midway between multiples of $1, to the next higher multiple of $1.

(3) *Enrollment after initial enrollment period.* For months of hospital insurance coverage resulting from enrollment or reenrollment by an individual after the close of his initial enrollment period, the amount of the monthly premium as determined under paragraph (d)(2) of this section shall be subject to increase in accordance with the same rules, set forth in § 405.902(b), as are applicable to supplementary medical insurance premiums.

(4) *Collection of premiums.* Premiums must be paid for premium hospital insurance under the same rules set forth in Subpart I of this Part as are applicable to collection of supplementary medical insurance premiums from individuals who are not entitled to monthly benefits payable under title II of the Social Security Act, the Railroad Retirement Act, or an act administered by the Civil Service Commission providing retirement or survivorship protection and who are not enrolled pursuant to a Federal-State agreement under section 1843 of the Social Security Act.

7. A new § 405.107 is added to read as follows:

§ 405.107 Limitations on entitlement.

No payment may be made for:

(a) Post-hospital extended care services furnished before 1967; or

(b) Post-hospital extended care services furnished after 1966, or post-hospital home health services furnished at any time, if the hospital discharge necessary to qualify such services for payment under Part A of title XVIII occurred—

(1) In the case of an individual entitled to hospital insurance benefits under § 405.102, before July 1, 1966, or if later, before the first month in which he attained age 65; and

(2) In the case of an individual entitled to hospital insurance benefits under §§ 405.104 or 405.105, when the individual was not entitled to such benefits.

[FR Doc.75-2785; Filed 1-29-75;8:45 am]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR Part 71]

[Airspace Docket No. 74-NE-59]

Transition Area Proposed Alteration

The Federal Aviation Administration is considering amending § 71.181 of Part 71 of the Federal Aviation regulations so as to alter the Providence, Rhode Island, 700-foot Transition Area.

The alteration of the transition area is required in order to provide controlled airspace protection for aircraft executing the new Localizer Back Course Approach Procedure to be established at the New Bedford Municipal Airport, New Bedford, Massachusetts.

Interested persons may submit such written data or views as they may desire. Communications should be submitted in triplicate to the Director, New England Region, Attention: Chief, Air Traffic Division, Department of Transportation, Federal Aviation Administration, 12 New England Executive Park, Burlington, Massachusetts 01803. All communications received on or before March 3, 1975 will be considered before action is taken on the proposed amendment. No hearing is contemplated at this time, but arrangements may be made for informal conferences with Federal Aviation Administration officials by contacting the ministration officials by contracting the space Branch, New England Region.

Any data or views presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official docket will be available for examination by interested persons at the Office of the Regional Counsel, Federal Aviation Administration, 12 New England Executive Park, Burlington, Massachusetts.

The Federal Aviation Administration, having completed a review of the airspace requirements for the terminal area of Providence, Rhode Island, proposes the airspace action hereinafter set forth:

1. Amend the description of the Providence, Rhode Island, Transition Area in § 71.181 of Part 71 of the Federal Aviation Regulations as follows:

After the words: "within a 7-mile radius of the New Bedford, Massachusetts, Municipal Airport (Latitude 41°40'37" N., Longitude 70°57'34" W.), within 8 miles SE and 11 miles NW of the New Bedford ILS localizer SW course, extending from the localizer to 12 miles SW of the Om."

Add: "and within 3 miles each side of the 038° bearing from the New Bedford, Massachusetts, OM, extending from the 7-mile radius to 14.5 miles NE of the New Bedford, Massachusetts, OM, * * *"

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

Issued in Burlington, Massachusetts, on January 20, 1975.

WILLIAM E. CROSBY,
Acting Director,
New England Region.

[FR Doc.75-2731 Filed 1-29-75;8:45 am]

CIVIL SERVICE COMMISSION

[5 CFR Part 890]

HEALTH BENEFITS

Review of Claim for Payment or Service

Notice is hereby given that under authority of sections 8902(j) and 8913 of title 5, United States Code, it is proposed to amend Part 890 of Title 5 of the Code of Federal Regulations by deleting § 890.103(d) and creating a § 890.105 to provide for Commission review of denied claims, or portions thereof, for payment or service. Carriers and other interested persons may submit written comments, objection or suggestions to the Bureau of Retirement, Insurance and Occupational Health; U.S. Civil Service Commission, Washington, D.C. 20415; comments must be received by March 3, 1975. The proposed amendment is set out below.

§ 890.103 Employee appeals, corrections, and adjustments.

* * * * *

(d) [Revoked]

* * * * *

§ 890.105 Review of claim for payment or service.

(a) The Commission does not adjudicate individual claims for payment or service under health benefits plans. Individual claims for payment or service are adjudicated by the health benefits plan in which the employee or annuitant is enrolled.

(b) If a claim (or portion of a claim) or a service is initially denied by a health benefits plan, the plan will reconsider its denial upon receipt within one year of the denial of written request for reconsideration from the employee or annuitant. Such written request should set forth the reasons why the employee or annuitant believes that the denied claim or service should have been paid or provided. The plan must affirm the denial in writing to the employee or annuitant, setting out in detail the reasons therefor, within 30 days after receipt of the request for reconsideration or pay or provide the claim or service within such time, unless it requests of the employee or annuitant additional evidence reasonably necessary to a determination and such evidence has not been furnished.

(c) If a plan either affirms its denial of a claim or fails to respond to a written request for reconsideration within 30 days of the request, the employee or annuitant may make a written request to the Commission's Bureau of Retirement, Insurance, and Occupational Health for a review to determine whether the plan's denial is in accord with the terms of the Commission's contract with the carrier of the plan. The plan shall provide written notice to the employee or annuitant of the right to request such a review when it affirms a denial after reconsideration. A request for review will not be honored if received by the Commission more than 90 days from the date of the plan's affirmation of the denial. Nor will a request for review be honored if, upon request by the Bureau, the employee or annuitant does not furnish authorization signed by the patient (or person capable of acting for the patient) for the release of medical evidence to the Bureau.

(d) In reviewing a claim denied by a plan, the Bureau will review copies of all original evidence and findings upon which the plan denied the claim and any additional evidence submitted to the Bureau or otherwise obtained by the plan or Bureau. Plans will release such evidence and findings to the Bureau within 30 days of request therefor. Any evidence obtained by the Bureau in

connection with a review of the denied claim will be held privileged and confidential and will be reviewed only by persons having official need to see it.

(e) In reviewing a claim denied by a plan, the Bureau may request the employee or annuitant to obtain and submit additional medical or hospital records. The Bureau may also request a confidential advisory opinion from an independent physician, or such other information or evidence as may in the Bureau's judgment, be required to evaluate the claim denial. A Bureau request for an advisory opinion shall not disclose the identity of the claimant or patient, the plan, or any medical institutions or physicians involved in the claim.

(f) Within 30 days after all evidence requested by the Bureau has been received, it shall notify the employee and the plan of its findings on review.

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

[FR Doc.75-2826 Filed 1-29-75;8:45 am]

COST ACCOUNTING STANDARDS BOARD

[4 CFR Part 303]

RELEASE OF INFORMATION

Fee Schedules

In order to reflect the new requirements established by Pub. L. 93-502, which amended 5 U.S.C. 552 known as the Freedom of Information Act, the Cost Accounting Standards Board is amending Part 303 of its regulations as shown below.

The provisions of 5 U.S.C. 551 and 553-559 are not applicable to the Cost Accounting Standards Board. Additionally, because the amendments are essentially procedural, they do not constitute the type of regulation which is required by Pub. L. 91-379 to be published for comment and to be transmitted to the Congress. The amendments therefore will take effect on February 19, 1975, the date on which Pub. L. 93-502 becomes effective.

§ 303.5 *Fees for copying* is revised as follows:

§ 303.5 Fees for copying.

(a) The fee for searching for and duplicating Board records shall be $5.00 for each full hour of time required. No charge will be made for fractions of an hour.

(b) Any inquiry that appears to involve a total of more than 10 hours of search and duplication time will not be regarded as a request for information under this Part 303 unless this part is specifically cited or the inquirer specifically agrees to accept costs necessary to cover the estimated number of hours involved.

(c) Notwithstanding the foregoing, no charge or a reduced charge will be made whenever the Executive Secretary of the Cost Accounting Standards Board determines that a waiver or reduction of the fee is in the public interest because furnishing the information can be considered as primarily benefiting the general public.

§ 303.9 *Refusal to make record available* is revised as follows:

§ 303.9 Refusal to make record available.

(a) Where the material requested is not in being, is not a record, is an exempted record, or is otherwise unavailable, the request will be denied. The person making the request will be informed within 10 working days after receipt of the request for the material of the denial and the reason therefor.

(b) Not more than 20 days after a request for a record is denied pursuant to paragraph (a) of this section, the person making the request may appeal the denial to the Chairman, Cost Accounting Standards Board, who will make determinations on such appeals. The appeal shall be by letter, and shall identify the material requested and denied in the same manner as it was identified in the initial request; shall indicate the dates of the request and denial; and shall indicate the expressed basis for the denial. In addition, the letter of appeal shall state briefly and succinctly the reasons why the record should be made available.

(c) The Chairman may consult with others in making his determination, and shall by letter inform the requester, within 20 business days after receipt of the appeal, whether the requested material will be made available in whole or in part. If the request is denied in whole or in part, the basis for denial will be stated.

Effective date. This amendment shall become effective February 19, 1975.

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

ARTHUR SCHOENHAUT,
Executive Secretary.

[FR Doc.75-2804 Filed 1-29-75;8:45 am]

ENVIRONMENTAL PROTECTION AGENCY

[40 CFR Part 52]

[FRL 294-7]

CALIFORNIA

Proposed Disapproval of Sulfur Dioxide Regulation

On May 31, 1972 (37 FR 10842), September 22, 1972 (37 FR 19812), and May 14, 1973 (38 FR 12702), pursuant to section 110 of the Clean Air Act, as amended (42 U.S.C. § 1857c-5)and 40 CFR Part 51, the Administrator approved and promulgated portions of the California Plan for implementation, maintenance, and enforcement of the National Ambient Air Quality Standards. Among the regulations so approved was Bay Area Air Pollution Control District Regulation 2, §§ 3121-3123.9, 4110, 5110, and 6110, dealing with sulfur dioxide.

Section 3121 of Regulation 2 prohibits any emission of sulfur dioxide which results in ground level concentrations of sulfur dioxide exceeding certain specified limitations, measured as parts of sulfur dioxide per million parts air by volume. Section 3122 prohibits the emission of gas containing sulfur dioxide in excess of 300 parts per million (ppm) by volume, except as provided for in § 3123. Sections 3123-3123.9 permit a subject source to avoid the requirement of meeting the constant emission limitation of 300 ppm by complying with the limitations on ground level concentrations of sulfur dioxide as specified in the regulation.

Sections 4110, 5110, and 6110, dealing respectively with emissions from incineration or salvage operations, heat transfer operations, and general combustion or general operations, prohibit emissions of sulfur dioxide in excess of the limits provided in sections 3121 and 3122. As stated above, § 3122 contains an exception based upon § 3123, which in turn refers to §§ 3123.1-3123.9. Therefore §§ 3121-3123.9, inclusive, are the effective regulations applicable to sources subject to sections 4110, 5110, and 6110.

The Administrator proposed to disapprove §§ 32121-3123.9, 4110, 5110, and 6110 of Regulation 2 and to promulgate replacement regulations on the grounds that the strategy presently contained in the named sections permits optional noncompliance by a subject source with the specified emission limitation and therefore does not meet the requirements of section 110(a)(2)(B) of the Clean Air Act, as amended (42 U.S.C. 1857c-5(a)(2)(B)), as discussed below.

Section 110(a)(1) of the Clean Air Act requires States to submit plans for the implementation, maintenance, and enforcement of primary and secondary air quality standards in each air quality control region within such States. Section 110(a)(2) deals with approval and disapproval by the Administrator of such plans or portions thereof. Subsection (B) of that section provides that such a plan, to be approved, must contain emission limitations, schedules and timetables for compliance with such limitations, "and such other measures as may be necessary" to ensure attainment and maintenance of such primary or secondary standards.

Regulations submitted by several States as part of the implementation plans for those States contain both emission limitations and ambient air standards. Such ambient air standards may be included in State plans as among the "other measures" which may be "necessary" to attain or maintain National Ambient Air Quality Standards.

Certain regulations which could be interpreted to permit compliance with an ambient air standard as an "option" to compliance with a specified emission limitation were submitted as parts of some State implementation plans. However, the Administrator indicated that he had serious reservations concerning such "optional" features in regulations. In the preamble to the May 31, 1972 FEDERAL REGISTER (37 FR 10842, 10845) contain-

ing initial approvals and disapprovals of submitted State plans, including the California plan containing Bay Area Air Pollution Control District Regulation 2, §§ 3121–3123.9, 4110, 5110, and 6110, the Administrator discussed such "Optional Controls", stating:

> Several State plans include regulations under which a source owner or operator could be exempt from compliance with an applicable emission limitation if he can show that emissions from the source will not interfere with attainment or maintenance of the national standards. The Administrator neither approves nor disapproves such optional control features. States are advised, however, that action taken to allow any such exemptions will constitute revision of a State plan and therefore will be subject at that time to the Administrator's approval.

Although this statement specifically mentions National Ambient Air Quality Standards, it was intended by the Administrator, and logically extends to cover any type of ambient air limitation, including ground level concentration limitations such as are contained in Bay Area Air Pollution Control District Regulation 2, sections 3121–3123.9, 4110, 5110, and 6110. While not at that time specifically disapproving regulations which included such optional ambient air standards, the Administrator thus announced his intention to review such optional features in regulations at a future date and to disapprove them if he deemed such disapproval necessary to properly carry out the Clean Air Act.

It has been and continues to be the policy of EPA that sources must be required to comply with emission limitations as the principal means of attaining and maintaining the National Ambient Air Quality Standards. Regulations which do not contain such limitations are not approvable. Regulations which contain an emission limitation but which permit compliance with ambient air limitations as an option to compliance with the emission limitation are also not approvable. Therefore, EPA is taking steps to formally disapprove such optional features in regulations contained in several State plans.

Such action is consistent with the decision by the U.S. Court of Appeals for the Fifth Circuit in *Natural Resources Defense Council, et al.* v. *Environmental Protection Agency*, 489 F. 2d 390, decided February 8, 1974, in which the court held that the Clean Air Act, as amended, requires States to attain National Ambient Air Quality Standards primarily through use of emission reduction controls, stating that other measures, such as dispersion techniques, may be used only if (1) it is demonstrated that emission reductions sufficient to meet the national standards in the specified 3-year time period are unavailable or infeasible, i.e., only if, in the language of section 110(a)(2)(B) of the Act, they are "necessary", or (2) it is demonstrated that emission limiting regulations included in the State implementation plan are sufficient standing alone to attain the standards. The court further stated that it is not sufficient that a State plan include a stated emission limitation applicable to every source in the State and that, with the help of dispersion techniques, the plan guarantees attainment of the National Ambient Air Quality Standards. Rather, the court said, in enforcing the provisions of section 110(a)(2)(B) of the Clean Air Act, where a State plan includes both emission limiting controls and dispersion enhancement controls, it is necessary to examine the emission limitation included in the plan to determine the relative degrees of reliance the plan places on emission limitation and dispersion enhancement. Such examination is necessary because the Clean Air Act requires that the reliance placed upon emission limitations be the maximum amount possible.

The language of sections 3121–3123.9 of Regulation 2 makes it clear that the local air pollution control agency is free to place little or no reliance on the emission limitation contained in § 3122. Sections 3121–3123.9 permit a source to comply with the ambient air standards specified in the regulation by use of dispersion enhancement techniques, such as are referred to in the *NRDC* v. *EPA* case discussed above. There is no requirement in those sections or in sections 4110, 5110, or 6110 that the subject source apply constant emission control wherever technology is available. In actual practice the local agency does accept compliance by sources with the ambient air standards specified in the regulation as a substitute for compliance with the emission limitation.

Furthermore, enforcement actions undertaken by EPA in the Bay Area Air Pollution Control District have demonstrated that a regulation which contains such optional features is extremely difficult, if not impossible to enforce by EPA in accordance with the requirements of the Clean Air Act. Such regulations may additionally be unenforceable by citizen suit under section 304(a) of the Clean Air Act, as amended (42 U.S.C. 1857h–2(a)), which permits suit only against a person who is alleged to be in violation of an emission standard or limitation, not against one who may be in violation of another type of standard, such as the ambient air standards involved in Regulation 2, section 3121. The court in the *NRDC* v. *EPA*, discussed above, recognized this difficulty.

The requirement in section 110(a)(2)(B) of the Clean Air Act for emission limitations in State plans does not permit such limitations, once approved, to be avoided, either by a subject source or by the control agencies responsible for enforcing the regulations in the plan. Therefore, any regulation which permits such optional non-compliance with, or non-enforcement of, the stated emission limitation must be disapproved.

In light of the foregoing, the Administrator has determined that Bay Area Air Pollution Control District Regulation 2, §§ 3121–3123.9, 4110, 5110, and 6110 do not meet the requirements of section 110(a)(2)(B) of the Clean Air Act, as amended (42 U.S.C. 1857c–5(a)(2)(B)), and are inconsistent with the decision of the U.S. Court of Appeals for the Fifth Circuit in *NRDC* v. *EPA*, discussed above. Therefore, it is proposed to disapprove those sections of the regulation. Because the optional features in the regulation are not easily separable from the stated emission limitation, it is proposed to disapprove all the named sections. It is proposed to promulgate in place of sections 3121–3123.9 a Federal regulation which is substantively identical to section 3122, which contains the emission limitation of 300 ppm. It is also proposed to promulgate a replacement Federal regulation for each of sections 4110, 5110, and 6110, in each case substituting the emission limitation of 300 ppm in place of the reference to sections 3121 and 3122. The emission limitation of 300 ppm in the regulations, when taken together with the other regulations of the Bay Area Air Pollution Control District, has been determined by the State of California to be sufficient to achieve and maintain the National Ambient Air Quality Standards for sulfur dioxide in the San Francisco Bay Area Air Quality Control Region. Because at this time the emission limitation alone appears to be adequate, other control measures are not believed to be necessary for attainment or maintenance of the national standards in the affected air quality control region.

The public is encouraged to submit written comments on this proposed rulemaking. All comments postmarked on or before March 3, 1975 will be considered. Comments should be addressed to:

Paul De Falco, Jr., Regional Administrator
Environmental Protection Agency, Region IX
100 California Street
San Francisco CA 94111

All comments will be available for public inspection during business hours at the above address and at the Division of Stationary Source Enforcement, EPA, Room 3202 Waterside Mall, 401 "M" Street, SW, Washington, D.C. 20460. At the end of the 30-day period and after review of any comments received, the Administrator will take appropriate action in the FEDERAL REGISTER to finalize the proposed action.

This proposed rulemaking is issued under the authority of section 110(c) of the Clean Air Act, as amended [42 U.S.C. § 1857c–5(c)].

Dated: January 23, 1975.

JOHN QUARLES,
Acting Administrator.

It is proposed to amend Chapter I, Title 40 of the Code of Federal Regulations as follows:

Subpart F—California

1. Section 52.232 is added as follows:

§ 52.232 Control strategy: Sulfur dioxide, San Francisco Bay Area Intrastate Region.

(a) Sections 3121 through 3123.9, section 4110, section 5110, and section 6110 of Regulation 2 of the Bay Area Air Pollution Control District are disapproved as not meeting the requirements of section 110(a)(2)(B) of the Clean Air Act, as

amended (42 U.S.C. 1857c-5(a)(2)(B)), because they permit sources to comply with the specified ambient air quality standards in lieu of complying with the approved emission limitation.

(b) *Replacement Regulation for Bay Area Air Pollution Control District Regulation 2, Sections 3121 through 3123.9 (San Francisco Bay Area Instrastate Region).* No person shall cause, let, permit, suffer, or allow the emission of gas containing sulfur dioxide in excess of 300 ppm (vol). All sampling of exhaust gases shall follow the techniques prescribed in Bay Area Air Pollution Control District Regulation 2, Chapter 2, Division 8, as presently approved by the Environmental Protection Agency as part of the State of California plan for the implementation of the National Ambient Air Quality Standards. For purposes of this section, all sulfur present in gaseous compounds containing oxygen shall be deemed to be present as sulfur dioxide, and analysis of samples taken to determine the amount of sulfur dioxide in exhaust gases shall be made as specified in Bay Area Air Pollution Control District Regulation 2, Chapter 1, Division 9, as presently approved by the Environmental Protection Agency. Tests for determining compliance with this section shall be for not less than 15 consecutive minutes or 90% of the time of factual source operation, whichever is less.

(c) *Replacement Regulation for Bay Area Air Pollution Control District Regulation 2, section 4110 (San Francisco Bay Area Intrastate Region).* Sulfur Dioxide. No person shall cause, let, permit, suffer, or allow the emission from any incineration operation or salvage operation of sulfur dioxide in excess of 300 ppm (vol).

(d) *Replacement Regulation for Bay Area Air Pollution Control District Regulation 2, section 5110 (San Francisco Bay Area Intrastate Region).* Sulfur Dioxide. No person shall cause, let, permit, suffer, or allow the emission from any heat transfer operation of sulfur dioxide in excess of 300 ppm (vol).

(e) *Replacement Regulation for Bay Area Air Pollution Control District Regulation 2, section 6110 (San Francisco Bay Area Intrastate Region).* Sulfur Dioxide. No person shall cause, let, permit, suffer, or allow the emission from any general combustion operation or general operation of sulfur dioxide in excess of 300 ppm (vol).

[FR Doc.75-2859 Filed 1-29-75;8:45 am]

[40 CFR Part 52]

[FRL 328-6]

MARYLAND

Proposed Revision To Implementation Plan

On December 11, 1974, the Governor of Maryland submitted to the Regional Administrator proposed amendments to the approved Maryland State Implementation Plan for the attainment and maintenance of national ambient air quality standards.

The proposed amendments consist of additions, changes and deletions to sections 10.03.35 through 10.03.41 inclusive of the rules and regulations governing the control of air pollution in the State of Maryland, and include the following:

1. Phasing out of existing rotary cup burners except those fitted with dust collectors as of July 1, 1975, and prohibition of new rotary cup burners.

2. Prohibition of new residual fuel fired burners having a heat input rate of less than 13 million BTU/hour and requirement that any residual fuel fired burning equipment erected after January 17, 1972 and having a heat input rate of greater than 13 million BTU/hour be fitted with a dust collector. Interruptible gas fired units would be exempt from these regulations.

3. Prohibition of new fuel burning equipment designed for the use of solid fuel in which any individual furnace has a heat input rate of less than 50 million BTU/hour, and requirement that all solid fuel burners erected after January 17, 1972, regardless of heat input rate, be fitted with dust collectors. Interruptible gas fired units would also be exempt from these regulations.

4. Additional definitions of terms used in the Maryland State Air Pollution Control Regulations.

5. Postponement of the 0.5 percent sulfur-in-fuel content requirements, for residual fuel oil, from July 1, 1975 to July 1, 1980.

On September 17, 1974, the State of Maryland submitted proof that public hearings regarding these proposed changes, with the appropriate 30 day notice, took place on August 6, 1974 in Takoma Park, Maryland and August 7, 1974 in Baltimore, Maryland.

This notice is to advise the public of the receipt of these proposed amendments and to request public comment on them. Only those comments received before March 3, 1975, will be considered.

The Administrator's decision to approve or disapprove these proposed revisions will be based on whether or not they meet the requirements of section 110(a)(2)(A)-(H) of the Clean Air Act and EPA regulations in 40 CFR Part 51.

Copies of the proposed revisions and the analysis on which they are based are available for public inspection during normal business hours at the Offices of EPA, Region III, Curtis Building, Sixth and Walnut Streets, Philadelphia, Pennsylvania, 19106; at the Office of the Maryland Bureau of Air Quality Control, 601 North Howard Street, Baltimore, Maryland, 21201; and at the Freedom of Information Center, EPA, 401 M Street SW., Washington, D.C., 20460. All comments should be directed to the Acting Chief, Air Planning Branch, Division of Air and Hazardous Materials, EPA, Region III, Curtis Building, Sixth and Walnut Streets, Philadelphia, Pennsylvania 19106.

(42 U.S.C. 1857c-5)

Dated: January 23, 1975.

DANIEL J. SNYDER III,
Regional Administrator.

[FR Doc.75-2860 Filed 1-29-75;8:45 am]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 73]

[Docket No. 20265]

AM STATION ASSIGNMENT STANDARDS

Order Extending Time for Filing Comments and Reply Comments

In the matter of Amendment of Part 73 of the Commission's rules regarding AM Station Assignment Standards.

1. On November 27, 1974, the Commission adopted a notice of proposed rule making in the above-entitled proceeding. Publication was given in the FEDERAL REGISTER on December 9, 1974, 39 FR 42920. The dates for filing comments and reply comments are presently January 31, and March 4, 1975.

2. On January 15, 1974, the law firm of Smith and Pepper requested that the time for filing comments and reply comments be extended to and including March 3 and April 3, 1975, respectively. Smith and Pepper states that it represents a number of stations with an interest in this proceeding and the requested additional time is necessitated by the difficulty in obtaining, within the allotted time, the requisite data, including extensive engineering studies, area and population data, and information concerning the special needs of particular areas and populations which will be most helpful to the Commission in reaching a resolution of this proceeding.

3. We are of the view that the public interest would be served by extending the time in this proceeding. *Accordingly, it is ordered,* That the dates for filing comments and reply comments, are extended to and including March 3 and April 3, 1975, respectively.

4. This action is taken pursuant to authority found in sections 4(i), 5(d)(1), and 303(r) of the Communications Act of 1934, as amended, and § 0.281 of the Commission's rules.

Adopted: January 21, 1975.

Released: January 23, 1975.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] WALLACE E. JOHNSON,
Chief, Broadcast Bureau.

[FR Doc.75-2791 Filed 1-29-75;8:45 am]

[47 CFR Part 73]

[Docket No. 20292]

FM BROADCAST STATIONS

Table of Assignments; Ill. and Mo.; Extension of Time

In the matter of amendment of § 73.202(b), Table of Assignments, FM Broadcast Stations. (Paducah, Kentucky; Vienna, Illinois; and Farmington, Missouri) Docket No. 20292, RM-2188, RM-2265, RM-2410.

1. On December 11, 1974, the Commission issued a notice of proposed rule making in the above-entitled proceeding. Publication was given in the FEDERAL REGISTER on December 20, 1974, 39 FR 44037. The dates for filing comments and

reply comments are January 24 and February 13, 1975, respectively.

2. On January 17, 1975, Joe W. Hebel, by counsel, requested that the time for filing comments be extended for 30 days. Counsel states that Mr. Hebel and his engineer have contacted other parties attempting to agree on assignments of channels for all other cities involved and these negotiations will not be completed for 30 days.

3. We are of the view that the requested extension is warranted. *Accordingly, it is ordered*, That the dates for filing comments and reply comments are extended to and including February 24 and March 14, 1975, respectively.

4. This action is taken pursuant to authority found in sections 4(i), 5(d)(1), and 303(r) of the Communications Act of 1934, as amended, and §§ 0.281 and 1.46 of the Commission's rules.

Adopted: January 21, 1975.

Released: January 23, 1975.

FEDERAL COMMUNICATIONS COMMISSION,

[SEAL] WALLACE E. JOHNSON,
Chief, Broadcast Bureau.

[FR Doc.75-2790 Filed 1-29-75;8:45 am]

[47 CFR Part 73]

[FCC 75-55; Docket No. 20325]

FM BROADCAST STATIONS

Table of Assignments in Certain States

In the matter of Amendment of § 73.202(b), Table of Assignments, FM Broadcast Stations. (Payson, Ariz.; Pauls Valley, Okla.; Pine City, Minn.; Prattville, Ala.; Center, Tex.; Lake Arrowhead, Calif.; Bloomfield, Ind.; Providence, Ky.; Bethany, Mo.; Pulaski, N.Y.; Soldotna-Kenai, Alaska; Clear Lake, Ia.; and Silverton, Colo.) Docket No. 20325, RM-2335, RM-2387, RM-2392, RM-2400, RM-2402, RM-2414, RM-2433, RM-2435, RM-2437, RM-2441, RM-2453, RM-2458, RM-2459.

1. Notice of proposed rule making is hereby given concerning the amendment of § 73.202(b) of the rules, the FM Table of Assignments, to add a channel to the above-listed communities, as has been requested in the rule making petitions. In each of the communities there is a proposal for a Class A channel.[1] Population figures are from the 1970 U.S. Census. The proposed channels sought by each petitioner are as follows:

RM-2335 Channel 280A to Payson, Arizona (Charles W. Carpenter).
RM-2385 Channel 249A to Pauls Valley, Oklahoma (Garvin County Broadcasting, Incorporated).
RM-2392 Channel 221A to Pine City, Minnesota (WCMP Broadcasting Company).
RM-2400 Channel 237A to Prattville, Alabama (Prattville Radio, Inc.).
RM-2402 Channel 272A to Center, Texas (Center Broadcasting Co., Inc.).
RM-2414 Channel 280A to Lake Arrowhead, California (Arrowhead Broadcasting Co.).
RM-2433 Channel 224A to Bloomfield, Indiana (Charles D. Sears).
RM-2435 Channel 249A to Providence, Kentucky (Webster County Broadcasting, Inc.).
RM-2437 Channel 240A to Bethany, Missouri (Eugene Vaughn).
RM-2441 Channel 269A to Pulaski, New York (Oswego-Jefferson Broadcasting, Inc.).
RM-2453 Channel 261A to Soldotna-Kenai, Alaska (KSRM, Inc.).
RM-2458 Channel 276A to Clear Lake, Iowa (Klear Lake Brodcasting Company).
RM-2459 Channel 280A to Silverton, Colorado (Crystal Hill, Inc.).

2. *Payson, Arizona (RM-2335).* Charles W. Carpenter (petitioner), filed a petition on February 26, 1974, proposing the assignment of Channel 280A to Payson, Arizona. Channel 280A could be assigned to Payson in conformity with the Commission's minimum mileage separation rule without affecting any of the presently assigned channels in the FM Table. Payson (population 1,490) is located in Gila County (population 29,255), some 65 miles northeast of Phoenix, Arizona. Payson has no local broadcast facilities.

3. In support of his request, petitioner states that, although the 1970 Census gives the community a population of 1,490, the Chamber of Commerce estimates the present year-round population to be 3,200 and projects a permanent population of 10,000 within the city limits by 1980. He states that Payson is primarily an agricultural community, with lumber, cattle ranching and tourism its main industries, and is unsurpassed as a convenient vacation and resort area. Petitioner points out that a modern shopping center was recently opened, and a new group of shops will soon be available for occupancy. He adds that radio stations in Phoenix, Flagstaff and Show Low can be received in Payson but, due to the mountainous area, reception is poor during the daylight hours and almost nonexistent after the sun sets, and thus there is a need for a local broadcast facility. Petitioner states he will immediately apply for the requested channel through a corporation to be established for the purpose of creating and operating a radio broadcast facility in Payson. For these reasons, we believe consideration of the proposal for the assignment of a first Class A FM channel to Payson, Arizona, is warranted.

4. *RM-2387. Pauls Valley, Oklahoma.* Garvin County Broadcasting, Incorporated, licensee of AM Station KVLH, Pauls Valley, filed a petition on April 23, 1974, proposing the assignment of Channel 249A to Pauls Valley, Oklahoma. The channel could be assigned there in conformity with the Commission's minimum mileage separation rule and without affecting any other presently assigned channel if the station is located at a site 5 miles south-southeast of Pauls Valley. Pauls Valley (population 5,759), seat of Garvin County (population 24,874), is located about 50 miles south of Oklahoma City. Pauls Valley has no local FM broadcast facilities but has one daytime-only AM station, licensed to petitioner.

5. In support of its request petitioner states that the economy of this community is largely based on agriculture, industry and petroleum with the agricultural products marketed in 1972 totalling four and one-quarter millions of dollars, and a total of nearly seventy-eight millions of dollars in petroleum products being produced in 1971. Petitioner notes that Pauls Valley has a council-manager form of city government with five councilmen. It adds that the assignment of an FM channel in addition to the operating daytime-only facility would help to achieve many community goals. Petitioner states he will file an application to utilize the proposed assignment if granted. In view of the foregoing information and the fact that there is no local FM broadcast transmission service in Pauls Valley, we believe the proposal merits exploration in a rule making proceeding.

6. *RM-2392. Pine City, Minnesota.* WCMP Broadcasting Company (WCMP), licensee of Station WCMP, Pine City, Minnesota, filed a petition on May 24, 1974, proposing the assignment of Channel 221A to Pine City, Minnesota. The channel could be assigned there in conformity with the Commission's minimum mileage separation rule and without affecting present FM assignments, if used at a distance of 5 miles north of Pine City. Since Pine City is located beyond the Grade B contour of Station WDSM-TV, Channel 6, Superior, Wisconsin, the proposed assignment would not foreclose assignment on the lower numbered educational FM channels in the area. Pine City (population 2,143) is located in Pine County (population 16,821) about eighty miles south of Duluth, Minnesota. It has no local FM broadcast facilities, but has one daytime-only AM station which is licensed to petitioner.

7. In support of its proposal WCMP states that Pine City is predominantly an agricultural area with some light industry, the largest employers being Land O' Lakes, Inc., the producers of powdered milk and butter, and General Fabrication Corporation, an electronics manufacturer. Petitioner adds that Pine City has two elementary schools, one high school, a parochial school, and a vocational school. It has a mayor-council form of government which controls the 980 acre city and its 22 acres of park land. WCMP states that it will promptly

[1] In fairness to petitioners for FM channel assignments every effort is made to prepare and issue notices of proposed rule making chronologically on the basis of the date of the public notice which announced that a petition for rule making has been accepted and assigned a rule making number. However, this policy is not adhered to in those instances where a petition meets the following tests: (1) petition is for a Class A channel, which if assigned, would not affect existing assignments and presents no serious preclusion problems; (2) the proposed assignment would provide for a first local FM service or a first local nighttime aural service to a community; (3) no opposition or counterproposal is filed upon public notice of acceptance of the petition and (4) the petitioner states he will apply for a construction permit if the channel is assigned. With the exception of RM-2453 where petitioner is the licensee of an unlimited-time AM facility at Soldotna-Kenai, Alaska, each of the thirteen petitions included in this rule making proceeding meets the above tests.

file an application for a construction permit to operate on the proposed channel if granted. For these reasons, we believe consideration of the proposal for assignment of a first Class A FM channel to Pine City, Minnesota, is warranted.

8. *RM-2400. Prattville, Alabama.* Prattville Radio, Inc. (petitioner), licensee of Station WPXC, Prattville, Alabama, filed a petition on June 18, 1974, proposing the assignment of Channel 237A to Prattville, Alabama. The channel could be assigned to this community in full compliance with the Commission's minimum mileage separation rule and without affecting the present assignments in the FM table. Prattville, a community of 13,116 persons, is the seat of Autauga County (population 24,460), and is located some 12 miles northwest of Montgomery. The preclusion study indicates that preclusion would occur only on Channel 237A, encompassing a small area which includes Prattville. Prattville presently has one daytime-only AM station, licensed to petitioner, and no FM assignments.

9. Petitioner in support of his proposal states that the population growth from 1960 to 1970 was great with an increase of 98% for Prattville, and growth indicators suggest a continuation of this growth in the next decade. It points out that Prattville is the financial and business center of Autauga County with two local banks having combined deposits of $32,180,278, and its retail sales going from $9,414,000 in 1960 to $32,484,000 in 1972. Petitioner states that Prattville has a mayor-council governmental structure consisting of a mayor and five councilmen, its municipal government provides a full range of services such as police, fire, city courts, etc., and it has a full complement of social clubs and civic organizations. Petitioner adds that, if the Commission assigns Channel 237A to Prattville, it will file an application for a construction permit and, if granted, will build and operate the station. In view of the above, we believe consideration of the proposal for the assignment of a first Class A FM channel to Prattville, Alabama, is warranted.

10. *RM-2402. Center, Texas.* Center Broadcasting Co., Inc. (petitioner), licensee of Station KDET, Center, Texas, filed a petition on June 19, 1974, proposing the assignment of Channel 272A to Center, Texas. The channel could be assigned there in conformity with the Commission's minimum mileage separation rule and without affecting present FM assignments if used at a distance of three miles north-northwest of Center, to meet the distance separation requirement of 65 miles to Channel 272A at Jasper, Texas, assigned to Station KTXJ-FM. Center (population 4,989), seat of Shelby County (population 19,672), is located about 65 miles southwest of Shreveport, Louisiana. Center presently has one daytime-only AM station, licensed to petitioner.

11. In support of its proposal, petitioner states that Center's economy is based on sawmills, plywood mills, timber, poultry, and processing of farm products. Petitioner points out that Center offers entrance to Sabine National Forest 11 miles on (State) Highway 87 southeast, and is also fortunate to have the economic and recreational benefit of Toledo Bend Lake. It adds that the Toledo Bend Reservoir has also brought economic growth to Center. Petitioner states that should the channel be assigned it will file an application for use of the frequency with all due diligence. For these reasons, we believe consideration of the proposal for the assignment of a first Class A FM channel to Center, Texas, is warranted.

12. *RM-2414. Lake Arrowhead, California.* Arrowhead Broadcasting Co. (petitioner) filed a petition on May 22, 1974, proposing the assignment of Channel 280A to Lake Arrowhead, California. The channel could be assigned there in conformance with the Commission's minimum mileage separation rule and without affecting present FM assignment. The proposed assignment would foreclose future assignment only on Channel 208A. There are no communities without an FM station or assignment in the precluded area which appear to warrant an FM assignment. Lake Arrowhead (population 2,682) is located in San Bernardino County (population 684,072) some 10 miles southeast of San Bernardino, California. It has no local broadcast transmission facilities.

13. In support of its proposal, petitioner states that Lake Arrowhead is an important tourist center in southern California in the San Bernardino mountains and, each year, attracts thousands of vistors for recreation and vacation. It adds that the area permanent residents has increased from 2,008 persons in 1960 to 2,682 persons in 1970. Petitioner states that the Lake Arrowhead Development Corporation estimates that, at peak periods, the tourist influx can swell the area population to over 35,000. It points out that, although AM and FM signals are received from San Bernardino and other cities in the general vicinity, Lake Arrowhead has no local AM or FM broadcast service, and that the mountainous terrain tends to block FM signals and gives higher than normal attenuation of AM signals. Petitioner states that, if the channel is assigned to Lake Arrrowhead, it intends to apply for it and build the station promptly. In view of the foregoing information and the fact that there is no local FM broadcast transmission service in Lake Arrowhead, we believe the proposal merits exploration in a rule making proceeding.

14. *RM-2433. Bloomfield, Indiana.* Charles D. Sears (petitioner) filed a petition on July 25, 1974, proposing the assignment of Channel 224A to Bloomfield, Indiana. This channel could be assigned to Bloomfield in conformity with the Commission's minimum mileage separation rule and without affecting any presently assigned channel in the FM table. Bloomfield (population 2,565) is the seat of Greene County (population 26,894) and is located about 50 miles southeast of Terre Haute. It has no local broadcast transmission facilities. Petitioner states that he intends to make prompt application for this channel upon its assignment.

15. In support of his proposal, petitioner states that the proposed station would serve Greene and Owen Counties and a portion of Martin County and adds that neither Owen or Martin Counties has a local radio station. He states that the proposed service would be helpful in the winter to broadcast the closing of schools and the road conditions in general and would furnish information of social affairs for the residents. He contends that, with a population of over 50,000 in the three counties that would be served, he believes it would be in the public interest to assign the proposed channel as they are in great need of radio coverage. For these reasons, we believe consideration of the proposal for the assignment of a first Class A FM channel to Bloomfield, Indiana, is warranted.

16. *RM-2435. Providence, Kentucky.* On August 6, 1974, Webster County Broadcasting, Inc. (petitioner) filed a petition proposing the assignment of Channel 249A to Providence, Kentucky. This channel could be assigned to Providence in full compliance with the Commission's minimum mileage separation rule and without affecting present FM assignments in the FM table. Providence (population 4,270) is in Webster County (population 13,282) and is located approximately 50 miles northeast of Paducah, Kentucky. Neither Providence nor Webster County has any broadcast transmission facilities.

17. In support of its proposal, petitioner states that Webster County has sufficient activity to provide advertising support for the proposed station, pointing out that the county has 177 retail establishments with annual sales of $13,563,000 including stores of all major types. It adds that Providence is an incorporated city with a city manager, its own police and fire department, bank, savings and loan association and civic organizations. Petitioner contends that Providence is miles from larger centers, in a rural county which badly needs a local outlet for the daily disseminations of information and opinion of interest to local residents. It states that, promptly upon finalization of the proposed channel assignment, it will file an application for a construction permit at Providence and will construct and put into operation its proposed station. In view of the above, we believe that the merit of the proposal should be given consideration in this Notice.

18. *RM-2437. Bethany, Missouri.* On August 19, 1974, Eugene Vaughn (petitioner) filed a petition proposing the assignment of Channel 240A to Bethany, Missouri. This assignment can be made in conformity with the Commission's minimum mileage separation rule and without affecting the present assignments in the FM table. Bethany (population 2,914), seat of Harrison County (population 10,257), is located about 90 miles northeast of Kansas City. At the present time, Bethany nor Harrison County have no local broadcast facilities.

19. In support of his proposal, petitioner states that Bethany is primarily an agricultural area specializing in hogs, cattle and feed grain, but it has major industries consisting of, among others, the Lambert Manufacturing Co., a hat production firm, Calhoun Manufacturing Co., a manufacturer of farm equipment, and Bethany Cheese Company. He adds that Bethany has a mayor-council form of city government, nine churches, three elementary schools, one junior and one high school. Petitioner contends that there is a particular need for providing current local weather information to the farmers and workers, and that a local facility would fill an important need for coverage of general events in the community and of important news items including storm alerts, nighttime sports, disasters affecting the area, school announcements, including closings as well as other cancellations during bad weather. Petitioner states that, if the channel is assigned to Bethany, he will promptly file an application for its use and will design programming on the new facility to meet the above described needs. In view of the foregoing information and the fact that there is no local broadcast transmission service of any type in Harrison County, we believe consideration of the above proposal to assign Channel 240A to Bethany, Missouri, is warranted.

20. *RM–2441. Pulaski, New York.* Oswego-Jefferson Broadcasting, Inc., permittee of standard broadcast Station WSCP, Sandy Creek-Pulaski, New York, filed a petition on September 3, 1974, proposing the assignment of Channel 269A to Pulaski, New York. This assignment could be made in conformance with the Commission's minimum mileage separation rule without affecting the present assignments in the FM table. Pulaski (population 2,480) in Oswego County (population 100,897) is located about 35 miles north of Syracuse. A daytime-only AM station licensed to petitioner is the only broadcast facility serving the Pulaski/Sandy Creek area.

21. Petitioner, in support of his proposal, states that, from 1960 to 1970, the population of Pulaski increased from 2,256 to 2,480, a 9.9 percent gain and, during the four years since 1970, local estimates indicate the area has experienced an additional population gain of about 5 percent. Petitioner states that the Pulaski/Sandy Creek area is a typical small farming community with a local industrial base; an estimated 20 percent of the work force are employed by the four major local industries. Petitioner points out that, during the summer, the business volume of the two communities increased by 25–30 percent, but the economy of the local area remains stable due to the industry and winter recreation activities. It adds that Pulaski is governed by an elected mayor and village trustees. Petitioner asserts that the proposed channel would make it possible for the community of Pulaski and the surrounding area to receive its first full-time primary broadcast service, providing full and complete coverage of community affairs which cannot be covered by its existing AM facility. Petitioner states that he intends to immediately apply to activate the FM assignment if it is granted. In view of the above, we believe consideration of the proposal for the assignment of a first Class A FM channel to Pulaski, New York, is warranted.

22. *RM–2453. Soldotna-Kenai, Alaska.* KSRM, Inc., licensee of AM Station KSRM, Soldotna, Alaska (earlier in 1974 granted authority to identify this facility as Soldotna-Kenai) filed a petition on September 25, 1974 proposing the assignment of Channel 261A to Soldotna-Kenai, Alaska. This channel could be assigned in conformance with the Commission's minimum mileage separation rule without affecting the present assignments in the FM table. Soldotna (population 1,202) is located in the Kenai Peninsula Borough (population 13,500) and is the borough seat. Kenai, located 3.5 miles from Soldotna has a population of 3,533. Station KSRM, unlimited time AM station, licensed to petitioner, is the only broadcast facility in Soldotna. There are no broadcast facilities in Kenai.

23. In support of its proposal petitioner states that the proposed station would principally serve the needs of these two cities and would provide needed service to the entire western half of the Kenai Peninsula Borough. It adds that the economy of this area is based on commercial fishing, the oil and gas industry (Kenai Peninsula producing 80% of all the gas and oil in the State in 1970), and a three-month seasonal tourist trade. Petitioner states that the total retail sales of the cities of Soldotna and Kenai was $28,100,000 during fiscal year 1973 and during the same year the entire Kenai Peninsula Borough had retail sales of $54,767,000. It notes that the Kenai Peninsula Borough has a borough form of government with an elected Borough Chairman and Borough Assemblymen, and that Kenai and Soldotna are each governed by a mayor and city council. Petitioner adds that Kenai Peninsula Community College is now in full operation on its own campus near Soldotna; that a number of civic organizations maintain chapters in Soldotna and Kenai; that there are 29 active churches in the area and that these churches, representing most all major denominations, play an active part in the daily lives of twin-city citizens. Petitioner states that it would file an application for a construction permit for the proposed channel, if assigned.

24. Although petitioners request the designation of the channel assignment to specify Soldotna-Kenai, the assignment will be proposed for Kenai, the larger community. Since the two communities are located within 10 miles of each other, the channel will be available for use at Soldotna under the provisions of § 73.203 (b) of the rules. For the foregoing reasons, we believe consideration of the proposal for the assignment of a first Class A FM channel to Kenai, is warranted.

25. *RM–2458. Clear Lake, Iowa.* Klear Lake Broadcasting Company (petitioner) filed a petition on October 7, 1974, proposing the assignment of Channel 276A to Clear Lake, Iowa. This channel could be assigned there in conformance with the Commission's minimum mileage separation rule without affecting any of the presently assigned channels in the FM Table. Clear Lake has no local broadcasting facilities. Clear Lake (population 6,430) in Cerro Gordo County (population 49,335) is located 60 miles northeast of Fort Dodge.

26. In support of its proposal, petitioner states that Clear Lake has experienced a steady growth in population—from 6,158 in 1960 to 6,430 in 1970. It notes that Clear Lake has a mayor-council form of government, three elementary schools, junior high and high school, civic and fraternal organizations, two commercial banks and one savings and loan association, and is an important center for the area's extensive agricultural activities. It adds that Clear Lake has six manufacturing plants and is the site of a major bakery which employs 130 people. Petitioner states that, should the proposed channel assignment be granted, he will immediately apply for a construction permit to build the station. For these reasons, we believe consideration of the proposal for the assignment of a first Class A FM channel to Clear Lake, Iowa, merits exploration in a rule making proceeding.

27. *RM–2459. Silverton, Colorado.* Crystal Hill, Inc. (petitioner) filed a petition on October 7, 1974, proposing the assignment of Channel 280A to Silverton, Colorado. This channel could be assigned in full compliance with the Commission's minimum mileage separation rule and without affecting any of the presently assigned channels in the FM table. Silverton has no local broadcast facilities. Silverton (population 797), seat of San Juan County (population 831), is located 40 miles north of Durango, Colorado.

28. In support of its proposal petitioner states that Silverton is in one of the nation's richest mineral areas and, over the last 100 years, more than $500 million dollars in silver, gold, lead and zinc have been taken from this area with an equal amount remaining. It notes that the mines are still the main year round employer for the area, with the summertime tourists contributing to the economy of the 800 people who live and work in Silverton and the other 200 people in San Juan County. Petitioner asserts that the proposed radio station would be a way to reach and unite the people of Silverton, and believes that music, news, and public service programming is a means of stimulating cultural activities in Silverton. Petitioner states that it intends to file an application for a construction permit to build a community station in Silverton, we believe the proposal merits exploration in a rule making proceeding.

29. Since Payson, Arizona, and Lake Arrowhead, California, are located within 199 miles of the U.S.-Mexican border, these proposed assignments would require coordination with the Mexican Government. Further, the proposed assignments to Pine City, Minnesota, and

Pulaski, New York would require coordination with the Canadian Government for these communities are located within 250 miles of the U.S.-Canadian border.

30. In view of the foregoing and pursuant to authority found in Sections 4(i), 303 (g) and (r) and 307(b) of the Communications Act of 1934, as amended, and Section 0.281(b)(6) of the Commission's Rules and Regulations, it is proposed to amend the FM Table of Assignments, § 73.202(b) of the Commission's rules and regulations, as follows, for the named communities:

City	Channel No.	
	Present	Proposed
Payson, Ariz.		280A
Pauls Valley, Okla.		[1] 249A
Pine City, Minn.		[1] 221A
Prattville, Ala.		237A
Center, Tex.		[1] 272A
Lake Arrowhead, Calif.		280A
Bloomfield, Ind.		224A
Providence, Ky.		249A
Bethany, Mo.		249A
Pulaski, N.Y.		269A
Kenai, Alaska		261A
Clear Lake, Iowa		276A
Silverton, Colo.		280A

[1] In order to meet the minimum spacing requirements of our rules, a site 5 miles south-southeast of Pauls Valley, Okla., would be required; a site 5 miles north of Pine City, Minn., would be required; a site 10 miles northwest of Montgomery, Ala., would be required; a site 3 miles north-northwest of Center, Tex., would be required; and a site 10 miles north-northeast of San Bernardino, Calif., would be required.

31. *Showings required.* Comments are invited on the proposals discussed above. The proponents of the proposed assignments are expected to file comments even if they only resubmit or incorporate by reference their former pleadings. Proponents should also restate their present intention to apply for the channel if it is assigned, and if authorized, to build the station promptly. Failure to file comments may lead to denial of the request.

32. *Cut-off procedures.* The following procedures will govern the consideration of the filings in this proceeding.

(a) Counterproposals advanced in this proceeding itself will be considered, if advanced in initial comments, so that parties may comment on them in reply comments. They will not be considered, if advanced in reply comments.

(b) With respect to petitions for rule making which conflict with the proposal in this Notice, they will be considered as comments in the proceeding, and Public Notice to this effect will be given, as long as they are filed before the date for filing initial comments herein. If filed later than that, they will not be considered in connection with the decision in this docket.

33. Pursuant to applicable procedures set out in § 1.415 of the Commission's rules and regulations, interested parties may file comments on or before March 21, 1975, and reply comments on or before April 10, 1975. All submissions by parties to this proceeding or persons acting on behalf of such parties must be made in written comments, reply comments, or other appropriate pleadings.

34. In accordance with the provisions of § 1.419 of the Commission's rules and regulations, an original and fourteen copies of all comments, reply comments, pleadings, briefs, or other documents shall be furnished to the Commission.

35. All filings made in this proceeding will be available for examination by interested parties during regular business hours in the Commission's Public Reference Room at its headquarters, 1919 M Street, N.W., Washington, D.C.

Adopted: January 15, 1975.

Released: January 24, 1975.

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

[FR Doc.75-2792 Filed 1-29-75;8:45 am]

[47 CFR Part 76]

[FCC 75-68; Docket No. 20021]

FRANCHISE DURATION

Report and Order Terminating Proceeding

In the matter of amendment of Part 76 of the Commission's Rules and Regulations Relative to Amending Existing Franchise Duration Rules (§ 76.31(a)(3)) to Lengthen the Maximum Term and Impose a Minimum Term.

1. On April 17, 1974, the Commission, on its own motion, released the *Clarification of rules and notice of proposed rule making*, FCC 74-384, 46 FCC 2d 175. As part of this document, paragraphs 72 through 74 discussed franchise length as it relates to the present maximum 15 year term as is now permitted under § 76.31(a)(3) of the Commision's Rules.[1] The *Clarification* discussed two areas of concern for proposed future rule changes.

2. The first consideration is whether to delete the 15 year mandated maximum and replace this with general terms to reflect a more flexible approach. This recommendation was suggested by the Steering Committee of the Federal/State-Local Advisory Committee [FSLAC].[2] They argued that particularly in the larger cities, 15 years may not be sufficient time to develop and make profitable the advanced and complex broadband communications systems being contemplated. The Committee Report states:

> It is our feeling that a fifteen year maximum period does not sufficiently deal with the difficulties of financing modern cable systems in cities of widely varying size. Accordingly, we recommend that the maximum franchise period be redefined as a range of fifteen to twenty-five years, with specific periods within that range to be determined by individual franchising authorities. As an integral part of this recommendation provision should be made by the franchising authority for review at least every five years, commencing at most ten years after the franchise grant.

The central purpose of such reviews would be to consider such issues as system performance, design modifications and the possible need for changes in franchise terms. Such reviews might result in alterations in the basic franchise, franchise extensions, and other possible changes in the agreements between the parties. In no case would such review periods preclude proceedings by the franchising authority at any time for termination of the franchise for cause.[3]

3. The second area which causes concern is where a franchising authority places an extremely short minimum term in a franchise. Here we are worried that a franchise with, for instance, a one year duration or a requirement for renewal each year could result in an unreasonable assumption of risks along with increased administrative burdens. To remedy this problem we said we would consider a rule imposing a minimum franchise term, possibly between 5 and 7 years.

4. By this notice, interested parties were invited to submit comments under Docket 20021 on both the proposal made in the FSLAC report and our suggestion that a minimum term be imposed, as well as any other suggestion for modifying § 76.31(a)(3). We said that we would be interested in any cash flow figures to support contentions that longer franchise periods were needed.

SUMMARY OF COMMENTS

5. Comments and reply comments were submitted by 29 parties.[4] These parties can generally be categorized into 4 groups: State or municipal governments, cable television operators, public interest groups, and investors with financial interests in cable operations.

6. Generally, the comments submitted by the cable operators and the governmental entities support the FSLAC proposal or other similar plans which reflect flexibility in the duration of the franchise term. Cable operators point out that in those communities that elect to, or are required to, construct a more sophisticated system, it will take more than 15 years to recoup the initial costs of construction. They suggest that the shorter the franchise duration, the more hesitant they are to construct the system.

7. Liberty Communications, Buckeye Cablevision, Cablecom General and others all suggest that the Commission allow the local governmental authority, at its discretion, to set the duration with an upward limit of 25 years and a minimum of 10 years. This proposal would give them a greater amount of security for their investments. They argue that the 10 year minimum is the absolute

[1] Section 76.31(a)(3) states: "The initial franchise period shall not exceed fifteen (15) years, and any renewal franchise period shall be of reasonable duration."

[2] FSLAC was an advisory committee established by the Commision shortly after the adoption of the *Cable Television Report and Order*, FCC 72-108, 36 FCC 2d 143 (1972). Its purpose was to study the concept of the newly established dual federalism approach to franchising, and to make recommendations as to how this concept could be refined.

[3] See Part I, Issue #9 of the Final Report of the Steering Committee of the Federal/State-Local Advisory Committee on Regulatory Relationships.

[4] For a complete list of parties filing comments see Appendix A.

threshold number of years to attract capital for construction. Further, they point out that the longer the duration, the greater the encouragement would be for cable operators to invest additional capital to support consumer oriented services. On the other hand, other cable operators and most of the municipalities argue that the setting of a minimum number of years by the FCC would result in franchising authorities applying this number as a maximum: They feel that any set minimum would result in shorter franchises and cause even greater problems than already exist.

8. A comment filed on behalf of 83 cable operators argues that in the larger urban markets, even more than 25 years is needed because of the extremely high costs required to construct the basic plant, and the more severe operating losses incurred during the earlier years of operation. They propose a rule which would set 15 years as a minimum with the maximum ranging form 30 to 45 years. Warner Communications argues that if the Commission retains the 15 year maximum, it should allow the local franchising authority to grant up to a 20 year franchise accompanied by a limited showing of circumstances in justification. These 5 additional years, Warner proposes, should be considered as a reasonable extension of the present rule and not a request for a waiver of the rule.

9. Most of the comments support some sort of review procedure during the initial franchise period. However, some of the cable operators are fearful that unless stringent safeguards are placed on any review proceeding, the outcome could result in a new or substantially amended franchise. If this happens, the cable operators argue, they would then be forced to take this new document before the FCC for its acceptance. This would cause great expense and added administrative burdens. They further argue that without sufficient safeguards, a review proceeding could result in complete withdrawal of the franchise without proof of a material breach of the existing agreement. Finally, they point out that a franchise which was consistent with FCC standards could wind up being changed in such a way as not to comply with § 76.31 of the rules, which would again force a great burden on the operator. Buckeye Cablevision, in its reply comment, argues that the issue of a review proceeding should be dealt with in a separate rulemaking and should not be the subject of the present rulemaking.

10. Generally, the comments filed by the State and local governmental entities reflect a dissatisfaction that the FCC chooses to set a limit on the number of years. They argue that the duration of a franchise is an area that should be left to negotiation between the cable operator and the franchising authority. Several cities are particularly concerned that if the FCC sets a minimum number of years, it would cause great injustice. They argue that in some instances a very short term of years is what is needed in order to have greater control over the cable operator. The League of Wisconsin Cities states that any minimum rule promulgated by the FCC could place existing State laws in conflict.

11. Several California cities filed comments arguing that the FCC should not force cities to grant a franchise for more than 15 years. These cities appear to interpret § 76.31(a)(3) as either a minimum, or as a mandated number which cannot be varied. Perhaps this is a good opportunity to remove some confusion that seems to exist among some cities as to the limits of the present rule. Section 76.31(a)(3) sets a period of 15 years as a maximum duration of a franchise without seeking a waiver. It is not a minimum, nor is it meant to be an inflexible maximum. If a city determines that 15 years is too long, it is free to set the duration at any lesser number of years. If 15 years is too short, it has always been free to seek a waiver under the provisions of § 76.7 of the rules. The 15 year period was designed as a guide for cities after we determined that it appeared to be a reasonable period that accomplished an essential accommodation between the needs of the franchisor for oversight authority and the franchisee for economic stability. We would note that prior to our institution of this rule it was not unusual to find excessively long (*i.e.*, 99 years), exclusive franchises, which we determined were clearly not in the public interest.

12. The National Cable Television Association (NCTA) supports a proposal to lengthen the existing maximum franchise duration rule to 25 years, but opposes the proposal to establish a minimum franchise term. It argues that one of the considerations which an entrepreneur places into the equation as to whether to construct a cable system is the length of time available for recapturing his investment. NCTA describes the present situation in the major markets as bleak. In many major markets, cable systems are not being built because of high interest rates, low subcriber penetration, and restrictive regulations. It concludes by stating that a franchise duration that is too short is an inhibiting factor and does not reflect the new economic realities. On periodic review procedures, NCTA cautions the Commission that any unilateral franchising amending procedure left in the hands of a franchising authority could cause uncertainty which results in additional difficulty for the operator in making decisions that effect the building of the system. NCTA recommends that any review procedure, if found necessary, should be bilateral and be a formal part of the rules. NCTA argues that any minimum number of years placed in the rules will backfire. They fear that franchising authorities will accept this as a FCC sanctioned short term franchise period and will resort to adopting that time limit when granting franchises, regardless of local circumstances, based on this Commission's imprimatur.

13. The comments submitted by the public interest groups are primarily concerned with establishing periodic review procedures requiring public participation. Generally, they argue that no matter how long the duration of the franchise, there should be some sort of meaningful review in which the public is encouraged to examine the franchise, the operator's performance, and the needs of the community. The Philadelphia Community Cable Coalition suggests that this can be accomplished by requiring the establishment of citizen advisory committees to perform this review task. The Cable Television Information Center and the Civil Liberties Union of Alabama, while supporting some sort of midway review procedure, argue that there should be a full examination of the cable operation at renewal time.

14. Becker Communications Associates filed a comment as a lender and financial advisor to the cable television industry. They point out that, as a minimum before they will make a loan to a cable operator, the franchise must be for a term that exceeds the loan payback period by at least two years. Normally, the payback is 10 to 12 years. In most markets, they argue that 15 years should be the minimum. In larger markets, because of the higher costs and lower subscriber penetration, a longer period is needed.

Discussion and Conclusion

15. Based on the information before us, and our experience thus far, it is clear that in the great majority of cable television communities the present 15 year maximum franchise duration has not caused great difficulties. None of the comments filed in this rulemaking has suggested that the present rule has not been satisfactory in the majority of communities. The arguments raised generally are concerned with the larger cities or the more sophisticated systems.

16. Our present rule limits the length of a new franchise to a maximum of 15 years. This rule was prompted by the initial trend in franchising that led to extremely long franchises which afforded no opportunity for the local authorities to review or modify the agreement when shown necessary. Former § 76.31(a)(3) as it appeared in the *Cable Television Report and Order, supra*, read:

> The initial franchise period and any renewal franchise period shall be of reasonable duration.

Although we recognized at that time that decisions of local franchising authorities would vary in different areas, it was believed that in most cases a franchise should not exceed fifteen years.[5] In the *Reconsideration of Cable Television Report and Order*, FCC 72-530, 36 FCC 2d 326 (1972), the rule was modified to read in pertinent part:

> The initial period shall not exceed fifteen (15) years * * *.

In paragraph 111 of the *Reconsideration* we explained that the rule was modified in order to remove any confusion that may have surrounded the more general former rule. We further stated that we would entertain petitions for special re-

[5] See paragraph 182, *Cable Television Report and Order*, FCC 72-108, 36 FCC 2d 143 (1972).

lief where it could be shown that good cause existed in a particular instance for some other franchise period.

17. In *Cablecom-General of Topeka*, FCC 73-1340, 44 FCC 2d 544 (1974), the Commission was presented with its only case where a cable system was seeking a franchise duration in excess of the 15 year maximum.[6] In that case the only support for the requested waiver was the suggestion that the large size of a community was sufficient. We said at that time that:

> It's certainly possible that in a similar case, we might find a 20 year franchise term consistent with our policies, but we cannot make this judgment in the absence of supportive evidence.

As pointed out in both *Cablecom-General* and paragraph 111 of the *Reconsideration*, the Commission has the ability and is ready to grant a waiver of § 76.31(a)(3) on a case by case basis.

18. New York City and Dallas, Texas, comment that their cities, as well as other larger urban areas, require more than the 15 year maximum term. We do not deny this. The Commission has always been cognizant of the need for longer franchise periods in individual situations, but we have stated that the logical approach for these situations is to review them on a case by case basis. However, we do expect that the application for a certificate of compliance include a sufficient showing to justify a waiver of the rule if one is sought. The waiver request should demonstrate the need for an extended period of time and should include a showing which takes into account such things as capital investment, system construction, that the extended period of time is acceptable to the franchisor, and that it is fair and in the public interest. While we are not encouraging waiver requests in this matter, we do recognize that in some instances they may be called for upon good showing.

19. It might be helpful here, however, to identify one class of waiver requests which we do not think requires the excessive showing just outlined. As most parties are aware, our rules require that grandfathered franchises must come into complete compliance with the franchise standards of § 76.31 by March 31, 1977. Because of our maximum franchise term provision we are finding that an unintended disincentive has been created to bringing the franchise into compliance before that date. The disincentive exists for the cable operator because he is interested in securing the maximum franchise length as of March 31, 1977, and for some cities because franchise fees that exceed our standards could otherwise be maintained until that date.

20. In order to promote an efficient and orderly transition in the area of franchises we have decided to allow grandfathered franchises that are currently being renegotiated to comply with our rules to keep intact the pre-existing franchise fee until March 31, 1977, if the parties so desire, and to have a termination date consistent with a fifteen year maximum running from March 31, 1977. The intent and purpose of our rules remains intact under such a proposal and the adoption of such a waiver mechanism promotes earlier renegotiations of grandfathered franchises by removing the perceived disincentives. Any applicant seeking such a waiver should indicate in his certificate application that the fee and term provisions consistent with our rules contained in the renegotiated or modified franchise will become effective as of March 31, 1977, and should attach a brief explanation of the circumstances surrounding the waiver request.

21. The effect of this policy on waivers is to allow, in essence, 16 or, at the most, 17 year franchises and the continuation of pre-existing fee structures until March 31, 1977. Since in both instances the same result could be attained by delaying renegotiations until the deadline, the public interest is served by promoting early, thoughtful negotiations rather than a last minute rush. Of course, this policy does not apply to franchises that would have terminated prior to March 31, 1977, on their own accord. It is only meant to simplify the process for franchise modifications resulting from our March 31, 1977, deadline. Further, neither of these waivers is automatic, although our policy will be liberally construed. Our purpose is to make clear that franchisors and franchisees do have latitude to negotiate compliant franchises now if they so desire without the loss of specific benefits contained in earlier grandfathered franchises. To ease the administrative burden and avoid delays we would hope they do so.

22. The comments filed in this proceeding have not convinced us that there is an established need for changing the present 15 year duration rule. We believe the special relief provisions of § 76.7 of the rules will eliminate those specific instances where the 15 year limit is insufficient. The FSLAC flexible 15 to 25 year approach could result in confusion among the cities such as we encountered after our initial *Report and Order*.

23. The arguments against adoption of minimum franchise terms also persuade us against that course. While we are concerned, particularly from the standpoint of economic viability and administrative excess, about the imposition of unreasonably short franchise terms, we have found that in most instances the inherent difficulties are recognized prior to the adoption of a franchise. Since the adoption by this Commission of a minimum term would likely add more confusion than it was designed to eliminate, we will leave this matter with the franchising authorities.

24. Finally, the issue of review procedures during the life of the franchise is one that is best dealt with by the local franchising authority on an individual basis at its discretion. There are many distinctions and options available including review of performance, modification of franchise proceedings, renegotiation sessions, arbitration of existing provisions, etc. that can only be developed on a case by case basis considering relevant local laws, circumstances and needs. The subject is best left to local option in conjunction with the development of the franchise.

In view of the foregoing, the Commission finds that it would not be in the public interest to adopt any modification to § 76.31(a)(3) of the rules at this time.

Accordingly, it is ordered, That this proceeding is terminated.

Adopted: January 16, 1975.

Released: January 23, 1975.

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

APPENDIX A

COMMENTS

Becker Communications Associates
Cable Com.-General, Inc.
Civil Liberties Union Alabama, et al.
Communications Properties, Inc.
Dallas, City of TX
83 Cable TV Companies
City of St. Louis Park, Minnesota
TeleCable Corporation
Joint Comments: Buckeye Cablevision, et al.
League of Wisconsin cities
Liberty Communications
Members of Cable TV Information Center Staff
Metro Washington Council of Governments
Minnesota Commission of Cable Communications
Montebello, City of CA
National Black Media Coalition
National Citizen's Committee for Broadcasting
National League of Cities
National Cable Television Association
New York, City of
New York State Commission of Cable TV
Philadelphia Community Cable Coalition
San Diego, City of CA
San Jose, City of-City Librarian
Stockton, City of CA
Teleprompter Corp.
Texas Utility Advisory Council
Viacom International Inc.
Warner Cable Corp.

REPLY COMMENTS

Buckeye Cablevision, et al.

[FR Doc.75-2793 Filed 1-29-75;8:45 am]

[47 CFR Part 87]

[FCC 75-72; Docket No. 20332]

AERONAUTICAL NAVIGATION AID FACILITIES

Station Identification

In the matter of amendment of § 87.115 of the Commission's rules to allow, when required by the Federal Aviation Administration, the removal of the station identification from non-Federal aeronautical navigation aids which have Air Traffic Control procedures associated with them. Docket No. 20332, Rm. No. 2417.

1. Based upon a petition for rule making filed by the Federal Aviation Ad-

[6] There are other Commission decisions which have dealt with § 76.31(a)(3) of the Rules but do not directly relate to waiving the 15 year duration. For example, see *Leacom, Inc.*, FCC 73-292, 40 FCC 2d 129 (1973), *recons. granted*, FCC 73-413, 40 FCC 2d 693 (1973). (Commission will consider an automatic renewal clause as extending the duration of a franchise.)

ministration (FAA), the Commission is considering an amendment to § 87.115 of the rules providing that, when required by FAA, the station identification may be removed from those non-Federal aeronautical navigation aid facilities which transmit a station identification and which are authorized by FAA for public use under Instrument Flight Rules (IFR) conditions.

2. Some of the non-Federal aeronautical navigation aid facilities licensed by this Commission have become part of the National Airspace System. For each of these facilities, the FAA prescribes IFR procedures which must be observed by pilots when using the facility. Moreover, these facilities must meet FAA standards as well as those contained in the Commission's rules.

3. Certain maintenance activities required by the FAA for these facilities may affect the radiated signal and, thus, result in a safety hazard to pilots. Removal of the station identification will inform pilots that adjustments to the equipment are being made and the facility may be unreliable.

4. The aeronautical navigation aid facilities presently licensed by the Commission which will be affected by this amendment are those non-Federal instrument landing system localizer stations, omni-directional range (VOR) stations and radiobeacon stations in the National Airspace System. These types of stations transmit a continuous identification signal, usually consisting of a three or four letter group in Morse Code.

5. The FAA now requires removal of station identification from their own facilities during certain maintenance activities; this proposed amendment will make the requirement uniform throughout the National Airspace System.

6. The proposed amendment as set forth in the attached Appendix is issued pursuant to the authority contained in section 303(r) of the Communications Act of 1934, as amended.

7. Pursuant to the applicable procedures set forth in Section 1.415 of the Commission's rules, interested persons may file comments on or before March 7, 1975, and reply comments on or before March 17, 1975. All relevant and timely comments will be considered by the Commission before final action is taken in this proceeding.

8. In accordance with the provisions of § 1.419 of the Commission's rules, an original and 14 copies of all statements, briefs or comments shall be furnished the Commission. All comments received in response to this Notice of Proposed Rule Making will be available for public inspection in the Docket Reference Room in the Commission's Offices in Washington, D.C.

Adopted: January 23, 1975.

Released: January 28, 1975.

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

Part 87 of Chapter I of Title 47 of the Code of Federal Regulations is amended as follows:

1. Section 87.115 is amended by revising paragraph (a) and adding a new paragraph (j), as follows:

§ 87.115 Station identification.

(a) Transmissions without station identification, except as provided in paragraphs (h), (i), and (j) of this section, or transmissions with false identification are prohibited.

* * * * *

(j) When required by Federal Aviation Regulations (FAR), the station identification may be removed from those radionavigation stations licensed under this Part which are authorized by the Federal Aviation Administration for public use under Instrument Flight Rules (IFR) conditions.

2. Section 87.503 is revised to read as follows:

§ 87.503 Scope of service.

Air navigation aid facilities are usually operated by the Federal Aviation Administration. The Commission may issue licenses to operate radionavigation land stations in the same frequency bands where an applicant justifies the need for aeronautical radionavigation service and the Government is not prepared to render this service. Radionavigation land stations which provide aeronautical radionavigation service will be authorized only where the applicant meets all requirements specified by the Federal Communications Commission after consultation with the Federal Aviation Administration. Certain radionavigation stations licensed under this Part may become part of the National Airspace System and be authorized by the Federal Aviation Administration for public use under Instrument Flight Rules (IFR) conditions.

[FR Doc.75-2795 Filed 1-29-75;8:45 am]

SECURITIES AND EXCHANGE COMMISSION

[17 CFR Part 240]

[Release No. 34-11196; File No. S7-547]

BROKER-DEALERS' STATEMENTS OF ACCOUNTS TO CUSTOMERS

Proposal To Amend Rule

Notice is hereby given that the Securities and Exchange Commission has under consideration a proposal to amend Rule 15c3-2 (17 CFR 240.15c3-2) under the Securities Exchange Act of 1934 ("the Act"). In its present form, Rule 15c3-2 prohibits a broker or dealer from using customer free credit balances in his business unless the customer is given notice at least once every three months informing him of the sum due and that: (a) such funds are not segregated; (b) such funds may be used in the operation of the broker-dealer's business; and (c) such funds are payable upon demand.

With the adoption of Rule 15c3-3 (17 CFR 240.15c3-3) under the Act, which limits the extent to which a broker-dealer can use customer funds or securities in the operation of his business, the disclosures presently required by Rule 15c3-2 are no longer appropriate. Rule 15c3-3 permits the use of customer funds only in limited areas of the broker-dealer's business relating to the servicing of customers. Funds not used in these limited areas must be deposited in a "Special Reserve Bank Account for the Exclusive Benefit of Customers."

SUMMARY OF THE PROPOSED AMENDMENT

In its revised form, Rule 15c3-2 would specifically require any broker or dealer subject to the rule to send to its customers a statement of account reflecting any money balances and security positions as of the date of the statement and security movements or transactions in the customers' account during the period since the last such statement was sent to customers.[1] Such statements are intended to inform customers of the amount of any funds or securities in the broker-dealer's custody or control as well as purchases, sales, receipts and deliveries of securities and any dividends attributable to securities held for such customer.

The proposed rule requires the statement of account to be sent within 15 business days after the end of each fiscal quarter. However, a broker-dealer can send the statement more frequently, such as on a monthly basis, where business practice so dictates.

The proposed rule also requires that certain disclosures to customers be included in the statement of account. The disclosures would indicate that free credit balances and fully-paid securities of customers are available to the customer in the normal course of business operations following demand. In addition, a broker or dealer would be required to disclose to customers that free credit balances may be used in the business of such broker or dealer except as limited by the requirements of Rule 15c3-3. The statement of account would contain a disclosure that margin securities are available to the customer in the normal course of business operations upon full payment of his indebtedness to the broker or dealer following demand for the securities.[2]

These disclosures are expected to provide customers with information concerning the availability of their property held in the custody of the broker-dealer.[3]

[1] Where such statements are sent quarterly they would reflect all transactions during the quarter, however, where broker-dealers normally send monthly statements to customers, such monthly statements would satisfy the requirements of Rule 15c3-2 as proposed and need only reflect the transactions and positions resulting from the latest month's activity.

[2] See 17 CFR 240.15c3-3(1).

[3] See also 17 CFR 240.10b-16 which requires broker-dealers who extend credit in connection with any securities transactions to furnish specified information including the amount of and reasons for any interest charges.

The proposed rule would exempt from its application certain broker-dealers meeting the criteria for maintenance of minimum net capital of $5,000 or $2,500 as set forth in the most recent revisions to the proposed uniform net capital rule.[4] It is not deemed necessary to subject these broker-dealers to the application of the rule since they do not carry customer accounts or owe funds or securities to customers.

The Commission is inviting specific comments as to an appropriate phase-in period for the new disclosure requirements in recognition that broker-dealers may need to obtain new printed customer statement containing the revised disclosures.

STATUTORY BASIS

The Commission, acting pursuant to the provisions of the Securities Exchange Act of 1934 and, particularly, sections 15(c)(3), 17(a), and 23(a) thereof and deeming it necessary for the execution of its functions, hereby proposes to amend § 240.15c3-2 of Chapter II of Title 17 of the Code of Federal Regulations and to change the section heading to read as follows:

§ 240.15c3-2 Customer statement of account.

(a)(1) Every broker or dealer subject to the provisions of this rule shall send to each of his customers periodically, but not later than 15 business days after the end of each fiscal quarter, a statement of account detailing all money balances and security positions as of the date of such statement and any movements, adjustments and transactions, including, but not limited to, purchases, sales, receipts and deliveries of securities and any other debits or credits since the date of the last such statement.

(2) Each statement of account shall contain a written notice that customer free credit balances may be used in the business of such broker or dealer subject to the limitations of § 240.15c3-3 under the Securities Exchange Act of 1934 and that the customer has the absolute right to receive in the course of normal business operations following demand upon the broker or dealer, the delivery of:

(i) Any free credit balances to which he is entitled;

(ii) Any fully-paid securities to which he is entitled; and

(iii) Any securities purchased on margin upon full payment by such customer of any indebtedness to the broker or dealer.

(3) For purposes of this rule, the term "customer" shall have the same meaning as in subparagraph (a)(1) of § 240.15c3-3.

(b) The provisions of this rule shall not be applicable to a broker or dealer:

(1) Who is exempt from § 240.15c3-1 under the provisions of subparagraph (b)(3) of that section; or

(2) Who does not hold funds or securities for, or owe money or securities to, customers and does not otherwise carry accounts of or for customers, except as provided for in subdivision (v) below, and conducts his business in accordance with one or more of the following conditions, but engages in no other securities activities.

(i) He introduces and forwards as a broker all transactions and accounts of customers to another broker or dealer who carries such accounts on a fully disclosed basis and promptly forwards thereto all of the funds and securities of customers received in connection with his activities as a broker;

(ii) He participates, as a broker, in underwritings on a "best efforts" or "all or none" basis in accordance with the provisions of § 240.15c2-4(b)(2) and he promptly forwards to an independent escrow agent, customers' checks, drafts, notes or other evidences of indebtedness received in connection therewith which shall be made payable to such escrow agent;

(iii) He promptly forwards, as broker, subscriptions for securities to the issuer, underwriter, sponsor or other distributor of such securities and receives checks, drafts, notes or other evidences of indebtedness payable solely to the issuer, underwriter, sponsor or other distributor who delivers the securities purchased directly to the subscriber;

(iv) He effects an occasional transaction in securities for his own investment account;

(v) He acts as a broker or dealer with respect to the purchase, sale and redemption of redeemable shares of registered investment companies or of interests or participations in insurance company separate accounts, whether or not registered as an investment company, and he promptly transmits all funds and delivers all securities received in connection with such activities; or

(vi) He introduces and forwards all customer and all principal transactions with or for customer accounts to another broker or dealer who carries such accounts on a fully disclosed basis and promptly forwards all funds and securities received in connection with his activities as a broker or dealer and he does not otherwise hold funds or securities for, or owe money or securities to, customers and does not otherwise carry proprietary or customer accounts and his activities as a dealer are limited to holding firm orders of customers and in connection therewith: (A) in the case of a buy order, prior to executing such customers' order, purchases as principal the same number of shares or purchases shares to accumulate the number of shares necessary to complete the order which shall be cleared through another broker or dealer or (B) in the case of a sell order, prior to executing such customers' order sold the same number of shares, or a portion thereof, which shall be cleared through another broker or dealer; or

(3) Who is entitled to maintain minimum net capital of not less than $2,500 pursuant to the requirements of Rule 15c3-1.

All interested persons are invited to submit their views and comments on this proposal within 60 days after the date hereof to George A. Fitzsimmons, Secretary, Securities and Exchange Commission, 500 North Capitol Street, Washington, D.C. 20549. All such communications should bear the File No. S7-547 and will be available for public inspection.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.75-2825 Filed 1-29-75;8:45 am]

[4] See Securities Exchange Act Release No. 11094, November 11, 1974.

VETERANS ADMINISTRATION

[38 CFR Part 3]

VETERANS BENEFITS

Disappearance of Veteran; Awards to Dependents

The Administrator of Veterans' Affairs proposes a regulatory change relating to awards to dependents of veterans who have disappeared.

Section 3.656 of Part 3, Title 38, Code of Federal Regulations, provides that where a veteran has disappeared for 90 days or more, the disability compensation he or she was receiving may be paid to the wife, husband, children and parents. Paragraph (c) of that section provides that such awards will not be continued for more than 7 years after the date of disappearance where the facts are such as to bring into effect the presumption of death under § 3.212. Section 3.212 of Title 38 provides that where the evidence establishes the continued and unexplained absence of an individual from his or her home and family for a period of 7 years or more and a diligent search disclosed no evidence of the veteran's existence after his or her disappearance, the death may be considered as proved. It is further provided that no State law providing for presumption of death shall be applicable to claims for benefits under laws administered by the Veterans Administration.

Currently awards under § 3.656 are terminated at the expiration of 7 years after the date of disappearance of the veteran. It is then necessary to develop evidence as to the facts and circumstances of the disappearance and continued absence. Where the evidence developed establishes the requirements of § 3.212 are met, a finding of presumptive death is made. Death benefits may then be awarded to the beneficiary, if otherwise in order.

The proposed amendment to paragraph (c) of § 3.656 would provide that payments to beneficiaries under that section will be continued until a finding of presumptive death is made instead of terminating at the end of the 7-year period of continued absence. Under this amendment payments would not be suspended while development of evidence is in progress.

Interested persons are invited to submit written comments, suggestions, or objections regarding the proposal to the Administrator of Veterans' Affairs (271A), Veterans Administration, 810 Vermont Avenue, NW., Washington, D.C. 20420. All relevant material received before March 3, 1975 will be considered. All written comments received will be available for public inspection at the above address only between the hours of 8 am and 4:30 pm Monday through Friday (except holidays), during the mentioned 30-day period and for 10 days thereafter. Any person visiting Central Office for the purpose of inspecting any such comments will be received by the Central Office Veterans Assistance Unit in room 132. Such visitors to any field station will be informed that the records are available for inspection only in Central Office and furnished the address and the above room number.

Notice is given that the amendment would be effective the date of final approval.

In § 3.656, paragraph (c) is revised to read as follows:

§ 3.656 Disappearance of veteran.

* * * * *

(c) Awards to dependents will not be continued under this section in any case where the facts are such as to bring into effect the presumption of death under § 3.212.

* * * * *

Approved: January 24, 1975.

By direction of the Administrator.

[SEAL] ODELL W. VAUGHN,
Deputy Administrator.

[FR Doc.75-2774 Filed 1-29-75;8:45 am]

notices

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF THE TREASURY

Office of the Secretary

EFFECTS OF IMPORTED ARTICLES ON THE NATIONAL SECURITY

Publication of Report of Investigation To Determine Effects on the National Security of Imports of Petroleum and Petroleum Products

Notice is hereby given pursuant to section 232 of the Trade Expansion Act of 1962, as amended, 19 U.S.C. 1862, and 31 CFR 9.9 of the publication of a report of the Secretary of the Treasury to the President of an investigation, initiated by him, under section 232 of the Trade Expansion Act of 1962 to determine the effects on the national security of imports of crude oil, principal crude oil derivatives and products, and related products derived from natural gas and coal tar. The report states that, as a result of the investigation, the Secretary has found that crude oil, crude oil derivatives and products, and related products derived from natural gas and coal tar are being imported into the United States in such quantities and under such circumstances as to threaten to impair the national security, and, therefore, recommends that appropriate action be taken to reduce imports of crude oil, principal crude oil derivatives and products, and related products derived from natural gas and coal tar into the United States, to promote a lessened reliance upon such products, to reduce the payments outflow, and to create incentives for the use of alternative sources of energy to such imports.

The Secretary's report to the President was based on an investigation of the effect of petroleum imports on the national security conducted by the Assistant Secretary of the Treasury for Enforcement, Operations, and Tariff Affairs. The Secretary's report to the President and the Assistant Secretary's report of his investigation are published herein and copies thereof are available at the office of the Assistant Secretary for Enforcement, Operations, and Tariff Affairs, Department of the Treasury (which is the same office as that described in 31 CFR Part 9 as "Assistant Secretary of the Treasury for Enforcement, Tariff and Trade Affairs, and Operations").

The Secretary determined that "national security interests require that the procedures requiring public notice and opportunity for public comment or hearings, set forth in the Treasury regulations at 31 CFR Part 9, not be followed in this case." He further found that "it would be inappropriate to hold public hearings, or otherwise afford interested parties an opportunity to present information and advice relevant to the investigation as provided by section 232" of the Trade Expansion Act. A copy of the Secretary's determination can be found in Annex A below.

Dated: January 24, 1975.

[SEAL] DAVID R. MACDONALD,
Assistant Secretary, Enforcement, Operations, and Tariff Affairs.

THE SECRETARY OF THE TREASURY

MEMORANDUM FOR THE PRESIDENT

SUBJECT: Report on Section 232 Investigation on Petroleum Imports.

JANUARY 14, 1975.

This report is submitted to you pursuant to Section 232 of the Trade Expansion Act of 1962, as amended, and results from an investigation that I initiated under that Section for the purpose of determining whether petroleum [1] is being imported into the United States in such quantities or under such circumstances as to threaten to impair the national security.

At the present time, the demand for petroleum in the United States is 18.7 million barrels per day. Of this amount, imports provide 7.4 million barrels daily. The deficit in petroleum production compared with demand has grown since 1966, when the United States ceased to be self-sufficient.

Our increasing dependence upon foreign petroleum had, by 1973, created a potential problem to our economic welfare in the event that supplies from foreign sources were interrupted. Its adverse contribution to our balance of payments position had also significantly increased, and for the year 1973 the outflow in payments for the purchase of foreign petroleum was running at $8.3 billion annually, only partially offset by exports of petroleum products.

In September 1973, the worsening petroleum import situation was further seriously aggravated by an embargo on crude oil imposed by the Organization of Petroleum Exporting Countries, which effectively kept 2.4 million needed barrels of oil per day from U.S. shores. After the initiation of the embargo, the price of imported oil quadrupled from approximately $2.50 per barrel to approximately $10.00 per barrel and has since that time risen somewhat further. Simultaneously, the balance of payments problem deteriorated by reason of the increased oil bill paid by United States consuming interests. Today the outflow of payments for petroleum is running at a rate of $25 billion annually.

As a result of my investigation, I conclude that the petroleum consumption in the United States could be reduced by conserving approximately one million barrels per day without substantially adversely affecting the level of economic activity in the United States. Any sudden supply interruption in excess of this amount, however, and particularly a recurrence of the 2.4 million barrel per day reduction which occurred during the OPEC embargo, would have a prompt substantial impact upon our economic well-being, and, considering the close relation between this nation's economic welfare and our national security, would clearly threaten to impair our national security.

Furthermore, in the event of a worldwide political or military crisis, it is not improbable that a more complete interruption of the flow of imported petroleum would occur. In that event, the total U.S. production of about 11 million barrels per day might well be insufficient to supply adequately a war-time economy, even after mandatory conservation measures are imposed. As a result, the national security would not merely be threatened, but could be immediately, directly and adversely affected.

In addition, the price at which oil imports are now purchased causes a massive payments outflow to other countries. The inevitable result of such an outflow is to reduce the flexibility and viability of our foreign policy objectives. For this reason, therefore, a payments outflow poses a more intangible, but just as real, threat to the security of the United States as the threat of petroleum supply interruption. On both grounds, decisive action is essential.

Findings. As a result of my investigation, I have found that crude oil, principal crude oil derivatives and products, and related products derived from natural gas and coal tar are being imported into the United States in such quantities as to threaten to impair the national security. I further find that the foregoing products are being imported into the United States under such circumstances as to threaten to impair the national security.

Recommendations. I therefore recommend that appropriate action be taken to reduce imports of crude oil, principal crude oil derivatives and products, and related products derived from natural gas and coal tar into the United States, to promote a lessened reliance upon such imports, to reduce the payments outflow and to create incentives for the use of alternative sources of energy to such imports. I understand that a Presidential Proclamation pursuant to Section 232 of the Trade Expansion Act of 1962 is being drafted by the Federal Energy Administration consistent with these recommendations.

WILLIAM E. SIMON,
Secretary of the Treasury.

REPORT OF INVESTIGATION OF EFFECT OF PETROLEUM IMPORTS AND PETROLEUM PRODUCTS ON THE NATIONAL SECURITY PURSUANT TO SECTION 232 OF THE TRADE EXPANSION ACT, AS AMENDED (19 U.S.C. 1862)

JANUARY 13, 1975.

By the Assistant Secretary of the Treasury for Enforcement, Operations and Tariff Affairs, David R. Macdonald.

[1] The term "petroleum", as used in this report, means crude oil, principally crude oil derivatives and products, and related products derived from natural gas and coal tar.

I. INTRODUCTION AND SUMMARY

This investigation is being conducted at the request of and on behalf of the Secretary of the Treasury pursuant to his authority under Section 232 of the Trade Expansion Act (the "Act"), as amended, 19 U.S.C. 1862. (Annex A) The purpose of the investigation is to determine whether crude oil, crude oil derivatives and products, and related products derived from natural gas and coal tar are being imported into the United States in such quantities or under such circumstances as to threaten to impair the national security. Under 31 CFR 9.3, the Assistant Secretary of the Treasury for Enforcement, Operations, and Tariff Affairs is responsible for making this investigation.

The Secretary of the Treasury has determined pursuant to Section 232 that it would be inappropriate to hold public hearings, or otherwise afford interested parties an opportunity to present information and advice relevant to this investigation. He has also determined pursuant to his authority under 31 CFR 9.8 that national security interests require that the procedures providing for public notice and opportunity for public comment set forth at 31 CFR Part 9 not be followed in this case. (Annex A)

In conducting the investigation, information and advice have been sought from the Secretary of Defense, the Secretary of Commerce, and other appropriate officers of the United States to determine the effects on the national security of imports of the articles which are the subject of the investigation. Information and advice have been received from the Departments of State, Defense, Interior, Commerce, Labor, the Council of Economic Advisers, and the Federal Energy Administration. (Annex B)

In summary, the conclusion of this report is that petroleum *is* being imported in such quantities and under such circumstances as to threaten to impair the national security of this country.

Petroleum is a unique commodity: it is essential to almost every sector of our economy, either as a raw material component or as the fuel for processing or transporting goods. It is thus essential to the maintenance of our gross national product and overall economic health. Only a small percentage of present U.S. petroleum imports could be deemed to be secure from interruption in the event of a major world crisis. The quantity of petroleum imports, moreover, is now such a high percentage of total U.S. consumption that an interruption larger than one million barrels per day at the present time would adversely affect our economy. If our imports not presently deemed to be secure from interruption were in fact kept from our shores, the effect on the U.S. economy would be staggering and would clearly reach beyond a matter of inconvenience, or loss of raw materials and fuel for industries not essential to our national security. The outflow in payments for petroleum also poses a clear threat not only to our well being, but to the welfare of our allies. As the State Department has concluded, the massive transfer of wealth greatly enhances the economic and political power of oil rich states who do not necessarily share our foreign policy objectives, and correspondingly tends to erode the political power of the United States and its allies.

The purpose of this investigation under Section 232 of the Act is to determine the effects of our level of imported petroleum upon our national security and not to fashion a remedy. Nevertheless, it would appear that we must, over the longer term, wean ourselves away from a dependence upon imported oil, conserve our use of petroleum, promote the use of alternative sources of energy, and at least in part, stanch the outflow of payments resulting from our purchases of this commodity. As Secretary Kissinger states:

> Clearly, decisive action is essential. We have signalled our intention to move toward energy self-sufficiency. We must now demonstrate with action the strength of our commitment. In the short-term, our only viable economic policy option is an effective program of energy conservation. A vigorous United States lead on conservation will encourage similar action by other consuming nations. Consumer cooperation on conservation now and then development of new supplies over time will deter producer aggressiveness by demonstrating that consumers are capable of acting together to defend their interests.

II. STATUTORY CONSIDERATIONS

This investigation has proceeded in recognition of the close relationship of the economic welfare of the Nation to our national security. As required by section 232, consideration has been given to domestic production of crude oil and the other products under investigation needed for projected defense requirements, the existing and anticipated availability of these raw materials and products which are essential to the national defense, the requirements of the growth of the domestic petroleum industry and supplies of crude oil and crude oil products, and the importation of goods in terms of their quantities, availabilities, character and use as those affect the domestic petroleum industry and the ability of the United States to meet its national security requirements.

In addition, other relevant factors required or permitted by section 232 have been considered, including the amount of current domestic demand for petroleum and petroleum products which is being supplied from foreign sources, the degree of risk of interruption of the supply of such products from these countries, the impact on the economy and our national defense of an interruption of such supplies including the effects on labor, and the effect of the prices charged for foreign petroleum and petroleum products on our national security.

III. IMPORTS OF PETROLEUM AND PETROLEUM PRODUCTS

During the first eight months of 1974, the United States imported approximately 5.8 million barrels per day of petroleum and petroleum products. (Annex C) This figure amounted to 35.6 percent of total United States demand for such products during this period. The latest data available indicates that United States dependence on imported oil is growing. For the four weeks ending December 13, 1974, the United States imported about 7.4 million barrels per day of petroleum and petroleum products, which represented 39.5 percent of total United States demand for such products during the same period. (Annex C)

Imports into the United States may be divided into two major sources, the nations belonging to the Organization of Petroleum Exporting Countries (OPEC) and other nations. (Annex D) The OPEC nations have far more production capacity than the non-OPEC nations. Of the world's total production of approximately 55 million barrels per day, OPEC members produce 30 million barrels, Communist countries 11 million and the balance of 14 million barrels per day is produced by other countries including the U.S.[1] Moreover, the OPEC countries have over 8 million barrels per day of production potential which is not being utilized while virtually no unused capacity exists in the rest of the world.[2]

Most recent indicators show that 3.5 million barrels per day of crude oil and petroleum products are being imported by the U.S. directly from the OPEC member states. (Annex D) In addition, as much as 850,000 barrels per day of finished products imported into the U.S. from third country sources may originate from OPEC nations.[3] In total, 4.35 million barrels per day of the 1974 U.S. demand of approximately 17.0 million barrels per day came from OPEC sources. In percentage terms, U.S. imports from OPEC members account for over 25% of domestic demand.

The major Western Hemisphere suppliers of petroleum to the United States are Canada and Venezuela. The latter country provided the United States with approximately 1.1 million barrels per day from January through October 1974. For the same period, Canada exported to the U.S. over 1,000,000 barrels per day or slightly over 17 percent of our imported supplies.

The Canadian Government has recently conducted a study of its own energy potential. It concluded that steps should be taken to reduce exports of oil with a view to conserving petroleum for future Canadian requirements.[4] Accordingly, on November 22, 1974, the Canadian Government announced its intention to limit exports to the U.S. to 650,000 barrels per day by the end of 1975. Further reductions in exports will take place after annual reviews. As a result, it appears that the U.S. can no longer count on the availability of large volumes of oil from Canada but may have to increase our reliance on OPEC to make up for the reduction of Canadian imports.

See footnotes at end of document.

In summary, 60 percent of current imports of crude oil comes directly from OPEC members and another 15 percent is refined by third countries using OPEC crude oil. At least 85 percent of the imported petroleum, however, whether from OPEC or non-OPEC countries, appears to be subject to the threat of interruption in the event of a crisis. Moreover, the outlook in the short run is for the percentage of imports derived from OPEC members to increase as a result of limitations on Canadian exports.

IV. EFFECT OF 1973–1974 EMBARGO ON THE DOMESTIC ECONOMY

The interruption of the supply of a major part of U.S. imports of petroleum during the Winter of 1973–74 had a serious adverse impact on the economy of the United States.

In his memorandum, Secretary Dent stated:

> The experience of the Arab oil embargo last year, even though it halted only about one-half of our oil imports, confirms the risk of disruption to the economy which is implicit in dependence on imports of oil to this degree. The oil embargo is believed to have produced a reduction in U.S. GNP by some $10 to 20 billion. All sectors of the economy were adversely affected, with the consumer durables sector and housing construction most heavily hit. Further, it is estimated that a substantial part of the inflationary rise of prices during 1974, particularly in the first half, is attributable to the direct and indirect effects of the rise in overall energy costs which followed the rapid escalation of costs for Arab oil. In view of this record of injury caused by loss of foreign oil supply and our continuing vulnerability to future injury of even greater impact, it is my opinion that imports at current and projected levels do constitute a threat to impair the national security.

The Federal Energy Administration noted in its Project Independence report that the embargo's impact was serious as a result of the nation's high level of dependence upon foreign petroleum imports. In the years 1960 through 1973 U.S. production did not keep pace with U.S. consumption of petroleum. The resulting gap represented the level of U.S. imports, which increased drastically:

U.S. production and consumption of petroleum[1] (1960-73)—Petroleum (millions of barrels per day)

Year	Production	Consumption	Gap (imports)
1960	8.0	9.5	1.5
1965	8.8	10.8	2.0
1970	11.3	14.7	3.4
1972	11.2	16.4	5.2
1973	10.9	17.3	6.4

The impact of the embargo on imports can be shown by a comparison of import figures for both crude and refined oil imports for each of the months September 1973 through February 1974, and the percent change reflected in such figures from the same months of the preceding year:

Monthly imports before and during the oil embargo[2] (millions of barrels per day)

	Crude oil	Percent change from previous year	Total refined products	Percent change from previous year
September 1973	3.47	+47	2.65	+26
October	3.86	+49	2.67	+9
November	3.45	+50	3.14	+30
December	3.99	+45	2.90	+1
January 1974	2.46	−13	2.85	−4
February	2.10	−22	2.55	*+17

*The indicated positive balance in this month is reflected by the disproportionately large imports of motor gasoline, to accommodate critical shortages of this refined product.

Both the National Petroleum Council and the Federal Energy Administration have made detailed analyses of the impact of the 1973–74 embargo. A demand reduction of over 1 million barrels per day has been attributed to curtailment and conservation. These savings occurred in areas which caused minimum individual or collective hardship. However, many such savings were the result of one-time only reductions in usage patterns, such as lowering of thermostat levels. Once accomplished, by voluntary or other restraints upon energy usage, such savings cannot thereafter be duplicated.

The cost of the embargo to the economy, in terms of both increased energy costs and adverse impacts on the labor market, was severe. During the first quarter of 1974, the seasonally adjusted Gross National Product fell by 7% and the seasonally adjusted unemployment rate changed from 4.6% in October 1973 to 5.1% by March of 1974. Of course there were other factors at work in the economy during this period and it is difficult to isolate those declines attributable solely to the embargo. However, according to the FEA, increased energy prices during the embargo period were responsible for at least 30% of the increase in the Consumer Price Index with the long-term effects of the embargo and the subsequent price rises continuing after the embargo was lifted. As the FEA has pointed out, a comparison of the nation's economic performance for the two years preceding the embargo with the first quarter of 1974 demonstrates a clear and uninterrupted upward historical trend (albeit a reduced rate of increase beginning in the second quarter of 1973) followed by a sudden sharp decline during the relevant period:

Gross national product statistics[3] (1972-74)

	Real GNP *	Present changes in GNP from preceding quarter (annual rate)
1972		
I	768.0	
II	785.6	9.5
III	796.7	5.7
IV	812.3	8.0
1973		
I	829.3	8.6
II	834.3	2.4
III	841.3	3.4
IV	844.6	1.6
1974: I	831.0	−6.3

* Seasonally adjusted at annual rates in billions of 1958 dollars.

A similar effect has been identified by FEA with respect to real personal consumption expenditures and real fixed investments. These are set forth in detail in the Appendix to the Project Independence Report, and are not set forth in detail herein.

Following the embargo, the Department of Commerce reduced its forecast of real output for the first quarter of 1974 by $10.4 billion, and its forecast for the first quarter of 1975 by $15 billion.[4] Again, studies showing detailed effects upon the labor market and contributions to changes for selected items within the CPI have been analyzed in detail by the Department of Commerce and the Federal Energy Administration, and set forth in the Project Independence Report.

The adverse change of .5% in the seasonally adjusted national unemployment rate between October 1973 and March 1974 represents an increase of approximately 500,000 unemployed people. The Department of Labor has estimated that during the period of embargo 150,000 to 225,000 jobs were lost as a direct result of employers' inability to acquire petroleum supplies. An additional decline of approximately 310,000 jobs occurred as an indirect result of such shortages in industries whose products or processes were subject to reduced demand as a result thereof (most notably, the automobile industry). The Department of Labor estimates that 85% of the total jobs lost were those of semi-skilled workers, 5% clerical and 3% professional, technical and skilled.[5]

The Federal Energy Administration has projected the loss in economic activity (GNP) which could be reasonably correlated to a shortfall in oil supplies. The pattern of this correlation indicates that at any given time, the economy can absorb a modest reduction in consumption before painful reductions in economic activity occur. After this reduction in nonessential uses of oil is made, further reductions of oil supplies will result in sharply increasing losses in the GNP. Based on such models, the FEA has determined the impacts of interruption of imports under several conditions. For example, a recently calculated situation shows that a 2.2 million bbl/day import reduction for six months' duration is estimated to cause a $22.4 billion reduction in GNP.[6]

The Federal Energy Administration estimates that a reduction in consumption of approximately 1 million barrels per day can be managed without imposing

See footnotes at end of document.

prohibitive costs on the economy. While recognizing that a figure of 1 million barrels per day is not precise, it does approximate a reasonable estimate of the short-term reduction beyond which more severe economic readjustments would take place. Of the 17 million barrels per day current demand, it is estimated that 16 million is the proximate quantity required to prevent progressive deterioration of the economy at the present time.

It should also be noted that the impacts of any supply interruptions will be disproportionately felt in the various regions of the country. The major determinants of the impact within any given region is the amount of imports into that region, climatic conditions of the region, and the industries located there. The northwestern and northeastern parts of the country import large amounts of their petroleum requirements, the climatic conditions require them to use more energy for heating than other regions, and they have more energy using manufacturing industries in general than other parts of the country (this is especially true of the Northeast).

The direct effects of an embargo would be concentrated in PAD (Petroleum Administration for Defense) Districts 1 and 5. PAD District 1 includes the Eastern Seabord of the U.S. where it is estimated that 83 percent of the 1975 crude petroleum demand will be imported. In PAD District 5, the West Coast of the U.S. including Alaska and Hawaii, imports are 43 percent of total uses. The East Coast problem is especially difficult because of the high fuel oil demands in the New England area and the fact that approximately 98 percent of the residual fuel oil for PAD District 1 is imported as a refined product or made from imported crude.[7]

V. VULNERABILITY OF U.S. ECONOMY TO OIL AND DEVELOPMENT OF ALTERNATE ENERGY SOURCES

The vulnerability of the U.S. economy to petroleum supply interruptions is highlighted by (1) the fact that it is the backbone, not only of our defense energy needs, but also of our economic welfare, and (2) the difficulty of bringing in alternate energy sources immediately.

Although there may have been some recent minor changes, the 1973 figures show that petroleum accounted for 46 percent of domestic energy consumption, natural gas for 31 percent, coal for 18 percent, hydropower for 4 percent and nuclear for 1 percent. (Annex E)

The degree to which other energy forms can in the short run be physically substituted for oil is limited. Residual oil used in heating or utilities can be replaced with coal only after conversion of the plant's combustion facilities has taken place. Other energy sources are limited in supply of feasibility of use. Supplies of natural gas are declining and an interstate pipeline curtailment of 919 billion cu. ft. is expected in the 1974–75 heating season.[1] The natural gas reserve/production ratio has declined from 21.1 in 1959 to 11.1 in 1973,[2] indicating the production potential is seriously impaired. It does not appear that we can substitute natural gas for oil. On the contrary, the prospects are that either oil or coal may have to be substituted for natural gas. The nation's ability to increase its hydroelectric power generating capacity is severely limited. Other energy sources such as nuclear electrical generating power require long lead times for development and will not be available in materially increased quantities for a number of years. For example, nuclear power is not expected to reach a significant percentage (12%) of our total energy capacity until 1985.[3] The availability of coal is subject to further mine development, expansion of transportation systems and convertibility of furnaces and boilers, all of which require significant development time. Moreover, both the production and combustion of coal is currently subject to environmental restrictions which further limit its accelerated development as an energy source.

The outlook for increasing production of crude oil from domestic sources is not favorable for the near term. Domestic production has declined from 9.6 million barrels per day in 1970 to 8.7 million barrels per day in December 1974. A further gradual decline is anticipated until oil from the North Slope of Alaska becomes available in late 1977, or until oil is produced from presently undeveloped areas as the Outer Continental Shelf. Nevertheless, the sharp increase in the price of oil should stimulate increased exploration which, in the intermediate or longer term, if combined with conservation efforts should ameliorate the present threat to our economy.

Also, long-term energy sources such as the development of geothermal and oil shale energy resources and the practical utilization of solar energy require major advances in the technology involved. This technology may take several years to develop, but should assist in the solution of the domestic shortage of energy sources if sufficient incentive is provided.

VI. THREAT TO THE NATIONAL SECURITY OF FUTURE SUPPLY INTERRUPTIONS

Section IV has described the serious impact on the national economy and consequently on the national security of the winter 1973–1974 embargo. It is reasonable to expect similar or even worse effects of an interruption of supply in the future, particularly in light of increasing dependence on foreign sources of supply. U.S. production is declining[4] and alternative sources of energy supply require a long lead time for development.[5] Moreover, supplies from the most secure Western Hemisphere sources are likely to decline as illustrated by the Canadian action to reduce oil exports to the United States.

The Department of Defense has described the risks to our national security posed by the threat of a future supply interruption. The Department of Defense, in its memorandum to me of January 9, 1975, stated:

> The Department of Defense holds that this nation must have the capability to meet the essential energy requirements of its military forces and of its civil economy from secure sources not subject to military, economic or political interdiction. While it may be that complete national energy self-sufficiency is unnecessary, the degree of our sufficiency must be such that any potential supply denial will be sustainable for an extended period without degradation of military readiness or operations, and without significant impact on industrial output or the welfare of the populace. This is true because the national security is threatened when: (1) the national economy is depressed; (2) we are obliged to rely on non-secure sources for essential quantities of fuel; (3) costs for essential fuels are unduly high; and (4) we reach a point where secure available internal fuel resources are exhausted.
>
> As you know, the Mandatory Oil Import Program was established in 1959 for the express purpose of controlling the quantity of imported oil which at that time had been found to threaten to impair the national security. In the intervening years we have observed with growing concern the decline in domestic and western hemisphere petroleum productive capacity in relation to demand. The result has been a rapid expansion in our dependence on eastern hemisphere sources for the oil which is so essential to our military needs and the nation's economy. By 1973 that dependence had reached a level which risked substantial harm to the national economy in event of a peacetime supply denial. In event of general war, those risks would be substantially greater because of the sharply increased level of military petroleum consumption which would require support from domestic petroleum resources. The 1973 Arab oil embargo offered proof, if proof were needed, of the deterioration in our national energy situation.
>
> Energy conservation efforts and expanded use of alternate fuels halted the growth in crude oil and product imports during much of 1974. However, production of both oil and gas in the United States continues to decline, and indications are that import growth has resumed. Projections for 1975 indicate that imports may exceed seven million barrels a day, sharply higher than in 1974 and equal to near 19 percent of the probable total energy supply in 1975. To the extent that demand for petroleum imports causes increasing reliance on insecure sources of fuel, then such demand/reliance is a severe threat to our security.

Although oil exporters vary in their specific national goals and from time to time make unilateral decisions in regard to oil policies, oil exporters have the potential to bring about concerted actions which can explicitly deny the U.S. needed imports through such actions as last year's embargo. The loss in GNP growth and the significant unemployment created have on their face a significant impact in terms of the overall strength of the national economy. Continued reliance on foreign sources of supply leaves the U.S. economy vulnerable to further disruptive, abrupt curtailment or embargo of supplies, as well to further increases in prices. Consequently, it is only prudent from a national security standpoint to plan for the possibility that another embargo, or other type of supply interruption, could occur.

See footnotes at end of document.

VII. THE EXCESSIVE RELIANCE ON IMPORTED OIL AS A SOURCE OF WEAKNESS IN A FLEXIBLE FOREIGN POLICY

The dependence of the United States on imported petroleum can also adversely affect the ability to achieve our foreign policy objectives.

A healthy and vital domestic economy coupled with modern and adequate defense forces are the basic elements of strength in protecting our national security, but equally important in today's interdependent world is the continued smooth functioning of the international economic system and, in particular, the economic strength and viability of our Allies. The economies of many of these countries are almost totally dependent on imported oil and are therefore much more vulnerable to the threat of a new oil embargo. This could adversely affect the extent to which we can rely on those Allies in the event of a serious political or military threat to this country.

The risk to our Allies and to ourselves comes not only from the possibility of disruptions of supply and the impact this could have on foreign policies but also from the effect on their domestic economies of the high cost of oil imports. Individual consumer states faced with balance of trade deficits and having difficulties in financing them, could attempt to equilibrate their trade balances through "beggar-thy-neighbor" actions.

For example, deliberate measures could be taken to interfere with markets so as to increase exports and/or decrease imports from non-oil exporting countries. Specific examples would include export subsidies, import tariffs, quotas, and perhaps other non-tariff barriers to trade. Such action would, of course, be infeasible as a concerted policy by all deficit nations and therefore irrational. Indeed, should all embark on such a course, a severe economic loss would result through income reductions to all. Exports would be reduced for all oil importing countries with loss in economic activity.

A slowdown in economic growth and consequent unemployment resulting from such a course could have economic and social effects that could have serious political implications for our own security.

These potential problems could arise from the continued high levels of oil imports in conjunction with the price of oil, which generate large current account surpluses for OPEC. Given the limited absorptive capacity of some of these countries the increased oil revenues to these countries will not be immediately translated into increased imports. A recent estimate of the OPEC 1974 current account imbalance is about $60 billion. In contrast, the 1973 OPEC current account balance was only $13 billion. Projections of these balances through time indicate continued reserve accumulations at least until 1980, as some OPEC members will only gradually adjust their import levels to higher export revenues. An estimate of these accumulations as of 1980 is on the order of $200 to $300 billion (in terms of 1974 purchasing power) for OPEC as a group. Such a massive transfer of wealth would enhance the economic and political power of oil rich states which do not necessarily share our foreign policy objectives.

It is our expectation that these funds will be held and invested in a responsible manner. There is every economic incentive for the owners of these resources to take this course. The United States' basic economic position strongly favors maximum freedom for capital movements and we believe there is no reason to change this policy.

However, in view of the possible problems noted above, it is imperative that we join with our Allies in a concerted program of conservation, reduced reliance on imported sources of oil and development of alternative energy supplies. In this way we promote market forces that will work against further rises in already monopolistic oil prices, and exert some downward pressure on world oil prices.

The department of defense confirms these conclusions:

> The appropriate restriction of oil imports will also impact favorably on the balance of payments and, more importantly, will permit the United States to make a significant contribution to international efforts to reduce total world oil demand which, through its recent rapid growth, has contributed to harmful increases in world oil prices. Those increases have posed serious threats to the economic and military viability of NATO and other friendly nations, as well as to the United States. Reduced dependence on imported oil can also minimize the adverse impact on the United States, NATO and other friendly nations of boycotts such as that imposed by the Arab nations in 1973.

The Federal Energy Administration has pointed out that reduction of reliance on imported oil and conservation are essential to U.S. participation in the International Energy Program. Administrator Zarb states:

> Given the inability to create effective emergency supplies in the short run, it is important that the U.S. actively support and participate in international security agreements such as the International Energy Program (IEP), or a producer-consumer conference, with the objective of establishing future world oil prices acceptable to the U.S., the other importers, and the OPEC countries; and to decrease the likelihood of politically or economically motivated supply disruptions.
>
> The IEP particularly is an important component of the U.S. energy supply security program. It would coordinate the responses of most major oil importing nations to international supply disruptions, provide guidelines for conservation and stockpile release programs, and avoid competition for available supplies, and thus limit the oil price increases likely to result from an oil shortage.
>
> The IEP deters the imposition of oil export embargoes because it diminishes the ability of oil exporters to target oil shortfalls on particular oil importers, or greatly increases the cost of doing so. For example, under an IEP, a U.S. import shortfall of 3 MM B/D would require a much larger export cutoff, and increase the political and economic costs exporters would incur in imposing an embargo.

These measures do not exhaust the options available to the U.S. Government. They seem to us, however, to be among the most effective programs which the U.S. can implement at this time, given the character of the international energy market. As such, these options offer attractive prospects for minimizing the threat to our national security resulting from our need to continue to rely on imported oil.

VIII. FINDINGS AND RECOMMENDATIONS

As a result of my investigation, I recommend that the following determinations and recommendations be made by the Secretary of the Treasury and forwarded to the President:

Findings. As a result of the investigation initiated by me, I have found that crude oil, principal crude oil derivatives and products, and related products derived from natural gas and coal tar are being imported into the United States in such quantities as to threaten to impair the national security. I further find that the foregoing products are being import into the United States under such circumstances as to threaten to impair the national security.

Recommendations. I therefore recommend that appropriate action be taken to reduce imports of crude oil, principal crude oil derivatives and products, and related products derived from natural gas and coal tar into the United States, to promote a lessened reliance upon such products, to reduce the payments outflow and to create incentives for the use of alternative sources of energy to such imports. I understand that a Presidential Proclamation pursuant to Section 232 of the Trade Expansion Act of 1962 is being drafted by the Federal Energy Administration consistent with these recommendations.

DAVID R. MACDONALD,
Assistant Secretary, (Enforcement, Operations, and Tariff Affairs).

FOOTNOTES

SECTION III

[1] Treasury sources, Office of Energy Policy.
[2] Treasury sources, Office of Energy Policy.
[3] Treasury estimate, Office of Energy Policy.
[4] Statement of Donald S. MacDonald, Minister of Energy, Mines and Resources, on Canadian Oil Supply and Demand. Press Release November 22, 1974.

SECTION IV

[1] Federal Energy Administration, Project Independence Report, Appendix at 284 (November 1974).
[2] *Ibid.* at 285.
[3] *Ibid.* at 289.
[4] *Ibid.* at 291.
[5] *Ibid.* at 296.
[6] Federal Energy Administration, Office of Economic Impact, The Potential Economic Costs of Future Disruptions of Crude Oil Imports, at 11 (December 23, 1974).
[7] *Ibid.* at 3.

SECTION V

[1] Federal Power Commission, Staff Report, Requirements and Curtailments of Major Interstate Pipeline Companies Based on Form 16 Report (November 15, 1974).
[2] Report of a subcommittee of the House Committee on Banking and Currency on Oil Imports and Energy Security: An Analysis of the Current Situation and Future

Prospects; 93rd Cong., 2d Sess. at 28 (September 1974).

[3] Federal Energy Administration, Project Independence Report, at 30 (November 1974).

SECTION VI

[1] Federal Energy Administration, Project Independence Report at 5 (November 1974). See figures set forth in Annex F.

[2] See discussion of alternative energy sources in Section V. See also Federal Energy Administration, Project Independence Report at 6 (November 1974).

ANNEX A

THE SECRETARY OF THE TREASURY

MEMORANDUM FOR ASSISTANT SECRETARY MACDONALD

Subject: Request for Section 232 Investigation.

JANUARY 4, 1975.

Pursuant to my authority under Section 232 of the Trade Expansion Act, 76 Stat. 877 (19 U.S.C. 1862), I am requesting you to conduct an investigation under that section to determine the effects on the national security of imports of petroleum and petroleum products.

In my judgment, national security interests require that the procedures requiring public notice and opportunity for public comment or hearings, set forth in the Treasury regulations at 31 CFR Part 9, not be followed in this case. I further find that it would be inappropriate to hold public hearings, or otherwise afford interested parties an opportunity to present information and advice relevant to the investigation as provided by Section 232, as amended by the Trade Act of 1974. Therefore, I request that you proceed immediately with the investigation without doing so.

WILLIAM E. SIMON,
Secretary of the Treasury.

ANNEX B

THE SECRETARY OF STATE

JANUARY 11, 1975.

The Honorable WILLIAM E. SIMON,
Secretary of the Treasury

Dear Bill:

I am responding to your January 3 memorandum and that of David Macdonald requesting the view of the State Department as to the effect of petroleum imports on our national security.

The 1973–1974 oil embargo and production cutbacks demonstrated our vulnerability and that of other industrial nations to an interruption in foreign oil supplies. In addition to its direct economic cost in lost GNP and increased unemployment, the embargo stimulated massive and abrupt price increases which the producers have been able to maintain and increase. Without preventative action, OPEC's accumulation of financial assets will accelerate, reaching a total of about $400 billion in investable funds by the end of 1980. This massive transfer of wealth will greatly enhance the economic and political power of the oil rich states who do not share our foreign policy objectives. It will also cause a serious erosion of the political power of the United States and its allies relative to the Soviet Union and China.

Clearly, decisive action is essential. We have signalled our intention to move toward energy self-sufficiency. We must now demonstrate with action the strength of our commitment. In the short-term, our only viable economic policy option is an effective program of energy conservation. A vigorous United States lead on conservation will encourage similar action by other consuming nations. Consumer cooperation on conservation now and the development of new supplies over time will deter producer aggressiveness by demonstrating that consumers are capable of acting together to defend their interests.

From the national perspective, a major United States' conservation effort will:

—reduce OPEC's financial claims on United States resources and the transfer of economic and political power to the producers;

—reduce our vulnerability to supply disruptions;

—limit the effect of future OPEC price rises on United States growth and inflation; and

—exert some downward pressure on world oil prices.

We believe substantially higher import license fees will contribute to our conservation strategy. They should reduce our dependence on imported energy and demonstrate to other consumers and producers the seriousness of our commitment not to remain vulnerable to escalating oil prices and threat of supply interruptions.

Warm regards,

HENRY A. KISSINGER,
Secretary of State.

ASSISTANT SECRETARY OF DEFENSE

JANUARY 9, 1975.

Memorandum for The Assistant Secretary of the Treasury (Enforcement, Operations, and Tariff Affairs).

Subject: Section 232 Investigation on Petroleum Imports

Reference is made to your memorandum of 4 January 1975 in which you advised that the Department of the Treasury is conducting an investigation under Section 232, 76 Stat. 877 (19 U.S.C. 1862), to determine the effects on the national security of imports of petroleum and petroleum products. Department of Defense views on the security implications of current and projected oil import levels were solicited.

The Department of Defense holds that this nation must have the capability to meet the essential energy requirements of its military forces and of its civil economy from secure sources not subject to military, economic or political interdiction. While it may be that complete national energy self-sufficiency is unnecessary, the degree of our sufficiency must be such that any potential supply denial will be sustainable for an extended period without degradation of military readiness or operations, and without significant impact on industrial output or the welfare of the populace. This is true because the national security is threatened when: (1) the national economy is depressed; (2) we are obliged to rely on nonsecure sources for essential quantities of fuel; (3) costs for essential fuels are unduly high; and (4) we reach a point where secure available internal fuel resources are exhausted.

As you know, the Mandatory Oil Import Program was established in 1959 for the express purpose of controlling the quantity of imported oil which at that time had been found to threaten to impair the national security. In the intervening years we have observed with growing concern the decline in domestic and western hemisphere petroleum productive capacity in relation to demand. The result has been a rapid expansion in our dependence on eastern hemisphere sources for the oil which is so essential to our military needs and the nation's economy. By 1973 that dependence had reached a level which risked substantial harm to the national economy in event of a peacetime supply denial. In event of general war, those risks would be substantially greater because of the sharply increased level of military petroleum consumption which would require support for domestic petroleum resources. The 1973 Arab oil embargo offered proof, if proof were needed, of the deterioration in our national energy situation.

Energy conservation efforts and expanded use of alternate fuels halted the growth in crude oil and product imports during much of 1974. However, production of both oil and gas in the United States continues to decline, and indications are that import growth has resumed. Projections for 1975 indicate that imports may exceed seven million barrels a day, sharply higher than in 1974 and equal to near 19 percent of the probable total energy supply in 1975. To the extent that demand for petroleum imports causes increasing reliance on insecure sources of fuel, then such demand/reliance is a severe threat to our security. Given the gradual reduction in the quantity of petroleum available from relatively secure Western hemisphere sources, relative dependence on insecure sources in the eastern hemisphere will grow more rapidly than the overall growth in oil imports.

The exhaustion of our available internal fuel resources would pose an even greater threat to our security. Therefore, our petroleum policy should properly balance these opposing needs. That is to say, national security considerations would seem to require a proper balance of import restrictions with a decrease in demand. We recognize that the nation faces a period of several years during which dependence on insecure imported oil will exceed levels which we would consider acceptable from a national security viewpoint. Accordingly, we believe that every reasonable effort should be made to inhibit demand growth, and increase total internal energy supply while keeping the quantity of imports at the lowest level commensurate with the essential needs of national security and the civil economy.

The proper control of petroleum imports at minimum essential levels will provide assurance to those engaged in the development of conventional and non-conventional domestic energy resources that foreign oil, regardless of its availability and potential price competitiveness, will not be allowed to deny future markets to secure domestic energy supplies. The appropriate restriction of oil imports will also impact favorably on the balance of payments and, more importantly, will permit the United States to make a significant contribution to international efforts to reduce total world oil demand which, through its recent rapid growth, has contributed to harmful increases in world oil prices. Those increases have posed serious threats to the economic and military viability of NATO and other friendly nations, as well as to the United States. Reduced dependence on imported oil can also minimize the adverse impact on the United States, NATO and other friendly nations of boycotts such as that imposed by the Arab nations in 1973.

It is our conclusion that current and projected levels of demand and need for imported petroleum products and crude oil pose substantial risks to the national security of the United States. Additional growth in the need to import will result in further dependence on eastern hemisphere sources from which oil must move over long and vulnerable sea lanes. Moreover, it will depend predominantly on nations which have demonstrated the will and ability to employ their oil resources for political purposes. Further, the rapid growth in U.S. oil imports since 1970 has had, and will continue to have if it persists, a major role in creating and maintaining the conditions which led to the oil price rises of 1973 and 1974, and impaired the ability of our NATO allies to obtain their minimal oil needs in periods of supply dis-

ruption. Future growth will exacerbate those conditions. Increasing dependence on imported oil is inimical to the interests of the United States and should be subject to such controls as may be needed to insure that oil imports are properly balanced against our essential needs and reflect our development of additional energy resources.

Attached for your information are estimates of military petroleum requirements.

ARTHUR I. MENDOLIA,
Assistant Secretary of Defense,
(Installations & Logistics).

MILITARY PETROLEUM REQUIREMENTS

Estimated consumption, U.S. forces, FY 1975—558,000 barrels per day.[1]

Estimated consumption in general war—1,800,000 barrels per day.

In addition to purely military requirements there is a substantial additional need for direct and indirect use of petroleum by defense-related private industry. No data is available on the amount of petroleum involved, but broad estimates of total energy consumption by defense industry indicate that from 1.5 to 3.0 percent of total national energy consumption is currently required. That percentage would increase substantially in a protracted general war, probably largely due to conversion of industry to war production, without necessarily reflecting sharply increased energy requirements on a btu basis.

DEPARTMENT OF THE INTERIOR
OFFICE OF THE SECRETARY
Washington, D.C., January 8, 1975.

Hon. DAVID R. MACDONALD, *Assistant Secretary, Enforcement, Operations and Tariff Affairs, Department of the Treasury, Washington, D.C.*

DEAR MR. MACDONALD: In response to your memorandum of January 4, 1975, relating to the request for investigation on petroleum imports under Section 232 of the Trade Expansion Act, we have enclosed some observations concerning the effects on the national security of imports of petroleum and petroleum products.

Sincerely yours,

JACK W. CARLSON,
Assistant Secretary of the Interior.

THE EFFECTS ON NATIONAL SECURITY ON IMPORTS OF PETROLEUM AND PETROLEUM PRODUCTS

Imports of crude oil in the first nine months of 1974 averaged 3.3 million barrels per day, and imports of petroleum products and unfinished oils in petroleum averaged 2.6 million barrels per day. Total imports as a percent of supply accounted for 36 percent and demand for petroleum products in the same period averaged nearly 16.5 million barrels per day. In the first nine months of 1974, residual fuel oil accounted for 60.2 percent of our product imports and 61.3 percent of domestic residual fuel oil demand; distillate fuel oil, 9.3 percent of imports, and 8.6 percent of demand. Imports of gasoline constituted 8.4 percent of products, but only 3.4 percent of domestic demand; jet fuel, 6.3 percent of imports and 16.7 percent of demand. Imports of liquefied gases and ethane comprised 4.6 percent of products and 9 percent of demand. Other products, which include naphthas, kerosine, lubricants, waxes, asphalt, etc., aggregated 11.2 percent of product imports and 13.7 percent of domestic demand.

If crude oil imports were cut off, refining operations in the U.S. would have to be curtailed sharply. Based on average refinery yields (August 1974), domestic refineries obtained from the 3.3 million barrels a day of crude oil imported, nearly 1.6 million barrels a day of gasoline, nearly 700 thousand barrels a day of distillate fuel oil, and 274 thousand barrels a day of residual fuel oil.

Viewed narrowly, namely in terms of the probable needs of the Department of Defense under present conditions or in a major nuclear war, it would appear that petroleum importations at current levels would not jeopardize national defense per se. However, a cutoff of foreign supplies of crude petroleum and/or petroleum products would have a serious impact on the national economy, such as was demonstrated in the 1973–74 Arab Oil Embargo. Broadly viewed, a disruption of imports could have serious implications for the national security, as well, in that a strong and healthy economy is generally considered essential to our overall ability to maintain our free democratic institutions.

Still another consideration is the adverse impact petroleum products imports have on expansion of domestic refinery capacity. We cannot now meet our normal domestic needs from the full output of existing refinery capacity. An increase in imports of products would be harmful to national security because increasing dependence on such sources would not only make the United States more vulnerable to disruptions in supply flows, but also inhibit domestic refinery expansion.

Even without a further embargo, large imports pose an economic threat. The accompanying chart includes a 1974 estimated value of products and crude oil imports totaling $23.5 billion. Furthermore, in view of recent OPEC announcements, expenditures for petroleum imports could be even greater in 1975, and subsequent years. Therefore, this capital drain could have serious repercussions on the U.S. economy, and endanger the national security thereby. Moreover, large capital exports to nations not necessarily friendly to the objectives of the United States increases the potential for harm to ourselves or to our allies, and thus increases the threat to our security.

THE SECRETARY OF COMMERCE,
Washington, D.C., January 10, 1975.

Memorandum for the Secretary of the Treasury

Subject: Section 232 Investigation of Petroleum Imports

This is in response to your memorandum of January 4, 1975, concerning the investigation of oil imports being initiated under Section 232 of the Trade Expansion Act of 1962, as amended. Specifically, your memorandum forwarded the request of Assistant Secretary of the Treasury Macdonald for (a) any information this Department has bearing on the effects on the national security of imports of petroleum and petroleum products, and (b) advice as to whether petroleum and petroleum products are being imported into the United States in such quantities or under such circumstances as to threaten to impair the national security.

Based on prior analyses and a brief review during the past five days, it is my opinion that there is no question that imports of petroleum at current volumes and circumstances, including the current level of OPEC prices, threaten to impair the national security. Under these circumstances, we recognize the threat posed by oil imports to the ability of the United States to produce goods and services essential for ensuring our national security preparedness. We recognize the additional threat posed by the possibility of an extended embargo of oil imports. Section 232 of the Trade Expansion Act, the basis for the present investigation, in fact requires that recognition be given to "the close relation of the economic welfare of the Nation to our national security."

As you know, the quota system of the Mandatory Oil Import Program, based on national security findings, was in effect from 1959 to early 1973. Its objective was to restrict imports of petroleum and petroleum products to 12.2 percent of domestic production in Districts I–IV (the Eastern 80 percent of the continental U.S.) and to no more than the difference between demand and domestic supply in District V (the West Coast). At that time, foreign oil was priced well below domestic oil and restrictions on imports were judged necessary to preserve a viable domestic crude oil producing industry. However, in recent years domestic consumption has increased much faster than production, and it has not been feasible to maintain the old formula. In early 1973, import quotas were replaced by the license fee program, and imports of crude petroleum and products by the end of 1974 reached a figure which amounted to slightly more than 35 percent of consumption. I am enclosing a publication from the Bureau of the Census in which import quantities for 1973 and 11 months of 1974 are given.

The experience of the Arab oil embargo last year, even though it halted only about one-half of our oil imports, confirms the risk of disruption to the economy which is implicit in dependence on imports of oil to this degree. The oil embargo is believed to have produced a reduction in U.S. GNP by some $10 to $20 billion. All sectors of the economy were adversely affected, with the consumer durables sector and housing construction most heavily hit. Further, it is estimated that a substantial part of the inflationary rise of prices during 1974, particularly in the first half, is attributable to the direct and indirect effects of the rise in overall energy costs which followed the rapid escalation of costs for Arab oil. In view of this record of injury caused by loss of foreign oil supply and our continuing vulnerability to future injury of even greater impact, it is my opinion that imports at current and projected levels do constitute a threat to impair the national security.

In summary, I perceive the threat as being based on two factors: the possibility of an extended embargo and the inflationary impact of higher prices and volumes. We certainly want to ensure, should a positive finding be determined, that any recommended course of action would address these factors. If I can be of any further assistance in your deliberations, please let me know.

FREDERICK B. DENT,
Secretary of Commerce.

DEPARTMENT OF LABOR,
Office of the Secretary, JANUARY 9, 1975.

Memorandum to David R. Macdonald, Assistant Secretary (Enforcement, Operations, and Tariff Affairs)

SUBJECT: Section 232 Investigation on Petroleum Imports

REFERENCES: Memorandum, January 4, 1975, above subject from Secretary of the Treasury, William E. Simon.

Memorandum, January 6, 1975, above subject, Assistant Secretary of the Treasury, David R. Macdonald.

The Department of Labor currently has no information available directly relating to whether petroleum or petroleum products are being imported into the United States in such quantities or under such circumstances as to threaten to impair the national security.

Data usually provided by the Department of Labor for Section 232 investigations could not be collected and made available within the time required by Mr. Simon's memorandum of January 4. If you wish us to proceed

[1] Currently approximately 35% of consumption is obtained from foreign sources. No significant changes in consumption are projected through FY 1976.

with the fully detailed Department of Labor portion of a Section 232 investigation, we would be pleased to consult with you on the matter.

As noted in the memorandum of January 4, some work has been done in the Department concerning the current effects of imports of petroleum and petroleum products, albeit not in relationship directly to national security. This work includes:

1. The *Secretary of Labor's Report on the Impact of Energy Shortages on Manpower Needs*, dated March 1974. This report, required under Section 506 of the Comprehensive Employment and Training Act of 1973, deals with the impact of energy shortages on current and future employment. A copy is enclosed.

2. *Labor Report*, a part of the *Project Independence Blueprint Task Force Report*, dated November 1974. This report is available from the Federal Energy Administration.

3. "The Effects of Oil Resource Allocation", an unpublished study recently completed by Professor Yoram Barzel of the University of Washington under contract to the Department of Labor. The study is currently being reviewed within the Department. If it appears that this study contains material relevant to the effect of petroleum and petroleum products imports on national security we will advise you.

JOEL SEGALL,
Deputy Under Secretary, International Affairs.

THE CHAIRMAN OF THE COUNCIL OF ECONOMIC ADVISERS,
January 8, 1975.

HON. DAVID R. MACDONALD, *Assistant Secretary (Enforcement, Operations, and Tariff Affairs), Department of the Treasury, Washington, D.C.*

DEAR MR. MACDONALD: Petroleum and petroleum products are being imported into the United States in such quantities and under such circumstances as to threaten to impair the national security.

The quantity of imports of petroleum and petroleum products is so large that these imports are essential to the continued functioning of our economy at acceptable levels of employment and output. Unless appropriate action is taken, petroleum and petroleum product imports would continue at current or higher levels, leaving the economy open to serious damage if those imports were interrupted.

The circumstances under which petroleum and petroleum products are being imported into the United States lead to a threat to national security. Foreign governments may interrupt the flow of petroleum and petroleum product imports to the United States to achieve economic or political ends. Oil-exporting nations whose exports are now essential to the continued security of the United States have agreed to act jointly in matters of oil exports. Collective action by some petroleum exporters reduced U.S. petroleum imports during 1973–1974 with serious damage to the economy and security of the United States. A threat to our national security will exist until the United States can absorb the effects of an embargo without damage to its vital economic and military interests.

The United States can absorb the effects of an embargo without serious damage only if imports from those countries which act jointly on petroleum matters are not essential to the United States. These imports would not be essential if the economy of the United States required only as much petroleum and petroleum products, or their substitutes, as could be produced within our borders or imported from nations which did not belong to the group which acted jointly on petroleum matters. Consequently, actions which cause the economy to adjust to the consumption of less energy in the form of petroleum and petroleum products, and/or which cause more petroleum products to be supplied by domestic sources, would lead to greater national security.

Alternatively, imports from those nations which act jointly on petroleum matters would not threaten the security of the United States if alternative sources of petroleum and petroleum products supply could easily and readily replace interrupted imports. At present such supplies do not exist, and consequently there is a threat to the national security of the United States.

In summary, petroleum and petroleum products are now being imported in quantities such that serious damage to national security would result from interruption of these imports. The circumstances under which petroleum and petroleum products are being imported makes those imports insecure. Consequently, petroleum and petroleum product imports threaten the national security.

Sincerely,

ALAN GREENSPAN,
Chairman, Council of Economic Advisers.

FEDERAL ENERGY ADMINISTRATION,
Washington, D.C., January 11, 1975.

DAVID R. MACDONALD, *Assistant Secretary, Enforcement, Operations, and Tariff Affairs, U.S. Department of the Treasury, Washington, D.C.*

DEAR MR. MACDONALD: This is in response to your memorandum of January 4, 1975, concerning Treasury Department Section 232 Investigation on Petroleum Imports.

The Project Independence Report projected continued U.S. reliance on imported oil through 1980, given projected U.S. domestic supply/demand responses to world oil prices of $4–$11 per barrel.

It is our judgment that, whatever its source, imported oil is inherently less secure than domestic oil. Oil import shortfalls jeopardize the national security of the U.S. and other oil dependent nations because they impose severe economic costs. For that reason, the costs of offsetting that insecurity ought to be reflected explicitly in the domestic price of imported oil.

The future supply security of U.S. imports was a major focal point in the Project Independence Report. The International Assessment of that report assessed U.S. vulnerability to foreign political and economic coercion resulting from disruptions in the supply of imported crude. It should be noted, moreover, that a significant disruption in imports of certain finished products, such as residual fuel oil, could have major economic security implications for the country. For example, approximately 80 percent of residual fuel oil consumed in the U.S. is imported and most of it is consumed on the East Coast for the production of electricity and for industrial use. At the present time, very few of these users have the capability of converting to other fuels in the event of a temporary supply disruption lasting several months or longer.

The report evaluates a number of alternatives for offsetting the costs of oil import interruptions. The criteria for evaluating these options included their relative contribution to U.S. energy import supply security, their costs, and their impact on world oil prices. The most prominent options are: 1) Regulation of energy consumption during an oil import shortfall; 2) Alternative domestic emergency energy supplies; 3) International oil sharing. Each of these is discussed in greater detail below.

1. *Regulation of energy consumption.*—As was demonstrated during the 1973–74 embargo, government regulation of domestic fuel supplies can diminish the economic impact of an oil import embargo. FEA has estimated that an oil shortfall of approximately 1 million barrels/day can be managed by fuel allocation programs, without imposing prohibitive costs on the economy. In the short-term, 1975–76, this option is likely to remain effective. In the longer term, more efficient energy utilization will diminish the extent to which oil import shortfalls can be managed exclusively by relying on minimal cost fuel allocation programs.

2. *Alternative emergency energy supplies.*—In the short-term, 1975–76, emergency energy supply availability is limited to current inventories, domestic and international stocks, and any available production capacity of exporting states not participating in the embargo.

In the longer term, strategic petroleum reserves could be developed. For example, our assessment of current oil import security indicates the desirability of 1 billion barrels of crude oil, stored in U.S. salt-dome caverns as they become available. The amount could be adjusted as the threat assessment changes. Such a stockpile could offset a 3 MM barrel/day import cut for nearly one year. Given domestic conservation programs and alternate supply sources, however, the stockpile would most likely last longer than one year.

It will take several years to build strategic reserves to the desired level. In the meantime, the U.S. must consider ways to dampen the rate of increase in oil imports. We feel that, even at current world oil prices, the *cost* of using imported oil, i.e., the expected economic loss caused by an import shortfall, and/or the costs of emergency supply programs to diminish that loss, is currently not internalized by the U.S. economy. To this end, FEA feels a "security fee" on imported oil would be effective. This fee ($1 to $3 per barrel) could be used in part to finance the strategic reserve programs, and to encourage development of domestic energy resources.

3. *International energy agreements.*—Given the inability to create effective emergency supplies in the short run, it is important that the U.S. actively support and participate in international security agreements such as the International Energy Program (IEP), or a producer-consumer conference, with the objective of establishing future world oil prices acceptable to the U.S., the other importers, and the OPEC countries; and to decrease the likelihood of politically or economically motivated supply disruptions.

The IEP particularly is an important component of the U.S. energy supply security program. It would coordinate the responses of most major oil importing nations to international supply disruptions, provide guidelines for conservation and stockpile release programs, and avoid competition for available supplies, and thus limit the oil price increases likely to result from an oil shortage.

The IEP deters the imposition of oil export embargoes because it diminishes the ability of oil exporters to target oil shortfalls on particular oil importers, or greatly increases the cost of doing so. For example, under an IEP, a U.S. import shortfall of 3 MM B/D would require a much larger export cutoff, and increase the political and economic costs exporters would incur in imposing an embargo.

These measures do not exhaust the options available to the U.S. Government. They seem to us, however, to be among the most effective programs which the U.S. can implement at this time, given the character of the international energy market. As such, these options offer attractive prospects for minimiz-

ing the threat to our national security resulting from our need to continue to rely on imported oil.

We have enclosed a copy of the International Assessment chapter from the Project Independence Report together with a copy of the PIMS "U.S.-OPEC Petroleum Report," which provides OPEC export volume and pricing data for 1973 by individual member countries. The 1974 report has not yet been compiled.

We trust that this information will be helpful in the conduct of your investigation.

Sincerely,

FRANK G. ZARB,
Administrator,
Federal Energy Administration.

ANNEX C.—*Crude petroleum and petroleum products* [1]

[1974 Data in 1,000 bbl/day]

Month	Domestic production	Crude imports	Product imports	Total imports	Domestic demand
January	8,907	2,382	2,973	5,455	17,270
February	9,156	2,248	2,973	5,271	17,371
March	8,950	2,462	2,753	5,215	16,045
April	8,952	3,267	2,703	5,970	15,919
May	8,903	3,748	2,454	6,202	15,624
June	8,777	3,957	2,218	6,175	16,459
July	8,893	4,167	2,143	6,310	16,156
August	8,918	3,905	2,286	6,190	16,332
8-month average	8,932	3,267	2,563	5,830	16,397
Imports as percent of demand—35.6 percent.					
LATEST DATA [2]					
4 weeks (ending Dec. 13)	8,661	4,047	3,360	7,407	18,742
Imports as percent of demand—39.5 percent.					

[1] FEA, Monthly Energy Review—October 1974.
[2] FEA, Petroleum Situation Report—Dec. 13, 1974.

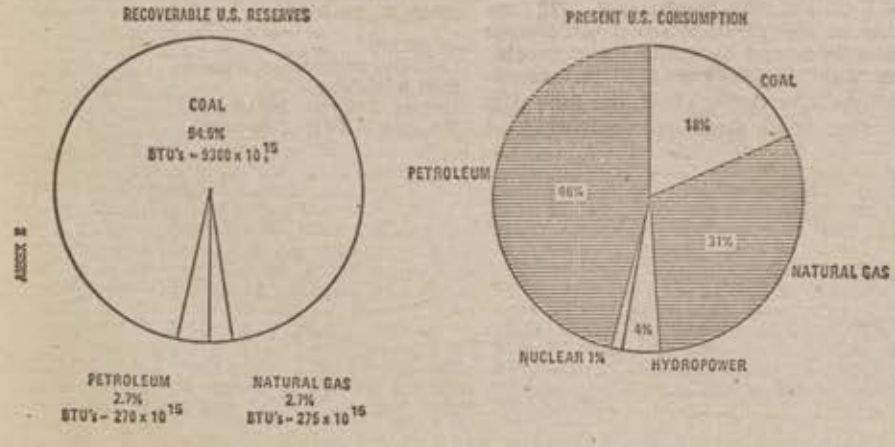
ANNEX D

U.S. IMPORTS OF CRUDE OIL AND PETROLEUM PRODUCTS BY SOURCE, JANUARY THROUGH OCTOBER 1974, IN THOUSANDS BBL PER DAY

Country:	Total
Algeria	220
Egypt	14
Kuwait	2
Qatar	16
Saudi Arabia	382
United Arab Emirates	82
Major Arab OPEC countries	716
Ecuador	71
Indonesia	296
Iran	542
Nigeria	670
Venezuela	1,131
Gabon	33
Major OPEC countries	3,459
Canada	1,015
Netherland Antilles	494
Angola	50
Italy	100
Netherlands	52
Mexico	10
Bahamas	213
Trinidad	272
Others	178
Grand total	5,843

Source: Federal Energy Administration from Census Bureau FT-135 Report.

THE CRUX OF U.S. PROBLEM



Source: FEA - Project Independence P-13

ANNEX F

U.S. CRUDE OIL DAILY AVERAGES IN 1,000 BBL PER DAY PRODUCTION

Date:	Quantity [1]
1964	7,614
1965	7,804
1966	8,295
1967	8,810
1968	9,095
1969	9,238
1970	9,637
1971	9,462
1972	9,441
1973	9,187
4 weeks ending Dec. 13	[2] 8,661

[1] API Annual Statistical Review (Bu Mines) September 1974, p. 13.
[2] FEA Petroleum Situation Report Dec. 13, 1974.

[FR Doc.75-2868 Filed 1-29-75;8:45 am]

DEPARTMENT OF DEFENSE

Office of the Secretary

DEFENSE SCIENCE BOARD

Advisory Committee Meeting

The Defense Science Board will meet in closed session in the Pentagon, Washington, D.C., 27-28 February 1975 to review the various tasks undertaken during the last four months to present them to the Director of Defense Research and Engineering for further action. The February 27 session will commence at 9 a.m. and the February 28 session at 8:30 a.m.

The mission of the Defense Science Board is to advise the Secretary of Defense and the Director of Defense Research and Engineering on overall research and engineering and to provide long-range guidance in these areas to the Department of Defense.

In accordance with Pub. L. 92-463, section 10, paragraph (d), it has been determined that Defense Science Board meetings concern matters listed in section 552(b) of Title 5 of the United States code, particularly subparagraph (1) thereof, and that the public interest requires such meetings to be closed insofar as the requirements of subsections (a)(1) and (a)(3) of section 10, Pub. L. 92-463 are concerned.

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

JANUARY 27, 1975.

[FR Doc.75-2760 Filed 1-29-75;8:45 am]

DEFENSE SCIENCE BOARD TASK FORCE ON IDENTIFICATION FRIEND, FOE OR NEUTRAL

Advisory Committee Meeting

The Defense Science Board Task Force on Identification Friend, Foe or Neutral will meet in closed session on March 10, 1975, at the Pentagon, Arlington, Virginia.

The mission of the Defense Science Board is to advise the Secretary of Defense and the Director of Defense Research and Engineering on overall research and engineering and to pro-

vide long range guidance in these areas to the Department of Defense.

The Task Force will provide an analysis of technology and systems applicable to the identification function and indicate promising solutions to the problem area for possible implementation within the Department of Defense.

In according with Pub. L. 92–463, section 10, Paragraph (d), it has been determined that Defense Science Board meetings concern matters listed in section 552(b) of Title 5 of the United States Code, particularly paragraph (1) thereof, and that the public interest requires such meetings to be closed insofar as the requirements of subsections (a)(1) and (a)(3) of section 10, Pub. L. 92–463 are concerned.

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

JANUARY 24, 1975.

[FR Doc.75–2761 Filed 1–29–75;8:45 am]

DEFENSE SCIENCE BOARD TASK FORCE ON "TRAINING TECHNOLOGY"

Advisory Committee Meeting

A Defense Science Board Task Force on "Training Technology" will meet in closed session on 18–19 February 1975 at the Institute for Defense Analyses, Arlington, Virginia.

The mission of the Defense Science Board is to advise the Secretary of Defense and the Director of Defense Research and Engineering on overall research and engineering and to provide long range guidance in these areas to the Department of Defense.

The Task Force will provide an evaluation of the current effectiveness of DoD programs and management in the R&D area of Training Technology to serve as the basis for DoD policy decisions to reduce costs and increase effectiveness and efficiency of DoD Training.

In accordance with Pub. L. 92–463, section 10, paragraph (d), it has been determined that Defense Science Board meetings concern matters listed in section 552(b) of Title 5 of the United States Code, particularly subparagraph (1) thereof, and that the public interest requires such meetings to be closed insofar as the requirements of subsections (a)(1) and (a)(3) of section 10, Pub. L. 92–463 are concerned.

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

JANUARY 27, 1975.

[FR Doc.75–2803 Filed 1–29–75;8:45 am]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

CHEVRON OIL CO.

Notice of Application

JANUARY 24, 1975.

Notice is hereby given that, pursuant to section 28 of the Mineral Leasing Act of 1920, as amended (30 U.S.C. 185), the Chevron Oil Company has applied for a cathodic protection unit right-of-way upon the following lands:

BOISE MERIDIAN, IDAHO
T. 3 S., R. 7 E.,
Sec. 27, S½SW¼.

The proposed cathodic protection unit will serve the petroleum products pipeline granted under Right-of-Way Idaho 0602.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the application should be approved, and if so, under what terms and conditions.

Interested persons desiring to express their views should send their name and address to the District Manager, Bureau of Land Management, 230 Collins Road, Boise, Idaho 83702.

VINCENT S. STROBEL,
Chief, Branch of L&M Operations.

[FR Doc.75–2741 Filed 1–29–75;8:45 am]

[ORV–1326–01–C]

WASHINGTON

Off-Road Vehicle Area Designation and Closure of Lands to Motorized Vehicles

JANUARY 24, 1975.

Notice is hereby given that in furtherance of the purpose of Executive Order 11644 (37 FR 2877, February 9, 1972) relating to the use of off-road vehicles on public lands and by authority of regulations under 43 CFR Part 6290 implementing Executive Order 11644, the following described lands under administration of the Bureau of Land Management are designated as closed to off-road motorized vehicles and motorized vehicle use excepting emergency, law enforcement, and Federal or other government vehicles while being used for official or emergency purposes.

The area affected by this designation and closure notice is located approximately six airmiles south of Friday Harbor on the southeast tip of San Juan Island, Washington, and is known as Cattle Point. The area is more specifically described as:

WILLAMETTE MERIDIAN

T. 34 N., R. 2 W.,
Sec. 8, Lot 7.
The described area aggregates approximately 33 acres in San Juan County.

The use of national resource lands at Cattle Point by motorized vehicles is damaging unstable sand dunes and fragile vegetative resources. It is concluded that closure of the area is necessary to prevent further destruction of soils and vegetation and permit the stabilization, recovery, and natural regeneration of those resources. The area was previously closed to off-road vehicle use by notice of the Bureau of Land Management, Spokane, Washington, District Manager dated June 7, 1974.

This notice and land closure shall become effective on January 30, 1975.

Common points of vehicular access to the area will be posted. Maps of the closed area are available at the Bureau of Land Management, Room 551, U.S. Courthouse, Spokane, Washington and the San Juan County Commissioner's office, Friday Harbor, Washington.

E. J. PETERSON,
Acting State Director.

[FR Doc.75–2740 Filed 1–29–75;8:45 am]

Fish and Wildlife Service

COLORADO DIVISION OF WILDLIFE

Endangered Species Permit; Receipt of Application

Notice is hereby given that the following application for a permit is deemed to have been received under section 10 of the Endangered Species Act of 1973 (Pub. L. 93–205).

Applicant:
Colorado Division of Wildlife
6060 Broadway
Denver, Colorado 80216
Mr. Jack R. Grieb, Director

OMB NO. 42-R1475

DEPARTMENT OF THE INTERIOR
U.S. FISH AND WILDLIFE SERVICE

FEDERAL FISH AND WILDLIFE LICENSE/PERMIT APPLICATION

1. APPLICATION FOR (Indicate only one)
☐ IMPORT OR EXPORT LICENSE ☒ PERMIT

2. BRIEF DESCRIPTION OF ACTIVITY FOR WHICH REQUESTED LICENSE OR PERMIT IS NEEDED.
See Attachment

3. APPLICANT. (Name, complete address and phone number of individual, business, agency, or institution for which permit is requested)
Colorado Division of Wildlife
6060 Broadway
Denver, Colorado 80216
Phone: 303-825-1192

4. IF "APPLICANT" IS AN INDIVIDUAL, COMPLETE THE FOLLOWING:
☐ MR. ☐ MRS. ☐ MISS ☐ MS.
HEIGHT | WEIGHT
DATE OF BIRTH | COLOR HAIR | COLOR EYES
PHONE NUMBER WHERE EMPLOYED | SOCIAL SECURITY NUMBER
OCCUPATION

5. IF "APPLICANT" IS A BUSINESS, CORPORATION, PUBLIC AGENCY, OR INSTITUTION, COMPLETE THE FOLLOWING:
EXPLAIN TYPE OR KIND OF BUSINESS, AGENCY, OR INSTITUTION
The Colorado Division of Wildlife is a state agency charged with responsibility of protecting, preserving, enhancing and managing wildlife for public benefit.

ANY BUSINESS, AGENCY, OR INSTITUTIONAL AFFILIATION HAVING TO DO WITH THE WILDLIFE TO BE COVERED BY THIS LICENSE/PERMIT

NAME, TITLE, AND PHONE NUMBER OF PRESIDENT, PRINCIPAL OFFICER, DIRECTOR, ETC.
Jack R. Grieb, Director 825-1192

IF "APPLICANT" IS A CORPORATION, INDICATE STATE IN WHICH INCORPORATED

6. LOCATION WHERE PROPOSED ACTIVITY IS TO BE CONDUCTED
Throughout the State of Colorado

7. DO YOU HOLD ANY CURRENTLY VALID FEDERAL FISH AND WILDLIFE LICENSE OR PERMIT? ☒ YES ☐ NO
(If yes, list license or permit numbers)
Migratory Bird Banding Permit #20205

8. IF REQUIRED BY ANY STATE OR FOREIGN GOVERNMENT, DO YOU HAVE THEIR APPROVAL TO CONDUCT THE ACTIVITY YOU PROPOSE? ☒ YES ☐ NO
(If yes, list jurisdictions and type of documents)
Scientific Collecting Permit issued by Colorado Division of Wildlife

9. CERTIFIED CHECK OR MONEY ORDER (if applicable) PAYABLE TO THE U.S. FISH AND WILDLIFE SERVICE ENCLOSED IN AMOUNT OF

10. DESIRED EFFECTIVE DATE: Feb. 28, 1975

11. DURATION NEEDED: 2 years

12. ATTACHMENTS. THE SPECIFIC INFORMATION REQUIRED FOR THE TYPE OF LICENSE/PERMIT REQUESTED (See 50 CFR 13.12(b)) MUST BE ATTACHED. IT CONSTITUTES AN INTEGRAL PART OF THIS APPLICATION. LIST SECTIONS OF 50 CFR UNDER WHICH ATTACHMENTS ARE PROVIDED.
See Attachment

CERTIFICATION

I HEREBY CERTIFY THAT I HAVE READ AND AM FAMILIAR WITH THE REGULATIONS CONTAINED IN TITLE 50, PART 13, OF THE CODE OF FEDERAL REGULATIONS AND THE OTHER APPLICABLE PARTS IN SUBCHAPTER B OF CHAPTER I OF TITLE 50, AND I FURTHER CERTIFY THAT THE INFORMATION SUBMITTED IN THIS APPLICATION FOR A LICENSE/PERMIT IS COMPLETE AND ACCURATE TO THE BEST OF MY KNOWLEDGE AND BELIEF. I UNDERSTAND THAT ANY FALSE STATEMENT HEREIN MAY SUBJECT ME TO THE CRIMINAL PENALTIES OF 18 U.S.C. 1001.

SIGNATURE: Jack R. Grieb
DATE: January 3, 1975

Jack R. Grieb

3-200
(6/74)

APPLICATION FOR PERMIT TO CONTINUE RESEARCH ON ENDANGERED SPECIES

AMERICAN AND ARCTIC PEREGRINE FALCON

As required by the Endangered Species Act of 1973, the State of Colorado is making application to continue the research program on peregrine falcons. We are making application to engage in the following activities:

1. *Continue banding program.* Currently, authorization by the Banding Laboratory includes permission to band peregrine falcons. At this time we would like to have this authorization extended. Current knowledge of mortality factors, and chronology and extent of movement is practically nonexistent concerning the Rocky Mountain population. Primarily fledgling peregrines will be banded.

2. *Color marking system.* We are requesting clearance to use colored leg markers, similar to those developed by Dr. Scott Ward. The color scheme and coding will have to be designated by the Fish and Wildlife Service. The markers will be placed on fledglings only.

3. *Radio tagging.* This technique will be used to track movements of locally produced falcons. Migrant Arctic peregrines will also be radio tagged and followed as they move through the state. Hopefully, this will enable us to determine whether or not those peregrines present in Colorado during migration are truly migrant, important habitats utilized and the length of time they are present in the state.

4. *Collection of infertile eggs and shell fragments.* An intensive nesting survey supported by Pittman-Robertson funds is now entering its fourth year. In order for the project to proceed to completion, it will be necessary to continue to visit nest sites to determine productivity, band young, collect addled eggs and shell fragments and record prey items. Infertile eggs will be analyzed for pesticide residue and shell fragments will be measured for thinning. Analysis of egg contents appears to be the least disruptive technique to monitor the pesticide load carried by wild peregrines.

5. *Rehabilitation and salvage.* Over the past three years, we have picked up one dead and two injured peregrines. The injured peregrines were held and treated for broken wings. This indicates the need for authorization to hold and rehabilitate injured peregrines as well as collect carcasses to determine cause of mortality.

6. *'Double Clutching' to augment productivity.* In the very near future, probably the spring of 1975, we want to attempt to 'double clutch' several wild peregrine eyries which have had a history of failure. All eggs in the clutch would be removed within 7 to 10 days of completion of the clutch and artificially incubated. It has been found that the adult falcons will then recycle and lay a second clutch. Upon hatching, the artificially reared young would be placed in the wild, either in the original nest if it has failed, or other eyries.

7. *Placement of Captively Produced Young or Eggs in Wild Nests.* One and possibly two breeding projects in Colorado will be producing eggs or young peregrines of the *anatum* subspecies. Permission is requested to place eggs and/or young in wild peregrine eyries to augment natural production.

Mr. Gerald R. Craig, Raptor Specialist for the Division and Dr. James H. Enderson of Colorado College will be the prime parties operating under the authority of this permit.

Due to the approach of the nesting season, it is urgent that the Division receive a judgment on this request at the earliest possible date.

For additional information and project details please see Pittman-Robertson Project Document W-124-R and Colorado's Endangered Animals Cooperative Agreement Application.

Documents and other information submitted in connection with this application are available for public inspection during normal business hours at the Service's office in Suite 600, 1612 K Street, NW, Washington, D.C.

Interested persons may comment on this application by submitting written data, views, or arguments, preferably in triplicate, to the Director (FWS/LE), Fish and Wildlife Service, Post Office Box 19183, Washington, D.C. 20036. All relevant comments received within 30 days of the date of publication will be considered.

Dated: January 23, 1975.

C. R. BAVIN,
Chief, Division of Law Enforcement, U.S. Fish and Wildlife Service.

[FR Doc.75-2640 Filed 1-29-75;8:45 am]

Office of Hearings and Appeals

[Docket No. M 74-163]

FAIRVIEW COAL CO.

Petition for Modification of Application of Mandatory Safety Standard [1]

Notice is hereby given that in accordance with the provisions of section 301 (c) of the Federal Coal Mine Health and Safety Act of 1969, 30 U.S.C. section 861 (c) (1970), Fairview Coal Company has filed an amended petition to modify the application of 30 CFR 75.1405 to its Fairview No. 5 Mine, Punxsutawney, Pennsylvania.

30 CFR 75.1405 provides:

All haulage equipment acquired by an operator of a coal mine on or after March 30, 1971, shall be equipped with automatic cou-

[1] The original petition bearing docket number M 74-163 was published on July 17, 1974, in 39 FR 26182.

pliers which couple by impact and uncouple without the necessity of persons going between the ends of such equipment. All haulage equipment without automatic couplers in use in a mine on March 30, 1970, shall also be so equipped within 4 years after March 30, 1970.

Petitioner's amendment provides additional detail to its original alternate method.

Approval of this alternate system as a satisfactory replacement of the standard which otherwise would become effective in mandating automatic couplers on mine cars at this mine is subject to the following understandings and conditions which are incorporated as parts of the alternate system:

A. All cars in use at the subject mine for transporting coal and supplies will remain coupled together at all times until the car trip is brought to a complete stop. If it becomes necessary in the coal loading or dumping operation to couple or uncouple the cars it shall be performed in the following manner:

(1) The locomotive and the car trip shall be brought to a complete stop, and

(2) Only the motorman (the locomotive operator) shall couple or uncouple the mine cars, and

(3) The motorman shall not position himself between the cars but shall lean over the small cars to align a link or to drop a pin in place.

All coupling and uncoupling of mine cars at petitioner's mine shall be performed in the foregoing manner.

Safety Considerations. The alternate method set forth above will provide no less than the same measure of protection to miners at the Fairview Coal Company No. 5 Mine than that sought to be afforded by section 314(f) of the Act and Interior Department Regulations 30 CFR 75.1405 and 75.1405-1. Under the circumstances at this mine it will actually provide greater protection and thus avoid the diminution of safety that would result if automatic couplers were used. This is because:

1. Automatic couplers lack the flexibility of permitting mine cars to negotiate some of the rail curves in this mine. If this were attempted the result would be derailments with possible roof falls and other sources of injury to mine personnel. The radii of these rail curves cannot be enlarged without removing some of the coal from the adjacent coal pillars. Such removal would reduce the protection from roof falls, a most serious and over-riding cause of concern in underground coal mines.

2. Any modification of the present mine cars with automatic couplers would have to be accomplished by affixing coupler units to the bumpers of the present cars. The point where such couplers are affixed to the present chassis would be subject to severe strain and stress that would be much more likely to cause coupling misalignment and failure than in the case of the pin-link arrangement or in the case of new car units where the automatic coupler has been designed as part of the car chassis. The prospect of derailments and runaway cars, with the attendant dangers to employees, is less likely if pin and link couplings were used.

3. The type of mine car, particularly under the haulage layout at this mine, requires a much more flexible coupler arrangement than is possible with the relatively rigid automatic couplers, posing the danger of derailments and runaway cars. The coupling arrangement proposed in the alternate system involving the flexible pin and link coupling, with safeguards, provides a much safer operation.

4. The type of mine car, particularly under the haulage layout at this mine, requires a much more flexible coupler arrangement than is possible with the relatively rigid automatic couplers, posing the danger of derailments and runaway cars. The coupling arrangement proposed in the alternate system involving the flexible pin and link coupling, with safeguards, provides a much safer operation.

5. No imminent danger is presently involved. Petitioner proposes his alternate method in the sincere conviction that it provides a safer method than the use of automatic couplers.

Persons interested in this petition may request a hearing on the petition or furnish comments on or before March 3, 1975. Such requests or comments must be filed with the Office of Hearings and Appeals, Hearings Division, U.S. Department of the Interior, 4015 Wilson Boulevard, Arlington, Virginia 22203. Copies of the petition are available for inspection at that address.

JAMES R. RICHARDS,
Director,
Office of Hearings and Appeals.

JANUARY 23, 1975.

[FR Doc.75-2739 Filed 1-29-75;8:45 am]

National Park Service

CAPE COD NATIONAL SEASHORE ADVISORY COMMISSION

Notice of Meeting

Notice is hereby given in accordance with Public Law 92-463 that a meeting of the Cape Cod National Seashore Advisory Commission will be held on Friday, February 14, 1975, at 1:30 p.m., at the Headquarters Building, Cape Cod National Seashore, Marconi Station Area, South Wellfleet, Massachusetts.

The Commission was established by Pub. L. 87-126 to meet and consult with the Secretary of the Interior on general policies and specific matters relating to the development of Cape Cod National Seashore.

The purpose of the meeting is to consider the following Agenda items: (1) Proposed oversand vehicle regulations for 1975, and (2) Consideration of plans for Eastham beaches and parking areas. The Superintendent will give a progress report covering current problems and items of interest, which will be reviewed and discussed.

The meeting is open to the public. It is expected that 15 persons will be able to attend the session in addition to Commission members. Interested persons may make oral/written presentations to the Commission or file written statements. Such requests should be made to the official listed below at least seven days prior to the meeting.

Further information concerning this meeting may be obtained from Lawrence C. Hadley, Superintendent, Cape Cod National Seashore, South Wellfleet, Massachusetts 02663 (telephone: 617-349-3785). Minutes of the meeting will be available for public inspection and copying four weeks after the meeting at Office of the Superintendent, Cape Cod National Seashore, South Wellfleet, Massachusetts.

Dated: January 7, 1975.

DAVID A. RICHIE,
Acting Regional Director
North Atlantic Region.

[FR Doc.75-2924 Filed 1-29-75;8:45 am]

[Order 4]

CASTILLO DE SAN MARCOS NATIONAL MONUMENT, FLA.

Delegation of Authority; Administrative Officer

Delegation of authority regarding execution of contracts for supplies, equipment or services.

1. *Administrative officer.* The Administrative Officer may issue purchase orders not in excess of $2,000 for supplies, equipment, or services in conformity with applicable regulations and statutory authority and subject to availability of appropriated funds. This authority may be exercised by the Administrative Officer on behalf of any office or area administered by Castillo de San Marcos National Monument.

2. *Revocation.* This order supersedes Order No. 3 issued May 16, 1972 (37 FR 14820).

(National Park Service Order No. 77 (38 FR 7478), as amended; Southeast Region Order No. 5 (37 FR 7721), as amended)

Dated: October 8, 1974.

GEORGE F. SCHESVENTER,
Superintendent.

[FR Doc.75-2727 Filed 1-29-75;8:45 am]

[Order No. 2]

THEODORE ROOSEVELT NATIONAL MEMORIAL PARK, N. DAK.

Delegation of Authority; Administrative Officer, et al.

SECTION 1. *Administrative Officer.* The Administrative Officer may issue purchase orders not in excess of $2,000 for

supplies or equipment in conformity with applicable regulations and statutory authority and subject to availability of appropriated funds.

SEC. 2. *Maintenance Foreman (North Unit) and Management Assistant (Fort Union Trading Post National Historic Site).* The Maintenance Foreman (North Unit) and Management Assistant (Fort Union Trading Post National Historic Site) may issue purchase orders not in excess of $100.00 for supplies or equipment in conformity with applicable regulations and statutory authority and subject to availability of appropriated funds.

SEC. 3. *Revocation.* This order supersedes Order No. 1 dated April 1, 1963 and published in 28 FR 4680 on May 9, 1963.

(National Park Service Order No. 77, (38 FR 7478) as amended; Rocky Mountain Regional Order No. 1 (39 FR 12369))

Dated: September 27, 1974.

JOHN O. LANCASTER,
Superintendent, Theodore Roosevelt National Memorial Park.

[FR Doc.75-2682 Filed 1-29-75;8:45 am]

DEPARTMENT OF AGRICULTURE

Farmers Home Administration

[Notice of Designation A130]

MINNESOTA

Designation of Emergency Areas

The Secretary of Agriculture has found that a general need for agricultural credit exists in 34 counties in Minnesota as a result of damages and losses caused by various natural disasters. The following chart lists the counties, the natural disasters, and the dates on which the natural disasters occurred.

Minnesota—1974—34 Counties

County	Excessive rainfall	Flood	Drought	Frost and/or freeze	Other
Aitkin	June 1 to July 10	Apr. 27 to 30	July 11 to Sept. 1	Sept. 3	
Anoka				Sept 2 and 3	
Beltrami	Apr. 10 to June 10				
Benton				Sept. 1, 2, and 3	
Blue Earth	May 28		June 10 to Oct. 25	Sept. 3 and 22	Hail, May 28.
Carver				Sept. 2 and 22	
Chippewa			June 10 to Aug. 8	do	
Crow Wing	May 1 to June 10			do	
Dakota			June 15 to Aug. 15	Aug. 31 and Sept. 2.	
Dodge				Sept. 2, 22, and 23.	
Fillmore				Sept. 2 and 22	
Kanabec				Sept. 1, 2, and 3	
Kandiyohi	July 23		Apr. 1 to Sept. 30	Sept. 2 and 22	Hail, wind, July 23.
Lac qui Parle			June 10 to Aug. 10	do	Hail, June 18.
Le Sueur	June 3, 18, and 20			Sept. 3	Hail, June 3 and 18; hail, wind, June 20; severe hail, Aug. 1.
Lyon	June 10 to Aug. 10			Sept. 2 and 22	
Mille Lacs				Sept. 1, 2, and 3	
Mower	May 3 to June 10			Sept. 2 and 22	
Olmsted				do	
Otter Tail				Sept. 1, 2, and 22	
Pine				Sept. 1, 3, and 22	
Polk	Apr. 10 to June 6		June 15 to July 31		Cool, wet, Aug. 1 to Aug. 31.
Pope	May 1 to May 31		June 10 to July 14	Sept. 2 and 22	
Rice			June 15 to Aug. 15	Aug. 31 and Sept 2.	
Scott		do		do	
Sibley			July 1 to Aug. 31	Sept 3 and 22	
Stearns		do		Sept. 1, 3, and 22	Cold, Aug. 1 to Aug. 31.
Steele	May 10 to May 31		June 15 to Aug. 15	Aug. 31 and Sept 2.	
Stevens	May 8 to May 17		June 11 to July 11	Sept. 3	Cool, May 1 to May 31.
Swift	June 1 to Aug. 31			Sept. 3 and 22	
Todd	Apr. 15 to June 1		June 17 to July 25	Aug. 31, Sept. 1, and 2.	Cool, spring hail, June 17.
Wadena	May 1 to May 31		June 26 to July 20	Aug. 30, Sept. 1, 2, and 22.	Hail, July 13 and Aug. 24.
Wright			June 20 to Aug. 1	Sept. 2 and 22	
Yellow Medicine			June 10 to Aug. 8	do	

Therefore, the Secretary has designated these areas as eligible for Emergency loans, pursuant to the provisions of the Consolidated Farm and Rural Development Act, as amended by Pub. L. 93-237, and the provisions of 7 CFR 1832.3(b) including the recommendation of Governor Wendell R. Anderson that such designation be made.

Applications for Emergency loans must be received by this Department no later than March 21, 1975, for physical losses and October 21, 1975, for production losses, except that qualified borrowers who receive initial loans pursuant to this designation may be eligible for subsequent loans. The urgency of the need for loans in the designated areas makes it impracticable and contrary to the public interest to give advance notice of proposed rule making and invite public participation.

Done at Washington, D.C., this 24th day of January 1975.

FRANK B. ELLIOTT,
Administrator,
Farmers Home Administration.

[FR Doc.75-2846 Filed 1-29-75;8:45 am]

[Notice of Designation Number A128]

TEXAS

Designation of Emergency Areas

The Secretary of Agriculture has found that a general need for agricultural credit exists in the following Texas Counties as a result of the natural disasters shown:

Texas—10 Counties

County	Drought	Excessive rainfall	Hailstorms	Below normal temperatures	Windstorms
Andrews	Aug. 1, 1973 to Aug. 14, 1974.	Aug. 15 to Nov. 6, 1974.			
Crosby	Oct. 1, 1973 to May 31, 1974.	June 1 to Nov. 15, 1974.	June 1, 2, 3, 1974, July 3, 1974.[2]	Sept. 1 to Oct. 31 1974.	
Dickens	Aug. 31, 1973 to Sept. 1, 1974.	June 3 1974, Sept. 1 to Nov. 1, 1974.	June 3, 1974		
Gaines	Sept. 1, 1973 to Aug. 22, 1974.	Aug. 23 to Nov. 10, 1974.			
Glasscock	Oct. 1, 1973 to Sept. 15, 1974.				
Hall	Jan. 1 to Sept. 15, 1974.	May 20, 21, 22, 23, 24, 1974.	June 11, 1974, Oct. 21, 1974.		June 21, 22, 23, 1974.
Hockley	Oct. 1, 1973 to July 31, 1974.	Aug. 1 to Oct. 31, 1974.			
Lubbock	Aug. 1, 1973 to Aug. 20, 1974.	Aug. 21 to Oct. 31, 1974[1]		Sept. 1 to Oct. 31, 1974.	
Midland	Aug. 1, 1973 to Sept. 14, 1974.	Sept. 15 to Oct. 31, 1974.	Oct. 30, 1974		
Yoakum	Aug. 1, 1973 to July 25, 1974.[1]	Sept. 1 to Nov. 8, 1974.		Sept. 1 to Nov. 8, 1974.	

[1] Also sandstorms.
[2] Also wind.

Therefore, the Secretary has designated these areas as eligible for Emergency loans, pursuant to the provisions of the Consolidated Farm and Rural Development Act, as amended by Pub. L. 93-237, and the provisions of 7 CFR 1832.3(b) including the recommendation of Governor Dolph Briscoe that such designation be made.

Applications for Emergency loans must be received by this Department no later than March 21, 1975, for physical losses and October 21, 1975 for production losses, except that qualified borrowers who receive initial loans pursuant to this designation may be eligible for subsequent loans. The urgency of the need for loans in the designated areas makes it impracticable and contrary to the public interest to give advance notice of proposed rule making and invite public participation.

Done at Washington, D.C., this 23rd day of January 1975.

FRANK B. ELLIOTT,
Administrator,
Farmers Home Administration.

[FR Doc.75-2532 Filed 1-29-75;8:45 am]

Soil Conservation Service

TYGARTS VALLEY SOIL CONSERVATION DISTRICT, W. VA.

Equipment Grant Eligibility Determination

Correction

In FR Doc. 75-2201 appearing on page 3793 in the issue for Friday, January 24, 1975, the third and fourth lines of the second paragraph now reading "property sources, and may be made on or before February 24, 1975", should read "property sources, and may be made after February 24, 1975."

INDIAN CREEK WATERSHED PROJECT, MICH.

Availability of Final Environmental Impact Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969; Part 1500 of the Council on Environmental Quality Guidelines (38 FR 20550, August 1, 1973); and Part 650 of the Soil Conservation Service Guidelines (39 FR 19650, June 3, 1974); the Soil Conservation Service, U.S. Department of Agriculture, has prepared a final environmental impact statement (EIS) for the Indian Creek Watershed Project, Lapeer, Sanilac, and Tuscola Counties, Michigan, USDA-SCS-EIS-WS-(ADM)-74-29(F) MI.

The EIS concerns a plan for watershed protection, flood prevention and improved drainage. The planned works of improvement provide for conservation land treatment; 7.7 miles of multiple purpose channel work consisting of 4.9 miles of cleaning and snagging of existing channel and 2.8 miles of channel deepening and widening of existing channels; one rock drop grade stabilization structure; and one sediment basin.

The final EIS has been filed with the Council on Environmental Quality.

A limited supply is available at the following location to fill single copy requests:

Soil Conservation Service, USDA, 1405 South Harrison Road, East Lansing, Michigan 48823.

(Catalog of Federal Domestic Assistance Program No. 10.904, National Archives Reference Services.)

WILLIAM B. DAVEY,
Deputy Administrator for Water Resources, Soil Conservation Service.

JANUARY 23, 1975.

[FR Doc.75-2737 Filed 1-29-75;8:45 am]

TWENTY-FIVE MILE STREAM WATERSHED PROJECT, ME.

Availability of Draft Environmental Impact Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969; Part 1500 of the Council on Environmental Quality Guidelines (38 FR 20550, August 1, 1973); and Part 650 of the Soil Conservation Service Guidelines (39 FR 19650, June 3, 1974); the Soil Conservation Service, U.S. Department of Agriculture, has prepared a draft environmental impact statement for the Twenty-five Mile Stream Watershed Project, Waldo County, Maine, USDA-SCS-EIS-WS-(ADM)-75-1-(D)-ME.

The environmental impact statement concerns a plan for watershed protection and flood prevention. The planned works of improvement include conservation land treatment, supplemented by two water control structures and channel work. The channel work will involve intermittent clearing and snagging on 0.3 miles of existing channel and 1.8 miles of realignment and enlargement construction by excavation to provide improved water management. The 2.1 miles of work proposed will involve a stream with perennial flow.

A limited supply of copies is available at the following location to fill single copy requests:

Soil Conservation Service, U.S.D.A. Office Building, Orono, Maine 04473

Copies of the draft environmental impact statement have been sent for comment to various federal, state, and local agencies as outlined in the Council on Environmental Quality Guidelines. Comments are also invited from others having knowledge of or special expertise on environmental impacts.

Comments concerning the proposed action or requests for additional information should be addressed to Richard L. Duesterhaus, State Conservationist, Soil Conservation Service, U.S.D.A. Office Building, Orono, Maine 04473.

Comments must be received on or before March 18, 1975, in order to be considered in the preparation of the final environmental impact statement.

(Catalog of Federal Domestic Assistance Program No. 10.904, National Archives Reference Services)

WILLIAM B. DAVEY,
Deputy Administrator for Water Resources, Soil Conservation Service.

JANUARY 23, 1975.

[FR Doc.75-2738 Filed 1-29-75;8:45 am]

DEPARTMENT OF COMMERCE

Domestic and International Business Administration

BOWMAN GRAY SCHOOL OF MEDICINE, ET AL.

Notice of Applications for Duty-Free Entry of Scientific Articles

The following are notices of the receipt of applications for duty-free entry of scientific articles pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89-651; 80 Stat. 897). Interested persons may present their views with respect to the question of whether an instrument or apparatus of equivalent scientific value for the purposes for which the article is intended to be used is being manufactured in the United States. Such comments must be filed in triplicate with the Director, Special Import Programs Division, Office of Import Programs, Washington, D.C. 20230, on or before February 19, 1975.

Amended regulations issued under cited Act, as published in the February 24, 1972 issue of the FEDERAL REGISTER, prescribe the requirements applicable to comments.

A copy of each application is on file, and may be examined during ordinary Commerce Department business hours at the Special Import Programs Division, Department of Commerce, Washington, D.C. 20230.

Docket Number: 75-00301-33-77030. Applicant: Bowman Gray School of Medicine, 300 S. Hawthorne Road, Winston-Salem, N.C. 27103. Article: CPS Coherent NMR Spectrometer. Manufacturer: Spin Lock Electronics Ltd., Canada. Intended use of Article: The article is intended to be used to detect cancer by determining the differences in proton nuclear magnetic spin lattice relaxation time between blood of normal subjects and blood of cancer patients. Application Received by Commissioner of Customs: January 3, 1975.

Docket Number: 75-00302-33-90000. Applicant: Charlotte Memorial Hospital and Medical Center, 1000 Blythe Boulevard, P.O. Box 2554, Charlotte, North Carolina 28234. Article: EMI Scanner with Magnetic Tape Storage System. Manufacturer: EMI Limited, United Kingdom. Intended use of Article: The article is intended to be used for computerized axial tomography of the brain for diagnosis and cure of diseases of the brain. The article will also be used for the training of neuroradiologists through study of patients with brain diseases and development of new materials and techniques for diagnosis by non-invasive methodology. Application Received by Commissioner of Customs: January 3, 1975.

Docket Number: 75-00303-33-90000. Applicant: Rockford Memorial Hospital Association, 2400 North Rockton Avenue, Rockford, Illinois 61101. Article: EMI Scanner with Magnetic Tape Storage System. Manufacturer: EMI Limited, United Kingdom. Intended use of Article: The article is intended to be used in teaching residents and medical students by providing significantly improved diagnostic information for instruction in the areas of neurological, neurosurgical, and neuroradiological medicine. Application Received by Commissioner of Customs: January 3, 1975.

Docket Number: 75-00304-65-46040. Applicant: Rensselaer Polytechnic Institute, Materials Engineering Department, Troy, New York 12181. Article: Electron Microscope, Model JEM 100S. Manuafcturer: JEOL Ltd., Japan. Intended use of Article: The article is intended to be used in research concerned with the investigation of the austenite variables of composition, defect structure, stacking fault energy, process history, and properties as coupled phenomena, and the relationship of these variables to the structure, transformation kinetics, and properties of the resultant martensite, Studies will be carried out in the area of corrosion fatigue of aluminum alloys and copper alloys requiring extensive transmission electron microscopy to determine changes in deformation substructures which accompany corrosive reactions. It is also planned to study phase separation in glasses and the graphite layer structure at the surface of high performance graphite fibers. Application Received by Commissioner of Customs: January 6, 1975.

Docket Number: 75-00305-65-46040. Applicant: Rensselaer Polytechnic Institute, Materials Engineering Department, Troy, New York 12181. Article: Electron Microscope, Model JEM 100C. Manufacturer: JEOL Ltd., Japan. Intended use of Article: The article is intended to be used in research concerned with the investigation of the austenite variables of composition, defect structure, stacking fault energy, process history, and properties as coupled phenomena, and the relationship of these variables to the structure, transformation kinetics, and properties of the resultant martensite. Studies will be carried out in the area of corrosion fatigue of aluminum alloys and copper alloys requiring extensive transmission electron microscopy to determine changes in deformation substructures which accompany corrosive reactions. It is also planned to study phase separation in glasses and the graphite layer structure at the surface of high performance graphite fibers. Other studies to be carried out include: (1) the effects of localized strain fields on the mechanical behavior of two phase alloys, and (2) grain boundary precipitation studies. Application Received by Commissioner of Customs: January 6, 1975.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials.)

A. H. STUART,
Director,
Special Import Programs Division.

[FR Doc.75-2743 Filed 1-29-75;8:45 am]

UNIVERSITY OF MIAMI

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (37 FR 3892 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Import Programs, Department of Commerce, Washington, D.C. 20230.

Docket number: 75-00120-01-07500. Applicant: University of Miami, Department of Pediatrics, School of Medicine, P.O. Box 520875, Miami, Fla. 33152. Article: LKB Batch Microcalorimeter, Model No. 10700-2. Manufacturer: LKB Produkter AB, Sweden, Intended use of article: The article is intended to be used to determine the heat production of respiring mitochondria under different conditions. Of particular interest is the comparison of heat generation of the same mitochondrial suspension after application of different substrates and/or activators acting on the transport across the mitochondrial membrane. The article will also be used to train graduate students (medicine, biochemistry) and research workers in the field of chemistry of thermoregulations in humans and animals.

Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States. Reasons: The foreign article provides the capabilities for operation in a differential mode and a sensitivity of one microcalorie. The Department of Health, Education, and Welfare (HEW) advises in its memorandum dated December 17, 1974 that the capabilities described above are pertinent to the applicant's intended purposes. HEW further advises that comparable domestic instruments do not operate in the differential mode and do not have equal sensitivity.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which is being manufactured in the United States.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials.)

A. H. STUART,
Director,
Special Import Programs Division.

[FR Doc.75-2742 Filed 1-29-75;8:45 am]

UNIVERSITY OF SOUTHERN CALIFORNIA, ET. AL.

Notice of Consolidated Decision on Applications for Duty-Free Entry of Scientific Articles

The following is a consolidated decision on applications for duty-free entry of scientific articles pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (37 FR 3892 et seq.).

A copy of the record pertaining to each of the applications in this consolidated decision is available for public review during ordinary business hours of the Department of Commerce, at the Special Import Programs Division, Office of Import Programs, Department of Commerce, Washington, D.C.

Decision: Applications denied. Applicants have failed to establish that instruments or apparatus of equivalent scientific value to the foreign articles, for such purposes as the foreign articles are intended to be used, are not being manufactured in the United States.

Reasons: Subsection 701.8 of the regulations provides in pertinent part:

> The applicant shall on or before the 20th day following the date of such notice, inform the Deputy Assistant Secretary whether it intends to resubmit another application for the same article for the same intended purposes to which the denied application relates. The applicant shall then resubmit the new application on or before the 90th day following the date of the notice of denial without prejudice to resubmission, unless an extension of time is granted by the Deputy Assistant Secretary in writing prior to the expiration of the 90 day period. * * * If the applicant fails, within the applicable time periods specified above, to either (a) inform the Deputy Assistant Secretary whether it intends to resubmit another application for the same article to which the denial without prejudice to resubmission relates, or (b) resubmit the new application, the prior denial without prejudice to resubmission shall have the effect of a final decision by the Deputy Assistant Secretary on the application within the context of § 701.11.

The meaning of § 701.11 is that should an applicant either fail to notify the Deputy Assistant Secretary of its intent to resubmit another application for the same article to which the denial without prejudice relates within the 20 day period, or fails to resubmit a new application within the 90 day period, the prior denial without prejudice to resubmission will have the effect of a final denial of the application.

None of the applicants to which this consolidated decision relates has satisfied the requirements set forth above, therefore, the prior denials without prejudice have the effect of a final decision denying their respective applications.

Subsection 701.8 further provides:

> * * * the Deputy Assistant Secretary shall transmit a summary of the prior denial without prejudice to resubmission to the FEDERAL REGISTER for publication, to the Commisioner of Customs, and to the applicant.

Each of the prior denials without prejudice to resubmission to which this consolidated decision relates was based on the failure of the respective applicants to submit the required documentation, including a completely executed application form, in sufficient detail to allow the issue of "scientific equivalency" to be determined by the Deputy Assistant Secretary.

Docket Number: 73-00219-65-46070. Applicant: University of Southern California, University Park, Los Angeles, California 9007. Article: Scanning Electron Miscroscope, Model S4-10. Date of Denial Without Projudice to Resubmission: August 26, 1974.

Docket Number: 74-00446-33-46040. Applicant: Temple University, Department of Pathology, 3400 North Broad Street, Philadelphia, Pa. 19140. Article: Electron Microscope, Model HU-12A. Date of Denial Without Prejudice to Resubmission: August 7, 1974.

Docket Number: 74-00463-15-42900. Applicant: University of Minnesota, School of Physics and Astronomy, Minneapolis, Minnesota 55455. Article: Superconducting Magnet. Date of Denial Without Prejudice to Resubmission: August 20, 1974.

Docket Number: 74-00437-90-42600. Applicant: National Aeronautics and Space Administration, Langley Research Center (MS 146), Hampton, Virginia 23665. Article: Alphanumeric Display Device Made from a Two-Color-Monolithic Array of Light-Emitting Diodes. Date of Denial Without Prejudice to Resubmission: July 2, 1974.

Docket Number: 74-00503-33-46040. Applicant: New York State Veterinary College, Anatomy Department, MRW Building, Room 412B, Ithaca, N.Y. 14850. Article: Electron Microscope, Model EM 201. Date of Denial Without Prejudice to Resubmission: September 17, 1974.

Docket Number: 74-00505-33-46040. Applicant: New York State Veterinary College, Microbiology Department, MRW Building, Room 503B, Ithaca, New York 14850. Article: Electron Microscope, Model EM 201. Date of Denial Without Prejudice to Resubmission: September 17, 1974.

Docket Number: 75-00049-65-46070. Applicant: Washington University, Lindell and Skinker, St. Louis, Missouri 63130. Article: Scanning Electron Microscope, Model HHS-2R. Date of Denial Without Prejudice to Resubmission: September 6, 1974.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials.)

A. H. STUART,
Director,
Special Import Programs Division.

[FR Doc.75-2744 Filed 1-29-75;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

PANEL OF REVIEW OF INTERNAL ANALGESICS

Cancellation of Meeting

Pursuant to the Federal Advisory Committee Act of October 6, 1972 (Pub. L. 92-463, 86 Stat. 770-776; 5 U.S.C. App. I), the Food and Drug Administration announced in a notice published in the FEDERAL REGISTER of December 31, 1974 (39 FR 45309), public advisory committee meetings and other required information in accordance with provisions set forth in section 10(a) (1) and (2) of the act.

Notice is hereby given that the meeting of the Panel of Review of Internal Analgesics scheduled for February 5, 6, and 7, 1975, has been canceled.

Dated: January 27, 1975.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.75-2910 Filed 1-28-75;1:22 pm]

PSYCHOPHARMACOLOGICAL AGENTS ADVISORY COMMITTEE

Subcommittee Meeting Time Change

Pursuant to the Federal Advisory Committee Act of October 6, 1972 (Pub. L. 92-463, 86 Stat. 770-776; 5 U.S.C. App. I), the Food and Drug Administration announced in a notice published in the FEDERAL REGISTER of January 15, 1975 (40 FR 2734), public advisory committee meetings and other required information in accordance with provisions set forth in section 10(a) (1) and (2) of the act.

Notice is hereby given that the time of the meeting of the Pediatric Subcommittee of Psychopharmacological Agents Advisory Committee scheduled for February 10 has been changed to begin at 8:30 a.m. instead of 10 a.m.

Dated: January 27, 1975.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.75-2911 Filed 1-28-75;1:22 pm]

Office of the Secretary

INSTITUTE FOR SOCIAL RESEARCH, UNIVERSITY OF MICHIGAN

Contract Award

Pursuant to section 606 of the Economic Opportunity Act of 1964, as amended, 42 USC 2946, this agency announces the award of the following contract funded under section 232 of the Act:

HEW-OS-74-25 to University of Michigan, Institute for Social Research, Ann Arbor, Michigan 48106, for a research project entitled, "Michigan Longitudinal Study." In this project, a national probability sample of about 5,750 families is interviewed once a year with emphasis on economic variables such as work hours and earnings, total income and expenditures of various kinds to determine the reasons for changes in family income, and income relative to needs, especially among those near or below the

poverty level. Action has been taken to extend this research for an additional year (modification number 13 to the contract), at a cost of $525,000. Completion date of this extension is October 31, 1975.

Dated: January 27, 1975.

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

[FR Doc.75-2780 Filed 1-29-75;8:45 am]

LONGITUDINAL MANPOWER STUDY AND DATA PREPARATION

Notice of Program Results

Pursuant to section 606 of the Economic Opportunity Act of 1964, as amended, 42 USC 2946, this agency announces the results, findings, data, or recommendations reported as a result of the activities associated with HEW project entitled "Longitudinal Manpower Study and Data Preparation."

The final report and addendum complete the preparation for analysis of the data collected under the OEO/DOL Longitudinal Manpower Study. The final products of this project were a computer tape and a technical description of that tape.

The contractor corrected, within the scope of his responsibilities, errors in 3,853 out of approximately 10,000 cases. In addition, lists of cases with errors beyond the scope of work were provided. Additional processing in HEW and the production of complete documentation are necessary before release of the tapes can be made to the public.

A copy of this report will be filed with the National Technical Information Service, U.S. Department of Commerce, Springfield, Virginia 22151, and copies may be obtained through that office.

Dated: January 27, 1975.

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

[FR Doc.75-2781 Filed 1-29-75;8:45 am]

NATIONAL INSTITUTES OF HEALTH

Delegations of Authority

Notice is hereby given that the following delegation and redelegation of authority, with authority for further redelegation, have been made under the National Research Act (Pub. L. 93-348).

1. Delegation from the Secretary to the Assistant Secretary for Health to perform all of the authorities vested in the Secretary of Health, Education, and Welfare, by section 474(b) of the Public Health Service Act [42 USC 289*l*-3(b)], which was added to the Act by section 212(a) of the National Research Act (Pub. L. 93-348).

2. Redelegation from the Assistant Secretary for Health to the Director, National Institutes of Health, to perform all of the authorities delegated to the Assistant Secretary for Health under section 474(b) of the Public Health Service Act [42 USC 289*l*-3(b)], which was added to the Act by section 212(a) of the National Research Act (Pub. L. 93-348).

Dated: January 17, 1975.

THOMAS S. MCFEE,
Acting Assistant Secretary for Administration and Management.

[FR Doc.75-2782 Filed 1-29-75;8:45 am]

SOCIAL SECURITY ADMINISTRATION

Statement of Organization, Functions and Delegations of Authority

That portion of the Statement of Organization, Functions and Delegations of Authority for the Department of Health, Education, and Welfare devoted to the mission, organization, functions and order of succession for the Social Security Administration (33 FR 5828 et seq., April 16, 1968, as amended), is hereby revised to reflect the first phase of a reorganization of the Social Security Administration (SSA). This material describes a realignment of executive functions and top level organization structure in SSA, except for the Bureau of Health Insurance (BHI) and the Bureau of Hearings and Appeals (BHA). The mission, organization and functions for BHI and BHA remain the same as described in 33 FR 5834, dated April 16, 1968, and 36 FR 3478-3480, dated February 25, 1971, for BHI; and in 38 FR 22670, dated August 23, 1973, and 39 FR 11616 and 11617, dated March 29, 1974, for BHA. SSA's amended statement reads as follows:

SECTION 4-00-00 *Social Security Administration*—(Mission). The Social Security Administration (SSA) administers the Federal retirement, survivors, disability, and health insurance for the aged and disabled programs, as well as the program of supplemental security income for the aged, blind, and disabled. It performs certain functions with respect to the black lung benefits provisions of the Federal Coal Mine Health and Safety Act of 1969, as amended, pursuant to agreement with the Department of Labor. SSA is also responsible for studying the problems of poverty, insecurity, and health care for the aged, blind, and disabled; the contributions that can be made to the solution of these problems through social insurance and related programs; and for making recommendations as to the most effective methods of improving social and economic security through social insurance and related programs.

SEC. 4-00-10 *Social Security Administration*—(Organization). The Social Security Administration, under the supervision and direction of the Commissioner of Social Security, consists of the:

A. Office of the Commissioner

B. Office of Management and Administration

C. Office of Program Policy and Planning

D. Office of External Affairs

E. Office of Program Operations

F. Bureau of Health Insurance

G. Bureau of Hearings and Appeals

SEC. 4-00-20 *Social Security Administration*—(Functions). The functions performed by the SSA components enumerated in Section 4-00-10, except for the Bureau of Health Insurance and the Bureau of Hearings and Appeals, are described in Sections 4-01-00 through 4-05-00, which follow.

SEC. 4-01-00 *Office of the Commissioner*—(Mission). The Office of the Commissioner (OC) is directly responsible to the Secretary of Health, Education, and Welfare for all programs administered by SSA and provides executive leadership to SSA. It is responsible for policy determination; program interpretation and evaluation; research oriented to the study of the problems of poverty, insecurity and health care for the aged, blind, and disabled; and provision of recommendations on methods of advancing social and economic security through social insurance and related programs.

SEC. 4-01-10 *Office of the Commissioner*—(Organization). The Office of the Commissioner, under the leadership of the Commissioner of Social Security, consists of the:

A. Commissioner of Social Security

B. Deputy Commissioner of Social Security

C. Immediate Office of the Commissioner

D. Executive Secretariat

E. Advanced Operating Systems Staff

SEC. 4-01-20 *Office of the Commissioner*—(Functions). A. 1. *The Commissioner of Social Security* is directly responsible to the Secretary of Health, Education, and Welfare for performance of SSA's mission; provides executive leadership to SSA; and exercises general supervision over the major components of SSA.

2. During the absence or disability of the Commisioner of Social Security, or in the event of a vacancy in this position, the Deputy Commissioner shall act as Commissioner.

3. In the event of the absence or disability of both the Commissioner and the Deputy Commissioner, an SSA official designated by the Commissioner shall act as Commissioner.

4. Should both the positions of Commissioner and Deputy Commissioner of Social Security be vacant, an official designated by the Secretary of Health, Education, and Welfare shall serve as acting head of SSA.

B. *The Deputy Commissioner* of Social Security assists the Commissioner in carrying out his responsibilities and performs such other duties as the Commissioner may prescribe.

C. *The Immediate Office of the Commissioner* provides the Commissioner and Deputy Commissioner with staff assistance on the full range of their responsibilities.

D. *The Executive Secretariat:* 1. Is responsible for coordination, liaison, and workflow control services for the Office of the Commissioner.

2. Monitors policy development and policy implementation activities.

3. Ensures that issues requiring the Commissioner's attention are developed on a timely and coordinated basis.

E. *The Advanced Operating Systems Staff:* 1. Plans, designs and develops longer-range SSA operating systems.

2. Assists the Commissioner and his Executive Staff in structuring the issues and options for long-range administrative and process developments as the framework of interaction between future systems.

3. Develops and maintains the total SSA operating systems plan, including planning and development of new, future SSA automated data processing systems; formulation and establishment of systems objectives, basic policies, timetables and measures of effectiveness; and development and integration of necessary subsystems.

4. Represents SSA in dealings with DHEW; other Federal agencies; and non-Federal organizations on matters related to long-range operating systems.

SEC. 4-02-00 *Office of Management and Administration*—(Mission). The Office of Management and Administration (OMA) provides overall management direction for the Commissioner in discharging responsibility for achieving the efficient, effective, and economical administration of SSA programs. It directs, on behalf of the Commissioner, a continuing evaluation and appraisal of the effectuation of SSA's statutory responsibilities, including the assurance of program quality and integrity and the statistical measurement and systematic evaluation of the effectiveness of program administration. OMA develops policy and guidelines to govern the exercise of SSA-wide management and administrative responsibilities in such areas as budget, systems, organization, personnel administration and management. It administers SSA-wide management and statistical data systems; budget and financial management, including policy guidance for and general oversight of financial arrangements with State agencies; the full range of SSA's human resources concerns encompassed by activities in the areas of personnel, labor-management relations, training and equal opportunity; organization and management analysis; administrative appraisal and planning; comprehensive operational planning; and general management support services, including procurement and supply; realty and space; forms and records; printing and graphics; employee safety; and physical security. The Office represents SSA in these areas of responsibility with DHEW, other Federal agencies, Congress and non-Federal organizations.

SEC. 4-02-10 *Office of Management and Administration*—(organization). The Office of Management and Administration, under the leadership of the Associate Commissioner for Management and Administration, consists of the:

A. Associate Commissioner for Management and Administration

B. Deputy Associate Commissioner for Management and Administration

C. Immediate Office of the Associate Commissioner for Management and Administration, which includes the:

1. OMA Executive Officer

2. Management Coordination and Special Projects Staff

3. Special Staff for Equal Opportunity

D. Office of Administrative Appraisal and Planning

E. Office of Data Development

F. Office of Financial Management

G. Office of Human Resources

H. Office of Operating Facilities

I. Office of Quality Assurance

SEC. 4-02-20 *Office of Management and Administration*—(Functions). A.1. *The Associate Commissioner for Management and Administration* is directly responsible to the Commissioner of Social Security for performance of OMA's mission and provides general supervision to each principal component of OMA.

2. During the absence or disability of the Associate Commissioner for Management and Administration, or in the event of a vacancy in this position, the Deputy Associate Commissioner for Management and Administration shall act as Associate Commissioner.

3. In the event of the absence or disability of both the Associate Commissioner and the Deputy Associate Commissioner for Management and Administration, an OMA executive designated by the Associate Commissioner shall serve as acting head of the Office of Management and Administration.

4. Should both the positions of Associate Commissioner and Deputy Associate Commissioner for Management and Administration become vacant, an SSA official designated by the Commissioner of Social Security shall serve as acting head of the Office of Management and Administration.

B. *The Deputy Associate Commissioner for Management and Administration* assists the Associate Commissioner in carrying out his responsibilities and performs such other duties as the Associate Commissioner may prescribe.

C. *The Immediate Office of the Associate Commissioner for Management and Administration.*—1. *The OMA Executive Officer* assists the Associate Commissioner and Deputy Associate Commissioner in the overall management of OMA.

2. *The Management Coordination and Special Projects Staff:* a. Serves as the personal staff to the Associate Commissioner by aiding him in coordinating and integrating the many-faceted and interrelated activities of OMA, and by providing the Associate Commissioner with advice, assistance, problem identification, and recommendations for problem resolution with respect to projects, negotiations or work areas of special interest or concern to him.

b. Conducts or directs projects of major SSA-wide importance and significance on assignment by the Associate Commissioner.

3. *The Special Staff for Equal Opportunity:* a. Assists the Associate Commissioner in directing, coordinating, developing, and appraising the effectiveness of policies for SSA-wide programs of equal opportunity (EO), under Executive Orders 11246 and 11478, as amended by P.L. 92-261 and P.L. 93-259.

b. Reviews the employment posture of health insurance intermediaries under contract with SSA for compliance with the EO requirements of Executive Order 11246.

c. Conducts the SSA-wide Housing Service Program.

d. Carries out liaison with DHEW; other Federal agencies; and various other public and private organizations on matters concerning EO and civil rights.

D. *The Office of Administrative Appraisal and Planning:* 1. Directs the appraisal of total SSA administration and planning for efficient SSA organization and operations; and develops major operating and administrative goals and measures of effectiveness for SSA program administration.

2. Identifies current and emerging administrative problems; recommends remedial actions, and continually appraises organizational effectiveness.

3. Appraises the need for, develops, recommends and promulgates new and modified delegations of program and administrative authorities throughout SSA.

4. Conducts, coordinates, and integrates operational, organizational, and administrative planning; provides leadership in administrative planning for pending legislation; and develops consistent and progressive administrative policy and philosophy.

5. Represents SSA in dealings with the DHEW Audit Agency and General Accounting Office site audit teams; and coordinates and follows up on implementation of DHEW and GAO audit findings and recommendations.

6. Conducts an SSA historical research program and directs SSA emergency preparedness activities.

7. Directs and continually appraises the operation of the SSA Administrative Directives System; and conducts and coordinates the SSA Management Information System.

8. Represents SSA in dealings with DHEW; other Federal agencies; and various other public and private organizations on matters of concern to the administration of SSA programs and the fulfillment of the Office's mission.

E. *The Office of Data Development:* 1. Plans and manages a large scale computer system in support of a variety of SSA statistical and management information requirements and planning activities.

2. Provides systems, programming, methods and procedures, and machine operations for data retrieval, data compilation and data presentation.

3. Advises on technical and cost factors relative to SSA data development projects and to reimbursable work for other

Federal and non-Federal agencies and organizations.

F. *The Office of Financial Management:* 1. Directs the financial management program of SSA; develops its financial management objectives, policies, standards, and procedures; provides financial advice on program matters; and initiates cost studies.

2. Plans, prepares, justifies, and executes the SSA budget; and prepares and justifies budget estimates to finance program and other legislative changes.

3. Conducts continuing evaluations of expenditures of funds; takes actions to improve fiscal effectiveness; conducts continuing evaluations of financial systems and implements improvements; and insures that financial systems are integrated within SSA and with DHEW.

4. Maintains administrative accounts and certain trust fund expenditure and receipt accounts; audits and certifies vouchers for administrative expenses; and prepares basic and required financial reports.

5. Represents SSA in financial management dealings with DHEW; other Federal agencies; and various other public and private organizations.

G. *The Office of Human Resources:* 1. Provides direction to the development, implementation, and maintenance of a totally integrated and coordinated SSA program responsive to the needs of SSA's human resources.

2. Represents SSA in dealings with DHEW, other Federal agencies, and sources outside the Federal establishment with respect to matters concerning personnel and human resources management programs.

3. Provides executive-level line direction and supervision to the SSA Employee Communications Staff; the SSA Employee Health Service; the Division of Training and Career Development; the Division of Personnel; and the Special Staff for Labor Relations.

H. *The Office of Operating Facilities:* 1. Directs the management support program of SSA and develops its management support objectives, policies, standards, and procedures.

2. Directs SSA activities with respect to the SSA library and related services; centralized headquarters secretarial, dictation, transportation and parking services; construction and leasing of buildings; space utilization; forms and records management; printing and graphics; audio-visual materials production; public information materials distribution; real and personal property management; procurement; supply and mail systems; employee safety; civil defense; physical security; and visitor reception and tours.

3. Provides SSA liaison with GSA on matters related to the maintenance and servicing of headquarters facilities, and with DHEW; other Federal agencies; and various other public and private organizations.

I. *The Office of Quality Assurance:* 1. Develops and administers an SSA program for evaluation of the quality of retirement, survivors and disability insurance claims processes; the supplemental security income claims process; and related processes.

2. Formulates criteria, techniques and systems for controlling the quality of these claims and related processes, and develops, installs and maintains programs for controlling quality and maintaining integrity against fraud and third-party abuse.

3. Develops, implements and maintains a system of continuous statistical evaluation and measurement of basic retirement, survivors and disability insurance claims; supplemental security income basic claims; and related policies and procedures; and identifies and analyzes problems and makes recommendations concerning their solutions.

4. Institutes and applies statistical and other measures of program performance and effectiveness; analyzes findings; and makes recommendations respecting the identification and correction of deficiencies.

5. Conducts and directs SSA's professional investigations activity.

SEC. 4-03-00 *Office of Program Policy and Planning*—(Mission). The Office of Program Policy and Planning (OPPP) directs the planning and analysis of programs administered by SSA and broadly formulates, promulgates and interprets program philosophy, objectives and policy. It directs studies and makes recommendations concerning problems of poverty, insecurity and health costs, and contributions that social insurance and related programs provide for solutions to these problems. OPPP directs the legislative planning and analysis program of SSA and conducts its broad research and statistical programs. It develops, recommends and issues program policies necessary for the consistent national administration of the retirement, survivors and disability insurance programs, and the supplemental security income program. The Office provides SSA-wide direction and coordination in the development and promulgation of regulations and program policy. It evaluates the effectiveness of national policies in meeting program goals. OPPP also provides overall administrative direction to the Office of the Actuary.

SEC. 4-03-10 *Office of Program Policy and Planning*—(Organization). The Office of Program Policy and Planning, under the leadership of the Associate Commissioner for Program Policy and Planning, consists of the:

A. Associate Commissioner for Program Policy and Planning

B. Immediate Office of the Associate Commissioner for Program Policy and Planning

C. SSA Policy Council Staff

D. Office of the Actuary

E. Office of Policy and Regulations

F. Office of Program Evaluation and Planning

G. Office of Research and Statistics

SEC. 4-03-20 *Office of Program Policy and Planning*—(Functions). A. 1. *The Associate Commissioner for Program Policy and Planning* is responsible to the Commissioner of Social Security for performance of OPPP's mission and provides general supervision to the principal components of OPPP.

2. In the event that the Associate Commissioner for Program Policy and Planning is absent or disabled, an OPPP executive designated by the Associate Commissioner shall serve as acting head of the Office of Program Policy and Planning.

3. Should the position of Associate Commissioner for Program Policy and Planning become vacant, an SSA official designated by the Commissioner of Social Security shall serve as acting head of the Office of Program Policy and Planning.

B. *The Immediate Office of the Associate Commissioner for Program Policy and Planning* assists the Associate Commissioner with the full range of his responsibilities and handles such other assignments as he may prescribe.

C. *The SSA Policy Council Staff:* 1. Provides staff support to the SSA Policy Council, which is an ex officio group composed of the Commissioner and/or Deputy Commissioner of Social Security; the four SSA Associate Commissioners, and other members of the SSA Executive Staff, as the subject matter under discussion makes appropriate.

2. Assures the systematic attention of the Policy Council to priority policy matters and the resolution of policy interface issues incident to their deliberations by assisting the Council in identifying issues deserving its consideration; establishing the relative priority of such issues; preparing agendas for Policy Council sessions and presenting issues for its consideration at these sessions; preparing a variety of reports of council deliberations, recommendations and decisions, and arranging for their dissemination; and coordinating the implementation of action directed by the Council and following up on the results of such implementation.

D. *The Office of the Actuary:* 1. Directs and conducts the actuarial program of SSA.

2. Performs actuarial and demographic research into social insurance and related programs and makes actuarial appraisals of existing and proposed programs.

3. Studies, for both the immediate and distant future, problems of financing program costs; estimates future workloads; and evaluates operations of the four Social Security Trust Funds.

4. Develops and analyzes actuarial data for benefit estimates and valuations in social insurance programs.

5. Provides technical and consultative services to the Commissioner and DHEW officials, and testifies concerning actuarial estimates before Congressional committees considering legislative changes in SSA-administered programs.

E. *The Office of Policy and Regulations:* 1. Provides leadership and direction to, and exercises overall responsibility for, SSA-wide program policy development and coordination, and for promulgation of program regulations.

2. Conducts and directs the development, interpretation and evaluation of general program policies, and of program and claims policies and substantive program requirements for the retirement, survivors and disability insurance programs and the supplemental security income program, including detailed program and claims policy specifications for the use of the Office of Program Operations in developing implementing manual instructions.

3. Ensures that interrelated policy areas are meshed into well-coordinated overall policies; and represents SSA and acts as consultant on overall policy matters.

4. Coordinates its policy development and evaluation activities with the activities of the Office of Program Operations and with various Federal and State agencies.

5. Provides overall policy for coverage of State and local government employees, coordinating with the Office of Program Operations and the Office of External Affairs.

6. Develops and recommends the issuance of program regulations and rulings, and promulgates them.

7. Evaluates the effectiveness of program policies in meeting the goals and objectives of SSA, in terms of its Mission, and participates in legislative planning.

F. *The Office of Program Evaluation and Planning:* 1. Develops and conducts the legislative planning and analysis program of SSA.

2. Evaluates the effectiveness of programs administered by SSA in providing security through retirement, survivors, disability and health insurance, and supplemental security income for the aged, blind and disabled.

3. Develops and interprets overall program philosophy and objectives.

4. Develops and evaluates recommendations concerning legislative proposals for changes in programs administered by SSA, including means for program simplification.

5. Analyzes and develops recommendations on related income maintenance and health insurance proposals, particularly those which may involve coordination with SSA-administered programs, and on other methods of providing economic security.

6. Provides technical and advisory services to SSA and DHEW officials and, in coordination with the Office of External Affairs, to officials within the Executive Branch; Congressional committees and individual Congressmen; and private organizations interested in Social Security legislation.

G. *The Office of Research and Statistics:* 1. Develops and conducts the broad research program of SSA and conducts, directs and gives technical guidance to SSA's statistical program.

2. Conducts research relating to such matters as income security and health insurance; redistributive effects of social security and related benefits; methods of financing; adequacy of cash and health benefits; impact of existing and alternative health benefit arrangements on the availability, quality and cost of health care; relation of public and private income maintenance programs; and the economic situation of the low-income population.

3. Studies problems of poverty, insecurity and health costs and contributions that social insurance and related programs provide to their solutions.

4. Conducts national surveys of the aged, the disabled, families with children, and the low-income aged and disabled.

5. Establishes linkages of SSA data with data from other statistical and record systems; and designs, develops and uses economic models for a variety of simulations allowing dynamic analysis of the impact of present and projected program alternatives under various conditions.

6. Evaluates national policies in terms of program goals.

7. Publishes research findings; compiles and publishes statistical data; and provides SSA-wide statistical leadership and methodology.

8. Represents SSA on matters of research and statistics with DHEW and international organizations; within the academic community; and, in coordination with the Office of External Affairs, with other public and private agencies and organizations.

SEC. 4-04-00 *Office of External Affairs*—(Mission). The Office of External Affairs (OEA) plans and directs SSA's nationwide program for conducting effective relationships and communications with the public; Congress; other Federal and State agencies; community and private organizations; and other outside sources, regarding SSA-administered programs and services, and on related community services available to the public. It directs the development of programs and materials to assure public knowledge and understanding of protections, rights and responsibilities under programs administered by SSA. OEA provides SSA representation and viewpoints, at the national level, on activities designed to improve services, within or outside SSA, and to make SSA-administered programs more effective. The Office advises and coordinates with the Office of the Secretary; the Commissioner; and other DHEW and SSA components on SSA public affairs matters.

SEC. 4-04-10 *Office of External Affairs*—(Organization). The Office of External Affairs, under the leadership of the Associate Commissioner for External Affairs, consists of the:

A. Associate Commissioner for External Affairs

B. Immediate Office of the Associate Commissioner for External Affairs

C. Office of Public Affairs

D. Office of Public Inquiries

SEC. 4-04-20 *Office of External Affairs*—(Functions). A. 1. *The Associate Commissioner for External Affairs* is directly responsible to the Commissioner of Social Security for performance of OEA's mission and provides general supervision to the principal components of OEA.

2. In the event that the Associate Commissioner for External Affairs is absent or disabled, an OEA executive designated by the Associate Commissioner shall serve as acting head of the Office of External Affairs.

3. Should the position of Associate Commissioner for External Affairs become vacant, an SSA official designated by the Commissioner of Social Security shall serve as acting head of the Office of External Affairs.

B. *The Immediate Office of the Associate Commissioner for External Affairs* assists the Associate Commissioner in the performance of his responsibilities and handles such other assignments as he may prescribe.

C. *The Office of Public Affairs:* 1. Provides direction to SSA's programs for assuring public knowledge and understanding of protections, rights and responsibilities under programs administered by SSA.

2. Assesses public needs and interests and assures SSA responsiveness to them.

3. Maintains liaison with Congress; DHEW components; other Federal agencies; State governments and agencies; and community and private organizations, on matters concerning programs administered by SSA.

4. Develops and recommends SSA public affairs policies and standards.

5. Prepares, reviews and insures the high quality of informational materials distributed to the public and provides technical guidance for public affairs training in SSA.

D. *The Office of Public Inquiries:* 1. Establishes, promulgates and assesses SSA policy for processing public and Congressional correspondence.

2. Provides advice and assistance to SSA officials, and liaison with DHEW, on public correspondence matters.

3. Conducts training programs in SSA field and headquarters components to improve correspondence to the public.

4. Receives, analyzes and controls high priority written and telephone inquiries; replies to many of these inquiries; and reviews certain written replies to such inquiries prepared elsewhere at SSA headquarters.

SEC. 4-05-00 *Office of Program Operations*—(Mission). The Office of Program Operations (OPO) provides executive direction and coordination to all aspects of SSA's cash benefit program operations. It provides line direction to a nationwide field organization of 10 regional offices, 6 program centers and over 1200 local offices. The Office directs the operations of five Headquarters bureaus responsible for retirement, survivors, and disability insurance operations; supplemental security income operations; field operations; and data processing. It implements policy decisions and directives through development and issuance of procedures and program instructions for cash benefit operations. OPO plans and directs procedural, systems, and direct management support activities. It assures that regional offices provide effective leadership to field operations, relationships

with States, and implementation of the SSA public affairs program. The Office is responsible for evaluating the operational effectiveness of all the above activities.

SEC. 4-05-10 *Office of Program Operations*—(Organization). The Office of Program Operations, under the leadership of the Associate Commissioner for Program Operations, consists of the:

A. Associate Commissioner for Program Operations

B. Immediate Office of the Associate Commissioner for Program Operations

C. Bureau of Retirement and Survivors Insurance

D. Bureau of Disability Insurance

E. Bureau of Supplemental Security Income

F. Bureau of Data Processing

G. Bureau of Field Operations

H. Office of the Regional Commissioner (located in each of SSA's ten geographical regions nationwide)

SEC. 4-05-20 *Office of Program Operations*—(Functions). A. 1. *The Associate Commissioner for Program Operations* is directly responsible to the Commissioner of Social Security for performance of OPO's mission and provides general supervision to the principal components of OPO.

2. In the event that the Associate Commissioner for Program Operations is absent or disabled, an OPO executive designated by the Associate Commissioner shall serve as acting head of the Office of Program Operations.

3. Should the position of Associate Commissioner for Program Operations become vacant, an SSA official designated by the Commissioner of Social Security shall serve as acting head of the Office of Program Operations.

B. *The immediate Office of the Associate Commissioner for Program Operations* assists the Associate Commissioner in carrying out his responsibilities and performs such other assignments as he may prescribe.

C. *The Bureau of Retirement and Survivors Insurance:* 1. Develops, coordinates and issues implementing instructions, consistent with program policy directives and specifications, for carrying out the claims and benefit payment processes of the retirement and survivors insurance program, and evaluates the operational effectiveness for retirement and survivors claims and related actions.

2. Manages a network of six program centers responsible for review and authorization of retirement and survivors claims and for health insurance entitlement; supplementary medical insurance premium collection; certification of benefit payments; and maintenance of retirement and survivors insurance (RSI) benefit rolls; and directs RSI critical case and benefit accounting programs.

3. Develops, evaluates, and implements operating systems, methods and instructions governing the claims and post-adjudicative processes and folder control activities of the program centers.

4. Provides technical advice and guidance to SSA regional offices concerning the RSI determination process.

5. Coordinates program center operating procedures, including EDP operations, with other SSA components and Federal agencies having responsibility in related work areas.

6. Directs administration of the Social Security program abroad.

D. *The Bureau of Disability Insurance:* 1. Develops, coordinates and issues implementing instructions, consistent with program policy directives and specifications, for carrying out the claims and benefit processes of the disability insurance program and related responsibilities for the supplemental security income and black lung programs; develops, coordinates and issues technical medical policies and standards for these programs; and evaluates the operational effectiveness for disability claims and related actions.

2. Manages central disability operations, including review and authorization of disability claims; certification of benefit payments; and maintenance of disability beneficiary rolls.

3. Develops, evaluates, recommends and coordinates operating systems, methods, procedures and instructions for central disability operations.

4. Provides technical guidance and advice to SSA regional offices concerning the disability determination process.

5. Develops, in cooperation with DHEW's Social and Rehabilitation Service, policies and procedures for administration of the disability beneficiary rehabilitation program; and maintains relationships with national organizations of State Vocational Rehabilitation Directors and other related organizations.

E. *The Bureau of Supplemental Security Income:* 1. Develops, coordinates and issues implementing instructions, consistent with program policy directives and specifications, applicable to the supplemental security income program and its claims and benefit payment processes.

2. In cooperation with the Office of External Affairs, provides a central focus for relationships and agreements with national welfare organizations, and organizations of State welfare agencies.

3. Provides technical advice and assistance to SSA regional offices in negotiations and continuing interfaces with State welfare agencies.

4. Manages the certification of Supplemental security income payments; and evaluates the operational effectiveness for supplemental security income claims and related actions.

F. *The Bureau of Data Processing:* 1. Manages SSA's operating EDP systems, including systems analysis and design; programming and computer and telecommunications operations.

2. Establishes and maintains the basic records supporting programs administered by SSA, including records and accounts for determining entitlement to and computation of cash benefits, and for determining entitlement to and utilization of health insurance benefits.

3. Develops earnings reporting standards and procedures for employers and the self-employed, and investigates and resolves reporting and earnings record discrepancies.

4. Furnishes necessary data to the Department of the Treasury for proper crediting of amounts to the Social Security Trust Funds.

G. *The Bureau of Field Operations:* 1. Develops and implements national operational and management plans for providing SSA direct service to the public.

2. Through 10 SSA regional offices, manages SSA's field operations and operational interfaces with States agencies administering social security coverage, State Disability Determination Sections and State Welfare Agencies.

3. Assures that field operations are effectively coordinated nationally with other operational requirements and policy directives.

4. Plans, develops and issues field operating policies, systems and procedures.

5. Provides central management support to regional offices.

H. *The Office of the Regional Commissioner:* 1. Serves as the principal agency component at the regional level and assures effective SSA interface with DHEW; other Federal agencies; and State Disability Determination Sections and State Welfare Agencies.

2. Implements national operational and management plans for providing SSA direct service to the public.

3. Manages and coordinates an effective SSA regional operation consistent with national and regional operational requirements, and systems and policy directives.

4. Directs a regionwide network of district offices, branch offices, and teleservice centers which serve as the interface between SSA and the public, and which have responsibility for informing people of the purposes and provisions of programs administered by SSA and their rights and responsibilities thereunder; assisting the public in filing claims for retirement, survivors, health and disability insurance benefits, black lung benefits, and supplemental security income; developing and adjudicating claims; assisting certain beneficiaries in claiming reimbursement for medical expenses; conducting development of cases involving earnings record, coverage and fraud-related questions; making rehabilitation service referrals; and assisting claimants in filing appeals on SSA determinations of benefit entitlement or amount.

5. Implements a regional SSA public affairs program; and provides management support to field operations.

Dated: January 24, 1975.

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

[FR Doc.75-2762 Filed 1-29-75;8:45 am]

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of Interstate Land Sales Registration

[Dockets Nos. N-75-260; 74-144]

INDIAN MOUNTAIN

Hearing

Notice is hereby given that:

1. Park Development Company, Meridian Properties, Inc., W. H. Heidtbrink, Jr., Chairman of the Board, its officers and agents, hereinafter referred to as "Respondent," being subject to the provisions of the Interstate Land Sales Full Disclosure Act (Pub. L. 90-448) (15 U.S.C. 1701 et seq.), received a notice of proceedings and opportunity for hearing dated November 13, 1974, which was sent to the developer pursuant to 15 U.S.C. 1706(d) and 24 CFR 1710.45(b)(1) informing the developer of information obtained by the Office of Interstate Land Sales Registration showing that a change had occurred which affected material facts in the Developer's Statement of Record for Indian Mountain Filing 1-24 and the failure of the Developer to amend the pertinent sections of the Statement of Record and Property Report.

2. The Respondent filed an answer December 4, 1974, in answer to the allegations of the notice of proceedings and opportunity for a hearing.

3. In said Answer the Respondent requested a hearing on the allegations contained in the Notice of Proceedings and Opportunity for a Hearing.

4. Therefore, pursuant to the provisions of 15 U.S.C. 1706(d) and 24 CFR 1720.160(b), *it is hereby ordered*, That a public hearing for the purpose of taking evidence on the questions set forth in the Notice of Proceedings and Opportunity for Hearing will be held before Administrative Law Judge Lewis F. Parker, in room 7233, Department of HUD Building, 451 7th Street, S.W., Washington, D.C. on February 12, 1975 at 10 a.m.

The following time and procedure is applicable to such hearing: All affidavits and a list of all witnesses are requested to be filed with the Hearing Clerk, HUD Building, Room 10150, Washington, D.C. 20410 on or before February 5, 1975.

6. The Respondent is hereby notified that failure to appear at the above scheduled hearing shall be deemed a default and the proceeding shall be determined against Respondent, the allegations of which shall be deemed to be true, and an order Suspending the Statement of Record, herein identified, shall be issued pursuant to 24 CFR 1710.45(b)(1).

This Notice shall be served upon the Respondent forthwith pursuant to 24 CFR 1720.440.

Dated: January 21, 1975.

By the Secretary.

LEWIS F. PARKER,
Administrative Law Judge.

[FR Doc.75-2769 Filed 1-29-75;8:45 am]

DEPARTMENT OF TRANSPORTATION

Coast Guard

[75-025]

DEEPWATER PORTS

Draft Environmental Impact Statement on Regulations

This notice extends the period for comment on the Draft Environmental Impact Statement (EIS) relating to proposed regulations to be issued under the Deepwater Port Act of 1974, Pub. L. 93-627, until 45 days after the publication of the proposed regulations. Notice of the draft EIS was published in the January 13, 1975, issue of the FEDERAL REGISTER (40 FR 2468). It is anticipated that the proposed regulations will be published about February 14, 1975.

Dated: January 21, 1975.

K. G. WIMAN,
Captain, U.S. Coast Guard,
Manager, Deepwater Ports Project.

[FR Doc.75-2853 Filed 1-29-75;8:45 am]

Federal Aviation Administration

[Docket Nos. 13243 and 14234; Reference Notice Nos. 74-39 & 74-40]

NOISE STANDARDS FOR PROPELLER DRIVEN SMALL AIRPLANES AND NOISE ABATEMENT MINIMUM ALTITUDES FOR TURBOJET POWERED AIRPLANES IN TERMINAL AREAS

Public Hearings

The Federal Aviation Administration will hold public hearings March 3-5, 1975, on two proposed amendments to the Federal Aviation Regulations (14 CFR Chapter I) submitted to the FAA by the Environmental Protection Agency under section 611(c)(1) of the Federal Aviation Act of 1958, as amended by the Noise Control Act of 1972 (Public Law 92-574). These hearings will afford interested persons the opportunity to present views, data, and arguments regarding the substance and issues raised in the proposals contained in notice 74-39, "Noise Standards for Propeller Driven Small Airplanes" (40 FR 1061; January 6, 1975) and notice 74-40, "Noise Abatement Minimum Altitudes for Turbojet Powered Airplanes in Terminal Areas" (40 FR 1072; January 6, 1975).

These hearings 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 a.m. each day, according to the following schedule:

March 3 & 4, "Noise Standards for Propeller Driven Small Aircraft": Notice 74-39 (40 FR 1061; January 6, 1975; Docket No. 13243).

March 5, "Noise Abatement Minimum Altitudes for Turbojet Powered Airplanes in Terminal Areas": Notice 74-40 (40 FR 1072; January 6, 1975; Docket No. 14234).

In the event that there is response to this notice that exceeds the time allotted to either hearing, that hearing will be continued to March 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 each hearing FAA spokesmen will make a brief opening statement regarding the proposals contained in the respective Notices. 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 of each proposed amendment. Persons wishing to make oral statements at one or both of the hearings must notify the FAA as to which proceeding and the date 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: "Attention: Presiding Officer, Public Hearing on Notice 74-("39" or "40," as may be appropriate), Office of the Chief Counsel, Rules Docket, AGC-24, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, D.C. 20591."

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 each Notice of Proposed Rule Making. As stated in those notices, such written comments should identify the notice or docket number and be submitted in duplicate to: Office of the Chief Counsel, Rules Docket, AGC-24, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, D.C. 20591. The closing date for submitting written comments is March 7, 1975. All comments will be available for examination in the FAA Rules Docket both before and after the closing date for comments.

Notice 74-39 and Notice 74-40 were issued by the FAA in accordance with section 611(c)(1) of the Federal Aviation Act of 1958, as amended by the Noise Control Act of 1972 (PL 92-574). Each Notice contains proposed regulations submitted to the FAA by the Environmental Protection Agency to pro-

vide such control and abatement of aircraft noise as EPA determines is necessary to protect the public health and welfare. The Notices present the background of the respective proposals and contain the material that is the subject of the public hearing. 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 engine, appliance, or certificate to which they would apply.

(e) the extent to which the proposed regulations would contribute to providing protection to the public health and welfare and to carrying out the other purposes of section 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).

Before taking further action under section 611(c) of the Federal Aviation Act of 1958, the FAA will consider all statements presented at the hearings and all relevant written statements and comments submitted and made part of the regulatory dockets. The specific terms and substance of proposals contained in the respective notices may be changed in the light of those statements and comments presented.

A transcript of the hearings will be made and anyone may purchase a copy of them from the reporter. A transcript of the hearings will be available for examination in the respective rules dockets.

AUTHORITY: [Sec. 307(a) and (c), 313(a), 601, 603, 604, 605, and 611(c) of the Federal Aviation Act of 1958, as amended (49 U.S.C. 1348(a) and (c), 1354(a), 1421, 1423, 1424, 1425, and 1431(c)), sec. 6(c) of the Department of Transportation Act (49 U.S.C. 1655 (c), 5 U.S.C. 553(b) and (c), and 44 U.S.C. 1508].

Issued in Washington, D.C., on January 27, 1975.

RAYMOND G. BELANGER,
Director, Air Traffic Service.

CHARLES R. FOSTER,
Director of Environmental Quality.

[FR. Doc.75-2851 Filed 1-29-75;8:45 am]

ATOMIC ENERGY COMMISSION

LIQUID METAL FAST BREEDER REACTOR PROGRAM

Notice of Availability of Proposed Final Environmental Statement

Correction

FR Doc. 75-2041, which appeared at page 3804 of the issue for Friday, January 24, 1975, was inadvertently placed under the Nuclear Regulatory Commission. It should have been carried under the Atomic Energy Commission, as set forth above, and the last line of the document, reading "For the Nuclear Regulatory Commission." should read "For the Atomic Energy Commission".

CIVIL AERONAUTICS BOARD

[Docket No. 26510]

DOMESTIC NIGHT COACH FARE INVESTIGATION

Prehearing Conference

Notice is hereby given that a prehearing conference in the above-entitled matter is assigned to be held on March 5, 1975, at 10 a.m. (local time), in Room 726, Universal Building, 1825 Connecticut Avenue NW., Washington, D.C., before Administrative Law Judge Greer M. Murphy.

In order to facilitate the conduct of the conference, parties are instructed to submit one copy to each party and four copies to the Judge of (1) proposed statements of issues; (2) proposed stipulations; (3) requests for information; (4) statement of positions of parties; and (5) proposed procedural dates. The Bureau of Economics will circulate its material on or before February 10, 1975, and the other parties on or before February 21, 1975. The submissions of the other parties shall be limited to points on which they differ with the Bureau of Economics, and shall follow the numbering and lettering used by the Bureau to facilitate cross-referencing.

Dated at Washington, D.C., January 24, 1975.

[SEAL] ROBERT L. PARK,
Chief Administrative Law Judge.

[FR Doc.75-2832 Filed 1-29-75;8:45 am]

[Docket 23080-2; Order 75-1-105]

PRIORITY AND NONPRIORITY DOMESTIC SERVICE MAIL RATES

Order Reclassifying Stations

Issued under delegated authority January 27, 1975.

Order 74-9-83, dated Septemebr 24, 1974, and effective October 12, 1974, classified the stations for the purposes of the multielement service mail rate formulas applicable to the transportation of sack mail and for standard and daylight container mail. Upon review of the revenue tons enplaned by stations for the year ended September 30, 1974, the Board finds that certain stations require reclassification.

The multielement service mail rate formulas,[1] which were designed to provide a uniform rate of pay for like mail service, are comprised of a linehaul rate and a terminal charge which varies by class of station.[2] These are applicable to both sack and container mail.

The orders fixing the multielement service mail rates provide for the reclassification of stations, without disturbing the overall rate structure, when the revenue tons enplaned at the stations in question bring such stations within a different class.

Pursuant to authority duly delegated by the Board in the Board's regulations, 14 CFR 385.16(c); it is found that:

1. The present classification of stations should be amended, based on the volume of on-line revenue tons enplaned during the year ended September 30, 1974,[3] to bring certain stations within the new classifications shown in the Appendix.

2. Such reclassifications should be made effective February 1, 1975, which date will be the first day of the next 28-day U.S. Postal Service Accounting Period.

3. In view of the foregoing, the lists of stations included in the Appendix attached to Order 74-9-83 for the station classes should be amended to reflect the new classifications designated herein.

Accordingly, pursuant to the delegated authority referred to above,

It is ordered that: 1. Effective February 1, 1975, the stations included in each of the station classes should be as specified in the Appendix attached hereto, *provided* That any station not listed in the Appendix shall be classified as a Class Z station;

2. Effective February 1, 1975, the Appendix attached to Order 74-9-83 shall be superseded by the Appendix attached hereto; and

[1] Order 74-1-89, January 16, 1974, as amended, fixed temporary service mail rates for sack mail and for standard and daylight container mail, effective on and after March 28, 1973.

[2] As set forth in Order 74-5-82, May 16, 1974, and incorporated by reference in Order 74-9-83, the standards for station classification are as follows:

Class of stations:	*Total revenue tons enplaned per year*
X	27,000 and over.
Y	5,400 to 26,999.
Z	5,399 or less.

[3] Traffic data for 12 months ended September 30, 1974, cover the most recent 12-month period for which an official compilation is available.

3. This order be served upon all parties in Docket 23080–2.

Persons entitled to petition the Board for review of this order pursuant to the Board's Regulations, 14 CFR 385.50, may file such petitions within seven days after the date of service of this order.

This order shall be effective and become the action of the Civil Aeronautics Board upon expiration of the above period unless within such period a petition for review thereof is filed, or the Board gives notice that it will review this order on its own motion.

This order shall be published in the FEDERAL REGISTER.

[SEAL] EDWIN Z. HOLLAND,
Secretary.

CLASSIFICATION OF STATIONS FOR DETERMINATION OF AIR MAIL TERMINAL CHARGES

CLASS X STATIONS

Akron/Canton, Ohio
Albany, New York
Albuquerque, New Mexico
Anchorage, Alaska
Atlanta, Georgia
Austin, Texas
Baltimore, Maryland
Billings, Montana
Birmingham, Alabama
Boise, Idaho
Boston, Massachusetts
Buffalo and Niagara Falls, New York
Charleston, South Carolina
Charlotte, North Carolina
Chicago, Illinois
Cincinnati, Ohio
Cleveland, Ohio
Colorado Springs, Colorado
Columbia, South Carolina
Columbus, Ohio
Dallas and Ft. Worth, Texas
Dayton, Ohio
Denver, Colorado
Des Moines, Iowa
Detroit and Ann Arbor, Michigan
El Paso, Texas
Fairbanks, Alaska
Fort Lauderdale, Florida
Fresno, California
Grand Rapids, Michigan
Green Bay/Clintonville, Wis.
Greensboro/High Point, N.C.
Greenville and Spartanburg, S.C.
Hamilton, Bermuda
Harrisburg/York, Pa.
Hartford/Springfield/Westfield, Conn.
Hilo, Hawaii, Hawaii
Honolulu, Oahu, Hawaii
Houston, Texas
Indianapolis, Indiana
Jackson-Vicksburg, Miss.
Jacksonville, Florida
Kansas City, Missouri
Knoxville, Tennessee
Las Vegas, Nevada
Little Rock, Arkansas
Los Angeles/Long Beach, Calif.
Louisville, Kentucky
Madison, Wisconsin
Memphis, Tennessee
Mexico City, Mexico
Miami, Florida
Milwaukee, Wisconsin
Minneapolis/St. Paul, Minnesota
Moline, Illinois/Davenport, Iowa
Montreal, Quebec, Canada
Nashville, Tennessee
Nassau, Bahamas
Newark, New Jersey
New Orleans, Louisiana
New York, New York
Norfolk/Virginia Beach/Portsmouth, Va.
Oakland, California
Oklahoma City, Oklahoma
Omaha, Nebraska
Ontario & San Bernardino, Cal.
Orlando, Florida
Philadelphia, Pa./Camden, N.J.
Phoenix, Arizona
Pittsburgh, Pennsylvania
Portland, Oregon
Providence, Rhode Island
Raleigh/Durham, North Carolina
Reno, Nevada
Richmond, Virginia
Roanoke, Virginia
Rochester, New York
Sacramento, California
St. Louis, Missouri
Salt Lake City, Utah
San Antonio, Texas
San Diego, California
San Francisco, California
San Jose, California
San Juan, Puerto Rico
Sarasota/Bradenton, Florida
Seattle/Tacoma, Washington
Shreveport, Louisiana
Spokane, Washington
Syracuse, New York
Tampa & St. Petersburg/Clearwater & Lakeland, Fla.
Toledo, Ohio
Toronto, Ontario, Canada
Tucson, Arizona
Tulsa, Oklahoma
Vancouver, British Columbia, Canada
Washington, District of Columbia
West Palm Beach/Palm Beach, Fla.
Wichita, Kansas

CLASS Y STATIONS

Acapulco, Mexico
Agana Nas, Guam Island
Albany, Georgia
Alexandria, Louisiana
Allentown/Bethlehem/Easton, Pa.
Amarillo, Texas
Asheville, North Carolina
Ashland, Ky./Huntington, W. Va.
Augusta, Georgia
Bakersfield, California
Bangor, Maine
Baton Rouge, Louisiana
Binghamton/Endct/Jhnsn Cty, N.Y.
Bismarck/Mandan, North Dakota
Bristol/Knsprt/Jhnsn Cty, Tenn.
Brownsville, Texas
Burbank, California
Burlington, Vermont
Calgary, Alberta, Canada
Casper, Wyoming
Cedar Rapids/Iowa City, Iowa
Champaign/Urbana, Illinois
Charleston/Dunbar, West Virginia
Charlotte Amalie, Virgin Is., U.S.
Chattanooga, Tennessee
Christianstd, St. Croix, V.I., U.S.
Columbus, Georgia
Corpus Christi, Texas
Daytona Beach, Florida
Dothan, Alabama
Duluth, Minn./Superior, Wis.
Eglin Air Force Base, Florida
Elmira/Corning, New York
Erie, Pennsylvania
Eugene, Oregon
Eureka/Arcata, California
Evansville, Indiana
Fargo, N.D./Moorhead, Minnesota
Fayetteville, North Carolina
Flint, Michigan
Fort Myers, Florida
Fort Smith, Arkansas
Fort Wayne, Indiana
Freeport, Bahamas
Gainesville, Florida
Grand Forks, North Dakota
Grand Junction, Colorado
Great Falls, Montana
Gulfport/Biloxi, Mississippi
Huntsville & Decatur, Alabama
Idaho Falls, Idaho
Indio/Palm Springs, California
Islip, Long Island, New York
Joplin, Missouri
Juneau, Alaska
Kalamazoo-Battle Creek, Mich.
Ketchikan, Alaska
Kingston, Jamaica
Lafayette, Louisiana
Lansing, Michigan
Lexington/Frankfort, Kentucky
Lincoln, Nebraska
Lubbock, Texas
Lynchburg, Virginia
Macon, Georgia
Medford, Oregon
Melbourne, Florida
Midland/Odessa, Texas
Minot, North Dakota
Mission/McAllen/Edinburg, Texas
Missoula, Montana
Mobile, Alabama
Monroe, Louisiana
Montego Bay, Jamaica
Montgomery, Alabama
Muskegon, Michigan
Newport News/Hampton, Virginia
Oshkosh/Appleton, Wisconsin
Panama City, Florida
Pasco/Kennewick/Richland, Wash.
Pensacola, Florida
Peoria, Illinois
Portland, Maine
Rapid City, South Dakota
Rochester, Minnesota
Saginaw/Bay City/Midland, Mich.
Salinas/Monterey, California
Santa Ana/Laguna Beach, Calif.
Santa Barbara, California
Santo Domingo, Dominican Rep.
Savannah, Georgia
Scranton/Wilkes-Barre, Penna.
Sioux City, Iowa
Sioux Falls, South Dakota
South Bend, Indiana
Springfield, Illinois
Springfield, Missouri
Tallahassee, Florida
Traverse City, Michigan
Waterloo, Iowa
Wausau/Marshfield, Wisconsin
Wilmington, North Carolina
Winnipeg, Manitoba, Canada
Winston-Salem, North Carolina
Yakima, Washington
Youngstown, Ohio

CLASS Z STATIONS

Aberdeen, South Dakota
Aberdeen/Hoquiam, Washington
Abilene, Texas
Alamogordo/Holloman AFB, N. Mex.
Alamosa, Colorado
Alliance, Nebraska
Alpena, Michigan
Altoona, Pennsylvania
Anderson, South Carolina
Anniston, Alabama
Apple Valley, California
Aruba, Netherlands Antilles
Aspen, Colorado
Astoria/Seaside, Oregon
Athens, Georgia
Bridgetown, Barbados
Bartlesville, Oklahoma
Beaumont/Port Arthur, Texas
Beckley, West Virginia
Beloit/Janesville, Wisconsin
Bemidji, Minnesota
Bend/Redmond, Oregon
Benton Harbor/St. Joseph, Mich.
Big Spring, Texas
Bloomington, Illinois
Blythe, California
Bozeman, Montana
Bradford, Pennsylvania
Brainerd, Minnesota
Bridgeport, Connecticut
Brookings, South Dakota

Brownwood, Texas
Brunswick, Georgia
Burlington, Iowa
Butte, Montana
Cape Girardeau, Missouri
Carlsbad, New Mexico
Cedar City, Utah
Chadron, Nebraska
Charlottesville, Virginia
Cheyenne, Wyoming
Chico, California
Chisholm/Hibbing, Minnesota
Clarksburg/Fairmont, W. Virginia
Clarksvle/Ft. Cam/Hopksvle, Tenn.
Clinton, Iowa
Clovis, New Mexico
Columbia/Jefferson City, Mo.
Columbus, Mississippi
Columbus, Nebraska
Cordova, Alaska
Cortez, Colorado
Crescent City, California
Crossville, Tennessee
Curacao, Netherlands Antilles
Danville, Virginia
Decatur, Illinois
Devils Lake, North Dakota
Dubuque, Iowa
Durango, Colorado
Eau Claire, Wisconsin
El Centro, California
El Dorado/Camden, Arkansas
Elko, Nevada
Ely, Nevada
Enid, Oklahoma
Ephrata/Moses Lake, Washington
Escanaba, Michigan
Fairmont, Minnesota
Farmington, New Mexico
Fayetteville, Arkansas
Flagstaff, Arizona
Florence/Sheffeld/Tusc., Alabama
Florence, South Carolina
Fort De France, Martinique
Fort Dodge, Iowa
Fort Leonard Wood, Missouri
Gadsden, Alabama
Galesburg, Illinois
Gallup, New Mexico
Garden City, Kansas
Glasgow, Montana
Glendive, Montana
Glens Falls, New York
Goldsboro, North Carolina
Goodland, Kansas
Grand Canyon, Arizona
Grand Island, Nebraska
Greenbrier/Wh. Sulphur Spg., W. Va.
Greenville, Mississippi
Greenwood, Mississippi
Greenwood, South Carolina
Guadalajara, Mexico
Guaymas, Mexico
Gunnison, Colorado
Hancock/Houghton, Michigan
Harlingen/San Benito, Texas
Harrison, Arkansas
Hastings, Nebraska
Havre, Montana
Hays, Kansas
Helena, Montana
Hickory, North Carolina
Hobbs, New Mexico
Hot Springs, Arkansas
Hot Springs, Virginia
Huron, South Dakota
Hyannis, Massachusetts
Imperial, California
Independence/Cofyvle/Parsons, Kans.
International Falls, Minnesota
Iron Mountain/Kingsfd, Michigan
Ironwood, Mich./Ashland, Wis.
Ithaca/Cortland, New York
Jackson, Michigan
Jackson, Tennessee
Jackson, Wyoming
Jacksonville/Camp Lejeune, N.C.
Jamestown, New York
Jamestown, North Dakota
Johnstown, Pennsylvania
Jonesboro, Arkansas
Kalispell, Montana
Kearney, Nebraska
Keene, New Hampshire
Kingman, Arizona
Kinston, North Carolina
Kirksville, Missouri
Klamath Falls, Oregon
La Crosse, Wisconsin
Lafayette, Indiana
Lake Charles, Louisiana
Lake Havasu City, Arizona
Lake of the Ozarks, Missouri
Lake Tahoe, California
Lamar, Colorado
La Paz, Mexico
Laramie, Wyoming
Laredo, Texas
Laurel-Hattiesburg, Mississippi
Lawton/Fort Sill, Oklahoma
Lewiston, Idaho/Clarkston, Wash.
Lewistown, Montana
Liberal, Kan.-Guymon, Okla.
London/Corbin, Kentucky
Longview/Kilgor/Gladwatr, Texas
Lovell/Powell/Cody, Wyoming
Lufkin, Texas
Manchester/Concord, N. Hampshire
Manhattan/Jct. Cty/Ft. Rily, Kan.
Manistee/Ludington, Michigan
Manitowoc/Sheboygan, Wisconsin
Mankato, Minnesota
Marinette, Wis/Menominee, Mich.
Mafion/Herrin, Illinois
Marquette, Michigan
Martha's Vineyard, Massachusetts
Mason City, Iowa
Mattoon/Charleston, Illinois
Mazatlan, Mexico
McCook, Nebraska
Merced, California
Merida, Mexico
Meridian, Mississippi
Miles City, Montana
Mitchell, South Dakota
Moab, Utah
Modesto, California
Monterrey, Mexico
Montrose/Delta, Colorado
Morgantown, West Virginia
Moultrie/Thomasville, Georgia
Mount Vernon, Illinois
Muskogee, Oklahoma
Myrtle Beach, South Carolina
Nantucket, Massachusetts
Natchez, Mississippi
New Bedford/Fall River, Mass.
New Bern & Morehd Cty/Beaufrt, NC
New Haven, Connecticut
Norfolk, Nebraska
North Bend/Coos Bay, Oregon
North Platte, Nebraska
Olympia, Washington
Ottawa, Ontario, Canada
Ottumwa, Iowa
Owensboro, Kentucky
Paducah, Kentucky
Page, Arizona
Pago Pago, American Samoa
Palmdale/Lancaster, California
Paris, Texas
Parkersburg, W. Va./Marietta, Ohio
Pellston, Michigan
Pendleton, Oregon
Pierre, South Dakota
Pine Bluff, Arkansas
Plattsburgh, New York
Pocatello, Idaho
Pointe a Pitre, Guadeloupe
Ponape, Caroline Islands
Ponca City, Oklahoma
Ponce, Puerto Rico
Port au Prince, Haiti
Port of Spain, Trinidad & Tobago
Presque Isle/Houlton, Maine
Princeton/Bluefield, W. Virginia
Pueblo, Colorado
Puerto Vallarta, Mexico
Pullman, Wash/Moscow, Ida.
Quincy, Ill/Hannibal, Mo.
Red Bluff/Redding, California
Rhinelander, Wisconsin
Riverton/Lander, Wyoming
Rockford, Illinois
Rock Springs, Wyoming
Rocky Mount, North Carolina
Roswell, New Mexico
St. Johns, Antigua
St. Lucia British West Indies
St. Martin, Netherland Antilles
Salem, Oregon
Salina, Kansas
San Angelo, Texas
San Luis Obispo/Paso Robles, Cal.
Santa Maria, California
Santa Rosa, California
Saranac Lake/Lake Placid, N.Y.
Sault Ste. Marie, Michigan
Scottsbluff, Nebraska
Shelbyville/Tullahoma, Tenn.
Sheridan, Wyoming
Sidney, Montana
Sidney, Nebraska
Silver City/Hurley, New Mexico
Sitka, Alaska
Staunton, Virginia
Steamboat Springs/Hayden, Colo.
Sterling/Rock Falls, Illinois
Stillwater, Oklahoma
Stockton, California
Temple, Texas
Texarkana, Arkansas
Thief River Falls, Minnesota
Thunder Bay, Ontario, Canada
Tinian, Mariana Islands
Titusville, Florida
Topeka, Kansas
Tupelo, Mississippi
Tuscaloosa, Alabama
Twin Falls, Idaho
Tyler, Texas
University/Oxford, Mississippi
Utica/Rome, New York
Valdosta, Georgia
Vernal, Utah
Visalia, California
Waco, Texas
Walla Walla, Washington
Watertown, New York
Watertown, South Dakota
Wenatchee, Washington
West Yellowstone, Montana
White Plains, New York
White River Jun./Lebanon, New Hampshire
Wichita Falls, Texas
Williamsport, Pennsylvania
Williston, North Dakota
Wilmington, Delaware
Winslow, Arizona
Wolf Point, Montana
Worcester, Massachusetts
Worland, Wyoming
Worthington, Minnesota
Yakutat, Alaska
Yankton, South Dakota
Yuma, Arizona

[FR Doc.75-2834 Filed 1-29-75;8:45 am]

COMMISSION ON CIVIL RIGHTS

MICHIGAN STATE ADVISORY COMMITTEE

Agenda and Notice of Open Meeting

Notice is hereby given, pursuant to the provisions of the rules and regulations of the U.S. Commission on Civil Rights, that a Factfinding meeting of the Michigan State Advisory Committee (SAC) to this Commission will convene at 1 p.m. on February 20, 1975, in the Conference Room, Administration Building, School-

craft Community College, Liberal Arts Theater, Livonia, Michigan 48151.

Persons wishing to attend this meeting should contact the Committee Chairman, or the Midwestern Regional Office of the Commission, Room 1428, 230 South Dearborn Street, Chicago, Illinois 60604.

The purposes of this meeting shall be (1) testimony describing the new Community Development, (2) Demographic description of the Detroit suburb of Livonia, Michigan, (3) testimony describing the development of Livonia's official request for Community Development Block Grant funds, (4) testimony describing expert responses to Livonia's application for Community Development funds, etc.

This meeting will be conducted pursuant to the rules and regulations of the Commission.

Dated at Washington, D.C., January 24, 1975.

ISAIAH T. CRESWELL, Jr.,
Advisory Committee Management Officer.

[FR Doc.75-2765 Filed 1-29-75;8:45 am]

MICHIGAN STATE ADVISORY COMMITTEE

Notice of Closed Meeting

Pursuant to the provisions of the Federal Advisory Committee Act (Pub. L. 92-463, 86 Stat. 707) notice is hereby given that the Michigan State Advisory Committee to the U.S. Commission on Civil Rights will meet in a closed session at 7 p.m., Wednesday, February 19, 1975, in the Conference Room, Administration Building, Schoolcraft Community College, Livonia, Michigan 48151.

The agenda will consist of discussions briefing Advisory Committee on anticipated testimony to be heard in open session on February 20, 1975.

I have determined that this meeting would fall within Exemption (5) of 5 U.S.C. 522 (b) and that it is essential to close the meeting to protect the free exchange of internal views and to avoid interference with the operation of the Committee.

Issued in Washington, D.C., on January 24, 1975.

ISAIAH T. CRESWELL, Jr.,
Advisory Committee Management Officer.

[FR Doc.75-2766 Filed 1-29-75;8:45 am]

NEW YORK STATE ADVISORY COMMITTEE

Agenda and Notice of Open Meeting

Notice is hereby given, pursuant to the provisions of the rules and regulations of the U.S. Commission on Civil Rights, that a planning meeting of the New York State Advisory Committee (SAC) to this Commission will convene at 12 noon, on February 26, 1975, at Phelps Stokes Fund 10 E. 87th Street, New York, New York 10028.

Persons wishing to attend this meeting should contact the Committee Chairman, or the Northeastern Regional Office of the Commission, Room 1639, 26 Federal Plaza, New York, New York 10007.

The purpose of this meeting is to discuss follow-up to public hearing and follow-up to release of New York corrections report.

This meeting will be conducted pursuant to the rules and regulations of the Commission.

Dated at Washington, D.C., January 24, 1975.

ISAIAH T. CRESWELL, Jr.,
Advisory Committee Management Officer.

[FR Doc.75-2767 Filed 1-29-75;8:45 am]

VIRGINIA STATE ADVISORY COMMITTEE

Agenda and Notice of Open Meeting

Notice is hereby given, pursuant to the provisions of the rules and regulations of the U.S. Commission on Civil Rights, that a planning meeting of the Virginia State Advisory Committee (SAC) to this Commission will convene at 1 p.m. on February 20, 1975, at West Virginia State College, 227 Wallace Hall, Institute, West Virginia.

Persons wishing to attend this meeting should contact the Committee Chairman, or the Mid-Atlantic Regional Office of the Commission, Room 510, 2120 L Street, N.W., Washington, D.C. 20425.

The purpose of the meeting is to discuss sub-committee reports on activities in Alderson, Parkersburg, Wheeling and Kanawha County. Also, to make final decision on the next project.

This meeting will be conducted pursuant to the rules and regulations of the Commission.

Dated at Washington, D.C., January 24, 1975.

ISAIAH T. CRESWELL, Jr.,
Advisory Committee Management Officer.

[FR Doc.75-2768 Filed 1-29-75;8:45 am]

CIVIL SERVICE COMMISSION

DENTAL HYGIENIST

Establishment of Minimum Rate and Rate Ranges

Under authority of 5 U.S.C. 5303 and Executive Order 11721, the Civil Service Commission has established a special minimum salary rate and rate range as follows:

[Table No. 354]

Occupational coverage. GS-682 Dental Hygienist.

Geographic coverage. Knoxville, Iowa.

Effective date. First day of the first pay period beginning on or after February 2, 1975.

Per Annum Rates

Grade	1	2	3	4	5	6	7	8	9	10
GS-5.....	$10,198	$10,481	$10,764	$11,047	$11,330	$11,613	$11,896	$12,179	$12,462	$12,745

Under the provisions of section 3-2b, Chapter 571, FPM, the agency may pay the travel and transportation expenses to first post of duty, under 5 U.S.C. 5723, of new appointees to positions cited.

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

[FR Doc.75-2602 Filed 1-29-75;8:45 am]

FEDERAL EMPLOYEES PAY COUNCIL

Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act, Public Law 92-463, notice is hereby given that the Federal Employees Pay Council will meet at 2 p.m. on Wednesday, March 5, 1975. This meeting will be held in room 5323 of the U.S. Civil Service Commission building, 1900 E. Street, NW., and will consist of continued discussions on the fiscal year 1976 comparability adjustment for the statutory pay systems of the Federal Government.

The Chairman of the U.S. Civil Service Commission is responsible for the making of determinations under section 10(d) of the Federal Advisory Committee Act as to whether or not meetings of the Federal Employees Pay Council shall be open to the public. He has determined that this meeting will consist of exchanges of opinions and information which, if written, would fall within exemptions (2) or (5) of 5 U.S.C. 552(b). Therefore, this meeting will not be open to the public.

For the President's Agent.

RICHARD H. HALL,
Advisory Committee Management Officer for the President's Agent.

[FR Doc.75-2831 Filed 1-29-75;8:45 am]

COST ACCOUNTING STANDARDS BOARD

EVALUATION CONFERENCE ON PROMULGATED STANDARDS AND REGULATIONS

Establishment of Time and Place

Notice is hereby given of a Cost Accounting Standards Board Evaluation Conference on Promulgated Standards and Regulations. This notice states the procedures to be followed in that Conference, as well as establishing the time and place for it.

In its research preceding promulgation of Cost Accounting Standards and its rules and regulations, the Cost Accounting Standards Board invites public response to its proposals, and the Board receives numerous and detailed comments concerning them. Subsequently, as part of the annual reports made by relevant Federal agencies, the Board receives an evaluation of ways in which the agencies

believe that the Board's Standards, rules and regulations might be revised to improve their effectiveness, to facilitate the conduct of negotiations, and to facilitate the effectiveness of the audit functions. The Board has periodically invited representatives of defense contractors and of professional and industry associations to Board meetings to discuss particular concerns of those representatives, including from time to time their evaluation of promulgated Standards and regulations.

The Board, however, does not have a formally established procedure for receiving evaluations of promulgated Standards and regulations from private firms, professional associations, or other associations and persons outside of the Government who are concerned with the effectiveness of the Board's Standards, rules and regulations. It is to provide for receiving such evaluations that the Board is conducting this Evaluation Conference on Promulgated Standards and Regulations.

Place, Time, and Duration of the Conference. The conference will be held at the Hyatt Regency O'Hare Hotel, River Road at Kennedy Expressway, Rosemont, Illinois 60018. This location is adjacent to O'Hare International Airport serving Chicago, Illinois.

The Conference will commence at 9 a.m. on June 11, 1975.

The Conference will last for two days.

General Scope of the Conference. The Conference is held to receive suggestions and recommendations for revising promulgated Cost Accounting Standards, rules and regulations of the Board, in order (1) to improve their effectiveness, (2) to facilitate the conduct of contract negotiations, and (3) to facilitate the effectiveness of the audit functions.

The Board desires that to the extent possible each suggestion or recommendation be substantiated through use of examples and actual data derived from experience to support the logic of the suggestions or recommendations.

The Board particularly desires to receive suggestions and recommendations from Government prime contractors and subcontractors, in keeping with the Board's desire to be informed of the actual impact of its regulations and Cost Accounting Standards in specific contractual situations.

Since the Board wishes the Conference to focus on experience in the use of promulgated Standards and regulations, the Conference will be limited to a review of the following Board Standards and regulations, all of which will have been effective for about one year prior to the time of the Conference:

Contract Regulation (4 CFR, Part 331)
Disclosure Regulation (4 CFR, Part 351)
Standard Number 401—CONSISTENCY IN ESTIMATING, ACCUMULATING AND REPORTING COSTS.
Standard Number 402—CONSISTENCY IN ALLOCATING COSTS INCURRED FOR THE SAME PURPOSE.
Standard Number 403—ALLOCATION OF HOME OFFICE EXPENSES TO SEGMENTS.
Standard Number 404—CAPITALIZATION OF TANGIBLE ASSETS.
Standard Number 405—ACCOUNTING FOR UNALLOWABLE COSTS.
Standard Number 406—COST ACCOUNTING PERIOD.

Since the Board is interested in the impact and effectiveness of all of these Standards and regulations, participants are invited to discuss all six of these Standards and the two regulations indicated above.

Those Invited to Participate. Persons appearing on their own behalf or as representatives of firms, companies, colleges or universities, professional associations, departments or agencies of Government, or other interested groups may all participate.

Attendance at the Conference. The Conference shall be open to the public, and all interested persons are invited to attend. In order to allow the Board to make appropriate arrangements for the Conference meeting room, anyone who will attend the Conference, either as a participant or as an observer, is asked to notify the Administrative Officer of the Board of that fact prior to June 9, 1975. A record of the Proceedings will be kept and may be inspected at the Offices of the Board, 441 G Street, NW., Washington, D.C. 20548.

Written Presentations. Persons who do not wish to appear in person but who do wish to submit written statements to the Evaluation Conference may do so. Such statements must arrive at the office of the Board no later than June 10, 1975, in order to be included in the record of the Conference.

Oral Presentations. Oral presentations by participants shall be no more than 10 minutes in duration. Oral presentations may be followed by questions from Board Members and the Executive Secretary of the Board, for no more than 20 minutes.

Persons wishing to make an oral presentation at the Conference must notify the Executive Secretary of the Board in writing of this fact no later than April 21, 1975. After receipt of such notifications, the Executive Secretary will inform every person providing such a notification of the day and probable time of his appearance at the Conference.

Anyone making a presentation in person to the Conference must provide 10 written copies of his presentation to the Board by May 26, 1975. Examples and actual data to be used in the presentation should if possible be included.

ARTHUR SCHOENHAUT,
Executive Secretary.

[FR Doc.75-2805 Filed 1-29-75;8:45 am]

INDEXES

Maintenance and Publication

Pub. L. 93-502 provides for maintenance and publication of indexes of certain materials as described in 5 U.S.C. 552(a)(2). At the present time, no such materials have been generated by the Cost Accounting Standards Board. Moreover, it is not anticipated that such material will be generated by the Board.

Accordingly it is hereby determined that publication in the FEDERAL REGISTER of indexes of the type described is unnecessary and impractical. Records of the Board nonetheless shall remain available for inspection and copying in accord with the Board's rules and regulation set out in 4 CFR Part 303.

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

ARTHUR SCHOENHAUT,
Executive Secretary.

[FR Doc.75-2857 Filed 1-29-75;8:45 am]

ENVIRONMENTAL PROTECTION AGENCY

[FRL 328-3]

EFFLUENT STANDARDS AND WATER QUALITY INFORMATION ADVISORY COMMITTEE

Agenda and Notice of Public Hearing

Notice is hereby given of a public hearing to be held by the Effluent Standards and Water Quality Information Advisory Committee established pursuant to section 515 of the Federal Water Pollution Control Act, as amended ("the Act"), 33 U.S.C. 1375, Pub. L. 92-500, 86 Stat. 816.

On January 21, 1975, the Committee received notice from the Administrator of the Environmental Protection Agency of his intention to propose regulations providing standards of performance for new sources under section 306 of the Act for the source category of privately owned sewage treatment works which treat wastes from primarily domestic sources and to propose the application of these same standards to all non-federally funded publicly-owned treatment facilities. The statute authorizes the Chairman of the Committee to publish a notice of a public hearing within 10 days after receipt of such notice and to hold a public hearing within 30 days. The hearing, hereby, will be held on March 6, 1975 at 9 a.m. in the Conference Room 1112, Crystal Mall, Building #2, 1921 Jefferson Davis Highway, Arlington, Virginia.

The hearing will be open to the public. The purpose of the hearing will be to elicit scientific and technical information as is pertinent to the determinations required to be made by the Administrator when proposing regulations to the categories referenced above.

Persons desiring to attend and/or present oral testimony may write to Dr. Martha Sager, Chairman, ES&WQIAC, Room 821, CM2, Washington, D.C. 20460 or call A.C. 703-557-7390 since space and time is limited. Written statements may be presented to the Committee Chairman at the hearing or mailed within 10 days after the hearing and will be made available to the public upon request pursuant to section 10(b) of the Federal Advisory Committee Act (Pub. L. 92-463) 86 Stat. 770 subject to provisions of section 552 of Title 5, U.S.C.

Dated: January 24, 1975.

MARTHA SAGER,
Chairman, ES&WQIAC.

[FR Doc.75-2723 Filed 1-29-75;8:45 am]

[FRL 328-2]

EFFLUENT STANDARDS AND WATER QUALITY INFORMATION ADVISORY COMMITTEE

Meeting

Notice is hereby given of a series of meetings to be conducted throughout calendar year 1975 by the Effluent Standards and Water Quality Information Advisory Committee for the purpose of acquiring information on Best Available Technology (BAT) under Pub. L. 92-500.

The ES&WQIAC has statutory responsibilities under Pub. L. 92-500 to provide, assess and evaluate scientific and technical information for the Administrator of EPA to assist in development of industrial effluent limitations. In view of current developments, the Committee is focusing its primary attention on BAT. The Committee's objective is to develop comprehensive technical information which will; meet the objectives of Pub. L. 92-500, have wide industry acceptance, and be useful in guiding EPA's efforts in establishing BAT. Section 304 of Pub. L. 92-500 specifies that the regulations developed shall:

(A) identify, in terms of amounts of constituents and chemical, physical, and biological characteristics of pollutants, the degree of effluent reduction attainable through the application of the best control measures and practices achievable including treatment techniques, process and procedure innovations, operating methods, and other alternatives for classes and categories of point sources (other than publicly owned treatment works); and

(B) specify factors to be taken into account in determining the best measures and practices available to comply with subsection (b)(2) of section 301 of this Act to be applicable to any point source (other than publicly owned treatment works) within such categories or classes. Factors relating to the assessment of best available technology shall take into account the age of equipment and facilities involved, the process employed, the engineering aspects of the application of various types of control techniques, process changes, the cost of achieving such effluent reduction, non-water quality environmental impact (including energy requirements), and such other factors as the Administrator deems appropriate; and

(3) identify control measures and practices available to eliminate the discharge of pollutants from categories and classes of point sources, taking into account the cost of achieving such elimination of the discharge of pollutants.

The ES&WQIAC meetings are being designed to develop sources and information which will meet and assist in establishing the cited guidance. The Committee encourages all interested parties to contact the Committee offices with recommendations for specific meetings and program plans.

Call A.C. 703 557-7390 or write Dr. Martha Sager, Chairman, ES&WQIAC or Mr. Martin Brossman, Exec. Secretary, ES&WQIAC, Room 821, Crystal Mall, Building 2, Washington, D.C. 20460.

The first of the series of BAT sessions will discuss ALCOA's "Thermopure Process for Environmental Control and Energy Conservation." A brief synopsis follows:

The ALCOA Laboratories have developed water treatment processes which it believes can contribute significantly to the solution of major problems of concern to both industry and the community in the areas of water quality and supply, energy conservation, and environmental control. One of the processes, designated ALCOA Thermopure, will be discussed in detail because it offers a great deal of flexibility and has the broad capability of extracting potable water or high purity water from sea water, oily waste water, industrial waste water, or sewage effluent. This new system operates from low pressure steam which may be generated from convenient sources of waste heat such as stack gases. This ALCOA Thermopure Process has been under development with ALCOA for several years, and has demonstrated its practicability through pilot scale operations. The process employs conventional materials of construction and established mechanical and chemical engineering technology and operating practices. Thus, the ALCOA Thermopure Process is compatible with today's materials and engineering practices and warrants consideration for the many systems that require potable or high quality water, energy conservation, and environmental considerations. In effect, the ALCOA Thermopure Process can achieve the very desirable goals of a closed loop system. Water or other basic materials are recycled; use of waste heat conserves energy; and various kinds of pollutants may be concentrated either for recovery or ease of disposal. In addition to waste water treatment, the ALCOA Thermopure Process can be combined with electric power production into an industrial or community utility complex that would furnish the service needs of electrical heating, cooling and waste water treatment from a central and more efficient source.

The meeting will be held February 26, 1975, 9 a.m., Room 1112, Bldg. #2, Crystal Mall, 1921 Jefferson Davis Highway, Arlington, Virginia. An opportunity will be provided in the afternoon session beginning at 1:30 p.m. for additional discussion of the morning's session and inputs to the ES&WQIAC for future sessions. The meeting will be open to the public and under the overall direction of the Committee Chairman. Since space is limited, call or write Dr. Martha Sager, Chairman, or Mr. Martin Brossman, Exec. Secty, ES&WQIAC, Room 821, CM 2, Wash., D.C. 20460—Tel: A.C. 703 557-7390.

Dated: January 24, 1975.

MARTHA SAGER,
Effluent Standards and Water Quality Information Advisory Committee.

[FR Doc.75-2573 Filed 1-29-75;8:45 am]

FEDERAL COMMUNICATIONS COMMISSION

[Docket Nos. 20323, 20324; File Nos. BPH-8857, BPH-8956]

CREST HILL COMMUNICATIONS, INC. AND NELSON BROADCASTING CO.

Order—Designating Applications for Consolidated Hearing

In re applications of Crest Hill Communications, Inc., Crest Hill, Illinois, requests: 98.3 MHz, #252, 3 kW(H&V); 300 feet; Woodrow D. Nelson and Vertel S. Nelson d/ba Nelson Broadcasting Company, Crest Hill, Illinois, requests: 98.3 MHz, #252, 3 kW(H&V); 300 feet, for construction permits.

1. The Commission, by the Chief of the Broadcast Bureau, acting pursuant to delegated authority, has under consideration the two above-captioned applications which are mutually exclusive in that they seek the same channel in Crest Hill, Illinois.

2. In response to inquiries from the Commission's staff, Crest Hill Communications, Inc. [Crest Hill], assured the Commission that interviews have been conducted by the applicant with community leaders representing the interests of labor unions; however, no data was supplied to support this assertion.[1] Similarly, statements concerning additional interviews conducted with community leaders of areas to be served outside of the community of license were undocumented in the application. In light of these deficiencies, an issue will be included to determine whether the efforts of Crest Hill comport with the requirements of the Commission's *Primer on the Ascertainment of Community Problems by Broadcast Applicants*, 27 FCC 2d 650 (1971).

3. In addition, the Crest Hill application states that the individual responsible for the survey of the members of the general public had been hired specifically for the purpose of conducting this survey, and that "* * * she would be definately [sic] considered for future employment * * *" in the event that Crest Hill was successful in its application. The

[1] The Commission received a request from Crest Hill dated December 11, 1974, for additional time in which to respond to the matters raised in a Commission letter dated September 25, 1974. Attached to this request was a statement, signed by the president of the applicant, which attempted to answer some of the issues raised in the September 25 letter, but clearly stated that additional material was forthcoming. By letter dated January 2, 1975, the Commission noted that an opposition to this request for additional time had been received from the competing applicant, and, upon review, the request appeared unreasonable; the applications were to be processed in the normal course. Where possible, the information contained in the December 11 letter from Crest Hill was treated as an amendment to the application, and the information contained therein was incorporated into the application.

decision in *Voice of Dixie, Inc.*, 45 FCC 2d 1027 (1974), *recon. denied*, 47 FCC 2d 526 (1974), emphasized that the requirements of the Primer are "unequivocal"; the survey of the members of the general public is to be conducted by those individuals enumerated in question and answer 11(b) of the *Primer*—principals, employees, prospective employees, or a professional research or survey service. The underlying philosophy concerning provision of the *Primer* is to assure the Commission that those individuals responsible for the survey will be associated with the applicant; in this manner, the contact with the community initiated by the survey process will be a continuing one.[2] Accordingly, our understanding of the term "prospective employee" connotes one who will be an employee in the future—assuming the applicant is successful in acquiring the station—and not merely an individual who will be *considered* for employment. The assurance inherent in our understanding and use of the term "prospective employee" is lacking when individuals whose long-term connection with the applicant is so tenuous as to be only "considered" for future employment. Such a reading of "prospective employee," as urged by Crest Hill, would render the distinctions drawn in the *Primer* and discussed in *Voice of Dixie* meaningless, and would negate, to a large extent, the very purpose of the *Primer* in this regard. As this matter can be fully investigated within the scope of the issue specified in paragraph 2, above, no additional issue is warranted.

4. *By Memorandum Opinion and Order* in Docket No. 19550, FCC No. 73–1252, adopted on November 28, 1973, the Commission ordered Van Schoick Enterprises, Inc., the licensee of station WOLI (FM), in Ottawa, Illionis, to cease operation on channel 252A, effective December 1, 1973, and to apply for operation on channel 237A. This change would allow channel 252A to be assigned to Crest Hill, Illinois; authority for operation on this channel is the subject of the instant proceeding. In the event of a grant of either of the applications under consideration, the construction permit will be conditioned to specify that program tests will not be authorized, nor a license issued, until WOLI is licensed for operation and operating on channel 237A.

5. Except as indicated by the issues specified below, the applicants are qualified to construct and operate as proposed. However, since the proposals are mutually exclusive, they must be designated for hearing in a consolidated proceeding on the issues specified below.

6. *Accordingly, it is ordered*, That, pursuant to section 309(e) of the Communications Act of 1934, as amended, the applications are designated for hearing in a consolidated proceeding, at a time and place to be specified in a subsequent Order, upon the following issues:

1. To determine the efforts made by Crest Hill Communications, Inc., to ascertain the community needs and interests of the area to be served and the means by which the applicant proposes to meet those needs and interests.

2. To determine which of the proposals would, on a comparative basis, better serve the public interest.

3. To determine, in the light of the evidence adduced pursuant to the foregoing issues which, if either, of the applications should be granted.

7. *It is further ordered*, That, in the event of a grant of either application, the construction permit shall contain the following condition:

Program test authority will not be issued, nor will a license be granted, until station WOLI (FM), Ottawa, Illinois, is licensed for and has commenced operation on channel 237A.

8. *It is further ordered*, That, to avail themselves of the opportunity to be heard, the applicants herein, pursuant to § 1.221(c) of the Commission's rules, in person or by attorney, shall, within 20 days of the mailing of this Order, file with the Commission in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this Order.

9. *It is further ordered*, That the applicants herein shall, pursuant to section 311(a)(2) of the Communications Act of 1934, as amended, and § 1.594 of the Commission's rules, give notice of the hearing, either individually or, if feasible, and consistent with the rules, jointly, within the time and in the manner prescribed in such rule, and shall advise the Commission of the publication of such notice as required by § 1.594(g) of the rules.

Adopted: January 23, 1975.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] WALLACE E. JOHNSON,
Chief, Broadcast Bureau.

[FR Doc.75-2796 Filed 1-29-75;8:45 am]

RADIO TECHNICAL COMMISSION FOR AERONAUTICS

Meeting

As a matter of public notice, members of the Executive Committee of the Radio Technical Commission for Aeronautics will meet on administrative matters on February 28, 1975, in RTCA Conference Room 261, 1717 H Street NW., commencing at 9:30 a.m.

The Agenda for the meeting is:

Approval for publication of Environmental Conditions and Test Procedures for Airborne Electronics/Electrical Equipment and Instruments.

The meeting is open to the public on a space available basis. Any members of the public may file a written statement with the Commission either before or after the meeting. Any member of the public wishing to make an oral statement must consult with the Commission prior to the meeting.

Those desiring to attend the meeting or more specific information should contact the RTCA Secretariat, Suite 655, 1717 H Street NW., Washington, D.C. 20006, or phone area code 202/296–0484.

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

[FR Doc.75-2799 Filed 1-29-75;8:45 am]

PRIME TIME ACCESS RULE

Top 50 Markets

JANUARY 22, 1975.

For the purpose of the prime time access rule (§ 73.658(k)), the top 50 markets are determined on the basis of rankings according to prime time audience for all stations in the market, as listed each year in the Arbitron (American Research Bureau) publication *Television Market Analysis*, to apply in the broadcast year starting the following September. Arbitron issued its 1974 listing November 1, 1974. The list of top 50 markets for the year 1975–76 (starting September 8, 1975), in alphabetical order is as follows:

Albany-Schenectady-Troy
Atlanta
Baltimore
Birmingham
Boston
Buffalo
Charleston-Huntington, W. Va.
Charlotte
Chicago
Cincinnati
Cleveland
Columbus, Ohio
Dallas-Ft. Worth
Dayton
Denver
Detroit
Grand Rapids-Kalamazoo
Greensboro-Winston Salem-High Point
Greenville-Spartanburg-Asheville
Hartford-New Haven
Houston
Indianapolis
Kansas City
Los Angeles
Louisville
Memphis
Miami
Milwaukee
Minneapolis-St. Paul
Nashville
New Orleans
New York
Norfolk-Portsmouth-Newport News-Hampton
Oklahoma City
Orlando-Daytona Beach
Philadelphia
Phoenix
Pittsburgh
Portland, Oregon
Providence
Sacramento-Stockton
Salt Lake City
San Antonio
San Diego
San Francisco
Seattle-Tacoma
St. Louis
Tampa-St. Petersburg
Washington, D.C.
Wilkes Barre-Scranton

The rule applies to stations in the above markets which are network-owned or basically network-affiliated.

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

[FR Doc.75-2798 Filed 1-29-75;8:45 am]

FEDERAL ENERGY ADMINISTRATION

GUIDELINES FOR ADJUSTMENTS AND ASSIGNMENTS OF PROPANE AND BUTANE TO PURCHASERS

Notice of Establishment

FEA hereby gives notice of guidelines to be used by the FEA National Office

[2] An exception was made to allow the general public survey to be conducted by a professional research or survey service; see question and answer 11(b) of the *Primer* and the related discussion in the text of the *Report and Order, supra.*

and the FEA Regional Offices in making adjustments and assignments of propane and butane pursuant to 10 CFR § 211.12(h). The guidelines are set forth in the Appendix to this notice.

Section 211.12(h) of the Mandatory Petroleum Allocation Regulations provides for adjustments of base period use and supplier assignments for wholesale purchaser-consumers and end-users which have been or may be denied access to a source of energy other than an allocated product as a consequence of curtailment under a plan filed in compliance with a rule or order of a Federal or State agency, or which are or may be unable to obtain such fuel by reason of an abandonment of service permitted or ordered by a Federal or State agency.

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

JANUARY 25, 1975.

GUIDELINES FOR ADJUSTMENTS AND ASSIGNMENTS OF PROPANE AND BUTANE TO PURCHASERS WHOSE SUPPLIES OF A SOURCE OF ENERGY HAVE BEEN OR MAY BE CURTAILED AS PROVIDED BY 10 CFR § 211.12(h)

1. *Scope.* These guidelines are issued to provide a consistent basis for application of FEA regulations with respect to adjustments of base period uses of, and assignments of suppliers to, wholesale purchaser-consumers and end-users of propane or butane whose supplies of a source of energy have or may be subject to curtailment or abandonment of service pursuant to a plan filed in compliance with an order or rule of a Federal or State agency. See § 211.12(h) of the Mandatory Petroleum Allocation Regulations (10 CFR § 211.12(h)).

2. *General.* (a) These guidelines are to be used by FEA National and Regional offices in considering applications for adjustments and assignments pursuant to 10 CFR § 211.12(h). They do not constitute regulations, and thus an applicant not coming exactly within the scope of these guidelines should not assume that its application will necessarily be denied. Applicants whose applications are denied can seek review of such denials under 10 CFR Part 205, Subpart H, to urge that application of these guidelines to the particular case is contrary to 10 CFR § 211.12(h). Conversely, the FEA need not apply these guidelines to all applications covered herein, and non-application of these guidelines in such cases is not an adequate basis to support appeals from such decisions.

(b) In reviewing a request for an assignment or adjustment pursuant to § 211.12(h), consideration should be given to these guidelines and the criteria of 10 CFR Parts 211 and 205 (Subparts B and C). In so doing, it may not be possible in many cases to assign a supplier or grant an adjustment because of the effect of the assignment or adjustment upon available supplies of propane or butane.

(c) FEA Regional offices may make adjustments and assignments consistent with these guidelines and 10 CFR § 211.12(h) for propane except that approval from FEA National office should be obtained whenever an adjustment or assignment would result in a wholesale purchaser-consumer's or end-user's receiving in the aggregate 250,000 gallons or more of propane in any period corresponding to a base period. Requests for FEA National office approval should be addressed to Federal Energy Administration, Code 25, Washington, D.C. 20461, or submitted via TWX or FAX to the numbers specified in 10 CFR § 205.12(a).

(d) Adjustments and assignments consistent with these guidelines and 10 CFR § 211.12(h) for butane will be administered by the FEA National office.

(e) Adjustments and assignments of propane and butane to wholesale purchaser-consumers and end-users made pursuant to 10 CFR § 211.12(h) should be made pursuant to the appropriate sections of Subparts B and C of Part 205 of 10 CFR. Adjustment and assignment orders should be limited to a specific calendar year rather than for the duration of the Mandatory Petroleum Allocation Program unless the adjustment or assignment is temporary under the provisions of § 205.29 or § 205.39. Adjustments and assignments, other than temporary adjustments and assignments, for subsequent periods which correspond to a base period may be made through the period which ends December 31, 1975.

(f) Adjustments to and assignments of base period use should not only take into account the applicant's need for a product but also the effect that an adjustment or assignment will have upon the base period supplier's or assigned base period supplier's allocation fraction in order to mitigate any significant adverse impact upon a supplier's other customers.

(g) Previous guidelines with respect to assignment of suppliers (including those published at 39 FR 13585, April 15, 1974) shall be followed in determining whether a supplier shall be assigned.

(i) For both permanent and interim assignments FEA should consider the following:

(i) Goal of equalizing allocation fractions among suppliers;

(ii) Capability of supplier to supply new customers on short notice. (Logistical problems; available inventories in the purchaser's area.)

(2) FEA should weigh the relative allocation fractions heavily in selection of a supplier for assignment orders. The two or three available suppliers with the highest fractions should receive the major share of the assignments in each region. Obviously, other suppliers may have to share if the volume is so great that logistical problems are raised by assigning to only two or three companies. In some cases it may not be possible to assign a supplier or make an adjustment because of the impact of such an assignment or adjustment upon available supplies.

(h) Assignments and adjustments pursuant to 10 CFR § 211.12(h) shall not be made for purchasers in circumstances where no curtailment specified in 10 CFR § 211.12 (h) has occurred or may occur. End-users and wholesale purchaser-consumers which have not been curtailed as specified in 10 CFR § 211.12(h) shall be assigned and adjusted as permitted by 10 CFR §§ 211.12(e), 211.12(f) and 211.13.

(i) End-users and wholesale purchaser-consumers should be advised of the availability of the State set-aside for propane to meet hardship and emergency requirements as provided by 10 CFR § 211.17.

(j) In evaluating an applicant's requirements for the purpose of assigning or adjusting its base period use, each use that the applicant has for the fuel should be separately assessed in accordance with appropriate allocation levels in determining whether and the extent to which the assignment or adjustment can be made in light of prevailing supply conditions and the effect such assignments and adjustments would have upon other purchasers of a supplier.

(k) Applicants for assignments and adjustments should be strongly urged to seek immediate assistance in obtaining supplies of natural gas from the Federal and State agencies which have regulatory authority over suppliers or supplies of natural gas and to take adequate steps to protect themselves from future curtailments by installing an energy system which is capable of being fueled by an energy source other than natural gas, propane or butane.

3. *Allocation levels.* As noted, care should be taken to ascertain the proper allocation level for the end-user or wholesale purchaser-consumer. It is anticipated that most applicants will have access only to the allocation levels for industrial use as a process or plant protection fuel or where no substitute for propane or butane is available, or for standby volumes (10 CFR § 211.83 and § 211.93). Both of these levels are expressed in terms of base period use rather than current requirements and both are subject to a supplier's allocation fraction. The regulatory definitions of the terms used in these allocation levels are set forth in subparagraph (b)(ii)(A) below.

(a) Allocation levels not subject to an allocation fraction.

(i) Agricultural production. (A) Assignments of base period suppliers for end-users and wholesale purchaser-consumers without a base period supplier with access to the allocation level for agricultural production should be made in accordance with the general guidelines.

(B) Since this allocation level is expressed in terms of current requirements, an adjustment of base period use pursuant to 10 CFR § 211.12(h) cannot be made. Ordinarily the applicant will not apply for increased current requirements, since his supplier will have certified those requirements pursuant to 10 CFR § 211.12(d). Thus, FEA will generally be involved only to the extent that a dispute as to whether a claim for increased requirements is valid (10 CFR § 211.12(d)(4)). Usual validation procedures should be pursued in those instances to determine the extent of any increased current requirements for agricultural production. Care should be taken to be certain that the applicant's use is, in fact, for agricultural production.

(ii) Department of Defense use. All assignments for Department of Defense use as specified in § 211.26 shall be made by the FEA National office in accordance with the general principles of these guidelines.

(b) Allocation levels subject to an allocation fraction.

(i) One hundred percent of current requirements subject to an allocation fraction.

(A) A decision to assign a base period supplier to an applicant which does not have a base period supplier of propane or butane and which is entitled to an allocation level of one hundred percent of current requirements subject to an allocation fraction should be made in accordance with the general guidelines for assigning suppliers.

(B) Since end-users and wholesale purchaser-consumers entitled to this allocation level do not have base period uses, they will not receive adjustments pursuant to 10 CFR § 211.12(h). To the extent that these users have increased current requirements they will follow the procedures under 10 CFR § 211.12(d) which requires that the user certify its increased requirements to its base period supplier. Ordinarily, FEA or the appropriate State office will be involved only if a validation of such increased current requirements is requested.

(ii) Percent of base period use subject to a fraction.

(A) As previously pointed out, FEA anticipates that substantially all assignments and adjustments will be under allocation levels expressed as a percentage of base period use. The most important of these allocation levels are industrial use as a process fuel or plant protection fuel or where no substitute for propane is available, and standby volumes. These terms are defined as follows:

"Plant protection fuel" means the use of propane [butane] in the minimum volume required to prevent physical harm to plant facilities or danger to plant personnel. This includes the protection of such material and equipment which would otherwise be damaged, but does not include sufficient quantities of propane [butane] required to maintain plant production. Propane [butane] may not be considered plant protection fuel if an alternate fuel is available and technically feasible for substitution.

"Process fuel" means propane [butane] used to convert a substance from one form to another such as in applications requiring precise temperature controls or precise flame characteristics. Propane [butane] may not be considered process fuel if an alternate fuel is available and technically feasible for substitution.

"Standby volumes" means those volumes of propane [butane] used, by an industry as a temporary substitute for another product (such as natural gas) in times of shortage or curtailment of the other product. Volumes of propane [butane] which are used as a temporary substitute for a process fuel or plant protection fuel art not considered standby volumes for purposes of this subpart.

"Where no substitute for propane [butane] is available" means those circumstances in which no alternate fuel is available or in which a firm has historically relied upon propane [butane] as its sole fuel source.

(B) Assignments of a supplier and a base period use may be made if the applicant does not have a base period supplier and base period use. The applicant's curtailment of a source of energy below his base period use of the curtailed source of energy should be converted to propane or butane on an equivalent BTU basis and the assignment should reflect this amount.

(C) If the applicant has an established base period use for propane or butane, an adjustment may be made if circumstances permit. The adjustment should generally reflect the increase in the current curtailment over the curtailment in effect for the applicant at the time the base period use was established, and assurance should be obtained that no substitute for propane or butane is available. In those cases where an adjustment is to be made, the volume of the curtailed source of energy shall be converted to propane or butane on an equivalent BTU basis, the established base period use for propane or butane should be subtracted from the total, and the adjustment shall be the difference.

[FR Doc.75-2776 Filed 1-27-75;3:38 pm]

FEDERAL MARITIME COMMISSION

CITY OF OAKLAND, ET AL.

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 February 19, 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.

In the matter of the city of Oakland and Japan Line, Ltd., Kawasaki Kisen Kaisha, Ltd., Mitsui O.S.K. Lines, Ltd., Yamashita-Shinnihon Steamship Co., Ltd.

Notice of agreement filed by:

J. Kerwin Rooney, Esq.
Port Attorney
Port of Oakland
66 Jack London Square
P.O. Box 2064
Oakland, California 94607.

Agreement No. T-2836-2, between the City of Oakland (City) and Japan Line, Ltd., Kawasaki Kisen Kaisha, Ltd., Mitsui O.S.K. Lines, Ltd. and Yamashita-Shinnihon Steamship Co., Ltd. (the Lines) modifies the parties' basic agreement providing for the 3 year nonexclusive preferential assignment of certain marine terminal facilities at Oakland, California, which the Lines currently use for handling containerized traffic. The purpose of this modification is to facilitate the transfer of the Lines' activities from the premises encompassed by the said agreement to the premises described in the nonexclusive containership preferential assignment between the parties, otherwise known as Federal Maritime Commission Agreement No. T-3040. The term of the lease for Parcels A, B, and C will be extended conditionally, as provided by this amendment. It is the parties' intention for this agreement, as amended, to cease upon the commencement date of Agreement No. T-3040.

Dated: January 27, 1975.

By Order of the Federal Maritime Commission.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.75-2810 Filed 1-29-75;8:45 am]

NIAGARA FRONTIER TRANSPORTATION AUTHORITY AND MARINE INTERCONTINENTAL TERMINALS OF BUFFALO, INC.

Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1100 L Street, 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 February 19, 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:

David F. Mix, Esq.
Niagara Frontier Transportation Authority
1600 Statler Hilton Hotel
Buffalo, New York 14202.

Agreement No. T-3028, between the Niagara Frontier Transportation Authority (Niagara) and Marine Intercontinental Terminals of Buffalo, Inc. (Terminals), provides for the 53-month lease (with renewal options) to Terminals of certain premises at Terminals A and B, Buffalo, New York, to be operated as a public terminal warehouse and dock facility. Terminals is granted the use of Niagara's dock and berth for the loading and unloading at the premises of vessels carrying cargo to be stored on the premises. Terminals shall establish rates, competitive with U.S. Great Lakes Ports, for the stevedoring and warehousing of all marine commodities, subject to Niagara's approval. Terminals shall pay Niagara top wharfage of $1.00 per ton for all cargo except items requiring only outside storage for which the wharfage shall be $.50 per ton. Fees for dockage shall be computed in accordance with Niagara's tariff. Tariff rates shall apply for the storage of all marine cargo, and other warehouse rates shall be such as from time to time may be set by Terminals. As compensation for rented space, Terminals shall pay Niagara $.045 per month per square foot. In addition, Niagara's rental receipts for open storage within the leased premises will be 50% of rental received by Terminals for such space. No other stevedore shall operate at the leased premises without prior approval of Terminals and Niagara.

Dated: January 27, 1975.

By Order of the Federal Maritime Commission.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.75-2808 Filed 1-29-75;8:45 am]

PORT OF SEATTLE AND KERR STEAMSHIP COMPANY, INC.

Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1100 L Street, 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 February 19, 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:

Ms. Evelyn Odell
Port of Seattle
P.O. Box 1209
Seattle, Washington 98111.

Agreement No. T-3052, between the Port of Seattle (Port) and Kerr Steamship Company, Inc. (Kerr), provides for the month-to-month lease of office space at Terminal 46, Seattle, Washington. As compensation, Kerr shall pay Port a total rental of $20,125 per annum. Pending approval by the Federal Maritime Commission, Kerr will be assessed rental pursuant to the Port tariffs.

Dated: January 27, 1975.

By Order of the Federal Maritime Commission.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.75-2809 Filed 1-29-75;8:45 am]

PORT OF SEATTLE AND KERR STEAMSHIP COMPANY, INC.

Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1100 L Street, 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 February 19, 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:

Ms. Evelyn Odell
Port of Seattle
P.O. Box 1209
Seattle, Washington 98111.

Agreement No. T-2785-1, between the Port of Seattle (Port) and Kerr Steamship Company, Inc. (Kerr), modifies the basic agreement which provides for the 5-year lease (with renewal options) of a building which Kerr will utilize as a shop for general equipment repair. The purpose of the modification is to enlarge the leased premises by 12,000 square feet and to increase the monthly rental from $740 to $1,220.

Dated: January 27, 1975.

By Order of the Federal Maritime Commission.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.75-2812 Filed 1-29-75;8:45 am]

PUERTO RICO MARINE MANAGEMENT, INC. AND SEA-LAND SERVICE, INC.

Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1100 L Street, 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 February 10, 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:

Mario F. Escudero
General Counsel
Puerto Rico Maritime Shipping Authority
G.P.O. Box 71105
San Juan, Puerto Rico 00936.

By orders dated October 15, 1974, and December 23, 1974, the Commission has approved Agreement No. DC-75, in each case for terms not to exceed sixty (60) days from the dates of said orders. The agreement, which is between Sea-Land Service, Inc., (Sea-Land) and Puerto Rico Marine Management, Inc., (PRMM) as approved by the Puerto Rico Maritime Shipping Authority (Authority), is an interim services and facilities subcontract wherein Sea-Land will provide PRMM with virtually any services it would require for the performance of its contract to manage the Authority's recently inauguarated common carrier service between U.S. Atlantic and Gulf coast ports and Puerto Rico. Included within the scope of Agreement No. DC-75 are facilities for providing berthing and terminal services, repair and maintenance services and A & G functions.

Current Commission approval of Agreement No. DC-75 expires February, 21, 1975. The parties to the agreement have advised us, however, that despite their progress to date toward the goal of self-sufficiency in performing all aspects of the Authority's common carrier service, there remain essentially three areas in which the Authority and PRMM must continue to contract with Sea-Land on an interim basis: (1) op-

erations of the Puerto Nuevo terminal facilities at San Juan; (2) operations of a New Orleans terminal; and (3) terminal facilities at Port Elizabeth, New Jersey. Accordingly, the parties have requested that we extend our approval of this agreement for these limited purposes for an additional period of not more than sixty (60) days.

Dated: January 27, 1975.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.75-2807 Filed 1-29-75;8:45 am]

VIRGINIA PORT AUTHORITY AND TIDEWATER STEVEDORING 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 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 February 19, 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:

J. Robert Bray, Counsel
Virginia Port Authority
1600 Maritime Tower
Norfolk, Virginia 23510.

Agreement No. T-3050 between the Virginia Port Authority (Port) and Tidewater Stevedoring Corporation (Tidewater) provides for the 2-year lease to Tidewater of property known as Pier 8 located at Newport News, Virginia. The leased premises will be operated as a public marine facility in accordance with rates, charges and regulations as established by Tidewater provided that such charges are comparable to those prevailing at other marine terminals, competitive with the Virginia ports. Revenues derived from the operation of the said premises shall be divided between Port and Tidewater as further provided by the basic agreement.

Dated: January 27, 1975.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.75-2811 Filed 1-29-75;8:45 am]

[Amdt. 1]

ORGANIZATION AND FUNCTIONS

Organization and Functions of the Federal Maritime Commission. Commission Order 1 (Revised) is hereby amended as follows:

Section 2—Organization of the Federal Maritime Commission. Subsection 2.03 of the Revised Order is amended to combine the Offices of Financial Analysis and Sealift Procurement Studies and then establish the Office of Data Systems. The revised subsection is amended to read:

2.03—*Organizational Components.* The Federal Maritime Commission has the following major organizational components:

1. Office of the Chairman of the Federal Maritime Commission.
2. Offices of the Members of the Federal Maritime Commission.
3. Managing Director.—(1) Bureau of Compliance: a. Office of Agreements, b. Office of Tariffs and Intermodalism, c. Office of Domestic Commerce.
(2) Bureau of Industry Economics: a. Office of Economic Analysis, b. Office of Financial Analysis, c. Office of Data Systems.
(3) Bureau of Certification and Licensing: a. Office of Water Pollution Responsibility, b. Office of Freight Forwarders, c. Office of Passenger Vessel Certification.
(4) Bureau of Hearing Counsel.
(5) Office of Personnel.
(6) Office of Budget and Finance.
(7) Division of Office Services.
(8) Field Offices.
4. Office of the Secretary.
5. Office of the General Counsel.
6. Office of Administrative Law Judges.

Section 5—Specific Functions of the Organizational Components of the Federal Maritime Commission. Subsection 5.03(2) is revised to substitute the Office of Data Systems for the Office of Sealift Procurement Studies and subsections 5.03(2)(b) and 5.03(2)(c) are revised to describe the program activities of the expanded Office of Financial Analysis and the new Office of Data Systems. The revised subsections are amended to read:

2. The *Bureau of Industry Economics* is responsible for program development administration, and activities in connection with the procurement, compilation, interpretation, and analysis of all essential data to establish with validity the economic implication and significance of the Commission's actions in administering its functions and regulatory authorities.

The Bureau develops long-range programs, new or revised policies and standards, and rules and regualtions, with respect to the program activities of the Bureau.

The program activities of the Bureau of Industry Economics are carried out by the Office of Economic Analysis, the Office of Financial Analysis, and the Office of Data Systems as outlined below:

a. The *Office of Economic Analysis* (1) conducts research and economic studies necessary to the Commission in the fulfillment of its regulatory responsibilities and compiles, interprets, and analyzes economic data essential to the study of freight rate structures and levels; (2) conducts studies leading to determinations as to the reasonableness of specific cargo rates in the ocean trades of the United States; (3) studies the economic implications of shipping practices; (4) studies the economic implications of trends of commodity movement, worldwide; (5) analyzes costs attributable to the movement of cargoes in the oceanborne foreign and domestic offshore commerce of the United States; and (6) conducts related studies and analyses requisite to rendering by the Commission of sound economic judgments and decisions.

b. The *Office of Financial Analysis* (1) makes recommendations with respect to annual and special financial reports to be submitted by common carriers and other persons subject to the Act to bring about accurate, uniform, and comprehensive disclosure of financial data to the Commission; (2) recommends accounting and reporting instructions; (3) conducts examinations of the accounts, records, reports, and financial statements of such carriers to obtain and ascertain compliance with Commission regulations; (4) analyzes justification for increased or lowered rates of common carriers and other persons subject to the Act; (5) develops and administers a continuing program for the audit both in Washington, D.C., and in the field of financial accounts and records of common carriers and other persons subject to the Commission's regulatory authorities; (6) develops cost formulas and related financial reporting requirements for application to the movement of waterborne commerce in the domestic and foreign commerce of the United States; (7) prepares reports and appears in rate proceeding and/or proceedings where rates and/or costs are a paramount issue; (8) conducts studies, as appropriate, for the purpose of determining classes of depreciable property, depreciation percentages, replacement costs, reasonable overhead, etc.; (9) analyzes, summarizes and prepares studies and analytical reports of the financial statements filed with the Commission by common carriers and other persons subject to the Act; and (10) conducts special studies, audits, and analyses of a financial nature for other branches of the Commission.

In addition to the above the *Office of Financial Analysis* (11) develops and administers a continuing program for the audit both in Washington, D.C., and in the field of the financial accounts and records of common carriers involved in carrying military cargoes; (12) promulgates and revises the accounting regulations of the Commission prescribing uniform systems of accounting for common carriers carrying military cargo; (13) plans and develops cost formulas for application to the movement of waterborne military cargo; (14) develops costs for use in cases or proceedings to determine whether particular rates on military cargo may be detrimental to commerce; (15) renders interpretations of accounting regulations and effects the correction or adjustment of deviations; (16) makes continuing studies to determine classes of depreciable property, depreciation percentages, and reasonable allocation procedures of nondirect costs; (17) develops annual and special financial reports to be submitted by common carriers carrying military cargo; and (18) prepares analytical reports for consideration of the Commission and the staff related to the review and analysis of the costs and rate structures of carriers participating in the carriage of military cargo.

c. The *Office of Data Systems* (1) develops data processing systems within the Federal Maritime Commission; (2) secures, maintains, and controls data; (3) develops new and/or revised data sources; (4) controls and operates FMC leased and/or owned computer equipment; (5) develops specifications for new and/or revised data processing procedures and equipment acquisitions; (6) develops technical material required for system development and operations; (7) trains other bureau employees in use of output reports and input data preparation; (8) provides special data reports as needed to all bureaus and the Managing Director; (9) provides professional expert advice in computer capabilities to all levels of Commission personnel; (10) conducts demonstrations in the use of current data systems and develops suggested further data uses for appropriate Commission activity; (11) provides the sole source of professional expertise relating to all Commission ADP activities; (12) provides contact and professional liaison outside of the agency relating to computer activities; (13) participates in the development of ADP contract specifications and in the contract negotiations; and (14) monitors contractual progress and quality under ADP contracts.

Subsection 5.03(8) is revised to remove the responsibility for the field audit program and to substitute a financial survey program instead. The revised subsection is amended to read:

8. The *Field Offices* represent the Federal Maritime Commission within their respective geographic areas; provide liaison between the industry and the shipping public and FMC headquarters, conveying pertinent information, highlighting regulatory problem areas, and recommending courses of action and solutions; furnish information, advice, counsel, and access to Commission public documents to the various segments of the regulated shipping industry and others evincing interest and concern in the Commission's work; receive informal complaints involving shippers and the regulated industry and take appropriate action thereon; provide advisory, consultative, and investigative services in support of substantive programs within the cognizance of the various bureaus of the Commission; plan and conduct investigations of alleged violations of the Shipping Acts, investigations of freight forwarders, compliance checks, background surveys, financial surveys, and other studies; and recommend policies to strengthen enforcement of the shipping laws.

The organizational designations within the Bureau of Industry Economics as they appear elsewhere in the Manual of Orders are hereby changed to be consistent with this Order.

Effective January 19, 1975.

HELEN DELICH BENTLEY,
Chairman.

[FR Doc.75-2806 Filed 1-29-75;8:45 am]

FEDERAL POWER COMMISSION

[Docket No. RP74-4]

CITIES SERVICE GAS CO.

Order Rejecting Proposed Settlement Agreement and Remanding Proceedings

JANUARY 23, 1975.

On July 23, 1973, Cities Service Gas Company (Cities) filed for a jurisdictional rate increase of $20,990,103 based on the twelve months ending March 31, 1973. This proposed rate went into effect on January 23, 1974, at the end of the five month suspension period. During the April 1974 pre-hearing conference, settlement discussions were initiated but not culminated. On September 10, 1974, the parties presented a settlement (Exhibit 35) to Presiding Administrative Law Judge William Jensen, who certified it to the Commission on September 12, 1974. Comments and reply comments have been received.[1]

The settlement lowers the jurisdictional rate increase sought to $11,529,722, and it is accepted in toto by all commenting parties except for MIG, which objects to the rate design, and Staff, which objects to rate design, cost classification and allocation, as well as rate of return. The September 10, 1974, settlement, now Exhibit 35 and entitled "Stipulation and Agreement," provides for inter alia the following: a revision of tariff sheet; overall rate of return of 8.975 percent and return on common equity of 9.60 percent; cost classification and allocation according to unmodified Seaboard; basic settlement rates reflecting a 3.30 cents per Mcf increase on volumetric rates and Schedules F, C, I, LVS-2, P, E and IRG-1; total jurisdictional revenues of $135,441,298, an increase of $11,529,722, of which all but $7,476,850 reflects increased purchased gas costs.

Although most of the parties to this settlement are in full agreement with it, the methods of cost classification, cost allocation and rate design employed therein have been contested by Staff, with MIG also opposing rate design. While the record does not adequately document the method used, it appears that the dollars allocated between jurisdictional and nonjurisdictional business reasonably represent the unmodified Seaboard methodology. On the other hand, the settlement rates do not follow unmodified Seaboard costs, particularly the interruptible rates. Moreover, there is serious question as to whether the circumstances in this case warrant utilization of the unmodified Seaboard methodology. We are particularly concerned with the increasing gas supply shortage and have expressed our intent to use rate techniques to assign more costs to industrial usage in an effort to reduce consumption (see United Gas Pipe Line Company, Opinion No. 671, Docket No. RP72-75, issued October 31, 1973, 50 FPC 1348). We conclude that the record in this case would not support the employment of the unmodified Seaboard methodology. Therefore, we are remanding the settlement agreement for full consideration in an evidentiary hearing of the issues related to cost classification, cost allocation and rate design.

We do not object to the settlement cost of service. Staff objected to the rate of return included in the settlement. However, we are satisfied that both the overall return and the return on equity are reasonable. Our only objections to the settlement concern the cost classification, cost allocation and rate design methods employed.

The Commission further finds: It is necessary that the proposed settlement of September 10, 1974, be rejected and that it be remanded to the Presiding Administrative Law Judge for further proceedings as hereinbefore set out.

The Commission orders: (A) The proposed settlement is hereby rejected.

(B) These matters are hereby remanded to the Presiding Administrative Law Judge for further proceedings consistent with this order.

(C) A public hearing on these matters shall be commenced February 4, 1975 at 10 a.m. (e.s.t.) in a hearing room of the Federal Power Commission, 825 North Capitol Street, NE, Washington, D.C. 20426.

(D) Administrative Law Judge William Jensen shall preside at the hearing on February 4, 1975.

(E) The parties and Commission Staff shall present any additional testimony and evidence they deem necessary on or before January 27, 1975, and shall serve it upon all other parties, as well as Commission Staff and the Presiding Administrative Law Judge.

By the Commission.[2]

[SEAL] KENNETH F. PLUMB,
Secretary.

[FR Doc.75-2748 Filed 1-29-75;8:45 am]

[Project No. 2393]

COLUMBUS AND SOUTHERN OHIO ELECTRIC CO.

Notice of Extension of Time

JANUARY 23, 1975.

On January 20, 1975, Columbus and Southern Ohio Electric Company filed a motion to extend the time for responding to the motion of Staff Counsel filed January 9, 1975 to dismiss application for major license in the above-designated matter.

Upon consideration, notice is hereby given that the date for filing a response to the above motion is extended to February 20, 1975.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-2749 Filed 1-29-75;8:45 am]

[Docket No. E-9002]

COMMONWEALTH EDISON CO.

Extension of Procedural Dates

JANUARY 23, 1975.

On January 13, 1975, Staff Counsel filed a motion to extend the procedural dates fixed by order issued October 29, 1974, in the above-designated matter. The motion states that the parties have been notified and have no objection.

[1] They were filed by Cities, Staff, Missouri Public Service Company (MPS), Gas Service Company, Kansas Municipal Intervenors Group (MIG), Midwest Gas Users Association and Armco Steel Corporation (Midwest-Armco), and Kansas State Corporation Commission (Kansas).

[2] Commissioner Brooke, dissenting, filed a separate statement which is filed as part of the original document.

Upon consideration, notice is hereby given that the procedural dates in the above matter are modified as follows:

Service of Staff Testimony, May 6, 1975; Service of Intervenor's Testimony, May 20, 1975; Service of Company Rebuttal, June 3, 1975; Hearing, June 17, 1975 (10 a.m. e.d.t.).

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-2750 Filed 1-29-75;8:45 am]

[Docket No. CP75-96, etc]

EL PASO ALASKA CO. ET AL.

Order Consolidating Proceedings, Prescribing Procedures, Directing Completion of Application, and Establishing Prehearing Conference

JANUARY 23, 1975.

In the matter of El Paso Alaska Company, Docket No. CP75-96; Alaskan Arctic Gas Pipeline Company, Docket Nos. CP74-239, CP74-240; Pacific Gas Transmission Company, Docket Nos. CP74-241, CP74-242, CP71-182; Northern Border Pipeline Company, Docket Nos. CP74-290, CP74-291; Interstate Transmission Associates (Arctic), Pacific Interstate Transmission Company, and Northwest Energy Company, Docket Nos. CP74-292, CP74-293.

This order disposes first of a procedural matter relating to the responsibilities of the Federal Power Commission and the Department of the Interior (Interior) over a pipeline project which will cross public lands in Alaska.

El Paso Alaska on September 24, 1974, filed its application in Docket No. CP75-96 under section 7 of the Natural Gas Act seeking a certificate for the construction and operation of a pipeline from Prudhoe Bay on the Alaskan North Slope to Gravina Point, Alaska, and an LNG tanker transport system capable of delivering the gas to the California coast. The application on March 21, 1974, by Alaskan Arctic Gas Pipeline Company in Docket No. CP74-239 (Alaskan Arctic) may be a competing application, which proposes a pipeline from Prudhoe Bay through Canada to the lower 48 states. Other applications associated with that of Alaskan Arctic cover projects to carry the North Slope gas to the east and west coast, as listed above.

In order to define the responsibilities of the FPC Staff and Interior in the preparation of an environmental impact statement (EIS) under the National Environmental Policy Act (NEPA), 42 USC section 4321 et seq., for the proposed natural gas transportation from the Prudhoe Bay area to and in the lower United States the Secretary of the Interior and the Chairman of the Commission entered into a memorandum of understanding dated May 15, 1974.[1] The memorandum referred to Alaska Arctic's application for Federal permits and a certificate was expected from El Paso Alaska. The memorandum provided in some detail for an interagency task force, use of personnel, joint responsibility for those sections relating to liquefaction, ocean transport and gasification, and Interior responsibility for land transportation across federal lands. El Paso Alaska applied for a certificate from the Commission but filed no application for Federal permits to cross public lands, informing Interior on September 23, 1974, that no application would be made until it obtained a certificate.

On November 12, 1974, by letter from Under Secretary Whitaker, Interior requested that El Paso Alaska be notified that its FPC application was incomplete and that it be given 15 days to file an application with Interior or its application would be dismissed. Interior says that El Paso Alaska's failure to file with it raises questions about Interior spending appropriated funds on studies connected with the El Paso application now pending before the FPC. Interior also points out that the decision regarding use of Federal lands rests primarily with it but it can make no determination until an application is filed. If El Paso Alaska waits until it receives a certificate, it says, Interior would have to prepare a supplemental EIS with a delay of a year or more.

The Staff comments that El Paso Alaska's failure to file with Interior will be detrimental (1) to the Staff's ability to function within the memorandum, (2) to the Commission's ability to consider the two proposals on a comparative basis and (3) to the public need for energy. Staff says that if the situation remains unchanged the joint interagency task force can consider only the Alaskan Arctic proposal and Staff will have to make a separate environmental evaluation of the El Paso Alaska proposal. Staff thinks that the need for El Paso Alaska to obtain Interior approval for its project has a direct bearing on whether it is "able and willing properly" to do the acts and perform the services proposed under section 7(e) of the Natural Gas Act. Staff suggests that the Commission advise El Paso Alaska that its application is deficient and that no further action can be taken until appropriate filings are made with Interior.

El Paso Alaska, on the other hand, argues that the Commission should exercise the primary role, and that the basic problem is whether it will be obligated to pay the expenses of Interior for its activities in connection with the FPC application. It contends that Interior's ability to expend appropriated funds is not dependent upon an El Paso Alaska application, and quotes from representations of Interior to Congress in requesting an appropriation for studies of several arctic pipeline projects, and notes that no restriction was placed upon Interior appropriations in this respect.[2] It points out further that the Trans-Alaskan Pipeline Authorization Act[3] provides that the Secretary of the Interior is authorized and directed to study the feasibility of one or more oil or gas pipelines from the North Slope. It suggests that the Commission proceed with the applications, requesting the assistance of Interior, and afterwards, Interior could adopt the approved EIS as its own.

El Paso Alaska further says that underlying the dispute between El Paso Alaska and Interior is a desire by Interior to charge El Paso Alaska for studies in connection with the case relying upon section 28(1) of the Mineral Leasing Act, 30 U.S.C. section 185(1) providing that the applicant for a right-of-way shall reimburse the United States for administrative costs. The Company says no obligation to reimburse the government should be imposed for those services which benefit the public at large and the applicant should not be taxed unless the grant is made. It quotes a representation made by Interior to Congress that costs associated with making investigations and studies of the Alaskan gas pipeline projects will be charged to the applicant as each right-of-way is granted (Hearings p. 1010). The Company also says that the Regulations of the Commission do not support Interior's position that the application is incomplete citing §§157.5, 157.6(b)(5) and 157.14.

Finally, the Company contends that frustration of the joint study of the two projects under the memorandum is not necessary or permissible. It says the Commission has full power to proceed to a comparative evaluation of the proposals; NEPA requires that Interior assist the Commission; and the Commission is under a statutory duty to consider alternative plans.

Alaskan Arctic contends that preparing the EIS statements above would impose a tremendous burden upon the Commission and would delay the project. It therefore urges that the Commission reject the El Paso Alaska application and hold it in abeyance until El Paso Alaska cures its deficiencies. Natural Gas Pipeline Company of America and Northern Border Pipeline Company support Alaskan Arctic.

Section 7(e) of the Natural Gas Act sets forth the standards for the issuance of certificates of public convenience and necessity including the requirement that the applicant be able and willing properly to do the acts and to perform the service proposed and to conform to the provisions of the Act and the regulations and that the proposal is required by the present or future public convenience and necessity. At this stage, however, we are not concerned with these ultimate determinations but with a procedural question as to whether we should require El Paso Alaska to apply to Interior before we proceed to hearing or consider the merits of this application along with other applications.

A review of the Commission's regulations relating to certificate applications, including §§ 157.5, 157.6(b)(5) and 157.14 cited by the Company, shows no requirement that the approval of another government agency be obtained to complete the application. Section 157.6(b)(5)

[1] 39 FR 26481, July 19, 1974.

[2] Hearings before Subcommittee of the Committee on Appropriations, House of Representatives, 93rd Cong. 2d Sess., Part 4, pp. 998, 1009; P.L. 93-404, 93rd Cong., 2d Sess. 88 Stat. 803.

[3] P.L. 93-153, 87 Stat. 567 et. seq. Section 302(a).

merely requires a statement as to whether any other application must be or is to be filed with another regulatory body. It is argued, however, by Alaskan Arctic that the memorandum, published in the FEDERAL REGISTER, established a procedural rule for applications to transport gas from Alaska's north slope. In our opinion the memorandum provided a procedure governing the two agencies. It contemplated that El Paso Alaska would file with Interior but did not require it, nor could it do so as it was in no sense a rule-making binding private parties.

Apart from the regulations, the Commission, of course, can reject or defer action on an application which is defective on its fact and can dismiss applications that fail to meet certain criteria. Here there is no disagreement that in order to build the line El Paso Alaska must have a Federal permit from Interior, but it clearly intends to file an application for such a permit when and if it obtains an FPC certificate. There is, therefore, no basis for saying, as Staff argues, that El Paso Alaska is not "able and willing properly" to do the acts proposed. In fact, we make no requirements that applicants for certificates bring proceedings to acquire rights of way or file applications to cross Federal lands in advance of acquiring certificates.[4] It would be discriminatory to do so here even though some 80 percent of the land required is federally owned.

Furthermore, El Paso Alaska's proposal provides an alternative to the Alaskan Arctic pipeline through Canada. In order to permit us to approve a project most in accord with the public convenience and necessity a comparative hearing with the several projects before us is essential and in accord with Ashbacker Radio Corp. v. FPC, 3260 section 327 (1945), unless, of course, it should be demonstrated that sufficient Alaska reserves exist to justify both proposals. Also, under NEPA we are required to study, develop and describe appropriate alternatives to recommended courses of action [section 102(d)]. To prevent or delay consideration of El Paso Alaska's project would prevent such a comparative hearing or comparative study in view of the present gas shortage and would be detrimental to the public interest to delay consideration of Alaskan Arctic and other projects.

In these circumstances we shall deny Interior's request and proceed to a comparative hearing, phased in two parts as described below. As required by our Regulations (§ 157.14(a)(6-d)) El Paso Alaska has filed an extensive environmental report with its application. Under § 2.82(b) of our General policy and Interpretations the report will assist our staff in preparing an analysis and draft environmental impact statement prior to hearing on a pipeline application. Under the memorandum of understanding with Interior it is contemplated that an interagency task force will participate in the analysis of environmental data, including that submitted by the parties, and jointly prepare an environmental impact statement with Interior responsible for land transportation across federal lands. While Interior raises a question whether it can spend appropriated funds on such studies in the absence of an application from El Paso Alaska, we hope that Interior personnel can continue to cooperate with our staff in the manner stated in the memorandum. If not, our staff will prepare a draft environmental impact statement on the basis of the information available, and we shall proceed with a comparative hearing and consideration of the applications before us and will prepare the necessary detailed environmental impact statement in connection with the issuance of any certificates.

Having resolved the procedural matter with respect to El Paso Alaska, we turn now to the proposal which constitutes one of the largest construction proposals which this commission has entertained. On March 21, 1974, Alaskan Arctic Gas Pipeline Company (Alaskan Arctic) filed in Docket No. CP74-239 an application for a certificate of public convenience and necessity requesting authorization to construct and operate approximately 195 miles of 48-inch pipeline from Prudhoe Bay on the North Slope of Alaska to the Alaskan-Canadian Border at an estimated cost of $575 million in order to deliver Alaskan gas to the Canadian Alaskan international border for further transportation of gas through Canada for delivery to the lower 48 states. Concurrently therewith Alaskan Arctic filed in Docket No. CP74-240 an application requesting a Presidential Permit to construct and operate facilities at the international border between Alaska and the Yukon Territory of the Dominion of Canada pursuant to Executive Order No. 10485.[5] On November 15, 1974 and December 30, 1974, Alaskan Arctic supplemented its application in Docket No. CP74-239 by submitting certain of the required exhibits missing from its original application.

A number of other pipeline companies have filed applications for the construction and operation of facilities to transport Alaskan and Canadian Arctic gas once it arrives in the contiguous 48 states through the Alaskan Arctic proposal. In this regard, Pacific Gas Transmission Company (PGT) proposes in Docket No. CP74-241 to construct and operate approximately 618 miles of 42-inch pipeline parallel to its existing mainline from the Idaho border near Kingsgate, British Columbia, to the interconnection with the facilities of Pacific Gas and Electric Company at the Oregon-California border in order to transport 1,000,000 Mcf of gas per day which will be attributed to Arctic production and 200,000 Mcf/d of gas attributable to currently contracted sources in Alberta, Canada. PGT also filed an application in Docket No. CP74-242 requesting a Presidental Permit for the construction and operation of facilities at the United States-Canadian border near Kingsgate, British Columbia.[6] In Docket No. CP71-182 PGT has requested authorization pursuant to section 3 of the Natural Gas Act to import into the United States from Canada the said 200,000 Mcf of gas per day from Alberta.[7] Northern Border Pipeline Company, a partnership to be succeeded by Northern Border Pipeline Corporation (Northern Border) filed in Docket No. CP74-290 an application for a certificate requesting authorization to construct and operate approximately 1,619 miles of 48, 42, 36, and 26-inch diameter pipeline, including thirty compressor stations from a point on the Montana-Canadian boundary near Monchy, Saskatchewan, to a terminus near Delmont, Pennsylvania, at a total estimated cost of $1.8 billion, in order to transport Alaskan and Canadian Arctic gas being delivered through the Alaskan Arctic project. Northern Border also filed an application in Docket No. CP74-291 for a Presidential Permit for the construction and operation of facilities at the United States-Canadian border near Monchy, Saskatchewan.[8] Interstate Transmission Associates (Arctic), Pacific Interstate Transmission Company and Northwest Energy Company (ITA) in Docket No. CP74-292 have requested authorization to construct and operate approximately 373 miles of 42-inch diameter pipeline from the Idaho-Canadian boundary near Kingsgate, British Columbia to Rye Valley, Oregon, and approximately 504 miles of 36-inch pipeline from Rye Valley to a point on the California-Nevada border near Oasis, California in order to transport Alaskan and Canadian Arctic gas received at Kingsgate. Likewise this group of pipeline companies have requested a Presidential Permit in Docket No. CP74-293 for the construction and operation of facilities at the United States-Canadian border near Kingsgate, British Columbia.[9] On November 15, 1974, ITA and Northern Border filed supplements to their applications in Docket Nos. CP74-290 and CP74-292 by submitting some of the required exhibits missing from their original applications.

[4] See for example: *Arkansas Louisiana Gas Company*, 47 FPC 583 (1972); *Stingray Pipeline Company, et al.* ——FPC. . . . Opinion No. 693, Docket No. CP73-27, *et al.*, May 6, 1974; Section 15720 of our Regulations under the Natural Gas Act.

[5] Notice of Alaskan Arctic's original applications was given by publication in the FEDERAL REGISTER on April 15, 1974 (39 FR 13590).

[6] Notice of PGT's original applications in Docket Nos. CP74-241 and 242 was given by publication in the FEDERAL REGISTER on April 15, 1974 (39 FR 13596).

[7] Notice of PGT's application in Docket No. CP71-182 was given by publication in the FEDERAL REGISTER on January 26, 1971 (36 FR 1231).

[8] Notice of Border Pipeline's original applications was given by publication in the FEDERAL REGISTER on June 14, 1974 (39 FR 20619).

[9] Notice of ITA's original applications was given by publication in the FEDERAL REGISTER on June 5, 1974 (39 FR 19992).

In Docket No. CP75–96 El Paso Alaska Company (El Paso Alaska) filed an application seeking authorization to construct and operate a combination chilled vapor pipeline totaling approximately 809 miles and LNG ocean common carrier transport system capable of delivering Alaskan North Slope gas to the California coast for ultimate delivery to all of the major continental natural gas market areas by a combination of displacement reverse flow on its existing east-west pipeline and the construction of new connecting transmission facilities. El Paso Alaska proposes as the southern terminus of its project the Point Conception California LNG terminal proposed to be constructed and owned by Western LNG Terminal Company (Western Terminal). In Docket No. CP75–83 Western Terminal has proposed to use sites located at Los Angeles, Oxnard, and Point Conception, California to receive, unload, store and vaporize liquefied natural gas. Western Terminal in said docket does not indicate any specific sources for the LNG to be delivered at such terminals; however, El Paso Alaska in the above mentioned application proposes to utilize most of the planned capacity at the Point Conception Terminal.[10]

The Alaskan Arctic and the El Paso Alaska proposals with their related applications represent projects to bring Alaskan gas from the North Slope into the continental United States. Both Alaskan Arctic and El Paso Alaska intend to operate as contract carriers of natural gas and not as pipeline purchasers of gas since both applications rely on Prudhoe Bay gas as their primary source of transportation gas, the applications may be mutually exclusive. We believe therefore that these projects including the aforesaid related applications of other pipelines may involve common questions of law and fact and that these applications should be consolidated for disposition and hearing on all issues arising thereunder, pursuant to § 1.20(b) of the Commission's rules of practice and procedure.

Although we are consolidating these applications now all proposals before the Commission are deficient. Neither the Alaskan Arctic group nor the El Paso Alaska proposal include all of the necessary exhibits as prescribed by § 157.14 of the Commission's regulations under the Natural Gas Act, which are needed to make a complete and thorough analysis of the feasibility of each project. In this regard we note that, inter alia, the following exhibits are missing from some of these applications:

H—Total Gas Supply Data
I—Market Data
K—Cost of Facilities
L—Financing
N—Reserves—Expenses—Income
O—Depreciation and Depletion
P—Tariff

El Paso Alaska has submitted only a very limited amount of information in respect to the ocean transport phase of its application. Additionally the application in Docket No. CP71–182 has not been updated since it was filed on January 13, 1971, to reflect recent events.

The continuing natural gas shortage faced by this nation threatens the economic and social well being of the United States in an almost unprecedented manner. It requires this Commission, jurisdictional pipe line companies, and natural gas producers to take vigorous and imaginative steps to replenish our natural gas resources and to insure that the public obtains needed gas supplies within the bounds of public convenience and necessity and our statutory duty under the Natural Gas Act. With this in mind, we note that both proposals are deficient and ordinarily hearings on these applications would be held in abeyance pending submittal of missing information. While we emphasize this would be our usual course, the unusual circumstances herein require us to proceed without delay. The American public and this Commission expect a best efforts attempt by the Applicants to complete their applications and remedy all deficiencies on or before March 3, 1975, inclusive of the filing of all interrelated applications effectuating the sale, transportation and resale of the natural gas herein involved. We shall take the extraordinary step of ordering formal hearings, subject to the full cooperation of all applicants and shall further direct our Staff to file and serve on all parties on March 20, 1975, a report of any outstanding deficiencies for our consideration.

Since the subject proposals may be competitive and are extremely important because of the issues they raise, it is almost axiomatic that consolidated formal hearings are required to develop an evidentiary record. In this regard the hearing will be phased for testimony, but not for decision or briefing. Our Staff is currently in the process of preparing an environmental impact statement, as required by the National Environmental Policy Act, in conjunction with the Department of the Interior, and the final statement may not be ready by the beginning of the hearing herein scheduled. Thus, the first phase of the hearing should be concerned with the usual prerequisites by Applicants establishing a prima facie case under section 7 and section 3; inter alia, gas supply, markets, cost of facilities, financing, reserves, expenses, income, tariff, system design, and environmental reports.

Phase II of the hearing shall be concerned only the issues raised by Staff's Final Environmental Impact Statement. Environmental testimony from interested parties including the Commission Staff shall begin after the Staff's Final Environmental Impact Statement is issued and notice of its availability is published in the FEDERAL REGISTER. The Presiding Administrative Law Judge is instructed to set a date for the filing of environmental testimony within 30 days from the issuance of Staff's final statement giving due regard to the needs of all parties for time to evaluate the statement. Environmental testimony by all parties and Staff in support of Staff's statement shall be heard first and at the close of this testimony the Administrative Law Judge shall set dates for the filing of answering and rebuttal testimony. Under no circumstances should the Presiding Judge permit this record to be closed prior to insertion of the Final Environmental Impact Statement of the Commission Staff.

In regard to the first phase of the hearing, we find it necessary to establish certain procedures for the orderly presentation of evidence. A pre-hearing conference shall be convened on April 7, 1975, at which time any party desiring to make an opening statement of position shall submit such statement in writing for transcription into the record. No oral statements of position will be permitted.

At such pre-hearing conference, in addition to the matters specified in § 1.8(g) and 1.18(b) of the rules of practice and procedure, the Presiding Judge should consider a procedure for the numbering of exhibits and items by reference, order of witnesses, order of cross-examination and such other matters as will facilitate the smooth and orderly course of the hearing.

The applicants shall submit their prepared testimony as to Phase I on or before March 24, 1975, with a formal hearing scheduled to commence on May 5, 1975. At the close of the applicants' evidence the designated Presiding Administrative Law Judge shall set dates for the submittal of any intervener's and the Commission Staff's testimony and rebuttal evidence by the applicants.

A number of parties have already been permitted to intervene in Docket Nos. CP74–239, CP74–240, CP74–241, CP74–242, CP74–290, CP74–291, CP74–292, CP 74–293, and CP71–182. Any petitioner who has previously been permitted to intervene in any one of these proceedings is deemed an intervener in all dockets concerned herein.

The Commission further finds: (1) It is necessary and appropriate in the administration of the Natural Gas Act that Interior's request that El Paso Alaska be required to file an application with Interior be denied.

(2) It is necessary and appropriate that the proceedings relating to the transportation of natural gas from Prudhoe Bay to the lower 48 states should be consolidated for hearing.

The Commission orders: (A) Interior's request that El Paso Alaska be required to file an application with Interior is denied.

(B) Pursuant to § 1.20(b) of the Commission's rules of practice and procedure, the proceedings in El Paso Alaska Company, Docket No. CP75–96; Alaskan Arctic Pipeline Company, Docket Nos. CP74–239 and CP74–240; Pacific Gas Transmission Company, Docket Nos. CP74–241, CP74–242, and CP71–182; Northern Border Pipeline Company, Docket Nos. CP 74–290 and CP74–291; and Interstate Transmission Associates (Arctic), Pacific Interstate Transmission Company, and Northwest Energy Company, Docket Nos. CP74–292 and CP74–293 are consolidated for hearing and decision.

[10] Notice of El Paso Alaska's original application was given by publication in the FEDERAL REGISTER on November 13, 1974 (39 FR 40075).

(C) A pre-hearing conference is to be convened on April 7, 1975 in a Federal building to be designated by the Presiding Administrative Law Judge to discuss procedural issues as noted in this order. Parties planning to attend this conference shall notify the Administrative Law Judge's office by letter at least two weeks prior to such a date. In the event that a hearing room of the Federal Power Commission cannot be utilized, the designated Administrative Law Judge shall notify all parties of the place and address of the conference at least a week prior to such conference.

(D) A formal hearing in the subject proceedings shall commence on May 5, 1975, concerning the issues designated herein as Phase I, in a hearing room of the Federal Power Commission, 825 North Capitol Street, NE, Washington, D.C., 20426, at 10 a.m. (e.s.t.).

(E) A Presiding Law Judge to be designated by the Chief Law Judge for that purpose—see Delegation of Authority, 18 CFR 3.5(d)—shall preside at the hearing in this proceeding pursuant to the Commission's rules of practice and procedure. All testimony and evidence shall be served upon the Presiding Judge, the Commission Staff, and all parties to this proceeding.

(F) The direct case of Applicants as to all issues to be considered in Phase I shall be filed and served on all parties of record including the Commission Staff on or before March 24, 1975. Following the conclusion of cross-examination thereon, the Presiding Law Judge shall set such dates as are reasonable for the submission of testimony from interveners and Commission Staff and of answering and rebuttal cases, if any, for Phase I. The Administrative Law Judge shall set dates for the submittal of environmental testimony in Phase II as heretofore outlined.

(G) The record of this proceeding shall remain open until the submission of the Commission Staff's final environmental impact statement and environmental testimony is heard, and no initial decision shall be issued by the Administrative Law Judge until inclusion of the environmental impact statement in the record and appropriate consideration thereof.

(H) El Paso Alaska shall within three days of this order tender for payment any delinquent fees prescribed by § 159.2 (a) of the Commission's Regulations for its application filed in Docket No. CP75–96.

(I) Applicants in this consolidated proceeding shall perfect their applications on or before March 3, 1975.

(J) All petitioners heretofore granted interventions in one or more of the instant dockets we deemed to be interveners in all of the dockets herein consolidated.

By the Commission.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-2751 Filed 1-29-75;8:45 am]

[Docket No. RP72-150, etc.]

EL PASO NATURAL GAS CO.

Further Extension of Procedural Dates

JANUARY 23, 1975.

On December 3, 1974, Staff Counsel filed a motion to extend the procedural dates fixed by order issued February 8, 1974, as most recently modified by notice issued July 29, 1974, in the above-designated matter. On December 10, 1974, El Paso Natural Gas Company filed an answer to the above motion.

Upon consideration, notice is hereby given that the procedural dates in the above matter are modified as follows:

Service of Staff's Testimony, April 4, 1975.
Service of Intervenor's Testimony, April 25, 1975.
Service of Company Rebuttal, May 16, 1975.
Prehearing Conference, May 22, 1975 (10 a.m. e.d.t.).
Hearing, June 3, 1975 (10 a.m. e.d.t.).

By direction of the Commission.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-2752 Filed 1-29-75;8:45 am]

[Docket No. CI75-409]

ESTATE OF A. V. CORPENING, JR.

Notice of Application

JANUARY 23, 1975.

Take notice that on January 13, 1974, The Estate of A. V. Corpening, Jr., Deceased (Applicant), 1308 Continental National Bank Building, Fort Worth, Texas 76102, filed in Docket No. CI75-409 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale for resale and delivery of natural gas in interstate commerce to Northern Natural Gas Company (Northern) in Gaines County, Texas, all as more fully set forth in the application, which is on file with the Commission and open to public inspection.

Applicant states that it commenced within the contemplation of § 157.29 of the regulations under the Natural Gas Act (18 CFR 157.29) on September 9, 1974, the emergency sale to Northern of gas purchased by Applicant in Gaines County from the producer thereof and proposes to continue said sale until March 15, 1975, at a total price of 56.5 cents per Mcf at 14.65 psia, subject to upward and downward Btu adjustment from a base of 1,000 Btu per cubic foot. Applicant estimates monthly sales volume at 30,000 Mcf.

Applicant states that it has continued the sale of the subject gas beyond the sixty-day emergency period provided for in § 157.29 in order to prevent wasteful flaring and to comply with the regulations of the Texas Railroad Commission. Applicant further states that its contract with the producer of the subject gas expires on March 15, 1975, and that Applicant will no longer have the gas available for sale to Northern after that date, but that Applicant is advised that the producer has entered into, or will soon enter into, a contract with Northern providing for direct sale to Northern to commence on March 15, 1975.

Any person desiring to be heard or to make any protest with reference to said application should on or before February 13, 1975, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). 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.75-2753 Filed 1-29-75;8:45 am]

[Docket No. CI75-360]

W. V. HARLOW, ET AL.

Supplement To Application

JANUARY 23, 1975.

Take notice that on January 15, 1975, W. V. Harlow, Jr., d/b/a W. V. Harlow, et al. (Applicant), 501 Amarillo Petroleum Building, Amarillo, Texas 79101, filed in Docket No. CI75-360 a supplement to his application filed on December 6, 1974, in said docket requesting a certificate of public convenience and necessity pursuant to section 7(c) of the Natural Gas Act by revising his original application to provide for the applicable national rate promulgated by § 2.56a of the Commission's General Policy and Interpretations, all as more fully set forth in the supplement to the application, which is on file with the Commission and open to public inspection.

In his original application Applicant proposes to sell gas commencing Janu-

ary 22, 1975 for one year with pregranted abandonment authorization at the price of 55 cents per Mcf at 14.65 psia, subject to upward and downward Btu adjustment from a base of 1,000 Btu per cubic foot with an upward adjustment limitation of 1,200 Btu per cubic foot. Applicant now states he is willing to accept a certificate at the national rate as promulgated by § 2.56a.

Any person desiring to be heard or to make any protest with reference to said supplement to the application should on or before February 14, 1975, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-2754 Filed 1-29-75;8:45 am]

[Docket No. E-8863]

LONG SAULT, INC.

Initial Export Rate Schedule

JANUARY 23, 1975.

Take notice that Long Sault, Inc. (Long Sault) on June 13, 1974 submitted for filing a copy of the Agreement dated January 1, 1974 (Agreement) between Cedars Rapids Transmission Company, Limited (Cedars), a Canadian corporation, as party of the first part, and Aluminum Company of America and Long Sault, as parties of the second part, providing, in general, for the sale, purchase and delivery of electric energy flowing unscheduled or inadvertently between the contracting parties as the result of maintaining the connection of certain 115 kv overhead transmission facilities of Long Sault with similar facilities of Cedars at a point located on the international border between the United States and Canada and over the St. Lawrence River in the vicinity of Massena, New York and Cornwall, Ontario. Inadvertent energy flowing from the United States to Canada by means of such interconnection of facilities is to be sold by Long Sault to Cedars at a rate of 4.25 mills per kwh as specified in the Agreement.

By Commission order issued July 3, 1962 in Docket Nos. E-7022 et al. (28 FPC 13), Long Sault and Niagara Mohawk Power Corporation were authorized to transmit electric energy from the United States to Canada in an amount not in excess of 12,000,000 kwh per year at a transmission rate not to exceed 50,000 kw for sale and delivery to Cedars over the above-described facilities of Long Sault located at the United States-Canadian border. Long Sault's facilities are covered by its permit signed by the Chairman of the Commission on September 26, 1955, as amended by the above-mentioned Commission order of July 3, 1962, Docket No. E-6632. Cedars, which furnishes electric energy to St. Lawrence Power Company (St. Lawrence) for the purpose of rendering electric service in and around Cornwall, Ontario, purchases and takes energy from Long Sault for resale to St. Lawrence during emergencies created by reason of energy not being available to Cedars from its regular sources of electric supply. The rates and charges for Long Sault's emergency energy sales to Cedars are included in Long Sault's Export Rate Schedule FPC No. 1.

Long Sault states that it does not anticipate the inadvertent energy sold to Cedars under the Agreement and the emergency deliveries of energy to Cedars will exceed, in the aggregate, the 12,000,000 kwh per year authorized for exportation by the Commission in its July 3, 1962 order referred to above.

The copy of the Agreement is being treated as an initial export rate schedule tendered for filing by Long Sault in Docket No. E-8863 pursuant to Part 35 of the Commission's regulations under the Federal Power Act, particularly §§ 35.12 and 35.20 thereof.

Any person desiring to be heard or to make any protest with reference to said Agreement should on or before February 14, 1975 file with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The copy of the Agreement, as tendered for filing with the Commission, is available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-2755 Filed 1-29-75;8:45 am]

[Docket No. RI75-101]

SHELL OIL CO.

Order Providing for Hearing on and Suspension of Proposed Change in Rate, and Allowing Rate Change To Become Effective Subject to Refund

JANUARY 22, 1975.

Respondent has filed a proposed change in rate and charge for the jurisdictional sale of natural gas, as set forth in Appendix A hereof.

The proposed changed rate and charge may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds. It is in the public interest and consistent with the Natural Gas Act that the Commission enter upon a hearing regarding the lawfulness of the proposed change, and that the supplement herein be suspended and its use be deferred as ordered below.

The Commission orders. (A) Under the Natural Gas Act, particularly Sections 4 and 15 the Regulations pertaining thereto (18 CFR, Chapter I), and the Commission's rules of practice and procedure, a public hearing shall be held concerning the lawfulness of the proposed change.

(B) Pending hearing and decision thereon, the rate supplement herein is suspended and its use deferred until date shown in the "Date Suspended Until" column. This supplement shall become effective, subject to refund, as of the expiration of the suspension period without any further action by the Respondent or by the Commission. Respondent shall comply with the refunding procedure required by the Natural Gas Act and § 154.102 of the Regulations thereunder.

(C) Unless otherwise ordered by the Commission, neither the suspended supplement, nor the rate schedule sought to be altered, shall be changed until disposition of this proceeding or expiration of the suspension period, whichever is earlier.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Secretary.

APPENDIX A

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until	Cents per Mcf*		Rate in effect subject to refund in dockets No.
									Rate in effect	Proposed increased rate	
RI75-101	Shell Oil Co.	253	15	El Paso Natural Gas Co. (Los Mendanos (James Ranch) Field, Eddy County, N. Mex.) (Permian Basin).	$3,183	12-23-74		Aug. 18, 1975	[1] 31.15	[2] 32.50	RI74-165

*Unless otherwise stated, the pressure base is 14.65 lb/in²a.
[1] Previously reported as 29.3172 cents per Mcf exclusive of Btu adjustment.
[2] Includes upward Btu adjustment.

The proposed rate increase of Shell Oil Company exceeds the applicable area ceiling in Opinion No. 662 and is suspended for five months from the contractual effective date.

In regard to any sale of natural gas for which the proposed increased rate is filed under the provisions of Opinion No. 699–H, issued December 4, 1974, in Docket No. R–389–B, no part of the proposed rate increase above the prior applicable area ceiling rate may be made effective until the seller submits a statement in writing demonstrating that Opinion No. 699–H is applicable to the particular increased rate filing, in whole or in part. The proposed increased rates for which such support shall have been satisfactorily demonstrated on or before January 31, 1975, will be made effective as of June 21, 1974.

[FR Doc.75–2582 Filed 1–29–75;8:45 am]

[Docket No. E–8823]

SOUTH CAROLINA ELECTRIC AND GAS CO.

Postponement of Hearing

JANUARY 23, 1975.

Notice is hereby given that due to schedule conflicts of the Administrative Law Judges, the hearing in the above-designated matter, fixed by notice issued December 17, 1974, is postponed until February 25, 1975, at 10 a.m. (e.s.t.).

KENNETH F. PLUMB,
Secretary.

[FR Doc.75–2757 Filed 1–29–75;8:45 am]

[Docket No. E–9198]

WISCONSIN POWER AND LIGHT CO.

Notice of Filing of Supplemental Data

JANUARY 23, 1975.

Take notice that on January 20, 1975, Wisconsin Power and Light Company (WP&L) tendered for filing supplemental data intended to make complete its original filing of December 30, 1974. This action is in response to a deficiency letter issued by the Secretary of the Federal Power Commission dated January 10, 1975.

To supplement WP&L's filing, WP&L has tendered a document entitled "Work Papers Based on Estimates for Period II (the "Test Period") for Statements *A* Through *O*, in Connection with the Filing of Proposed Rate Schedule Changes for Service to Certain Utility Customers at Wholesale for Resale."

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before February 13, 1975. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person who has petitioned to intervene pursuant to the Notice issued on January 8, 1975, will be considered to have petitioned to intervene in this docket with regard to this supplemental filing. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75–2759 Filed 1–29–75;8:45 am]

[Rate Schedule Nos. 54, et al.]

RATE CHANGE FILINGS

JANUARY 22, 1975.

Take notice that the producers listed in the Appendix attached hereto have filed proposed increased rates to the applicable area new gas or national ceiling based on the interpretation of vintaging concepts set forth by the Commission in its Opinion No. 699–H, issued December 4, 1974.

The information relevant to each of these sales is listed in the Appendix.

Any person desiring to be heard or to make any protest with reference to said filing should on or before February 10, 1975, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any party wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

KENNETH F. PLUMB,
Secretary.

Filing date	Producer	Rate schedule No.	Buyer	Area
Jan. 6, 1975	Amoco Production Co., 500 Jefferson Bldg., P.O. Box 3092, Houston, Tex. 77001.	54	Natural Gas Pipeline Co. of America.	Texas Gulf Coast.
Do	do	60	do	Do.
Do	Getty Oil Co., P.O. Box 1404, Houston, Tex. 77001.	26	Columbia Gas Transmission Corp.	South Louisiana.
Do	Union Oil Co. of California, P.O. Box 7600, Los Angeles, Calif. 90051.	2	Transcontinental Gas Pipeline Corp.	Do.
Do	do	3	do	Do.
Do	do	4	do	Do.
Do	do	5	do	Do.
Do	do	6	do	Do.
Jan. 8, 1975	Eason Oil Co., P.O. Box 18755, Oklahoma City, Okla. 73118.	59	Texas Gas Transmission Corp.	Other Southwest Area.
Jan. 9, 1975	Cities Service Oil Co., Box 300, Tulsa, Okla. 74102.	105	El Paso Natural Gas Co.	Permian Basin.
Jan. 10, 1975	Pecos Co., P.O. Box 1492, El Paso, Tex. 79999.	8	do	Do.
Jan. 13, 1975	Union Oil Co. of California, P.O. Box 7600, Los Angeles, Calif. 90051.	99	Texas Gas Transmission Corp.	Other Southwest.
Do	Gulf Oil Corp., P.O. Box 1589, Tulsa, Okla. 74102.	16	El Paso Natural Gas Co.	Permian Basin.
Do	Burmah Oil & Gas Co., P.O. Box 94193, Houston, Tex. 77018.	30	Lone Star Gas Co.	Other Southwest.
Do	Rudco Oil & Gas Co., P.O. Box 2018, Tyler, Tex. 75701.	2	Texas Gas Transmission Corp.	Do.
Jan. 16, 1975	Devon Corp., 3300 Liberty Tower, Oklahoma City, Okla. 73102.	34	do	Do.
Do	Gulf Oil Corp., P.O. Box 1589, Tulsa, Okla. 74102.	77	United Gas Pipe Line Co.	Do.

[FR Doc.75–2534 Filed 1–29–75;8:45 am]

FOREIGN-TRADE ZONES BOARD

[Order No. 104]

OMAHA, NEBR.

Resolution and Order Approving Application

Proceedings of the Foreign-Trade Zones Board, Washington, D.C.

Pursuant to the authority granted in the Foreign-Trade Zones Act of June 18, 1934, as amended, (19 U.S.C. 81a–81u) the Foreign-Trade Zones Board has adopted the following Resolution and Order:

The Board, having considered the matter hereby orders:

After consideration of the application of the Dock Board of the City of Omaha, Nebraska, filed with the Foreign-Trade Zones Board (the Board) on July 26, 1974, requesting a grant of authority for the establishing, operating and maintaining of a foreign-trade zone in Omaha, Nebraska, the Board, finding that the requirements of the Foreign-Trade Zones Act, as amended, and the Board's regulations are satisfied and that the proposal is in the public interest, approves the application. The grantee shall notify the Board's Executive Secretary for clearance prior to the commencement of any manufacturing operation within the zone. The Secretary of Commerce, as Chairman and Executive Officer of the Board, is hereby authorized and directed to issue an appropriate grant of authority and Board Order.

GRANT TO ESTABLISH, OPERATE, AND MAINTAIN A FOREIGN-TRADE ZONE IN OMAHA, NEBRASKA

Whereas, by an Act of Congress approved June 18, 1934, an Act "To provide for the establishment, operation, and maintenance of foreign-trade zones in ports of entry of the United States, to expedite and encourage foreign commerce, and for other purposes", as amended (19 U.S.C. 81a–81u) (hereinafter referred to as "the Act") the Foreign-

Trade Zones Board (hereinafter referred to as "the Board") is authorized and empowered to grant to corporations the privilege of establishing, operating, and maintaining foreign-trade zones in or adjacent to ports of entry under the jurisdiction of the United States;

Whereas, the Dock Board of the City of Omaha, State of Nebraska, (hereinafter referred to as "the Grantee"), has made application (filed July 26, 1974) in due and proper form to the Board requesting the establishment, operation, and maintenance of a foreign-trade zone in Omaha, Nebraska;

Whereas, notice of said application has been given and published, and full opportunity has been afforded all interested parties to be heard; and

Whereas, the Board has found that the requirements of the Act and the Board's regulations (15 CFR Part 400) are satisfied;

Now, therefore, the Board hereby grants to the Grantee the privilege of establishing, operating, and maintaining a foreign-trade zone, designated on the records of the Board as Zone No. 19, at the location mentioned above and more particularly described on the maps accompanying the application requesting authority for a foreign-trade zone in Omaha, Nebraska, marked as Exhibits IX and X, said grant being subject to the provisions, conditions, and restrictions of the Act and the regulations issued thereunder, to the same extent as though the same were fully set forth herein, and also to the following express conditions and limitations, to-wit:

Operations of the foreign-trade zone shall be commenced by the Grantee within a reasonable time from the date of issuance of the grant, and prior thereto the Grantee shall obtain all necessary permits from Federal, State, and municipal authorities.

The Grantee shall allow officers and employees of the United States free and unrestricted access to and throughout the foreign-trade zone in the performance of their official duties.

The Grantee shall notify the Executive Secretary of the Board for approval prior to the commencement of any manufacturing operation within the zone.

The grant shall not be construed to relieve the Grantee from liability for injury or damage to the person or property of others occasioned by the construction, operation, or maintenance of said zone, and in no event shall the United States be liable therefor.

The grant is further subject to settlement locally by the District Director of Customs and the District Army Engineer with the Grantee regarding compliance with their respective requirements for the protection of the revenue of the United States and the installation of suitable facilities.

In witness whereof, the Foreign-Trade Zones Board has caused its name to be signed and its seal to be affixed hereto by its Chairman and Executive Officer, Frederick B. Dent, at Washington, D.C., this 24th day of January 1975, pursuant to Order of the Board.

FOREIGN-TRADE ZONES BOARD,
FREDERICK B. DENT,
Chairman and Executive Officer.

[FR Doc.75-2775 Filed 1-29-75;8:45 am]

GENERAL ACCOUNTING OFFICE

CIVIL AERONAUTICS BOARD

Receipt and Approval of Regulatory Report Proposal

The following request for clearance of a report intended for use in collecting information from the public was received by the Regulatory Reports Review Staff, GAO, on December 23, 1974. See 44 U.S.C. 3512 (c) & (d). The purpose of publishing this notice in the FEDERAL REGISTER is to inform the public of such receipt and the action taken by GAO.

CIVIL AERONAUTICS BOARD

Request for clearance of an amendment to Part 298 of the Board's Economic Regulations which deletes the requirements for reporting rotary-wing and all-cargo operations by air taxi operators on CAB Form 298-D.

Inasmuch as this amendment deletes a reporting requirement for certain types of air taxi operators, the agency requested expedited clearance of the change to the Form so that respondents could be relieved of the requirement as soon as possible.

GAO reviewed the request and determined that since the only change was a reduction of the number of respondents who had to complete the Form, expeditious clearance should be immediately granted.

NORMAN F. HEYL,
Regulatory Reports Review Officer.

[FR Doc.75-2856 Filed 1-29-75;8:45 am]

FEDERAL ENERGY ADMINISTRATION

Receipt and Approval of Regulatory Report Proposals

The following requests for clearance of reports intended for use in collecting information from the public were received by the Regulatory Reports Review Staff, GAO, on December 6, 1974. See 44 U.S.C. 3512 (c) & (d). The purpose of publishing this information in the FEDERAL REGISTER is to inform the public of such receipt and action taken by GAO.

Further information about the items on this list may be obtained from the Regulatory Reports Review Officer, 202-376-5425.

FEDERAL ENERGY ADMINISTRATION

Request for approval of two new repetitive FEA forms, Old Oil Entitlement Program/Refiners Monthly Report (P102-M-0) and Old Oil Entitlement Program/Importers Monthly Report (P104-M-0).

Form P102-M-0 is a monthly report required to be filed by petroleum refiners listing receipts of old oil and crude runs to stills. Respondents to this form are approximately 136 refiners; respondent burden is estimated to be 7 man-hours per monthly report.

Form P104-M-0 is a monthly report to be filed by refiners and certain eligible importers of No. 2 fuel oil and residual fuel oil. There are approximately 211 respondents; respondents burden is estimated to be 4 man-hours per monthly report.

We were advised by FEA representatives on December 6, 1974, that:

(1) our clearance was needed by December 9, 1974, in order to meet the first collection deadline of December 28;

(2) extensive efforts had been made to solicit comments from interested parties and to resolve the issues raised;

(3) the information requested is readily available from the respondents and to provide it will not cause undue burden upon them; and

(4) the information requested is not already available within the Federal government.

In view of the urgency to obtain the information, we provided an interim clearance of the forms on December 9, 1974. However, to allow adequate time to properly evaluate the forms, we limited our clearance to the first three collection periods through February 28, 1975.

In order for GAO to give full consideration to an extension of our clearance beyond February 28, 1975, we are now inviting written comments on the two FEA forms from all interested persons, organizations, public interest groups, and affected businesses. We request that these comments be limited to (1) duplication, (2) excessive burden, and (3) appropriateness and understandability of the forms and definitions currently in use. Comments must be received by February 21, 1975, and should be addressed to Mr. Monte Canfield, Jr., Director, Office of Special Programs, United States General Accounting Office, 425 I Street, NW, Washington, D.C. 20548.

NORMAN F. HEYL,
Regulatory Reports Review Officer.

[FR Doc.75-2855 Filed 1-29-75;8:45 am]

GENERAL SERVICES ADMINISTRATION

[FPMR Temporary Reg. E-37]

ITEMS AVAILABLE FROM GSA STOCK

Optional Procurement

1. *Purpose.* This regulation establishes the policy that GSA will not be a mandatory source of supply for domestic activities for items listed in the GSA Stock Catalog when the value of the requirement for the item is less than $10.

2. *Effective date.* This regulation is effective January 30, 1975.

3. *Expiration date.* This regulation expires June 30, 1975, unless sooner revised or superseded.

4. *Applicability.* The provisions of this regulation apply to all executive agencies except those subordinate elements which are located outside the conterminous United States, Hawaii, and Alaska.

5. *Acquisition of GSA stock items.* a. GSA is a non-mandatory source of supply for activities in the conterminous United States, Hawaii, and Alaska for items listed in Section 1, Volume 1, of the GSA Stock Catalog when the total value of the line item requirement is less than $10.

b. Executive agencies shall continue to requisition from GSA items listed in Section 1, Volume 1, of the GSA Supply Catalog when the total value of the line item requirement is $10 or more.

c. As in the past, GSA will process all requisitions for stock items, regardless of value, from activities electing not to exercise the option provided by this regulation.

6. *Agency comments.* Comments concerning the effect or the impact of this regulation on agency operations or programs should be submitted to the General Services Administration (FF), Washington, DC 20406, no later than February 28, 1975, for possible inclusion in the permanent regulation.

ARTHUR F. SAMPSON,
Administrator of General Services.

JANUARY 23, 1975.

[FR Doc.75-2733 Filed 1-29-75;8:45 am]

INTERNATIONAL TRADE COMMISSION

[337-34]

CONVERTIBLE GAME TABLES AND COMPONENTS

Denial of Petition for Rehearing

On January 20, 1975 the United States International Trade Commission denied the petition for rehearing filed with it on January 13, 1975 by respondent Armac Enterprises, Inc.

The reasons given for the Commission's action are as follows:

(1) Respondent Armac Enterprises, Inc. had numerous opportunities to present the matters contained in its petition for a rehearing to the Commission during the course of the investigation, but failed to avail itself of these opportunities.

(2) Respondent Armac Enterprises, Inc. has offered no satisfactory explanation for its having failed to present the matters contained in its petition for a rehearing to the Commission during the course of the investigation;

(3) The matters contained in the petition for rehearing filed by respondent Armac Enterprises, Inc., with the exercise of a reasonable amount of diligence and effort, could have been brought to the attention of the Commission during the course of the investigation; and

(4) The matters contained in the petition for rehearing filed by respondent Armac Enterprises, Inc. present no convincing basis for ordering a Commission rehearing.

By order of the Commission.

Issued: January 27, 1975.

KENNETH R. MASON,
Secretary.

[FR Doc.75-2850 Filed 1-29-75;8:45 am]

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[Notice 75-4]

RAW LIQUID WASTE TREATMENT SYSTEM

Withdrawal As Being Available for Licensing

A notice was published in the FEDERAL REGISTER dated December 12, 1973, page 34218, announcing as available for licensing the following invention under the cognizance of the National Aeronautics and Space Administration: Patent Application 390,467: Raw Liquid Waste Treatment System and Process, Filed 22 Aug. 73. This invention was also announced as available for licensing in *NTIS Government Inventions For Licensing* dated December 10, 1973, page 162, and the *Official Gazette* dated January 8, 1974, page 521, both published by the U.S. Department of Commerce.

An announcement of the availability for licensing of a related invention was published in *NTIS Government Inventions For Licensing* dated December 9, 1974, page 676. This invention, also under the cognizance of the National Aeronautics and Space Administration, is: Patent Application 501,014: Raw Liquid Waste Treatment System and Process, Filed 27 Aug. 74.

Notice is hereby given that the above identified inventions are withdrawn as being available for exclusive or nonexclusive licensing from the National Aeronautics and Space Administration for a period of nine months from the date of this announcement. The inventions are withdrawn pending completion of a market and applications analysis of waste treatment systems embodying the subject inventions, and a determination by the Administrator whether the public interest would be best served by waiving patent rights to the California Institute of Technology, pursuant to the NASA Patent Waiver Regulations, 14 CFR 1245.1.

Written inquiries concerning these inventions may be addressed to the Chairman, Inventions and Contributions Board, NASA Washington, D.C., 20546.

Dated: January 24, 1975.

R. TENNEY JOHNSON,
General Counsel.

[FR Doc.75-2777 Filed 1-29-75;8:45 am]

NUCLEAR REGULATORY COMMISSION

[Docket No. P-527-A]

LOUISIANA POWER AND LIGHT CO.

Partial Application for Construction Permits and Facility Licenses: Time for Submission of Views on Antitrust Matters

The Louisiana Power and Light Company, pursuant to section 103 of the Atomic Energy Act of 1954, as amended, has filed one part of an application, dated December 20, 1974, in connection with their plans to construct and operate two generating units utilizing two high temperature gas-cooled reactors. Each reactor will be designed for initial operation at approximately 3000 megawatts (thermal), with a net electrical output of approximately 1160 megawatts. The facility, designated as the St. Rosalie Generating Station, Units 1 and 2, will be located on the west bank of the Mississippi River at Alliance in Plaquemines Parish, Louisiana. The portion of the application filed contains the information requested by the Attorney General for the purpose of an antitrust review of the application as set forth in 10 CFR Part 50, Appendix L.

The remaining portion of the application consisting of a Preliminary Safety Analysis Report accompanied by an Environmental Report, pursuant to § 2.101 of Part 2, is expected to be filed in April 1975. Upon receipt of the remaining portions of the application dealing with radiological health and safety and environmental matters, separate notices of receipt will be published by the Commission including an appropriate notice of hearing.

A copy of the partial application is available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. 20545. Docket No. P-527-A has been assigned to the application and it should be referenced in any correspondence relating to it.

Any person who wishes to have his views on the antitrust matters of the application presented to the Attorney General for consideration should submit such views to the U.S. Atomic Energy Commission, Washington, D.C. 20545, Attention: Chief, Office of Antitrust and Indemnity, Directorate of Licensing, on or before March 17, 1975.

Dated at Bethesda, Maryland, this 10th day of January 1975.

For the Nuclear Regulatory Commission.

ROBERT A. CLARK,
Chief, Gas Cooled Reactors Branch, Directorate of Licensing.

[FR Doc.75-1301 Filed 1-15-75;8:45 am]

[Docket No. P-556-A]

OMAHA PUBLIC POWER DISTRICT

Partial Application for Construction Permit and Facility License: Time for Submission of Views on Antitrust Matters

Omaha Public Power District (the applicant), pursuant to section 103 of the Atomic Energy Act of 1954, as amended, has filed one part of an application, dated November 15, 1974, in connection with their plans to construct and operate a pressurized water nuclear reactor to be located at a site near Blair, Nebraska, in Washington County. The portion of the application filed contains the information requested by the Attorney General for the purpose of an antitrust review of the application as set forth in 10 CFR Part 50, Appendix L.

The remaining portion of the application consisting of a Preliminary Safety Analysis Report accompanied by an Environmental Report pursuant to § 2.101 of Part 2, is expected to be filed during July 1975. Upon receipt of the remaining portions of the application dealing with radiological health and safety and environmental matters, separate notices of receipt will be published by the Commission including an appropriate notice of hearing.

A copy of the partial application is available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C. 20545, Docket No. P-556-A has been assigned to the application and it should be referenced in any correspondence relating to it.

Any person who wishes to have his views on the antitrust matters of the application presented to the Attorney General for consideration should submit such views to the U.S. Atomic Energy Commission, Washington, D.C. 20545, Attention: Chief, Office of Antitrust and Indemnity, Directorate of Licensing on or before March 17, 1975.

Dated at Bethesda, Maryland, this 9th day of January 1975.

For the Nuclear Regulatory Commission.

WALTER R. BUTLER,
Chief, Light Water Reactors Project Branch 1-2, Directorate of Licensing.

[FR Doc.75-1302 Filed 1-15-75;8:45 am]

[Docket No. P-537-A]

TENNESSEE VALLEY AUTHORITY

Notice of Receipt of Partial Application for Construction Permits and Facility Licenses: Time for Submission of Views on Antitrust Matters

Tennessee Valley Authority (the applicant), pursuant to Section 103 of the Atomic Energy Act of 1954, as amended, has filed one part of an application, dated December 20, 1974, in connection with its plans to construct and operate two nuclear reactors at a site to be selected in the near future. The portion of the application filed contains the information requested by the Attorney General for the purpose of an antitrust review of the application as set forth in 10 CFR Part 50, Appendix L.

The remaining portion of the application consisting of a Preliminary Safety Analysis Report accompanied by an Environmental Report, pursuant to § 2.101 of Part 2, is expected to be filed during October 1975. Upon receipt of the remaining portions of the application dealing with radiological health and safety and environmental matters, separate notices of receipt will be published by the Commission including an appropriate notice of hearing.

A copy of the partial application is available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. 20545. Docket No. P-537-A has been assigned to the application and it should be referenced in any correspondence relating to it.

Any person who wishes to have his views on the antitrust matters of the application presented to the Attorney General for consideration should submit such views to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20545, Attention: Chief, Office of Antitrust and Indemnity, Directorate of Licensing, on or before March 24, 1975.

Dated at Bethesda, Maryland, this 13th day of January, 1975.

For the Nuclear Regulatory Commission.

WALTER R. BUTLER,
Chief, Light Water Reactors Branch 1-2, Directorate of Licensing.

[FR Doc.75-1823 Filed 1-22-75;8:45 am]

[Docket No. 50-423]

NORTHEAST NUCLEAR ENERGY CO., ET AL.[1]

Issuance of Amendment to Construction Permit

Notice is hereby given that the U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 1 to Construction Permit No. CPPR-113 issued to the Northeast Nuclear Energy Company, et al. The amendment reflects a change in ownership of Millstone Nuclear Power Station, Unit No. 3 (the facility), located in New London County, Connecticut. The amendment is effective as of its date of issuance.

The amendment permits the City of Holyoke, Massachusetts Gas and Electric Department to become one of the joint owners of the facility.

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 amendment.

For further details with respect to this action, see (1) the application for amendment dated November 19, 1974, (2) Amendment No. 1 to Construction Permit No. CPPR-113, and (3) the Commission's related Safety Evaluation contained in the Commission's letter to Northeast Nuclear Energy Company. 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, Route 156, Waterford, Connecticut.

A copy of item (2) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director of the Division of Reactor Licensing.

Dated at Bethesda, Maryland, this 24th day of January, 1975.

For the Nuclear Regulatory Commission.

D. B. VASSALLO,
Chief, Light Water Reactors Project Branch 1-1, Division of Reactor Licensing.

[FR Doc.75-2836 Filed 1-29-75;8:45 am]

[1] Construction Permit No. CPPR-113 was issued to the following: Ashburnham Municipal Light Plant, Boylston Municipal Lighting Plant, Central Vermont Public Service Corporation, Chicopee Municipal Lighting Plant, City of Burlington, Vermont, The Connecticut Light and Power Company, Fitchburg Gas and Electric Light Company, Green Mountain Power Corporation, The Hartford Electric Light Company, Marblehead Municipal Light Department, Middleton Municipal Light Development, Montaup Electric Company, New England Power Company, North Attleborough Electric Department, Northeast Nuclear Energy Company, Paxton Municipal Light Department, Peabody Municipal Light Plant, Public Service Company of New Hampshire, Shrewsbury Light Plant, Templeton Municipal Lighting Plant, Town of South Hadley Electric Light Department, The United Illuminating Company, Vermont Electric Power Company, Inc., Wakefield Municipal Light Department, West Boylston Municipal Lighting Plant, Western Massachusetts Electric Company, Westfield Gas and Electric Light Department.

TENNESSEE VALLEY AUTHORITY; HARTSVILLE NUCLEAR PLANT A, UNITS 1 AND 2; HARTSVILLE NUCLEAR PLANT B, UNITS 1 AND 2

Special Prehearing Conference

In the matter of Tennessee Valley Authority (Hartsville Nuclear Plant A Units 1 and 2), (Hartsville Nuclear Plant B Units 1 and 2); Docket Nos. STN 50-518, STN 50-519, STN 50-520, STN 50-521.

On October 25, 1974, the Atomic Energy Commission published in the FEDERAL REGISTER (39 FR 38013) "Notice of Hearing on Application for Construction Permits." Said notice was dated October 16, 1974. It provided inter alia that the Atomic Safety and Licensing Board established for the above described proceeding "will convene a special prehearing conference of the parties to the proceeding and persons who have filed petitions for leave to intervene or their counsel for the purpose of dealing with matters specified in 10 CFR 2.751a."

Accordingly, a Special Prehearing Conference will be held in the United States Courthouse, 8th Ave. and Broad Street, Nashville, Tennessee 37203, commencing at 10 a.m. on Tuesday, February 25, 1975.

It will be the purpose of the February 25th conference to:

(1) Permit identification of the key issues in the proceeding;

(2) Take any steps necessary for further identification of the issues;

(3) Consider all intervention petitions to allow the presiding officer to make such preliminary or final determination as to the parties to the proceeding as may be appropriate; and

(4) Establish a schedule for further actions in the proceeding.

All hearings in this proceeding will be public unless otherwise ordered by the Commission. The public is invited to attend the Special Prehearing Conference on February 25, 1975. However, no limited appearance statements will be accepted at this Special Prehearing Conference. Statements by members of the public making limited appearances will be received at the commencement of Evidentiary Hearings which will be scheduled at a later date.

It is so ordered.

Issued at Bethesda, Maryland this 27th day of January, 1975.

For the Atomic Safety and Licensing Board.

JOHN F. WOLF,
Chairman.

[FR Doc.75-2837 Filed 1-29-75;8:45 am]

OFFICE OF MANAGEMENT AND BUDGET

CLEARANCE OF REPORTS

List of Requests

The following is a list of requests for clearance of reports intended for use in collecting information from the public received by the Office of Management and Budget on January 24, 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.

The symbol (x) identifies proposals which appear to raise no significant issues, and 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

FEDERAL RESERVE SYSTEM

Oil Company Report, F.R. 580, monthly, oil companies, Hulett, D. T., 395-4730.

ENVIRONMENTAL PROTECTION AGENCY

Quality assurance performance audit for NASN for total suspended particulates, quarterly, State & local agencies, Weiner, N., 395-4890.

OTHER AGENCIES

License proposal requirements, none, single-time, manufacturers, Lowry, R. L., 395-3772.

GENERAL SERVICES ADMINISTRATION

Contract delivery status record, GSA 1678, monthly, Federal supply contractors, Lowry, R. L., 395-3772.

VETERANS ADMINISTRATION

Survey of VA pensioners age 72 or over, none, single-time, VA pensioners age 72 and over, Caywood, D. P., 395-3443.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of Education:

- Notification of the membership of adult education, State advisory councils, OE-395, on occasion, adult education State educational agencies, Lowry, R. L., 395-3772.
- Financial status report & performance report—handicapped children's early education program, OE-9037-2, annually, SEA's, LEA's institutions of higher education, Lowry, R. L., 395-3772.
- Longitudinal evaluation of ESAA pilot and basic programs, OE 393-1, thru -6, annually, school staff, students & coordinators, Human Resources Division, 395-3532.
- Institutional release of Federal funds/request for additional Federal funds under the CWS program, OE-1286-1, on occasion, institutions of higher education, Human Resources Division, 395-3532.

Office of the Secretary: Letter survey of school superintendents of selected school districts, OS-4-75, single-time, superintendents of selected school districts, Human Resources Division, 395-3532.

Food and Drug Administration: Study of tartrazine aspirin hypersensitivity, FDA 0114, single-time, patients who are hypersensitive to tartrazine or aspirin, Hall, George, 395-4697.

Social and Rehabilitation Service: Development of a functional classification system for long-term care: ages 0-17 years, single-time, caretakers of children who are in long term care, Sunderhauf, M. B., 395-4911.

DEPARTMENT OF THE INTERIOR

Bureau of Land Management: Cadastral surveyor questionnaire, 9180-37, on occasion, private surveying and engineering firms, Lowry, R. L., 395-3772.

REVISIONS

DEPARTMENT OF AGRICULTURE

Agricultural Stabilization and Conservation Service: Producer report of acreage, ASCS-580, annually, farms, Lowry, R. L., 395-3772.

Economic Research Service: Farm & rural land market survey, ERS (FPED) 7, semi-annually, real estate brokers, rural bankers & fib managers, Lowry, R. L., 395-3772.

EXTENSIONS

FEDERAL RESERVE SYSTEM

Finance rates on consumer mobile home instalment credit contracts; worksheet; state worksheet; finance rates on other companies, FR 635, other (see SF-83), Evinger, S. K., 395-3648.

AGENCY FOR INTERNATIONAL DEVELOPMENT

Offeror's analysis of cost proposal, 1420-18, on occasion, contractors for contracts over $100,000, Evinger, S. K., 395-3648.

PHILLIP D. LARSEN,
Budget and Management Officer.

[FR Doc.75-2929 Filed 1-29-75;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 01/27/75 (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.

The symbol (x) identifies proposals which appear to raise no significant issues, and are to be approved after brief notice thru this release.

Further information about the items on this daily list may be obtained from the Clearance Office, Office of Management and Budget, Washington, D.C. 20503, (202-395-4529), or from the reviewer listed.

NEW FORMS

VETERANS ADMINISTRATION

Beneficiary designation form—Veterans Group Life Insurance SGLI—retired reservists, 29-8721, on occasion, veterans and retired reservists, Caywood, D. P., 395-3443.

SMITHSONIAN INSTITUTION

The National Registry of Traveling Exhibition Sources, Cover Letter and Questionnaire, SI-3084, SI-2084A, SI-2084B single-time, Museums and Exhibition Services, Planchon, P., 395-3898.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Health Resources Administration: Evaluation of Utah Medex-Impact on Health Care, HRABHSR1230, single-time, Physician Assistants, Patients and M.D.'s, Human Resources Division, 395-3532.

Office of Education:

- Interview Guide for the Evaluation of Title IV of Civil Rights Act of 1964, OE 388-9-15, single-time, project staff Lea Staff, Community & Veterans Affairs Division, 395-3532.
- Evaluation of School Team Approach for Drug Abuse, Prevention and Early Intervention, OE 394-1 TH, single-time, Students and School Staff, Planchon, P., 395-3898.

DEPARTMENT OF LABOR

Bureau of Labor Statistics: SIC 372 deferred payment survey—17 cents deferred, payments follow-up survey, BLS3029 X&Y, single-time, aircraft and parts manufacturers, Strasser, A., 395-3880.

REVISIONS

DEPARTMENT OF THE TREASURY

Departmental and other unit of local government planned use report-revenue sharing, on occasion, economics & general government division, 395-3451.

EXTENSIONS

ATOMIC ENERGY COMMISSION

Access permit status report (holders of permits to use restricted data), AEC-249, annually, business firms, Evinger, S. K., 395-3648.

DEPARTMENT OF THE INTERIOR

Bureau of Sport Fisheries and Wildlife:

- Fish tag recovery report, 3-224, on occasion, fishermen, Evinger, S. K., 395-3648.
- Report of migratory birds taken, 3-430A, annually, scientific collecting permits, Evinger, S. K., 395-3648.

PHILLIP D. LARSEN,
Budget and Management Officer.

[FR Doc.75-2928 Filed 1-29-75;8:45 am]

OFFICE OF TELECOMMUNICATIONS POLICY

FREQUENCY MANAGEMENT ADVISORY COUNCIL

Meeting

Notice is hereby given that the Frequency Management Advisory Council (FMAC) will meet at 1 p.m., in the Eighth Floor Conference Room of the Communications Satellite Corporation, 950 L'Enfant Plaza South, SW., Washington, D.C., on Wednesday, February 19, 1975.

The principal agenda items will be: (1) a discussion of the preparatory work that is just starting for the 1979 ITU World General Radio Conference, (2) review of the results of the OTP sponsored biological side effects symposium, (3) impact of electric power facilities on terrestrial communications systems, (4) a career development program for spectrum management personnel in the

Federal Government, and (5) a discussion on radio receiver characteristics.

The meeting will be open to the public; any member of the public will be permitted to file a written statement with the Council, before or after the meeting.

The names of the members of the Council, a copy of the agenda, a summary of the meeting, and other information pertaining to the meeting may be obtained from Mr. L. R. Raish, Office of Telecommunications Policy, Washington, D.C. 20504 (telephone: 202-395-5623).

Dated: JANUARY 24, 1975.

BRYAN M. EAGLE,
Advisory Committee Management Officer.

[FR Doc.75-2735 Filed 1-29-75;8:45 am]

SECURITIES AND EXCHANGE COMMISSION

[File No. 500-1]

BBI, INC.

Suspension of Trading

JANUARY 23, 1975.

The common stock of BBI, Inc., being traded on the American Stock Exchange and the Philadelphia-Baltimore-Washington Stock Exchange pursuant to provisions of the Securities Exchange Act of 1934 and all other securities of BBI, Inc. being traded otherwise than on a national securities exchange; and

It appearing to the Securities and Exchange Commission that the summary suspension of trading in such securities on such exchanges and otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

Therefore, pursuant to sections 19(a)(4) and 15(c)(5) of the Securities Exchange Act of 1934, trading in such securities on the above mentioned exchange and otherwise than on a national securities exchange is suspended, for the period from January 24, 1975 through February 2, 1975.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.75-2814 Filed 1-29-75;8:45 am]

[File No. 500-1]

CANADIAN JAVELIN, LTD.

Suspension of Trading

JANUARY 23, 1975.

The common stock of Canadian Javelin, Ltd. being traded on the American Stock Exchange pursuant to provisions of the Securities Exchange Act of 1934 and all other securities of Canadian Javelin, Ltd. being traded otherwise than on a national securities exchange; and

It appearing to the Securities and Exchange Commission that the summary suspension of trading in such securities on such exchange and otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

Therefore, pursuant to sections 19(a)(4) and 15(c)(5) of the Securities Exchange Act of 1934, trading in such securities on the above mentioned exchange and otherwise than on a national securities exchange is suspended, for the period from 12:01 a.m. (e.s.t.) on January 23, 1975 through midnight (e.s.t.) on January 26, 1975.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.75-2815 Filed 1-29-75;8:45 am]

[File No. 500-1]

EQUITY FUNDING CORPORATION OF AMERICA

Suspension of Trading

JANUARY 24, 1975.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock, warrants to purchase the stock, 9½% debentures due 1990, 5½% convertible subordinated debentures due 1991, and all other securities of Equity Funding Corporation of America being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

Therefore, pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, trading in such securities otherwise than on a national securities exchange is suspended, for the period from January 27, 1975 through February 5, 1975.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.75-2816 Filed 1-29-75;8:45 am]

[811-1867]

HYPERION FUND, INC.

Notice of Proposal To Terminate Registration

JANUARY 23, 1975.

Notice is hereby given That the Commission proposes, pursuant to Section 8(f) of the Investment Company Act of 1940 (the "Act"), to declare by order on its own motion that Hyperion Fund, Inc. (the "Fund"), 126 Barker Street, Mount Kisco, New York, 10549, registered under the Act as an open-end, diversified management investment company, has ceased to be an investment company as defined in the Act.

The Fund registered under the Act on May 22, 1969. Information in the Commission's files indicates that on June 4, 1974, pursuant to the terms of a plan of reorganization, the Fund transferred all of its assets to First Multifund of America, Inc. ("Multifund"), in exchange for shares of Multifund which were distributed pro rata to Fund shareholders in exchange for their shares. The Fund has no assets and has ceased doing business.

Section 8(f) of the Act provides, in pertinent part, that when the Commission, on its own motion, finds that a registered investment company has ceased to be an investment company, it shall so declare by order, and upon 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 February 23, 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 personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon the Fund 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 matter herein will be issued as of course following February 23, 1975, 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.75-2822 Filed 1-29-75;8:45 am]

[811-1776]

IMA FUND, INC.

Notice of Proposal To Terminate Registration

JANUARY 24, 1975.

Notice is hereby given that the Commission proposes, pursuant to section 8(f) of the Investment Company Act of 1940 ("Act"), to declare by order upon its own motion that IMA Fund, Inc. ("IMA"), c/o National Bank, 1101 Euclid Avenue, Cleveland, Ohio 44115, registered under the Act as an open-end investment company, has ceased to be an investment company as defined in the Act.

IMA was organized under the laws of the State of Ohio on July 19, 1968. It registered under the Act on December 2, 1968, and it filed a registration statement

on Form S–5 (File No. 2–30926) under the Securities Act of 1933 which became effective on December 17, 1969. An amendment to the registration statement filed on March 22, 1972, became effective on April 28, 1972. No further amendments were filed. On March 21, 1974, shareholders voted to dissolve IMA. The appraised value of IMA's assets on September 30, 1974, was $1,573.21; and its remaining common stock outstanding is held by 13 persons, none of whom are corporations.

Section 3(c)(1) of the Act provides, among other things, that any issuer whose outstanding securities (other than short-term paper) are beneficially owned by not more than 100 persons and which is not making and does not presently propose to make a public offering of its securities is not an investment company within the meaning of the Act.

Section 8(f) of the Act provides, in pertinent part, that when the Commission, on its own motion or upon application finds that a registered investment company has ceased to be an investment company, it shall so declare by order, and, upon 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 February 19, 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 reasons for such request, and the issues 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 IMA Fund., Inc., at the address stated above. Proof of such (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 matter 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 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 authoriy.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.75–2823 Filed 1–29–75;8:45 am]

[File No. 500–1]

INDUSTRIES INTERNATIONAL, INC.

Suspension of Trading

JANUARY 24, 1975.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock of Industries International, Inc. being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

Therefore, pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, trading in such securities otherwise than on a national securities exchange is suspended, for the period from January 27, 1975 through February 5, 1975.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.75–2817 Filed 1–29–75;8:45 am]

[File No. 24B–1888]

NICOA CORP.

Order Temporarily Suspending Exemption

JANUARY 23, 1975.

I. Nicoa Corporation ("Nicoa" or "issuer") One Exchange Place, Jersey City, New Jersey 07302, is a Massachusetts corporation presently located at One Exchange Place, Jersey City, New Jersey 07302. It was organized on May 18, 1972 to engage in the manufacture of a Nitinol alloy and the application of such alloy for use in temperature sensing, indicating and monitoring devices.

On November 17, 1972, Nicoa filed a notification pursuant to Regulation A in connection with a proposed offering of 100,000 shares of its $.01 par value common stock at $5 a share. The offering was to be conducted by Ferkauf, Roggen Incorporated as underwriter on a "best efforts all or none" basis for an offering period of up to 90 days. The offering commenced on March 20, 1973.

On August 13, 1973, Nicoa filed post-effective amendment number 1 to the notification, changing the terms of the offering to a "best efforts, 50% or none" basis. Under post-effective amendment number 2, filed on November 26, 1973, Shoenberg, Hieber, Inc., of New York, New York was substituted as underwriter, and provision was made for a new offering on a "best efforts, 50% or none" basis, for a period of up to sixty days. Post-effective amendment number 3, filed on January 16, 1974, provided for an offering period of up to 120 days. The offering re-commenced on January 31, 1974.

On April 18, 1974, Nicoa filed a Form 2–A Report pursuant to Rule 260 of Regulation A, indicating that the offering was completed on April 1, 1974 with the sale of 54,523 shares.

On June 18, 1974, the Commission suspended the over-the-counter trading in all securities of Nicoa for a ten-day period, because of questions raised by the after market trading activities in the issuer's common stock (Securities Exchange Act of 1934, Release No. 10864). The suspension has been renewed continuously for successive ten-day periods and is still in effect.

II. The Commission on the basis of information reported to it by its staff, has reason to believe that:

A. The notification and offering circular contain untrue statements of material facts and omit to state material facts necessary in order to make the statements made, in the light of the circumstances under which they were made, not misleading, in the following respects:

1. The failure to accurately disclose the manner of distribution of the securities;

2. The failure to disclose Philip S. Budin ("P. Budin"), David Budin ("D. Budin") and David Hugh Treherne-Thomas ("Thomas") as underwriters of the offering;

3. The failure to disclose the purchase of shares of the issuer by P. Budin and Thomas;

4. The statement that Neil E. Rogen, the president of the issuer, owned 130,000 shares of the issuer's common stock when, in fact, he owned only 100,000 shares;

5. The statement that D. Budin owned 2,500 shares of the issuer's common stock when, in fact, such shares were owned by P. Budin; and

6. The failure to accurately state the jurisdictions in which the securities were proposed to be offered.

B. The terms and conditions of Regulation A have not been met in the following respects:

1. In at least one instance a copy of the issuer's offering circular was not delivered to a prospective purchaser.

2. The Form 2–A Report failed to indicate the actual termination date of the offering;

3. The offering circular inaccurately sets forth the manner of distribution of the securities;

4. The notification and offering circular fail to disclose P. Budin, D. Budin and Thomas as underwriters of the offering;

5. The notification and offering circular fail to disclose the purchase of securities of the issuer by P. Budin and Thomas;

6. The notification and offering circular inaccurately set forth the number of shares owned by Neil E. Rogen, the president of the issuer;

7. The notification inccurately sets forth the ownership of shares by D. Budin which were, in fact, owned by P. Budin; and

8. The notification inaccurately sets forth the jurisdictions in which the securities were to be offered.

C. The offering was made in violation of Section 17 of the Securities Act of 1933, as amended.

III. It appearing to the Commission that it is in the public interest and for the protection of investors that the exemption of the issuer under Regulation A be temporarily suspended.

It is ordered, pursuant to Rule 261(a) of the general rules and regulations under the Securities Act of 1933, as amended, That the exemption of the issuer under Regulation A be, and hereby is, temporarily suspended;

It is further ordered, pursuant to Rule 7 of the Commission's rules of practice, That the issuer file an answer to the allegations contained in this order within thirty days of the entry thereof;

Notice is hereby given, That any person having any interest in the matter may file with the Secretary of the Commission a written request for a hearing within thirty days after the entry of this order; that within twenty days after receipt of such request the Commission will, or at any time upon its own motion may, set the matter down for a hearing at a place to be designated by the Commission for the purpose of determining whether this order of suspension should be vacated or made permanent, without prejudice, however, to the consideration and presentation of additional matters at the hearing; and that notice of the time and place for the said hearing will be promptly given by the Commission. If no hearing is requested and none is ordered by the Commission, the order shall become permanent on the thirtieth day after its entry and shall remain in effect unless it is modified or vacated by the Commission.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS, *Secretary.*

[FR Doc.75-2824 Filed 1-29-75;8:45 am]

[File No. 500-1]

NICOA CORP.

Suspension of Trading

JANUARY 23, 1975.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock of Nicoa Corporation being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

Therefore, pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, trading in such securities otherwise than on a national securities exchange is suspended, for the period from January 24, 1975 through February 2, 1975.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS, *Secretary.*

[FR Doc.75-2818 Filed 1-29-75;8:45 am]

[File No. 500-1]

PALISADE MINING AND MILLING CO.

Suspension of Trading

JANUARY 23, 1975.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock of Palisade Mining and Milling Company being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

Therefore, pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, trading in such securities otherwise than on a national securities exchange is suspended, for the period from 2:30 p.m. (est) on January 23, 1975 through midnight (est) on February 1, 1975.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS, *Secretary.*

[FR Doc.75-2819 Filed 1-29-75;8:45 am]

[File No. 500-1]

WESTGATE CALIFORNIA CORP.

Suspension of Trading

JANUARY 24, 1975.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock (class A and B), the cumulative preferred stock (5% and 6%), the 6 percent subordinated debentures due 1979 and the 6½ percent convertible subordinated debentures due 1987 being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

Therefore, pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, trading in such securities otherwise than on a national securities exchange is suspended, for the period from January 27, 1975 through February 5, 1975.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS, *Secretary.*

[FR Doc.75-2820 Filed 1-29-75;8:45 am]

[File No. 500-1]

ZENITH DEVELOPMENT CORP.

Suspension of Trading

JANUARY 24, 1975.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock of Zenith Development Corporation being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

Therefore, pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, trading in such securities otherwise than on a national securities exchange is suspended, for the period from January 27, 1975 through February 5, 1975.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS, *Secretary.*

[FR Doc.75-2821 Filed 1-29-75;8:45 am]

DEPARTMENT OF LABOR

Office of Federal Contract Compliance

METROPOLITAN ATLANTA RAPID TRANSIT AUTHORITY

Approval of Equal Employment Opportunity Plan

1. *Background.* 41 CFR 60-1.4(b)(2) (39 FR 2365, January 21, 1974) proscribes procedures whereby State and local governments intending to impose affirmative action hiring or training requirements on Federally-assisted construction already subject to Federal minority hiring and/or training plans established pursuant to Executive Order 11246, as amended, shall submit such requirements to the Director of the Office of Federal Contract Compliance. Such State and local requirements will be deemed applicable to Federally-assisted construction contracts unless the Office of Federal Contract Compliance (OFCC), or in the case of an appeal of the Director's determination, the Assistant Secretary for Employment Standards, determines that such requirements are inconsistent with the Order or incompatible with the effective implementation of the Federal minority hiring and/or training plan (either voluntary or imposed) in the area.

Pursuant to 41 CFR 60-1.4(b)(2), on July 21, 1974, the Metropolitan Atlanta Rapid Transit Authority (MARTA) submitted its Appendix A Equal Employment Opportunity Plan and Bid Conditions for construction projects in the Atlanta Metropolitan area to the Director of OFCC. The MARTA equal employment opportunity provisions are applicable to all construction work performed under contracts with the Metropolitan Atlanta Rapid Transit Authority. In relevant part, the plan requires all bidders to submit with their bids projections of the percentage of manhours to be worked by minority persons on all of the contractor's projects, private and public, within the Atlanta area including the MARTA project. For projects covered by the Atlanta Plan, contractor's projections of minority manpower utilization must be at least equal to the ranges included in the Atlanta Plan for the ten (10) trades covered by that Plan. For administrative job classifications and those trades not covered by the Atlanta Plan, contractors must submit reasonable and meaningful goals where minorities are underutilized. The Plan includes a document entitled Guidelines

for the Determination of Underutilization. This document lists nine (9) factors which the contractor must consider in submitting "reasonable and meaningful" goals. The goals for those ten (10) trades covered by the Atlanta Plan are nonnegotiable. The goals submitted for administrative job classifications and for those trades not covered by the Atlanta Plan, may be the subject of negotiations between MARTA and the apparent low bidder.

The MARTA Plan adopts the three (3) methods of compliance listed in section 2(a)–(c) of Appendix A of the Atlanta Plan. In the event a contractor fails to meet his commitment to the goals of the MARTA Plan, a determination of good faith is made based on his efforts to comply. Good faith is determined by the contractor's efforts to comply with the sixteen (16) good faith steps listed in the MARTA Bid Conditions. When a contractor meets his goals he is deemed to be in compliance with the MARTA Plan. When the contractor fails to meet his goals, the Authority may proceed with formal sanction proceedings. Upon a showing that the contractor has failed to meet his goals, the contractor must then present evidence to show that he or his labor union has met the good faith requirement of the MARTA Plan.

Compliance with the MARTA Plan is monitored by monthly reports on OFCC Form 66. Failure to report in a timely manner may result in a finding of noncompliance for failure to submit the required information.

The MARTA Plan includes extensive requirements covering the utilization of minority business enterprises. These requirements do not include goals and timetables. They are efforts which contractors must make to apprise prospective minority subcontractors of the contractor's interest in doing business with minority enterprises.

Copies of the Metropolitan Atlanta Rapid Transit Authority EEO Plan and Bid Conditions may be obtained from the Metropolitan Atlanta Rapid Transit Authority, Suite 1300, 100 Peachtree Street NW., Atlanta, Georgia 30303, or Philip J. Davis, Director, Office of Federal Contract Compliance, U.S. Department of Labor, 14th and Constitution Avenue, NW., Washington, D.C. 20210.

2. After careful review of the Metropolitan Atlanta Rapid Transit Authority EEO Plan and Bid Conditions, in accordance with the provisions of 41 CFR 60–1.4 (b)(2), I have determined that the MARTA EEO Plan and Bid Conditions are not inconsistent with Executive Order 11246, as amended, and not incompatible with the implementation of the Federal Atlanta Plan. Accordingly, I have approved the MARTA EEO Plan and Bid Conditions, and the Authority may include such requirements in Federally-assisted construction contracts.

3. *Right of appeal.* On Monday, January 20, 1975, in accordance with 41 CFR 60–1–4(b)(2), I communicated my determination to Mr. John L. Cole, Assistant to the General Manager for Equal Employment Opportunity by registered mail, return receipt requested.

Pursuant to 41 CFR 60–4 (b)(2), any person or groups affected by my determination, including construction contractors, labor organizations, or other organizations or construction trades contractors and/or labor organizations, and minority community groups, may appeal this determination to Mr. Bernard E. DeLury, Assistant Secretary for Employment Standards, 14th Street and Constitution Avenue NW., Washington, D.C. 20210, by requesting a hearing on or before February 20, 1975. Following this appeal period, if any requests for a hearing have been filed with the Assistant Secretary, the Department of Labor shall then designate an administrative law judge who shall conduct a hearing to make proposed findings and a recommended decision to the Assistant Secretary upon the basis of the record before him. The administrative law judge shall give reasonable notice of the opportunity to participate in such hearing by registered mail, return receipt requested, to those requesting the hearing and shall also give reasonable notice of such hearing in the FEDERAL REGISTER to inform all other persons, organizations and other entities affected by my determination their opportunity to participate in the hearing. Each participant shall have the right to counsel and a fair opportunity to present his case, including such cross-examination as the administrative law judge may deem appropriate in the circumstances. Within eighty (80) days of the close of the appeal period for requesting a hearing, the Assistant Secretary shall make a final decision on the basis of the record before him, which shall consist of the record for recommended decision, the rulings and recommended decision of the administrative law judge, and the exceptions and briefs filed subsequent to the administrative law judge's decision.

Signed at Washington, D.C., this 20th day of January 1975.

PHILIP J. DAVIS,
Director, Office of Federal Contractor Compliance.

[FR Doc.75–2771 Filed 1–29–75;8:45 am]

SMALL BUSINESS ADMINISTRATION

CONCORD DISTRICT ADVISORY COUNCIL

Meeting

The Small Business Administration Concord District Advisory Council will meet at 10:30 a.m., Eastern Standard Time, Thursday, February 13, 1975, in the Convention Center of the Sheraton Wayfarer Motor Inn, Bedford Interchange, Bedford, New Hampshire, to discuss such business as may be presented by members, the staff of the Small Business Administration, and others attending. For further information, call or write Bert Teague, Small Business Administration, 55 Pleasant Street, Concord, New Hampshire 03301 (603) 224–7724.

Dated: January 23, 1975.

JOHN JAMESON,
Director, Office of Advisory Councils, Small Business Administration.

[FR Doc.75–2734 Filed 1–29–75;8:45 am]

SELECTIVE SERVICE SYSTEM

RANDOM SELECTION SEQUENCE FOR INDUCTION OF REGISTRANTS

Lottery Drawing

By virtue of the authority vested in me by § 1631.1 of Selective Service regulations (32 CFR 1631.1), a drawing will be conducted in the Department of Commerce Auditorium, Washington, D.C., on March 12, 1975, beginning at 10 a.m., e.s.t., to establish a random selection sequence for induction of registrants who during the calendar year 1975 have attained their 19th but not their 20th year of age.

BYRON V. PEPITONE,
Director.

JANUARY 24, 1975.

[FR Doc.75–2746 Filed 1–29–75;8:45 am]

VETERANS ADMINISTRATION

STATION COMMITTEE ON EDUCATIONAL ALLOWANCES

Meeting

Notice is hereby given pursuant to Section V, Review Procedure and Hearing Rules, Station Committee on Educational Allowances that on February 6, 1975, at 10 a.m., the VARO Cleveland Station Committee on Educational Allowances shall at Room 1183, Anthony J. Celebrezze Federal Building, 1240 East Ninth Street, Cleveland, Ohio 44199, conduct a hearing to determine whether Veterans Administration benefits to all eligible persons enrolled in the Akron Aviation Company, Akron Municipal Airport, Akron, Ohio 44303, should be discontinued, as provided in 38 CFR 21.4134, because a requirement of law is not being met or a provision of the law has been violated. All interested persons shall be permitted to attend, appear before, or file statements with the committee at that time and place.

Dated: January 23, 1975.

L. M. MERRITT,
Director, VA Regional Office.

[FR Doc.75–2787 Filed 1–29–75;8:45 am]

INTERSTATE COMMERCE COMMISSION

[Notice 685]

ASSIGNMENT OF HEARINGS

JANUARY 27, 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. No amendments will be entertained after the date of this publication.

MC 531 Sub 299, Younger Brothers, Inc., now assigned January 28, 1975 at Dallas, Texas is postponed indefinitely.

MC 117165 Sub 37, C. J. Davis dba St. Louis Freight Lines, now assigned February 20, 1975 at Chicago, Illinois, is cancelled and the application is dismissed.

MC 114273 Sub 182, Cedar Rapids Steel Transportation, Inc., now assigned January 29, 1975 at Denver, Colo., is cancelled and the application is dismissed.

MC 107515 Sub 941, Refrigerated Transport Co., Inc., MC 114273 Sub 216, Cedar Rapids Steel Transportation, Inc., MC 138018 Sub 8, Refrigerated Foods, Inc., and MC 138018 Sub 15, Refrigerated Foods, Inc., now being assigned March 17, 1975, (1 week), at Denver, Colo., in a hearing room to be designated later.

F.D. 27827, Southern Railway Company Change in Service of Trains Nos. 1 and 2 Between Atlanta, Georgia and Birmingham, Alabama to Three Days a Week; and F.D. 27828, Southern Railway Company—Discontinuance of Operation of Trains Nos. 5 and 6 Between Charlotte, N.C. and Atlanta, Ga., and Change of Service Between Washington, D.C. and Charlotte, N.C., now being assigned March 11, 1975 (2 days), at Atlanta, Ga.; March 13, 1975 (1 day), at Anniston, Ala.; March 14, 1975 (1 day), at Birmingham, Ala., March 17, 1975 (1 day), at Greenville, S.C., and March 18, 1975 (1 day), at Charlotte, N.C., in hearing rooms to be designated later.

F.D. 27829, Southern Railway Company Discontinuance of Trains Nos. 7 and 8 Between Washington, D.C. and Lynchburg, Va., now being assigned March 17, 1975 (2 days), at the Offices of the Interstate Commerce Commission, Washington, D.C.; March 19, 1975 (1 day), at Charlottesville, Va.; and March 20, 1975 (1 day), at Lynchburg, Va., in hearing rooms to be designated later.

MC 1263 Sub 18, McCarty Truck Line, Inc., now being assigned March 10, 1975 (1 week) at Lincoln, Nebraska, in a hearing room to be later designated.

MC 108340 (Sub-No. 27), Haney Truck Line, now being assigned March 17, 1975 (1 week) at Portland, Oregon, in a hearing room to be later designated.

MC 53965 Sub 95, Graves Truck Line, Inc., now being assigned March 18, 1975 (3 days) at Denver, Colorado, in a hearing room to be designated later.

MC 41432 Sub 143, East Motor Freight Lines, Inc., MC 48958 Sub 121, Illinois-California Express, Inc. and MC 108461 Sub 122, now being assigned March 10, 1975 (1 week) at Salt Lake City, Utah, in a hearing room to be later designated.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.75-2839 Filed 1-29-75;8:45 am]

[Rule 19; Ex Parte 241; Rev. Exemption 88, Amdt. 2]

EXEMPTION UNDER MANDATORY CAR SERVICE RULES

Upon further consideration of Revised Exemption No. 88, issued November 25, 1974.

It is ordered, That, under the authority vested in me by Car Service Rule 19, Revised Exemption No. 88 to the Mandatory Car Service Rules, ordered in Ex Parte No. 241, be, and it is hereby amended to expire February 28, 1975.

This amendment shall become effective January 15, 1975.

Issued at Washington, D.C., January 14, 1975.

INTERSTATE COMMERCE COMMISSION,
[SEAL] R. D. PFAHLER, *Agent.*

[FR Doc.75-2842 Filed 1-29-75;8:45 am]

[Rule 19; Ex Parte 241; Exemption 93]

GRAND TRUNK WESTERN RAILROAD CO.

Exemption Under Mandatory Car Service Rules

It appearing, That the Grand Trunk Western Railroad Company (GTW), and the Penn Central Transportation Company, Robert W. Blanchette, Richard C. Bond, and John H. McArthur, Trustees (PC), have each agreed to the unrestricted use by the other of its plain gondola cars less than 61 ft. in length; and that such mutual use of gondola cars will increase car utilization by reductions in switching and movements of empty gondola cars.

It is ordered, That pursuant to the authority vested in me by Car Service Rule 19, plain gondola cars described in the Official Railway Equipment Register, I.C.C. R.E.R. No. 393, issued by W. J. Trezise, or successive issues thereof, as having mechanical designation "GA", "GB", "GD", "GH", "GS", "GT", and "GW", which are less than 61 ft. 0 in. long, and which bear the reporting marks listed herein, may be used by the GTW and the PC without regard to the requirements of Car Service Rules 1 and 2.

Reporting marks

GTW	PC			
	B&A	NH	PCB	TOC
	BWC	NYC	P&E	
	CASO	PC	PRR	
		PCA		

Effective January 15, 1975.

Expires April 15, 1975.

Issued at Washington, D.C., January 15, 1975.

INTERSTATE COMMERCE COMMISSION,
[SEAL] R. D. PFAHLER, *Agent.*

[FR Doc.75-2840 Filed 1-29-75;8:45 am]

[Order No. 117, Amdt. 2; Rev. S.O. 994]

NEW YORK, SUSQUEHANNA AND WESTERN RAILROAD CO.

Rerouting or Diversion of Traffic

Upon further consideration of I.C.C. Order No. 117 (the New York, Susquehanna and Western Railroad Company), and good cause appearing therefor:

It is ordered, that: I.C.C. Order No. 117 be, and it is hereby, amended by substituting the following paragraph (g) for paragraph (g) thereof:

(g) *Expiration date.* This order shall expire at 11:59 p.m., July 31, 1975, unless otherwise modified, changed, or suspended.

It is further ordered, That this amendment shall become effective at 11:59 p.m., January 31, 1975, and that this order shall be served upon the Association of American Railroads, Car Service Division, as agent of all 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 it be filed with the Director, Office of the Federal Register.

Issued at Washington, D.C., January 23, 1975.

INTERSTATE COMMERCE COMMISSION,
[SEAL] R. D. PHALER,

[FR Doc.75-2841 Filed 1-29-75;8:45 am]

[Docket No. 31358]

CHICAGO, BURLINGTON & QUINCY RAILWAY CO., ET AL. vs. NEW YORK, SUSQUEHANNA & WESTERN RAILROAD CO., ET AL.

Filing of Petition

Notice is hereby given that the Florida East Coast Railway Company (FEC) filed on January 15, 1975 a petition for order interpreting prior decision in this cause. The FEC seeks an interpretation by the Commission as to whether AAR Circular No. OT-37-A, which establishes a procedure for adjusting the values of rehabilitated second hand cars, is contrary to the intent and the specific language of the Commission's orders in this case. It is the contention of the FEC that AAR Circular OT-37-A has inflated the values of rehabilitated cars and has caused the FEC and other similarly situated railroads to pay higher per diem rates.

Any interested party may file a reply to the FEC's petition with the Commission no later than March 5, 1975. Interested parties may obtain copies of the petition upon request from the Commission or by contacting Charles B.

Evans, attorney for the F.E.C., One Malaga Street, St. Augustine, Florida 32084.

Issued in Washington, D.C., January 23, 1975.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.75-2838 Filed 1-29-75;8:45 am]

[Notice 10]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

JANUARY 23, 1975.

The following are notices of filing of application; except as otherwise specifically noted, each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application for temporary authority under section 210a (a) of the Interstate Commerce Act provided for under the new rules of Ex Parte No. MC-67 (49 CFR Part 1131), published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, on or before February 14, 1975. One copy of such protests must be served on the applicant, or its authorized representative, if any, and the protests must certify that such service has been made. The protests must be specific as to the service which such protestant can and will offer, and must consist of a signed original and six (6) copies.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in field office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 647 (Sub-No. 13TA), filed January 17, 1975. Applicant: EXHIBITORS SERVICE COMPANY, 85 Helen Street, McKees Rocks, Pa. 15136. Applicant's representative: Samuel P. Delisi, 530 Grant Bldg., Pittsburgh, Pa. 15219. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Foodstuffs*, in vehicles equipped with mechanical refrigeration; and (2) *Frozen fish and agricultural commodities*, the transportation of which is otherwise exempt from economic regulation under Section 203(b)(6) of the Act in mixed loads with the commodities in (1) above, in vehicles equipped with mechanical refrigeration, between points in Allegheny County, Pa., on the one hand, and, on the other, points in Roanoke County, Va., for 180 days. Supporting shipper: Crafton Distribution and Storage, Inc., 295 W. Steuben Street, Pittsburgh, Pa. 15205. Send protests to: John N. England, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 2111 Federal Bldg., 1000 Liberty Avenue, Pittsburgh, Pa. 15222.

No. MC 8973 (Sub-No. 36TA), filed January 15, 1975. Applicant: METROPOLITAN TRUCKING, INC., 2424 95th Street, North Bergen, N.J. 07047. Applicant's representative: George A. Olsen, 69 Tonnele Avenue, Jersey City, N.J. 07306. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Plastic pellets* (in bulk), (2) plastic hose, in mixed loads with plastic pellets, in bulk, and (3) materials, equipment, and supplies, used in the manufacture and sale of plastic articles (except liquid commodities, in bulk, in tank vehicles), between the facilities of Colorite Plastics Co., Division of Dart Industries, Inc., at Ridgefield, N.J., on the one hand, and, on the other, points in the United States, in and east of North Dakota, South Dakota, Nebraska, Colorado, New Mexico, and Texas (except points in New Jersey, New Hampshire, and Maine), for 180 days. Supporting shipper: Colorite Plastic Co., Div., of Dart Ind., 101 Railroad Avenue, Ridgefield, N.J. 07657. Send protests to: R. E. Johnston, District Supervisor, Interstate Commerce Commission, 9 Clinton St., Newark, N.J. 07102.

No. MC 81908 (Sub-No. 5TA), filed January 17, 1975. Applicant: GARNER TRUCKING, INC., Route #4, Findlay, Ohio 45840. Applicant's representative: Michael M. Briley, 300 Madison Avenue, Toledo, Ohio 43640. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry fertilizer and dry fertilizer ingredients*, in bags or in bulk; *herbicides, insecticides, and pesticides*, when moving in mixed shipments with dry fertilizer or dry ingredients; and animal and poultry feed and animal and poultry feed ingredients, restricted against the shipment of commodities in bulk in tank vehicles, (1) from the plantsite and warehouse facilities of The Andersons, a partnership, located at or near Maumee, Ohio, to points in the States of Michigan, Illinois, Indiana, Wisconsin, Pennsylvania, Kentucky, and New York; and (2) from the plantsite and facilities of Wegro, Inc., a Corporation, located at or near Grand Rapids, Ohio, to points in the States of Michigan, Illinois, Wisconsin, Indiana, Pennsylvania, Kentucky, and New York, for 180 days. Supporting shippers: The Andersons, P.O. Box 119, Maumee, Ohio 43537; Wegro, Inc., P.O. Box 82, Grand Rapids, Ohio 43522. Send protests to: Keith D. Warner, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 313 Federal Office Bldg., 234 Summit Street, Toledo, Ohio 43604.

No. MC 41951 (Sub-No. 26 TA), filed January 21, 1975. Applicant: WHEATLEY TRUCKING, INC., Cambridge, Md. Applicant's representative: M. Bruce Mordan, 201 Azar Bldg., Glen Burnie, Md. 21061. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fibreboard cartons*, knocked down flat, except corrugated in boxes, from Atlanta, Ga., to Cambridge, Md., for 180 days. Supporting shipper: RJR Foods, Inc., Woods Road, Cambridge, Md. Send protests to: W. C. Hersman, District Supervisor, Room 317, Interstate Commerce Commission, Bureau of Operations, 12 & Constitution Ave. NW., Washington, D.C. 21432.

No. MC 87379 (Sub-No. 12 TA), filed January 20, 1975. Applicant: C. H. HOOKER TRUCKING CO., 1475 Roanoke Avenue, Uhrichsville, Ohio 44638. Applicant's representative: Boyd B. Ferris, Esq., Muldoon, Pemberton & 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 Tuscarawas County, Ohio, to points in Iowa, Maine, Minnesota, Missouri, New Hampshire, Rhode Island, and Vermont, for 180 days. Supporting shippers: Beldon Brick Company, 1401 Beldon Drive, Uhrichsville, Ohio 44683. Evans Clay Products Company, P.O. Box 261, Midvale, Ohio 44653. Larson Clay Pipe Company, P.O. Box 431, Uhrichsville, Ohio 44683. Send protests to: Frank L. Calvary, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 220 Federal Bldg. and U.S. Courthouse, 85 Marconi Boulevard, Columbus, Ohio 43215.

No. MC 100666 (Sub-No. 289 TA), filed January 15, 1975. Applicant: MELTON TRUCK LINES, INC., P.O. Box 7666, Shreveport, La. 71107. Applicant's representative: Wilburn L. Williamson, Suite 280, National Foundation Life Center, 3535 N.W. 58th Street, Oklahoma City, Okla. 73112. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Composition board, prefinished wall panels, prefinished gypsum panels, adhesives, moldings and accessories incidental to the installation thereof*, from the plant site and facilities of the United States Gypsum Company, at Pittsburg, Kansas to points in Missouri, west of a line beginning at the junction of the Arkansas-Missouri state line and Missouri Highway 19, thence along Missouri Highway 19 to the junction of Missouri Highway 19 and Missouri Highway 106, thence along Missouri Highway 106 to the junction of Missouri Highway 106 and Missouri Highway 21, thence along Missouri 21 to the junction of Missouri Highway 47, thence along Missouri 47 to the junction of Missouri Highway 47 and U.S. Highway 61, thence along U.S. Highway 61 to the Missouri-Iowa state line, for 180 days. Supporting shipper(s): United States Gypsum Company, 101 South Wacker Drive, Chicago, Ill. 60606. Robert F. Tabor, Traffic Manager, Industrial Products. Send protests to: Ray C. Armstrong, Jr., Interstate Commerce Commission, Room T-9038 U.S. Postal Service Bldg., 701 Loyola Avenue, New Orleans, La. 70113.

No. MC 100666 (Sub-No. 290 TA), filed January 20, 1975. Applicant: MELTON TRUCK LINES, INC., P.O. Box 7666, Shreveport, La. 71107. Applicant's representative: Wilburn L. Williamson, Suite 280, National Foundation Life Center, 3535 N.W. 58th Street, Oklahoma City, Okla. Authority sought to operate as a

common carrier, by motor vehicle, over irregular routes, transporting: *Pallets*, from Winona, Mo., to Memphis, Tenn., and points in Tennessee on and north of a line, from the Virginia-Tennessee State line along U.S. Highway 11–E to the Junction of Knox County, thence north of Knox, Rome, Rhea, Bledsoe, Van Buren, Warren, Coffee, Bedford, Marshall, Maury, Hickman, Perry, Decatur, Carroll, Gibson, and Dyer Counties, for 180 days. Supporting shipper: Kerr-McGee Chemical Corp., Wood Products Division, P.O. Box 25861, Kerr-McGee Center, Oklahoma City, Okla. 73102. Send protests to: Ray C. Armstrong, Jr., District Supervisor, Interstate Commerce Commission, Bureau of Operations, T-9038 U.S. Postal Service Bldg., 701 Loyola Avenue, New Orleans, La.

No. MC 107002 (Sub-No. 459 TA) (Amendment), filed October 8, 1974, published in the FEDERAL REGISTER issue of October 29, 1974, and republished as amended this issue. Applicant: MILLER TRANSPORTERS, INC., P.O. Box 1123, U.S. Highway 80W, Jackson, Miss. 39205. Applicant's representative: John J. Borth (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid feed*, in bulk, in tank vehicles, from Memphis, Tenn., to points in Arkansas, Kentucky, Mississippi, Missouri, and Tennessee, for 180 days. Supporting shipper: Ralston Purina Company, 1725 Airways Blvd., Memphis, Tenn. 38114. Send protests to: Alan C. Tarrant, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 212, 145 East Amite Building, Jackson, Miss. 39201.

NOTE.—The purpose of this republication is to change the commodity description, and to add The Procter & Gamble Distributing Company, P.O. Box 599, Cincinnati, Ohio 45201, as another supporting shipper.

No. MC 108676 (Sub-No. 74 TA) (Correction), filed November 29, 1974, published in the FEDERAL REGISTER issue of December 12, 1974, and republished as corrected this issue. Applicant: A. J. METLER HAULING AND RIGGING, INC., 117 Chicamauga Avenue, Knoxville, Tenn. 37917. Applicant's representative: Louis J. Amato, P.O. Box E, Bowling Green, Ky. 42101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Uncrated flat glass*, from Kingsport and Greenland, Tenn., to points in Arizona, Colorado, New Mexico, and Utah, for 180 days. Supporting shipper: ASG Industries, Inc., P.O. Box 929 Kingsport, Tenn. 37662. Send protests to: Joe J. Tate, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Federal Bldg., U.S. Court House, Suite A422, 801 Broadway, Nashville, Tenn. 37203.

NOTE.—The purpose of this republication, is to change the name of the supporting shipper, which was previously published in error.

No. MC 114457 (Sub-No. 219 TA), filed January 15, 1975. Applicant: DART TRANSIT COMPANY, 780 N. Prior Avenue, St. Paul, Minn. 55104. Applicant's representative: Michael P. Zell (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Pesticides, herbicides and chemicals*, other than in bulk, from the plantsite of Monsanto Company, at or near Muscatine, Iowa to destinations, in the States of Alabama, Arkansas, Connecticut, Georgia, Kentucky, Maryland, Mississippi, New Jersey, New York, North Carolina, South Carolina, Tennessee, and Virginia, for 180 days. Supporting shipper: Monsanto Company, 800 North Lindbergh, St. Louis, Mo. 63166. Send protests to: Raymond T. Jones, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 414 Federal Bldg., 110 S. 4th Street, Minneapolis, Minn. 55401.

No. MC 114457 (Sub-No. 220 TA), filed January 15, 1975. Applicant: DART TRANSIT COMPANY, 780 N. Prior Avenue, St. Paul, Minn. 55104. Applicant's representative: Michael P. Zell (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New Laminated particleboard furniture*, in cartons, with or without electronical and electronical equipment and clocks, from the facilities of Chetek Furniture Company and A.B.C. Chetek, Inc., at Chetek, Wisconsin to points in the United States, restricted to the transportation of traffic originating at the above-named facilities and destined to the named destination states, for 180 days. Supporting shipper: A.B.C. Chetek, Inc., Chetek Furniture Co. 625 4th Street, Chetek, Wis. 54728. Send protests to: Raymond T. Jones, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Room 414, Federal Bldg., and U.S. Courthouse, 110 South Fourth Street, Minneapolis, Minn. 55401.

No. MC 114965 (Sub-No. 56) (Correction), filed December 26, 1974 published in the FEDERAL REGISTER issue of January 10, 1975, and republished as corrected this issue. Applicant: CYRUS TRUCK LINE, INC., P.O. Box 327, Iola, Kans. 66749. Applicant's representative: Charles H. Apt, P.O. Box 328, Iola, Kans. 66749. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Propane*, in bulk, in tank vehicles, from Moderngas, Inc., at or near LeCompton, Kans., and from Conway and Hutchinson, Kans., to points in Missouri, for 180 days. Supporting shipper: Moderngas, Inc., P.O. Box 886, Lawrence, Kans. 66044. Send protests to: M. E. Taylor, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 501 Petroleum Bldg., Wichita, Kans. 67202.

NOTE.—The purpose of this republication is to clarify the requested authority, which was previously published in error.

No. MC 116763 (Sub-No. 301 TA), filed January 14, 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: *Carpet, and materials and supplies* used in the manufacture, installation and distribution of carpet (except commodities in bulk), between Bristow, Okla., on the one hand, and, on the other, points in Connecticut, Delaware, Kentucky, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Vermont, Virginia, West Virginia, and the District of Columbia, for 180 days. Supporting shipper: Sikes Corporation, 608 Prospect Street, Lakeland, Fla. 33802. Send protests to: Paul J. Lowry, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 5514–B FOB, 550 Main Street, Cincinnati, Ohio 45202.

No. MC 123872 (Sub-No. 43 TA), filed January 20, 1975. Applicant: W & L MOTOR LINES, INC., State Road 1148, P.O. Box 2607, Hickory N.C. 28601. Applicant's representative: Allen E. Bowman (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Pesticides, herbicides and chemicals* (other than in bulk), from the plantsite of Monsanto Company, at or near Muscatine, Iowa to points in the states of Alabama, Arkansas, Georgia, Kentucky, Maryland, Mississippi, North Carolina, South Carolina, Tennessee, and Virginia, for 180 days. Supporting shipper: Monsanto Company, 800 N. Lindbergh, St. Louis, Mo. 63116. Send protests to: Terrell Price, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 800 Briar Creek Road, Suite CC516, Charlotte, N.C. 28205.

No. MC 133492 (Sub-No. 12TA), filed January 17, 1975. Applicant: CECIL CLAXTON, East Elm Street, Wrightsville, Ga. 31096. Applicant's representative: William Addams, Suite 212, 5299 Roswell Road NE., Atlanta, Ga. 30342. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages*, in containers, from the plantsite of the Pabst Brewing Co., in Houston County, Ga., to points in Maryland, for 180 days. Supporting shipper: Pabst Brewing Company, 917 West Juneau Avenue, Milwaukee, Wis. 53201. Send protests to: William L. Scroggs, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 1252 West Peachtree St., NW., Room 546, Atlanta, Ga. 30309.

No. MC 135616 (Sub-No. 5TA), filed January 15, 1975. Applicant: PERRYSBURG TRUCKING CO., INC., 24982 Thompson Road, Perrysburg, Ohio 43551. Applicant's representative: E. Stephen Heisley, Suite 805, 666 Eleventh St. NW., Washington, D.C. 20001. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Glass, and materials, equipment and supplies*, used in the manufacture, production and distribution of glass, be-

tween Upper Sandusky, Ohio on the one hand, and, on the other, points in the United States (except Alaska and Hawaii), for 60 days. Supporting shipper: Guardian Industries Corp., 14600 Romine Road, Carleton, Mich. 48117. Send protests to: Keith D. Warner, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 313 Federal Office Bldg., 234 Summit Street, Toledo, Ohio 43604.

No. MC 136246 (Sub-No. 7TA), filed January 17, 1975. Applicant: GEORGE BORS, INC., P.O. Box 492, Sutton, Nebr. 68979. Applicant's representative: Marshall D. Becker, Suite 530 Unicac Bldg., 7100 West Center Road, Omaha, Nebr. 68106. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid feed supplements*, from York, Willow Island, and Minatare, Nebr., to points in Kansas, for 180 days. Supporting shipper: Mid West PMS, Kenneth M. Green, General Mgr., Box 366, Minatare, Nebr. 69356. Send protests to: Max H. Johnston, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 320 Federal Bldg. and U.S. Courthouse, 129 North Tenth Street, Lincoln, Nebr. 68501.

No. MC 138807 (Sub-No. 7TA), filed January 16, 1975. Applicant: ZIP TRUCKING, INC., P.O. Box 5717, Jackson, Miss. 39208. Applicant's representative: K. Edward Wocott (Watkins & Daniell), 1600 First Federal Bldg., Atlanta, Ga. 30303. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Clothing and wearing apparel*, from Hattiesburg, Miss., to points in Calif., for 180 days. Supporting shipper: Big Yank Corporation, 1300 Edwards Street, Hattiesburg, Miss. 39401. Send protests to: Alan C. Tarrant, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 212, 145 East Amite Bldg., Jackson, Miss. 39201.

No. MC 139010 (Sub-No. 2TA), filed January 15, 1975. Applicant: BLACKLINE AMERICAN CORPORATION, 1918 W. Grant Street, Phoenix, Ariz. 85009. Applicant's representative: Michael McLaughlin (same address as applicant). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Concrete roofing tile, and related accessories*, as manufactured by the Monier-Raymond Tile Company, Phoenix, Ariz., (except commodities in bulk), from the plantsite of Monier-Raymond Tile Co., Phoenix, Ariz., to points in New Mexico, Utah, Colorado, Nevada, California, and Texas, for 180 days. Supporting shipper: Monier-Raymond Tile Co., 1212 E. 6th Street, Corona, Calif. Send protests to: Baylor, District Supervisor, Interstate Commerce Commission, Room 3427 Federal Bldg., 230 N. First Ave., Phoenix, Ariz. 85025.

No. MC 139987 (Sub-No. 1TA) (Correction), filed December 18, 1974, published in the FEDERAL REGISTER issue of January 10, 1975, and republished as corrected this issue. Applicant: MILTON B. ANDERSON AND MELVIN K. ANDERSON, doing business as OVERLAND EXPRESS, 790 East Glendale Road, Sparks, Nevada 89431. Applicant's representative: Michael J. Stecher, Esq., 140 Montgomery Street, 4th floor, San Francisco, Calif. 94104. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except Classes A and B explosives, and Classes A and B poisons), limited to 70 pounds per package, not to exceed 200 pounds per shipment, between points in Nevada on and north of Interstate Highway 80 (U.S. Highway 40) and between points on and north of Interstate Highway 80 (U.S. Highway 40), on the one hand, and, on the other, points in Lincoln County, Nev., for 180 days. Supporting shippers: There are approximately 42 statements of support attached to the application, which may be examined here at the Interstate Commerce Commission in Washington, D.C., or copies thereof which may be examined at the field office named below. Send protests to: Robert G. Harrison, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 203 Federal Bldg., 705 North Plaza Street, Carson City, Nev., 89701.

NOTE.—Applicant states it will interline at Reno, Wells, and Elko, Nev., with common carriers. The purpose of this republication is to correct the restriction and to change the tacking statement which was previously published incorrect.

APPLICATION OF PASSENGERS

No. MC 138297 (Sub-No. 2TA), filed January 17, 1975. Applicant: CENTRAL FLORIDA COACH LINES, INC., P.O. Box 3844, Cocoa, Fla. 32922. Applicant's representative: Kenneth R. Davis, 999 Union Street, Taylor, Pa. 18517. 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 special and charter operations, beginning and ending at Bowling Green, Ohio, and Flint, Mich., and extending to Cocoa, Fla. Restriction: The authority under (1) above is restricted to the transportation of passengers having an immediately prior movement in a passenger automobile tendered to carrier for transportation on separate automobile transporters, pursuant to the authority set forth in part (2) hereof. (2) *Passengers automobiles* in secondary movements in truckaway service, between the points set forth in (1) above. Restriction: The authority granted under (2) above is restricted to the transportation of automobiles tendered to carrier by those passengers moving pursuant to the authority set out in part (1) above. Supporting shipper: Senior Travelers, Inc., 2302 Brookside Drive, Flint, Mich. 48503. Send protests to: G. H. Fauss, Jr., District Supervisor, Interstate Commerce Commission, Box 35008, 400 West Bay Street, Jacksonville, Fla. 32202.

WATER CARRIER APPLICATION

No. W-1284TA, filed December 30, 1974. Applicant: FLORIDA BARGE & FERRY LINE, INC., Suite 200, 200 SE. First Street, Miami, Fla. 33131. Applicant's representative: Maurice M. Diliberto, Esq. (same address as applicant). By order entered December 30, 1974, the Motor Carrier Board granted Florida Barge & Ferry Line, Inc., 180-day temporary authority to engage in the business of transportation in interstate or foreign commerce, as a *common carrier*, by water, in the transportation of *general commodities*, in trailers and/or containers, between Port Everglades and Miami, Fla., on the one hand, and, on the other, Key West and Marathon, Fla. Any interested person may file a petition for reconsideration within 20 days of the date of this publication.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc. 75-2843 Filed 1-29-75;8:45 am]

[Notice No. 8]

MOTOR CARRIER, BROKER, WATER CARRIER AND FREIGHT FORWARDER APPLICATIONS

The following applications (except as otherwise specifically noted, each applicant (on applications filed after March 27, 1972) states that there will be no significant effect on the quality of the human environment resulting from approval of its application), are governed by Special Rule 1100.247[1] of the Commission's general rules of practice (49 CFR, as amended), published in the FEDERAL REGISTER issue of April 20, 1966, effective May 20, 1966. These rules provide, among other things, that a protest to the granting of an application must be filed with the Commission within 30 days after date of notice of filing of the application is published in the FEDERAL REGISTER. Failure seasonably to file a protest will be construed as a waiver of opposition and participation in the proceeding. A protest under these rules should comply with section 247(d)(3) of the rules of practice which requires that it set forth specifically the grounds upon which it is made, contain a detailed statement of protestant's interest in the proceeding (including a copy of the specific portions of its authority which protestant believes to be in conflict with that sought in the application, and describing in detail the method—whether by joinder, interline, or other means—by which protestant would use such authority to provide all or part of the service proposed), and shall specify with particularity the facts, matters, and things relied upon, but shall not include issues or allegations phrased generally. Protests not in reasonable compliance with the requirements of the rules may be rejected. The original and one (1) copy of the protest shall be filed with the Commission, and a copy shall be served concurrently upon applicant's representative, or applicant if no representative

[1] Copies of Special Rule 247 (as amended) can be obtained by writing to the Secretary, Interstate Commerce Commission, Washington, D.C. 20423.

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.*

No. MC 2202 (Sub-No. 474), filed January 6, 1975. Applicant: ROADWAY EXPRESS, INC., 1077 Gorge Blvd., P.O. Box 471, Akron, Ohio 44309. Applicant's representative: William Slabaugh (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 Grand Gulf Nuclear Station near Port Gibson, Miss., and Port Gibson, Miss., as off-route points in connection with carrier's regular route operations.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at either Jackson, Miss., New Orleans, La., or Washington, D.C.

No. MC 2900 (Sub-No. 271), filed January 6, 1975. Applicant: RYDER TRUCK LINES, INC., 2050 Kings Road, Jacksonville, Fla. 32209. Applicant's representative S. E. Somers, Jr. (Same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving Heflin, Dubberly, and Sterlington, La., as off-route points in connection with applicant's presently authorized regular routes.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at either Shreveport, La., or Washington, D.C.

No. MC 3468 (Sub-No. 166), filed January 8, 1975. Applicant: F. J. BOUTELL DRIVEAWAY CO., INC., 705 S. Dort Highway, Flint, Mich. 48501. Applicant's representative: Harry C. Ames, Jr., 666 11th Street NW., Suite 805, Washington, D.C. 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Motor vehicles:* (1) in initial and secondary movements, from Chesapeake, Va., to points in the United States including Alaska, but excluding Hawaii; and (2) in secondary movements, from Portsmouth, Va., to points in the United States (including Alaska, but excluding Hawaii).

NOTE.—If a hearing is deemed necessary, the applicant requests it be held on consolidated record with other similar applications at Washington, D.C.

No. MC 13095 (Sub-No. 12), filed December 26, 1974. Applicant: WUNNICKE TRANSFER LINES, INC., 101 S. Buchanan Street, Boscobel, Wis. 53805. Applicant's representative: Glen L. Gissing, 8 South Madison Street, Evansville, Wis. 53536. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Materials and supplies* used or useful in the manufacture and distribution of cheese, from points in Wisconsin to Mission, S. Dak., and (2) *cheese, including cheese food*, from Mission, S. Dak., to points in Wisconsin, under a continuing contract with Borden, Inc.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held either at Madison, Wis., Milwaukee, Wis., or Columbus, Ohio.

No. MC 13250 (Sub-No. 128), filed January 6, 1975. Applicant: J. H. ROSE TRUCK LINE, INC., 5003 Jensen Drive, P.O. Box 16190, Houston, Tex. 77022. Applicant's representative: James M. Doherty, 500 West Sixteenth Street, P.O. Box 1945, Austin, Tex. 78767. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Tractors*, with or without attachments (except tractors used for pulling highway trailers), *lift trucks, excavators, motor graders, scrapers, engines, generators, generators and engines combined, road rollers, pipe layers, and dump trucks* designed for off-highway use; and (2) *parts, attachments, and accessories* for the commodities described in (1) above: (a) from ports of entry in Alabama, Mississippi, Louisiana, and Texas, to points in Arkansas, Colorado, Illinois, Indiana, Kansas, Missouri, Nebraska, New Mexico, North Dakota, Oklahoma, South Dakota, Texas, and Wyoming; (b) from ports of entry in California, Oregon, and Washington, to points in Arizona, California, Idaho, Montana, Nevada, Oregon, Utah, Washington, and Wyoming; and (c) from ports of entry on the International Boundary Line between the United States and Canada, to points in the United States (except Alaska and Hawaii), restricted to traffic moving in foreign commerce, having a prior movement by water, and originating at facilities of Caterpillar Tractor Co. and its subsidiaries.

NOTE.—If a hearing is deemed necessary, applicant requests it be held on consolidated record with other similar applications at Washington, D.C.

No. MC 14702 (Sub-No. 68), filed December 27, 1974. Applicant: OHIO FAST FREIGHT, INC., P.O. Box 808, Warren, Ohio 44482. Applicant's representative: Paul F. Beery Co., Ninth Floor, 8 East Broad Street, Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned animal food, and equipment, materials, and supplies*, used in the manufacture of canned animal foods (except commodities in bulk), between Sebring, Ohio, on the one hand, and, on the other, points in the United States on and east of U.S. Highway 85 (except Alaska).

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Columbus, Ohio.

No. MC 21866 (Sub-No. 79), filed January 3, 1975. Applicant: WEST MOTOR FREIGHT, INC., 740 S. Reading Avenue, Boyertown, Pa. 19512. Applicant's representative: Alan Kahn, 1920 Two Penn Center Plaza, Philadelphia, Pa. 19102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Electric storage batteries, junk batteries, and materials and supplies used or useful in the manufacture or distribution of electric storage batteries*, between points in the United States (except Alaska and Hawaii), restricted to shipments originating at or destined to facilities of General Battery Corporation.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at either Washington, D.C., or Philadelphia, Pa.

No. MC 29555 (Sub-No. 81), filed January 6, 1975. Applicant: BRIGGS TRANSPORTATION CO., a corporation, 2360 West County Road C, St. Paul, Minn. 55113. Applicant's representative: Winston W. Hurd (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, livestock, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment (except those requiring temperature control)), serving the plantsite of E. R. Squibb Distribution Center, at Rolling Meadows, Ill., as an off-route point in connection with applicant's authorized regular route operations.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Chicago, Ill.

No. MC 29555 (Sub-No. 82), filed January 6, 1975. Applicant: BRIGGS TRANSPORTATION CO., a corporation, 2360 West County Road C, St. Paul, Minn. 55113. Applicant's representative: Winston W. Hurd (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, livestock, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and

those requiring special equipment (except those requiring temperature control)), serving the plantsite of Schultz Bros. Co. at Lake Zurich, Ill., as an off-route point in connection with applicant's authorized regular route operations.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 29886 (Sub-No. 321), filed January 6, 1975. Applicant: DALLAS & MAVIS FORWARDING CO., INC., 4000 West Sample Street, South Bend, Ind. 46627. Applicant's representative: Charles Pieroni (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Tractors*, with or without attachments (except tractors used for pulling highway trailers), *lift trucks, excavators, motor graders, scrapers, engines, generators, engines and generators combined, road rollers, pipe layers, and dump trucks* designed for off-highway use; and (2) *parts, attachments and accessories* for the commodities described in (1) above: (a) From ports of entry in Maine, Massachusetts, New York, New Jersey, Delaware, Maryland, and Virginia, to points in Connecticut, Delaware, Illinois, Indiana, Iowa, Kansas, Kentucky, Maine, Maryland, Massachusetts, Michigan, Minnesota, Missouri, Nebraska, New Hampshire, New Jersey, New York, North Dakota, Ohio, Pennsylvania, Rhode Island, South Dakota, Vermont, Virginia, West Virginia, and Wisconsin; and (b) from ports of entry in Wisconsin, Illinois, Michigan, and Ohio, to points in the United States, restricted to traffic moving in foreign commerce, having a prior movement by water, and originating at facilities of Caterpillar Tractor Co. and its subsidiaries.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held on consolidated record with other similar applications at Washington, D.C.

No. MC 34027 (Sub-No. 7), filed December 30, 1974. Applicant: GREETINGS, INC., 214 South Clark, P.O. Box 82, Pella, Iowa 50219. Applicant's representative: Larry D. Knox, 9th Floor, Hubbell Building, Des Moines, Iowa 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Tires and tubes*, between Pella, Iowa, on the one hand, and, on the other, Oklahoma City, Okla., and Findlay, Dayton, and Cincinnati, Ohio, restricted to shipments originating at and destined to the named origins and destinations.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Des Moines, Iowa.

No. MC 35334 (Sub-No. 76), filed January 7, 1975. Applicant: COOPER-JARRETT, INC., 23 South Essex Avenue, Orange, N.J. 07051. Applicant's representative: Irving Klein, 280 Broadway, New York, N.Y. 10007. 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 plantsite of PPG Industries, Inc., at or near Cheswold, Del., as an off-route point in connection with applicant's authorized regular route operations to and from Philadelphia, Pa.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C.

No. MC 51146 (Sub-No. 414), filed January 2, 1975. Applicant: SCHNEIDER TRANSPORT, INC., 2661 S. 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: *Cheese*, from Rochester, Minn., 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 Chicago, Ill.

No. MC 52460 (Sub-No. 162), filed January 6, 1975. Applicant: ELLEX TRANSPORTATION, INC., 1420 W. 35th St., P.O. Box 9637, Tulsa, Okla. 74107. Applicant's representative: Steve B. McCommas (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Malt beverages and related advertising material:* (a) From Fort Worth, Tex., to Ft. Smith, Hot Springs, Little Rock and Pine Bluff, Ark.; and Bartlesville, Enid, Hugo, McAlester, Muskogee, Okmulgee, Ponca City, Poteau, Shawnee, and Tulsa, Okla.; and (b) from Memphis, Tenn., to Alamosa, Colo.; and (2) *empty containers*, on return.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Dallas, Tex., or Wichita, Kans.

No. MC 59583 (Sub-No. 149), filed January 6, 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: (1) *Iron and steel articles, pipe, fittings, valves, hydrants, and equipment, materials and supplies*, used or useful in the installation thereof, from the plantsite and storage facilities of Mueller Co., located at points in Marshall County, Ala., and Hamilton County, Tenn., to points in the United States, in and east of North Dakota, South Dakota, Nebraska, Kansas, Oklahoma, and Texas; and (2) *materials, equipment, and supplies*, used in the manufacture and sale of the commodities described in (1) above (except commodities in bulk, and those which because of size, shape and weight require the use of special equipment), from points in the United States, in and east of North Dakota, South Dakota, Nebraska, Kansas, Oklahoma, and Texas, to the plantsite and storage facilities of Mueller Co., located at points in Marshall County, Ala., and Hamilton County, Tenn.

NOTE.—Common control may be involved. If a hearing is deemd necessary, the applicant requests it be held at Chattanooga, Tenn., or Washington, D.C.

No. MC 60272 (Sub-No. 9), filed December 12, 1974. Applicant: HANSON TRANSPORT, INC., Mayville, N. Dak. 58257. Applicant's representative: James M. Sanden, 502 First National Bank Bldg., Fargo, N. Dak. 58102. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except Classes A and B explosives, household goods as defined by the Commission, commodities in bulk and those requiring special equipment) Between Fargo, N. Dak., and Mayville, N. Dak.: From Fargo over Interstate Highway 29 to junction North Dakota Highway 200, thence over North Dakota Highway 200 to Mayville, and return over the same route, serving all intermediate points.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Fargo, N. Dak.

No. MC 63792 (Sub-No. 24), filed Jan. 9, 1975. Applicant: TOM HICKS TRANSFER COMPANY, INC., Box 16006, Houston, Tex. 77022. Applicant's representative: C. W. Ferebee (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles*, between the plantsite and storage facilities of Romar Steel, Inc., at New Orleans, and Morgan City, La.; Birmingham, Ala.; and Houston, Tex., on the one hand, and, on the other, points in Alabama, Arkansas, Louisiana, Mississippi, Georgia, Florida, Tennessee, Missouri, Texas, Oklahoma, Kansas, New Mexico, and Colorado.

NOTE.—If a hearing is deemd necessary, applicant requests it be held at Houston, Tex.

No. MC 69492 (Sub-No. 44), filed December 31, 1974. Applicant: HENRY EDWARDS, a Proprietorship d.b.a. HENRY EDWARDS TRUCKING COMPANY, P.O. Box 97, Clinton, Ky. 42301. 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: (1) *Malt beverages, and related advertising materials:* (A) From Detroit, Mich., to Dresden, Dyersburg, and Jackson, Tenn.; (B) From Peoria, Ill., to Martin, Tenn.; and (C) From St. Joseph, Mo., to Memphis, Tenn.; and (2) *lime*, in bulk, from Jonesboro, Ill., to points in Obion County, Tenn.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at either Memphis or Nashville, Tenn., or Louisville, Ky.

No. MC 82492 (Sub-No. 116), filed December 27, 1974. Applicant: MICHIGAN AND NEBRASKA TRANSIT CO., INC., P.O. Box 2853, 2109 Olmstead Road, Kalamazoo, Mich. 49003. Applicant's representative: William C. Harris, P.O. Box

2853, Kalamazoo, Mich. 49003. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Foodstuffs* (except commodities in bulk), from Plymouth, Ind., and points in the lower peninsula of Michigan, to Spring Valley, Ill., and points in Minnesota, North Dakota, South Dakota, and Wisconsin; and (2) *drugs, plastic articles, and rubber articles* (except commodities in bulk), when in mixed shipments with foodstuffs, from points in the lower peninsula of Michigan, to points in Kansas, Minnesota, Missouri, North Dakota, South Dakota, and Wisconsin.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Detroit or Lansing, Mich.

No. MC 82841 (Sub-No. 148), filed December 20, 1974. 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: *Particleboard, flakeboard, and hardboard*, from Flagstaff, Ariz., and Santo Domingo, N. Mex., to points in California, Colorado, Illinois, Indiana, Iowa, Kansas, Michigan, Minnesota, Missouri, Nebraska, Ohio, South Dakota, Utah, Wisconsin, and Wyoming.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Phoenix, Ariz.

No. MC 82841 (Sub-No. 149), filed December 27, 1974. 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 pipe, and fittings and accessories* therefor, from the plant site of American Cast Iron Pipe Company at or near Merriam, Kans., to points in Colorado, Iowa, Minnesota, Nebraska, and South Dakota.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Kansas City, Mo.

No. MC 83539 (Sub-No. 402), filed January 2, 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: (1) *Self-propelled cranes;* (2) *material handling equipment;* and (3) *accessories, attachments, and parts*, when moving in mixed loads with the commodities described in (1) and (2) above, from Merriam, Kans., to points in the United States (including Alaska, but excluding Hawaii and Kansas).

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Kansas City, Mo.

No. MC 95876 (Sub-No. 166), filed Dec. 30, 1974. Applicant: ANDERSON TRUCKING SERVICE, INC., 203 Cooper Avenue North, St. Cloud, Minn. 56301. Applicant's representative: Val M. Higgins, 1000 First National Bank Bldg., Minneapolis, Ind. 55402. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Granite, marble, slate, and stone and equipment, materials and supplies*, used in the quarrying, manufacturing, and installation of granite, marble, slate, and stone (except commodities in bulk), between points in Pontotoc County, Okla., on the one hand, and, on the other, points in the United States (except Alaska and Hawaii).

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Dallas, Tex.

No. MC 95920 (Sub-No. 35), filed January 6, 1975. Applicant: SANTRY TRUCKING COMPANY, a Corporation, 11552 SW. Pacific Highway, Portland, Oreg. 97223. Applicant's representative: George R. LaBissoniere, Suite 101, 130 Andover Park East, P.O. Box 88968—Tukwila Branch, Seattle, Wash. 98188. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Talc* (except in bulk), from Dillon, Mont., to ports of entry on the International Boundary line between the United States and Canada at or near Blaine, Lynden, Oroville, and Sumas, Wash., and Eastport, Idaho, under a continuing contract or contracts with Van Waters & Rogers, Inc.

NOTE.—Applicant holds common carrier authority in MC 123265, therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Seattle, Wash.

No. MC 100439 (Sub-No. 4), filed December 23, 1974. Applicant: DAVID W. HASSLER, INC., R.D. #8, York, Pa. 17403. 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: *Petroleum and petroleum products* (except petro-chemicals), in bulk, from Baltimore, Md., to points in Adams, Berks, Centre, Clinton, Cumberland, Dauphin, Franklin, Huntingdon, Juniata, Lancaster, Lebanon, Lycoming, Mifflin, Northumberland, Perry, Snyder, Union, and York (except York and Red Lion) Counties, Pa.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held either at Washington, D.C. or Baltimore, Md.

No. MC 103051 (Sub-No. 318), filed August 9, 1974. Applicant: FLEET TRANSPORT COMPANY, INC., 934 44th Ave. North, Nashville, Tenn. 37209. Applicant's representative: Russell E. Stone (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Steam cylinder oil*, in bulk, in tank vehicles, from Memphis, Tenn., to Wyandotte, Mich.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Nashville, Tenn., or Atlanta, Ga.

No. MC 103051 (Sub-No. 335), filed January 2, 1975. Applicant: FLEET TRANSPORT COMPANY, INC., 934 44th Ave. North, Nashville, Tenn. 37209. Applicant's representative: Russell E. Stone (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lard*, in bulk, in tank vehicles, from West Point, Miss., to Tampa, Fla.

NOTE.—Common control and dual operations may be involved. If a hearing is deemed necessary, applicant request it be held at either Nashville, Tenn., or Atlanta, Ga.

No. MC 103993 (Sub-No. 848), filed Jan. 6, 1975. Applicant: MORGAN DRIVE-AWAY, INC., 2800 West Lexington Avenue, Elkhart, Ind. 46514. Applicant's representative: Paul D. Borghesani (Same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Houses and buildings, complete, knocked down, and in sections; and wall, roof, and floor sections*, from points in Chester County, S.C., to points in the United States (except Alaska and Hawaii); and (2) *materials, equipment, and supplies*, used in the manufacture, sale, and distribution of the commodities named in (1) above (except commodities in bulk), from points in the United States (except Alaska and Hawaii), to points in Chester County, S.C.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Columbia, S.C.

No. MC 105375 (Sub-No. 56), filed Jan. 8, 1975. Applicant: DAHLEN TRANSPORT OF IOWA, INC., 1680 Fourth Avenue, Newport, Minn. 55055. Applicant's representative: Leonard A. Jaskiewicz, 1730 M St. NW., Washington, D.C. 20423. Authority sought to operate as a *common carrier*, by motor vehicle over irregular routes, transporting: *Liquid animal feed, and liquid animal feed ingredients*, in bulk, in tank vehicles, from Clarence, Iowa, to points in Illinois, Minnesota, Nebraska, North Dakota, South Dakota, Wisconsin, and Iowa.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at either Minneapolis, or St. Paul, Minn.

No. MC 105457 (Sub-No. 83), filed December 16, 1974. Applicant: THURSTON MOTOR LINES, INC., 600 Johnston Road, P.O. Box 10638, Charlotte, N.C. 28234. Applicant's representative: J. V. Luckadoo (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): (1) Between Corinth, Miss., and Aberdeen, Miss.: From Corinth over U.S. Highway 45 to Aberdeen, and return over the same route, serving all intermediate points; (2) Between Walnut, Miss., and Houston, Miss.: From

Walnut over Mississippi Highway 15 to Houston, and return over the same route, serving all intermediate points; (3) Between the junction of Alternate U.S. Highway 45 and U.S. Highway 45 at or near Shannon, Miss., and the junction of Mississippi Highway 32 and Mississippi Highway 15: From the junction of Alternate U.S. Highway 45 and U.S. Highway 45 over Alternate U.S. Highway 45 to Okolona, Miss., thence over Mississippi Highway 32 to junction Mississippi Highway 15, and return over the same route, serving all intermediate points; (4) Between Memphis, Tenn., and Tupelo, Miss.: From Memphis over U.S. Highway 78 to Tupelo, and return over the same route, serving all intermediate points between Tupelo and the Benton-Union County Boundary line; (5) Between Tupelo, Miss., and Cullman, Ala.: From Tupelo over U.S. Highway 78 to junction U.S. Highway 278 at or near Hamilton, Ala., thence over U.S. Highway 278 to Cullman, and return over the same route, serving all intermediate points between Tupelo and the Mississippi-Alabama State Boundary line; (6) Serving points in Alcorn, Chickasaw, Itawamba, Lee, Monroe, Pontotoc, Prentiss, Tippah, Tishomingo, and Union Counties, Miss., as off-route points in connection with applicant's regular route operations requested in (1) through (5) above; and (7) Between Atlanta, Ga., and the junction of U.S. Highway 41, Interstate Highway 75, and Georgia Highway 20: From Atlanta over U.S. Highway 41 (also over Interstate Highway 75) to junction Georgia Highway 20, and return over the same route, serving all intermediate points.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests that it commence at Tupelo, Miss., and end at Atlanta, Ga.

No. MC 106497 (Sub-No. 106), filed Dec. 31, 1974. Applicant: PARKHILL TRUCK COMPANY, a Corporation, P.O. Box 912 (Bus. Rte. I–44 east), Joplin, Mo. 64801. Applicant's representative: A. N. Jacobs, P.O. Box 113, Joplin, Mo. 64801. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Sewage lift stations;* and (2) *equipment and parts*, for sewage lift stations, in mixed loads with sewage lift stations, between points in Sumner County, Tenn., on the one hand, and, on the other, points in the United States (except Alaska and Hawaii).

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Louisville, Ky., or Nashville, Tenn.

No. MC 106674 (Sub-No. 148), filed December 26, 1974. 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: *Products of soybeans, and materials, supplies, and ingredients* used in the processing thereof, in bulk, between the plantsite and or warehouse facilities of Krause Milling Co. located at or near Logansport, Ind., on the one hand, and, on the other, points in the United States (except Alaska and Hawaii), restricted to traffic originating at or destined to the plantsite and or warehouse facilities of Krause Milling Co. located at or near Logansport, Ind.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Indianapolis, Ind.

No. MC 107295 (Sub-No. 756), filed January 8, 1975. Applicant: PRE-FAB TRANSIT CO., a Corporation, 100 South Main Street, Farmer City, Ill. 61842. Applicant's representative: Mack Stephenson (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fiberglass reinforced plywood panels* and *materials and supplies* used in the manufacture and distribution of fiberglass reinforced plywood panels (except commodities in bulk), from points in Iowa, Missouri, Arkansas, Minnesota, Michigan, Illinois, Louisiana, New York, Massachusetts, Rhode Island, Delaware, Mississippi, Tennessee, Alabama, Kentucky, Indiana, Ohio, Wisconsin, Vermont, Connecticut, New Jersey, West Virginia, Virginia, North Carolina, South Carolina, Georgia, Florida, Pennsylvania, New Hampshire, Maine, and Maryland, to the plantsite and warehouse facilities of Cor Tec, Inc., at Washington Court House, Ohio.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Columbus, Ohio.

No. MC 109397 (Sub-No. 309), filed January 3, 1975. Applicant: TRI-STATE MOTOR TRANSIT CO., a Corporation, P.O. Box 113 (Bus Rte. I–44 east), Joplin, Mo. 64801. Applicant: A. N. Jacobs (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Road building, earthmoving, construction equipment, cranes, and attachments, accessories, and parts*, of such commodities; and (2) *parts, materials, and supplies*, used in construction of items in (1) above, between the plantsites and warehouse facilities of Grove Manufacturing Company, at Shady Grove, Pa., on the one hand, and, on the other, points in the United States including Alaska, but excluding Hawaii.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C., or Philadelphia, Pa.

No. MC 109533 (Sub-No. 67) (Partial Correction), filed October 21, 1974, published in the FEDERAL REGISTER issues of November 27, 1974, December 19, 1974, and January 16, 1975, and in Fourth publication as corrected, this issue. Applicant: OVERNITE TRANSPORTATION COMPANY, a Corporation, 1100 Commerce Road, Richmond, Va. 23224. Applicant's representative: E. T. Liipfert, Suite 1100, 1660 L Street 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, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment); (1) Between Jacksonville, Fla., and Houston, Tex., serving all intermediate points and the off-route points of Gonzales, Fla., Port Arthur and Port Neches, Tex., Lemoyne, Ala., Calvert, Ala., and the plant site of Dow Badische Company at or near Calvert, Ala.: From Jacksonville over Interstate Highway 10 and also U.S. Highway 90 to New Orleans, La., thence over U.S. Highway 61 to Baton Rouge, La., thence over U.S. Highway 190 to Opelousas, La., thence over U.S. Highway 167 to Lafayette, La., thence over Interstate Highway 10 and also U.S. Highway 90 to Houston, and return over the same route.

NOTE.—The purpose of this partial republication is to correct Route No. 1. The rest of the notice remains as originally published. If a hearing is deemed necessary applicant requests it be held at either Atlanta, Ga., or New Orleans, La.

No. MC 110325 (Sub-No. 61), filed January 7, 1975. Applicant: TRANSCON LINES, a corporation, P.O. Box 92220, Los Angeles, Calif. 90009. Applicant's representative: Jerome Biniasz (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, livestock, household goods as defined by the Commission, and commodities requiring special equipment), serving the plant and warehouse sites of Western Electric Company, Inc., at or near the junction of New York Highway 422 and Maple Street, Elma Township (Erie County), N.Y., as an off-route point in connection with applicant's authorized regular route operations.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Buffalo, N.Y., or Washington, D.C.

No. MC 110410 (Sub-No. 15), filed December 23, 1974. Applicant: BENTON BROTHERS FILM EXPRESS, INC., 168 Baker Street NW., Atlanta, Ga. 30313. Applicant's representative: Warren A. Goff, 2008 Clark Tower, 5100 Poplar Avenue, Memphis, Tenn. 38137. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Printed matter*, between Atlanta, Ga., on the one hand, and, on the other, Alley, Ga.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Atlanta, Ga.

No. MC 110563 (Sub-No. 152), filed December 26, 1974. Applicant: COLDWAY FOOD EXPRESS, INC., P.O. Box 747, Ohio Building, Sidney, Ohio 60602. Applicant's representative: Joseph M. Scanlan, 111 W. Washington, Chicago, Ill. 60602. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, and articles distributed by meat packinghouses*, as described in Sections A and C of Appendix I to the

report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk), from the plantsites and warehouse facilities utilized by Northen Packing Co., Inc. (Subsidiary of the Kroger Co.), located at or near Milwaukee, Wis., to points in Maryland, Massachusetts, Virginia, New Jersey, New York, Ohio, and Pennsylvania.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at either Cincinnati or Columbus, Ohio.

No. MC 111545 (Sub-No. 208), filed December 23, 1974. Applicant: HOME TRANSPORTATION COMPANY, INC., 1425 Franklin Road, Marietta, Ga. 30062. Applicant's representative: Robert E. Born, P.O. Box 6426, Station A, Marietta, Ga. 30062. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Self-propelled articles*, each weighing 15,000 pounds or more, and *related machinery, tools, parts, and suppiles* moving in connection therewith, from the plantsite and warehouse facilities of FMC Corporation, Crane and Excavator Division located at or near Lexington, Ky., to points in Tennessee, North Carolina, South Carolina, Georgia, Alabama, Mississippi, Arkansas, Louisiana, Florida, and Texas.

NOTE.—If a hearing is deemed necessary the applicant requests it be held at Louisville, Ky.; Atlanta, Ga., or Washington, D.C.

No. MC 111729 (Sub-No. 492), filed Dec. 31, 1974. Applicant: PUROLATOR COURIER CORP., 2 Nevada Drive, Lake Success, N.Y. 11040. Applicant's representative: Peter A. Greene, 1625 K St. NW., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Laboratory samples, and specimens, including human tissue samples, blood, and blood specimens*, between Sioux Falls, S. Dak., on the one hand, and, on the other, points in Iowa, Minnesota, Nebraska, and North Dakota; (2) *laboratory samples and specimens, including culture and urine specimens, tissue samples, and blood*, between Des Plaines, Ill., on the one hand, and, on the other, points in Indiana, Iowa, Michigan, Missouri, and Wisconsin; (3) *business papers, records, and audit and accounting media of all kinds*, (a) between Sioux Falls, S. Dak., on the one hand, and, on the other, points in Iowa, Minnesota, Nebraska, and North Dakota; (b) between Des Plains, Ill., on the one hand, and, on the other, points in Indiana, Iowa, Michigan, Missouri, and Wisconsin; and (c) between Milwaukee, Wis., on the one hand, and, on the other, Henderson and Paducah, Ky.; Moorehead and New Ulm, Minn.; and points in Illinois, Indiana, Iowa, Michigan, Missouri, Nebraska, North Dakota, Ohio, and South Dakota; and (4) *garments*, restricted against the transportation of packages and articles weighing in the aggregate more than 50 pounds, from one consignor to one consignee, on any one day, between Milwaukee, Wis., on the one hand, and, on the other, Henderson and Paducah, Ky.; Moorehead and New Ulm, Minn.; and points in Illinois, Indiana, Iowa, Michigan, Missouri, Nebraska, North Dakota, Ohio, and South Dakota.

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, applicant requests it be held at Washington, D.C.

No. MC 11220 (Sub-No. 142), filed January 8, 1975. Applicant: GORDONS TRANSPORTS, INC., 185 West McLemore Avenue, Memphis, Tenn. 38101. Applicant's representative: Jay C. Miner, P.O. Box 59, Memphis, Tenn. 38101. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment): Serving the plantsite and facility of General Cable Corporation, located in Anderson County, Ky., approximately 3 miles north of Lawrenceburg, Ky., on U.S. Highway 127 bypass, as an off-route point in connection with carrier's authorized regular-route operations from and to Louisville, Ky.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Memphis, Tenn., or Washington, D.C.

No. MC 112617 (Sub-No. 323), filed December 31, 1974. Applicant: LIQUID TRANSPORTERS, INC., 1292 Fern Valley Road, P.O. Box 21395, Louisville, Ky. 40221. Applicant's representative: Leonard A. Jaskiewicz, Suite 501, 1730 M St. NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Coloring syrup*, in bulk, in tank vehicles, from Louisville, Ky., to points in Iowa; and (2) *inedible liquid flavoring compound, and distilled spirits*, in straight and mixed shipments, in bulk, in tank vehicles, from Bardstown, Ky., to Los Angeles, Calif.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C., or Louisville, Ky.

No. MC 113678 (Sub-No. 576), filed December 24, 1974. Applicant: CURTIS, INC., 4810 Pontiac Street, Commerce City (Denver), Colo. 80022. Applicant's representative: Richard A. Peterson, P.O. Box 81849, Lincoln, Nebr. 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Confectionery products*, (1) from the Port of New York, located at or near New York City, N.Y.; the Port of Newark, located at or near Newark, N.J.; Port Elizabeth, located at or near Elizabeth, N.J.; and Hazelton, Pa., to points in Arizona, California, Colorado, Idaho, Illinois, Indiana, Iowa, Kansas, Michigan, Minnesota, Missouri, Montana, Nebraska, Nevada, North Dakota, Ohio, Oregon, South Dakota, Utah, Washington, Wisconsin, and Wyoming; (2) from Detroit, Mich., to points in Arizona, California, Colorado, Idaho, Illinois, Iowa, Kansas, Minnesota, Missouri, Montana, Nebraska, Nevada, North Dakota, Oregon, South Dakota, Utah, Washington, Wisconsin, and Wyoming; (3) from Minneapolis, Minn., to points in Arizona, California, Colorado, Idaho, Montana, Nevada, Oregon, Utah, Washington, and Wyoming; and (4) from Chicago, Ill., to points in Colorado, Utah (except Salt Lake City), and Wyoming, restricted to traffic originating at the plantsite and warehouse facilities of Cadbury Corp., and destined to the above named points.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at New York, N.Y., Washington, D.C., or Denver, Colo.

No. MC 113325 (Sub-No. 140), filed December 27, 1974. Applicant: SLAY TRANSPORTATION CO., INC., 2001 South Seventh Street, St. Louis, Mo. 63104. Applicant's representative: T. M. Tahan (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals*, in bulk, from points in St. Charles County, Mo., to points in the United States (except Alaska and Hawaii).

NOTE.—If a hearing is deemed necessary, applicant requests it be held at St. Louis, Mo.

No. MC 113459 (Sub-No. 95), filed January 6, 1975. Applicant: H. J. JEFFRIES 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: (1) *Tractors*, with or without attachments (except tractors used for pulling highway trailers), *lift trucks, excavators, motor graders, scrapers, engines, generators, generators and engines combined, road rollers, pipe layers, and dump trucks* designed for off-highway use; and (2) *parts, attachments and accessories* for the commodities described in (1) above, from ports of entry in Alabama, Mississippi, Louisiana, and Texas, to points in Arkansas, Colorado, Illinois, Indiana, Kansas, Nebraska, New Mexico, North Dakota, Oklahoma, South Dakota, Texas, and Wyoming, restricted to traffic moving in foreign commerce, having a prior movement by water, and originating at facilities of Caterpillar Tractor Co. and its subsidiaries.

NOTE.—If a hearing is deemed necessary, applicant requests it be held on consolidated record with other applications requesting similar authority.

No. MC 113678 (Sub-No. 578), filed January 2, 1975. Applicant: CURTIS, INC., 4810 Pontiac Street, Commerce City (Denver), Colo. 80022. Applicant's representative: Richard A. Peterson, P.O. Box 81849, Lincoln, Nebr. 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen bakery products*, from the plantsite of Mrs. Smith's Pies, at or near Pottstown, Pa., to points in Arizona, California, Colorado, Idaho, Illinois, Indiana, Iowa, Kansas, Kentucky, Michigan, Minne-

sota, Missouri, Montana, Nebraska, Nevada, New Mexico, Ohio, Oregon, Utah, Washington, and Wisconsin.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at either Philadelphia, Pa., Washington, D.C., or Denver, Colo.

No. MC 113828 (Sub-No. 226), filed January 6, 1975. Applicant: O'BOYLE TANK LINES, INCORPORATED, P.O. Box 30006, Washington, D.C. 20014. Applicant's representative: William P. Sullivan, Federal Bar Building West, 1819 H Street NW., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Sodium bicarbonate*, in bulk, from Painesville, Ohio, to Charlottesville, Va.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 113861 (correction) (Sub-No. 61), filed November 22, 1974. Published in the FEDERAL REGISTER issue of December 19, 1974, and republished as corrected this issue. Applicant: WOOTEN TRANSPORTS, INC., 153 Gaston Avenue, Memphis, Tenn. 38106. Applicant's representative: James N. Clay, 2700 Sterick Building, Memphis, Tenn. 38103. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Asphalt and asphalt products*, in bulk, in tank vehicles from Memphis and Nashville, Tenn., to points in Kentucky.

NOTE.—The purpose of this republication is to add Nashville, Tenn., as a point of origin, omitted in the original notice. If a hearing is deemed necessary, the applicant requests it be held at Memphis, Tenn.

No. MC 113908 (Sub-No. 331), filed December 30, 1974. Applicant: ERICKSON TRANSPORT CORPORATION, 2105 East Dale Street, P.O. Box 3180 G.S.S., Springfield, Mo. 65804. Applicant's representative: B. B. Whitehead (Same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Bentonite clay and processed clay*, in bulk, from the plantsite of American Colloid Company located near Lovell, Wyoming, to points in Mississippi, Alabama, Florida, Georgia, South Carolina, North Carolina, Tennessee, Arkansas, Missouri, Kentucky, Virginia, West Virginia, Maryland, Delaware, New Jersey, Connecticut, Rhode Island, Massachusetts, Maine, New Hampshire, Vermont, New York, Pennsylvania, Ohio, Indiana, Illinois, Michigan, Minnesota, Iowa, Oklahoma, North Dakota, South Dakota, Nebraska, Kansas, Louisiana, Texas, and the District of Columbia; (2) *bentonite clay, foundry molding sand treating compound*, in bulk, from the plantsite of American Colloid Company located near Belle Fourche, S. Dak., and Upton, Wyo., to points in Mississippi, Alabama, Florida, Georgia, South Carolina, North Carolina, Tennessee, Arkansas, Missouri, Kentucky, Virginia, West Virginia, Maryland, Delaware, New Jersey, Connecticut, Rhode Island, Massachusetts, Maine, New Hampshire, Vermont, New York, Pennsylvania, Ohio, Indiana, Michigan, and the District of Columbia; and (3) *foundry molding sand treating compound and foundry sand*, in bulk, from the plantsite of American Colloid Company located near Granite City, Ill. to points in Alabama, Mississippi, Nebraska, Minnesota, Michigan, Tennessee, and Texas.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held either at Kansas City, Mo.; Chicago, Ill., or Washington, D.C.

No. MC 114004 (Sub-No. 153), filed January 3, 1975. Applicant: CHANDLER TRAILER CONVOY, INC., 8828 New Benton Highway, Little Rock, Ark. 72209. Applicant's representative: Harold Hernly, Jr., 118 N. St. Asaph Street, Alexandria, Va. 22314. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Watercraft and watercraft parts and accessories*, in mixed loads, from points in Gasconade County, Mo., to points in the United States (including Alaska, but excluding Hawaii).

NOTE.—If a hearing is deemed necessary, applicant requests it be held at St. Louis, Mo., or Little Rock, Ark.

No. MC 114457 (Sub-No. 218), filed December 30, 1974. Applicant: DART TRANSIT COMPANY, a Corporation, 780 North Prior Avenue, St. Paul, Minn. 55104. Applicant's representative: Michael P. Zell (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plumber goods*, from Ottumwa, Iowa, to points in Illinois, Indiana, Kansas, Michigan, Minnesota, Missouri, Nebraska, North Dakota, Ohio, South Dakota, Wisconsin, Washington, Montana, Wyoming, and Colorado, restricted to traffic originating at the plantsite and facilities of Universal-Rundle located at Ottumwa, Iowa and destined to the named destination states.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either St. Paul, Minn. or Pittsburgh, Pa.

No. MC 11545 (Sub-No. 209), filed January 6, 1975. Applicant: HOME TRANSPORTATION COMPANY, INC., 1425 Franklin Rd., Marietta, Ga. 30062. Applicant's representative: Robert E. Born, P.O. Box 6426, Station A, Marietta, Ga. 30062. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Tractors*, with or without attachments (except tractors used for pulling highway trailers), *lift trucks, excavators, motor graders, scrapers, engines, generators, generators and engines combined, road rollers, pipe layers, and dump trucks* designed for off-highway use; and (2) *parts, attachments and accessories* for the commodities described in (1) above: (a) From ports of entry in Maine, Massachusetts, New York, New Jersey, Delaware, Maryland, and Virginia, to points in Alabama, Arkansas, Florida, Georgia, Kentucky, Louisiana, Mississippi, North Carolina, South Carolina, Tennessee, Virginia, and West Virginia; (b) from ports of entry in Alabama, Mississippi, Louisiana, and Texas, to points in Illinois, Indiana, Iowa, Minnesota, Missouri, and Wisconsin; and (c) from ports of entry in North Carolina, South Carolina, Georgia, and Florida, to points in Alabama, Arkansas, Florida, Georgia, Illinois, Indiana, Kentucky, Mississippi, Missouri, North Carolina, Ohio, South Carolina, Tennessee, Virginia, West Virginia, and Wisconsin, restricted to traffic moving in foreign commerce, having a prior movement by water, and originating at facilities of Caterpillar Tractor Co. and its subsidiaries.

NOTE.—If a hearing is deemed necessary, applicant requests it be held on consolidated record with other similar applications at Washington, D.C.

No. MC 115162 (Sub-No. 303), filed January 3, 1975. Applicant: POOLE TRUCK LINE, INC., P.O. Drawer 500, Evergreen, Ala. 36401. Applicant's representative: Robert E. Tate (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *agricultural hand tools, rakes, hoes, spades and accessories;* and (2) *materials and supplies*, used in the manufacture of agricultural hand tools, rakes, hoes, spades and accessories, (1) from St. Louis, Mo., to points in the United States in and east of North Dakota, South Dakota, Nebraska, Kansas, Oklahoma, and Texas; and (2) from points in the United States in and east of North Dakota, South Dakota, Nebraska, Kansas, Oklahoma, and Texas, to St. Louis, Mo.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at St. Louis, Mo., or Washington, D.C.

No. MC 115180 (Sub-No. 94), filed December 31, 1974. Applicant: ONLEY REFRIGERATED TRANSPORTATION, INC., 265 West 14th St., New York, N.Y. 10014. 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: *Candy, confectionery and related items, and premiums and advertising materials* when moving with the above named commodities (except commodities in bulk), from Freehold, N.J., to points in Ohio, Michigan, Indiana, Illinois, Wisconsin, Minnesota, Missouri, Kansas, Nebraska, Iowa, Texas, and points in Pennsylvania on and west of the Susquehanna River.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at either Washington, D.C., or New York, N.Y.

No. MC 115669 (Sub-No. 149), filed January 8, 1975. Applicant: DAHLSTEN TRUCK LINE, INC., 101 West Edgar Street, P.O. Box 95, Clay Center, Nebr. 68933. Applicant 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: (1) *Dry petroleum pitch*, in bulk (except in tank vehicles) from Sioux City, Iowa, and Granite City, Ill., to Belle Fourche, S. Dak.; (2) *bentonite clay and processed clay*, from the plant site of the American Colloid Company at or near Lovell, Wyo., to points in Kansas; (3) *bentonite clay*, in bags, from the plantsites of American Colloid Company at or near Belle Fourche, S. Dak., and Upton, Wyo., to points in Nebraska (except Omaha) and points in Kansas on, east and north of a line beginning at the Kansas-Nebraska State Boundary line and extending south along U.S. Highway 75 to junction U.S. Highway 56, thence east along U.S. Highway 56 to Olathe, Kans., thence east along Kansas Highway 150 to the Kansas-Missouri State Boundary line; and (4) *supplies* used in the installation of water impedance boards when shipped with water impedance boards, from the plant site of the American Colloid Company at or near Belle Fourche, S. Dak., to points in Iowa, Kansas, Nebraska, and Oklahoma.

NOTE.—Common control and dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr.

No. MC 115841 (Sub-No. 495), filed January 2, 1975. Applicant: COLONIAL REFRIGERATED TRANSPORTATION, INC., 105 Vulcan Road, Suite 200, P.O. Box 10327, Birmingham, Ala. 35202. Applicant's representative: Roger M. Shaner, (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen bakery products* (except commodities in bulk), from Lake City, Pa., to points in Arizona, California, Colorado, and New Mexico.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at either Erie, Pa., or Buffalo, N.Y.

No. MC 116073 (Sub-No. 314), filed December 30, 1974. Applicant: BARRETT MOBILE HOME TRANSPORT, INC., 1825 Maine Ave., P.O. Box 919, Moorhead, Minn. 56560. Applicant's representative: Robert G. Tessar, 1819 4th Ave. South, Moorhead, Minn. 56560. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Travel trailers*, (1) From points in Gregg County, Tex., to points in Alabama, Arkansas, Colorado, Florida, Georgia, Kansas, Louisiana, Mississippi, Missouri, New Mexico, Oklahoma, and Tennessee; and (2) From points in McLennan County, Tex., to points in Arkansas, Colorado, Kansas, Louisiana, Mississippi, Missouri, New Mexico, Oklahoma, and Tennessee; and (3) From points in Williams County, Ohio, and Montgomery and Clinton Counties, Ind., to points in Alabama, Arkansas, Indiana, Illinois, Iowa, Kentucky, Michigan, Minnesota, Mississippi, Missouri, Nebraska, North Dakota, Ohio, Oklahoma, South Dakota, Tennessee, Texas, and Wisconsin.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at either St. Louis, or Kansas City, Mo.

No. MC 116763 (Sub-No. 300), filed January 8, 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: *Foodstuffs*, (1) from Muscatine and Iowa City, Iowa, Dixon, Ill., Geneva, Ohio, and North East, Pa., to the facility of Heinz U.S.A. at Jacksonville, Fla.; (2) from Dixon, Ill., Coloma, Mich., North East, Pa., and Geneva, Ohio, to the facility of Heinz U.S.A. at Arlington, Tex.; (3) from Dixon, Ill., to the facilities of Heinz U.S.A. at Harrison, N.J., and Mechanicsburg, Pa.; (4) from Dixon, Ill., Coloma, Mich., North East, Pa., and Geneva, Ohio, to the facility of Heinz U.S.A. at Greenville, S.C.; and (5) from the facility of Heinz U.S.A. at Greenville, S.C., to the facilities of Heinz U.S.A. at Arlington, Tex., Mechanicsburg, Pa., Iowa City, Iowa, Toledo, Ohio, Harrison, N.J., and points in Florida and North Carolina.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Pittsburgh, Pa.

No. MC 117304 (Sub-No. 35), filed December 18, 1974. Applicant: DON PAFFILE, doing business as PAFFILE TRUCK LINES, 2906 29th St. North, Lewiston, Idaho 83501. Applicant's representative: George R. LaBissoniere, Suite 101 Andover Bldg., 130 Andover Park East, Seattle, Wash. 98188. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Waste, scrap, scrap metals, pulp and rags* for recycling or reuse, from points in Montana and Idaho, to those points in Oregon on and west of U.S. Highway 97, and points in California and Washington.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Spokane, Wash.

No. MC 118142 (Sub-No. 86), filed December 23, 1974. Applicant: M. BRUENGER AND CO., INC., 6250 N. Broadway, Wichita, Kans. 67219. Applicant's representative: M. Bruenger (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Aerosol products, cleaning compounds*, in vehicles equipped with mechanical refrigeration (except commodities in bulk, in tank vehicles), from Ft. Lauderdale, Fla., to points in Arizona, California, Nevada, Utah, Oregon, Idaho, and Washington.

NOTE.—If a hearing is deemed necessary, applicant request it be held at Wichita, Kans.

No. MC 118202 (Sub-No. 43), filed December 26, 1974. Applicant: SCHULTZ TRANSIT, INC., P.O. Box 503, 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: (1) *Candy and confectionery products;* and (2) *children's benches, blackboards, chalkboards, desks, sand boxes, and tables*, from St. Louis, Mo., to points in Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, and the District of Columbia.

NOTE.—Applicant holds contract carrier authority in MC 134631 Sub 4, and subs thereunder, therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Minneasary, applicant requests it be held at Minneapolis, Minn.

No. MC 118431 (Sub-No. 19) (correction), filed December 10, 1974, published in the FEDERAL REGISTER issue of January 3, 1975 and, republished, as corrected, this issue. Applicant: DENVER SOUTHWEST EXPRESS, INC., P.O. Box 9950, Little Rock, Ark. 72209. Applicant's representative: David R. Parker, P.O. Box 82028, Lincoln, Nebr. 68501. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Such materials, supplies, and ingredients*, as are used in the food processing industry, from points in Colorado, Connecticut, Delaware, Illinois (except points in the Chicago Commercial Zone), Indiana, Kansas, Kentucky, Maine, Maryland, Massachusetts, Michigan, Minnesota, Missouri, New Hampshire, New Jersey, New York, Ohio, Oklahoma, Pennsylvania, Rhode Island, Tennessee, Virginia, West Virginia, and Wisconsin, to points in Deerfield and Chicago, Ill. restricted, (1) against the transportation of commodities in bulk, bananas, frozen and canned citrus products; (2) to shipments destined to the plantsites and facilities utilized by Kitchens of Sara Lee; and (3) to a transportation service to be performed under a continuing contract or contracts with Kitchens of Sara Lee.

NOTE.—The purpose of this republication is to add the destination points erroneously omitted in the original notice. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Washington, D.C.

No. MC 118431 (Sub-No. 20), filed January 6, 1975. Applicant: DENVER SOUTHWEST EXPRESS, INC., P.O. Box 9950, Little Rock, Ark. 72209. Applicant's representative: David R. Parker, P.O. Box 82028, Lincoln, Nebr. 68501. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Wine* (except in bulk), from Hammondsport, N.Y., to points in Illinois, Indiana, Wisconsin, North Carolina, South Carolina, Michigan, and Alabama, under a continuing contract with the Taylor Wine Company, Inc.

NOTE.—If a hearing is deemed necessary, the applicant requests it be at either Little Rock, Ark., or Rochester, N.Y.

No. MC 118861 (Sub-No. 4), filed December 23, 1974. Applicant: H. L. DRAPER TRUCKING, INC., Box 187, Falls

Creek, Pa. 15840. Applicant's representative: William J. Lavelle, 2310 Grant Building, Pittsburgh, Pa. 15219. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cinders, sand, gravel, stone, and slag, and cinders, sand, gravel, stone, and slag* when coated with asphalt, in bulk, in dump vehicles, from points in Erie County, N.Y., to points in Crawford, Erie, and Warren Counties, Pa., with no transportation for compensation on return except as otherwise authorized.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Buffalo, N.Y.

No. MC 119493 (Sub-No. 134), filed January 6, 1975. Applicant: MONKEM COMPANY, INC., West 20th Street Road, P.O. Box 1196, Joplin, Mo. 64801. Applicant's representative: J. J. Knotts, Jr., P.O. Box 1196, Joplin, Mo. 64801. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Beverages, carbonated, non-carbonated beverage concentrates, beverage flavoring compounds, and beverage preparations*, from Lenexa, Kans., to points in Missouri, Iowa, Nebraska, Oklahoma, and Arkansas.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Kansas City, Mo.

No. MC 119777 (Sub-No. 313), filed January 2, 1975. Applicant: LIGON SPECIALIZED HAULER, INC., P.O. Drawer "L", Madisonville, Ky. 42431. Applicant's representative: John B. Ratliff (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Lifting, towing hoisting, and material handling trucks;* and (2) *parts and accessories*, for (1) above, (A) between the plant, warehouse, and storage facilities of Clark Equipment Company, located at or near Georgetown, Ky., on the one hand, and, on the other, points in Michigan; and (B) from the plant, warehouse, and storage facilities of Clark Equipment Company, located at or near Georgetown, Ky., to points in the United States (including Alaska, but excluding Hawaii).

NOTE.—Applicant holds contract carrier authority in MC 126970, Subs 1 and 3 thereunder, therefore dual operations may be involved. Common control may also be involved. If a hearing is deemed necessary, applicant requests it be held at Lexington, Ky.

No. MC 119988 (Sub-No. 74) (Correction), filed November 25, 1974, and published in the FEDERAL REGISTER issue of December 27, 1974, as No. MC 140271 (Sub-No. 1), and republished as corrected this issue. Applicant: GREAT WESTERN TRUCKING CO., INC., Highway 103 East, P.O. Box 1384, Lufkin, Tex. 75901. Applicant's representative: Hugh T. Matthews, 630 Fidelity Union Tower, Dallas, Tex. 75201. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Acrylics* and *materials, equipment, and supplies* used in the manufacture thereof (except in bulk), between Hackensack, N.J., Stamford, Conn., and Dallas, Tex., on the one hand, and, on the other, points in and west of Texas, Oklahoma, Kansas, Nebraska, South Dakota, and North Dakota, restricted against the transportation of commodities which because of size or weight require the use of special equipment.

NOTE.—The purpose of this correction is to indicate that the correct docket number assigned to this application is MC 119988 (Sub-No. 74) in lieu of MC 140271 (Sub-No. 1). If a hearing is deemed necessary, applicant requests it be held at Dallas, Tex.

No. MC 121470 (Sub-No. 9), filed January 2, 1975. Applicant: TANKSLEY TRANSFER COMPANY, a Corporation, 801 Cowan Street, Nashville, Tenn. 37207. Applicant's representative: John M. Nader, P.O. Box E, Bowling Green, Ky. 42101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (A) (1) *Buildings*, complete, knocked down, or in sections; (2) *building sections and building panels;* (3) *parts and accessories* used in the installation of the commodities listed above; and (4) *metal pre-fabricated structural components and panels*, from the plantsite and storage facilities of Kirby Building Systems, Inc., located at or near Portland, Tenn., to points in the United States in and east of Texas, Oklahoma, Kansas, Nebraska, South Dakota, and North Dakota; and (B) *materials, equipment, and supplies* used in the manufacture of the commodities listed in (A) (1) through and including (B) (4), above from points in the United States in and east of Texas, Oklahoma, Kansas, Nebraska, South Dakota, and North Dakota, to the plantsite and storage facilities of Kirby Building Systems, Inc., located at or near Portland, Tenn., restricted to the transportation of traffic originating at or destined to the plantsite and storage facilities of Kirby Building Systems, Inc.

NOTE.—If a hearing is deemd necessary, the applicant requests it be held at either Nashville, Tenn., or Louisville, Ky.

No. MC 123407 (Sub-No. 219), filed January 6, 1975. Applicant: SAWYER TRANSPORT, INC., South Haven Square, U.S. Highway 6, Valparaiso, Ind. 46383. Applicant's representative: Robert W. Sawyer (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Coverings, facings, floor rolls, felt base carpeting, asphalted and decorated linoleum*, from Salem, N.J., to points in Wisconsin.

NOTE.—Common control may be involved. If a hearing is deemd necessary, the applicant requests it be held at either Madison, Wis., or Washington, D.C.

No. MC 123872 (Sub-No. 41), filed December 23, 1974. Applicant: W & L MOTOR LINES, INC., State Road 1148, P.O. Drawer 2607, Hickory, N.C. 28601. Applicant's representative: Theodore Polydoroff, Suite 600, 1250 Connecticut Ave. NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat by-products, and articles distributed by meat packinghouses*, as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk, in tank vehicles), from Denver, Colo., to points in North Carolina, South Carolina, Tennessee, and Virginia.

NOTE.—If a hearing is deemd necessary, the applicant requests it be held at either Hickory or Charlotte, N.C.

No. MC 124078 (Sub-No. 628), filed January 2, 1975. Applicant: SCHWERMAN TRUCKING CO., a corporation, 611 South 28th Street, Milwaukee, Wis. 53246. Applicant's representative: James R. Ziperski (Same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Liquid sugar, and liquid sugar and blends of corn syrup*, in bulk, in tank vehicles, from Memphis, Tenn., to points in Alabama, Illinois, and Indiana; (2) *ground limestone*, in bulk, in tank vehicles, from Gantts Quarry, Ala., to points in Oklahoma; and (3) *nitric acid*, in bulk, in tank vehicles, from Lima, Ohio, to points in Iowa.

NOTE.—Applicant holds contract carrier authority in MC 113832 Sub-68, therefore dual operations may be involved. Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at either Memphis, Tenn., or Atlanta, Ga.

No. MC 124170 (Sub-No. 49), filed Jan. 8, 1975. Applicant: FROSTWAYS, INC., 3900 Orleans, Detroit, Mich. 48207. Applicant's representative: William J. Boyd, 600 Enterprise Drive, Suite 222, Oak Brook, Ill. 60521. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Food, Food products, and food ingredients*, from points in Mobile County, Ala., to points in Kentucky, Ohio, Michigan, Indiana, Illinois, Wisconsin, Minnesota, Nebraska, Iowa, Missouri, Kansas, South Dakota, and North Dakota.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at New Orleans, La., or Washington, D.C.

No. MC 124679 (Sub-No. 62), filed January 3, 1975. Applicant: C. R. ENGLAND & SONS, INC., 975 West 2100 South, Salt Lake City, Utah 84119. Applicant's representative: Daniel B. Johnson, 1123 Munsey Building, 1329 E St. NW., Washington, D.C. 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Photographic materials, supplies and equipment*, in vehicles equipped with mechanical refrigeration, between Teterboro, N.J., on the one hand, and, on the other, Salt Lake City, Utah; Glendale and Brisbane, Calif.; Denver, Colo.; Chicago, Ill.; Atlanta, Ga.; Milwaukee, Wis.; and Dallas, Tex.

NOTE.—Applicant holds contract carrier authority in MC 128813 Subs 2, 4, and 6,

thereunder, therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Salt Lake City, Utah.

No. MC 124692 (Sub-No. 142), filed December 16, 1974. Applicant: SAMMONS TRUCKING, a Corporation, P.O. Box 4347, Missoula, Mont. 59801. 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 irregular routes, transporting: *Petroleum and petroleum products* (except in bulk), from the facilities of Witco Chemical Corporation at Bradford, Pa., to points in Montana, Idaho, Utah, Nevada, New Mexico, Arizona, California, Oregon, and Washington, restricted to shipments originating at the facilities of Witco Chemical Corporation at Bradford, Pa.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Pittsburgh, Pa. or Chicago, Ill.

No. MC–124947 (Sub-No. 35), filed January 6, 1975. Applicant: MACHINERY TRANSPORTS, INC., P.O. Box 417, Stroud, Okla. 74079. Applicant's representative: T. M. Brown, Suite 223, Ciudad Building, Oklahoma City, Okla. 73112. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Tractors*, with or without attachments (except tractors used for pulling highway trailers), *lift trucks, excavators, motor graders, scrapers, engines, generators, generators and engines combined, road rollers, pipe layers, dump trucks* designed for off-highway use; and (2) *parts, attachments and accessories* for the commodities described in (1) above, (a) from ports of entry in Alabama, Mississippi, Louisiana, and Texas, to points in Arkansas, Colorado, Illinois, Indiana, Iowa, Kansas, Kentucky, Minnesota, Missouri, New Mexico, Ohio, Oklahoma, South Dakota, Texas, Wisconsin, and Wyoming; and (b) from ports of entry in Wisconsin, Illinois, Michigan, and Ohio, to points in the United States (except Alaska and Hawaii), restricted to traffic moving in foreign commerce, having a prior movement by water and originating at facilities of Caterpillar Tractor Co. and its subsidiaries.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C.

No. MC 126899 (Sub-No. 83), filed January 3, 1975. Applicant: USHER TRANSPORT, INC., 3925 Old Benton Road, P.O. Box 3051, Paducah, Ky. 42001. Applicant's representative: George M. Catlett, 703–706 McClure Bldg., Frankfort, Ky. 40601. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Malt beverages*, in containers, *and related advertising materials*, from the plantsite of Pabst Georgia Brewing Company, at or near Perry (Houston County), Ga., to points in Kentucky; and (2) *empty malt beverage containers*, from points in Kentucky, to the plantsite of Pabst Georgia Brewing Company, at or near Perry (Houston County), Ga.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Louisville, Ky., or Atlanta, Ga.

No. MC 128012 (Sub-No. 3), filed January 3, 1975. Applicant: R. E. McCORMACK AND D. L. McCORMACK, a partnership, doing business as McCORMACK TRUCK LINES, 2608 Eagle Lane, P.O. Box 74937, Oklahoma City, Okla. 73127. Applicant's representative: Dean Williamson, 280 National Foundation Life Bldg., 3535 NW. 58th, Oklahoma City, Okla. 73112. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned goods*, from points in Cameron, Hidalgo, Starr, and Willacy Counties, Tex., to points in Arizona, Arkansas, California, Kansas, Louisiana, New Mexico, Nevada, and Oklahoma.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Oklahoma City, Okla., or Dallas, Tex.

No. MC 128273 (Sub-No. 165), filed December 26, 1974. Applicant: MIDWESTERN DISTRIBUTION, INC., P.O. Box 189, Fort Scott, Kans. 66701. Applicant's representative: Harry Ross (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Printed matter, publications, and exempted printed matter*, as described by Section 203(b)(7) of the Interstate Commerce Act, when transported at the same time and in the same vehicle with printed matter and publications; and (2) *materials and supplies* used in maintenance and operation of printing plants, between plant sites and warehouse facilities of R. R. Donnelley & Sons Company and/or its subsidiaries at or near Glasgow, Ky., Gallatin, Tenn., and Chicago and Mattoon, Ill., on the one hand, and, on the other, points in the United States (except Alaska and Hawaii).

NOTE.—If a hearing is deemed necessary, applicant requests it be held at either Chicago, Ill., or Washington, D.C.

No. MC 128638 (Sub-No. 8) filed January 3, 1975. Applicant: CENTRAL GRAIN HAULERS, INC., Route No. 1, Van Meter Road, Winchester, Ky. 40391. Applicant's representative: George M. Catlett, 703–706 McClure Bldg., Frankfort, Ky. 40601. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Coal*, from points in Carter, Elliott, Martin, Johnson, Floyd, Magoffin, Perry, Breathitt, Wolfe, Menifee, Powell, Lee, and Owsley Counties, Ky., to points in Kentucky, Ohio, Indiana, West Virginia, and Tennessee.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at either Lexington or Louisville, Ky.

No. MC 133965 (Sub-No. 4), filed January 2, 1975. Applicant: CALZONA TRANSPORTATION, INC., P.O. Box 6558, Phoenix, Ariz. 85005. Applicant's representative: William J. Lippman, 1819 H St. NW., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Solvents*, in bulk, in tank vehicles, (1) from Phoenix, Ariz., to Grandview, Tex.; and (2) from Grandview, Tex., to Los Angeles, Calif.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Los Angeles, Calif., or Phoenix, Ariz.

No. MC 134197 (Sub-No. 2), filed December 30, 1974. Applicant: JACKSON & JOHNSON, INC., West Church Street, Box 7, Savannah, N.Y. 13146. Applicant's representative: S. Michael Richards, 44 North Avenue, P.O. Box 225, Webster, N.Y. 14580. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Malt beverages*, from Radisson, N.Y., to points in Connecticut, Maine, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, and Vermont; and (2) *materials, supplies and equipment*, used in the manufacture, sale and distribution of malt beverages, from points in Connecticut, Maine, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, and Vermont, to Radisson, N.Y.

NOTE.—Applicant holds contract carrier authority in MC 136342, therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at either Syracuse, or Buffalo, N.Y.

No. MC 134478 (Sub-No. 7), filed December 26, 1974. Applicant: CONNOLLY CARTAGE CORP., P.O. Box 3660, 1088 Snelling Avenue, St. Paul, Minn. 55156. Applicant's representative: James E. Ballenthin, 630 Osborn Bldg., St. Paul, Minn. 55102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wood chips*, in bulk, from Black River Falls and Connersville, Wis., to points in Scott County, Minn., restricted to the traffic destined to plantsite and facilities of Certain Teed Products Corporation, at Scott County, Minn.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at St. Paul, Minn.

No. MC 134599 (Sub-No. 117), filed Dec. 11, 1974. Applicant: INTERSTATE CONTRACT CARRIER CORPORATION, P.O. Box 748, Salt Lake City, Utah 84110. Applicant's representative: Richard A. Peterson, P.O. Box 81849, Lincoln, Nebr. 68501. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Rubber, rubber products and equipment, chemicals, and materials and supplies*, used in the manufacture and production of rubber products (except commodities in bulk, or which, because of size or weight, require special handling), from Chicopee Falls, Mass., to points in Arizona, Arkansas, California, Colorado, Iowa, Louisiana, Minnesota, Missouri, New Mexico, Oklahoma, Oregon, Texas, and Washington, under contract with Uniroyal, Inc.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Salt Lake City, Utah, or Lincoln, Nebr.

No. MC 134816 (Sub-No. 4), filed December 31, 1974. Applicant: EDWARD C. WARD, Route 1, Box 107, Tyner, N.C. 27980. Applicant's representative: Chester A. Zyblut, 1522 K St. NW., Suite 634, Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fishmeal*, between Reedville and Cape Charles, Va., and Wilmington, N.C.

NOTE.—If a hearing is deemed necessary, applicant does not specify a location.

No. MC 135486 (Sub-No. 7) (correction), filed November 6, 1974, published in the FEDERAL REGISTER issue of December 12, 1974, and republished, as corrected, this issue. Applicant: JACK HODGE TRANSPORT, INC., 2410 West 9th Street, Marion, Ind. 46952. Applicant's representative: Jacob P. Billig, 1126 16th Street NW., Room 300, Washington, D.C. 20036. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Fresh bakery products and advertising and display material* in connection therewith, from the facilities of The Kroger Company at Solon, Ohio, to the facilities of The Kroger Company at Ft. Wayne, Ind., under a continuing contract or contracts with The Kroger Company.

NOTE.—The purpose of this republication is to indicate the correct contracting shipper. If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C.

No. MC 135486 (Sub-No. 8) (correction) filed November 6, 1974, published in the FEDERAL REGISTER issue of December 12, 1974 and republished, as corrected, this issue. Applicant: JACK HODGE TRANSPORT, INC., 2410 West 9th Street, Marion, Ind. 46952. Applicant's representative: Jacob P. Billig, 1126 16th Street NW., Room 300, Washington, D.C. 20036. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Such merchandise* as is dealt in by wholesale, retail, and chain grocery and food business houses, and *equipment, materials and supplies* used in the conduct of such business, in vehicles equipped with mechanical refrigeration, from the facilities of the Kroger Company at Columbus and Cincinnati, Ohio, to the facilities of the Kroger Company at Dallas and Houston, Tex., under a continuing contract or contracts with The Kroger Company.

NOTE.—The purpose of this republication is to indicate the correct contracting shipper. If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C.

No. MC 135486 (Sub-No. 9), filed January 8, 1975. Applicant: JACK HODGE TRANSPORT, INC., 2410 West 9th Street, Marion, Ind. 46952. Applicant's representative: Jacob P. Billig, 1126 16th Street NW., Room 300, Washington, D.C. 20036. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Carbonated beverages*, in packages, from the facilities of Inter-State Canning Company at Louisville, Ky., to the facilities of The Kroger Company at Cincinnati and Columbus, Ohio and Indianapolis, Ind.; under a continuing contract or contracts with The Kroger Company.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 135797 (Sub-No. 32), filed Dec. 26, 1974. Applicant: J. B. HUNT TRANSPORT, INC., P.O. Box 200, Lowell, Ark. 72745. Applicant's representative: L. C. Cypert, 108 Terrace Drive, Lowell, Ark. 72745. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Metal building parts and materials, equipment and supplies*, used in the manufacture and erection of metal buildings (except commodities in bulk, and commodities which because of size and weight require the use of special equipment), from the facilities of Jeanway Industries, Inc., at Humble, Tex., to points in the United States (except Alaska, Hawaii, and Texas).

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Houston, Tex., or Tulsa, Okla.

No. MC 136166 (Sub-No. 13), filed Dec. 19, 1974. Applicant: CF TANK LINES, INC., 175 Linfield Drive, Menlo Park, Calif. 94025. Applicant's representative: Robert M. Bowden, Western Traffic Service, P.O. Box 3062, Portland, Oreg. 97208. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid meat, fish and poultry solubles*, in bulk, in tank vehicles from Warrenton, Oreg., to Jefferson, Wis., and St. Joseph, Mo.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at either San Francisco, or Los Angeles, Calif.

No. MC 136212 (Sub-No. 12), filed January 2, 1975. Applicant: JENSEN TRUCKING COMPANY, INC., P.O. Box 349, Gothenburg, Nebr. 69138. Applicant's representative: Lonnie Jensen (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs*, from the plantsites of Heinz U.S.A., Division of H. J. Heinz Company at Iowa City and Muscatine, Iowa, to points in Colorado, and points in Kansas and Nebraska on and west of U.S. Highway 81.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at either Pittsburgh, Pa., or Dallas, Tex.

No. MC 136318 (Sub-No. 30), filed January 2, 1975. Applicant: COYOTE TRUCK LINE, INC., P.O. Box 5627, High Point, N.C. 27262. Applicant's representative: David R. Parker, P.O. Box 82028, Lincoln, Nebr. 68501. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *New furniture*, from Appomattox, Va., to points in California, Idaho, Montana, Nevada, North Dakota, and South Dakota, under contract with Thomasville Furniture Industries, Inc.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga., or Charlotte, N.C.

No. MC 136420 (Sub-No. 5), filed December 9, 1974. Applicant: OKLAHOMA BORDER EXPRESS, INC., 903 South Y Street, Fort Smith, Ark. 72901. Applicant's representative: Don A. Smith, P.O. Box 43, 13 North 7th Street, Fort Smith, Ark. 72901. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), Between Tulsa, Okla., and Bentonville, Ark., serving the intermediate points of Springdale and Rogers, Ark., and the off-route point of Fayetteville, Ark.: From Tulsa, Okla., over Oklahoma Highway 33 to junction U.S. Highway 59, thence over U.S. Highway 59 to Siloam Springs, Ark., thence over Arkansas Highway 68 to Springdale, Ark., thence over U.S. Highway 71 to Rogers, Ark., thence over U.S. Highway 71 to Bentonville, Ark., and return over the same route.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at either Fort Smith, Ark., or Tulsa, Okla.

No. MC 138021 (Sub-No. 3), filed December 26, 1974. Applicant: STAND, INC., Box 57, Port Washington, Ohio 43837. Applicant's representative: Richard H. Brandon, 79 East State Street, Columbus, Ohio 43215. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Pallets and lumber*, from Strongsville, Ohio and points in Guernsey, Noble, Coshocton, and Holmes Counties, Ohio, to points in Indiana, Kentucky, Michigan, and Pennsylvania, under a continuing contract with Hinchcliff Products Company.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Columbus, Ohio.

No. MC 138054 (Sub-No. 6), filed January 8, 1975. Applicant: CONDOR CONTRACT CARRIERS, INC., P.O. Box 1354, Garden Grove, Calif. 92642. Applicant's representative: Patrick E. Quinn, 605 South 14th Street, P.O. Box 82028, Lincoln, Nebr. 68501. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Ornamental iron, plastic articles, vents, ventilators, ceiling grids, shutters, louvers, and parts and accessories* used in the manufacturing, sale, and installation of the commodities named above (except commodities in bulk and commodities which by reason of size or weight require the use of special equipment): (1) from the plantsite of Leslie-Locke, Division of Questor, at Fort Worth, Tex., to points in Arizona and New Mexico; and (2) from the plantsite of Leslie-Locke, Division of Questor, at

Tifton, Ga., to points in Kentucky, Tennessee, Virginia, North Carolina, South Carolina, Alabama, Georgia, Mississippi, Florida, Louisiana, Oklahoma, Texas, and Arkansas, under a continuing contract or contracts with Leslie-Locke, Division of Questor.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Columbus or Cleveland, Ohio.

No. MC 138415 (Sub-No. 11) (Correction), filed August 5, 1974, published in the FEDERAL REGISTER issue of September 12, 1974, and republished as corrected, this issue. Applicant: TRAILER EXPRESS, INC., Box 327, Topeka, Ind. 46571. Applicant's representative: Michael M. Yoder, Box 321, Topeka, Ind. 46571. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Camping trailers* including folding camping trailers (tent campers), fifth wheel travel trailers, travel trailers, and truck campers, from the plantsite of Vega Corporation in Syracuse (Kosciusko County), Ind., to points in the United States (except Alaska and Hawaii), under a continuing contract with Vega Corporation.

NOTE.—The purpose of this republication is to indicate the correct address of the applicant and applicant's representative. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., Chicago, Ill., or Indianapolis, Ind.

No. MC 138820 (Sub-No. 2), filed January 3, 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 *contract carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products, and meat byproducts*, from Ellensburg, Wash., to points in Oregon, under contract with Schaake Packing Company.

NOTE.—Applicant holds common carrier authority in MC 129516, 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 138941 (Sub-No. 5), filed December 30, 1974. Applicant: COUNTRY WIDE TRUCK SERVICE, INC., 1110 South Reservoir Street, Pomona, Calif. 91766. Applicant's representative: Paul M. Daniell, P.O. Box 872, Atlanta, Ga. 30301. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Plastic articles* (except in bulk), from Lowell, Mass., and Stratford, Conn., to points in Illinois, under contract with Mobil Chemical Company, Division Mobil Oil Corporation.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Buffalo, N.Y.

No. MC 139584 (Sub-No. 4), filed December 16, 1974. Applicant: JOHN BUSCH, P.O. Box 211, Conyngham, Pa. 18219. Applicant's representative: Kenneth R. Davis, 999 Union Street, Taylor, Pa. 18517. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Candy and confectionery, and related advertising matter*, from the plantsite of Cadbury Corporation, Humbolt Industrial Park, Hazle Township, Pa., to Detroit, Mich.; Dallas, Tex.; Denver, Colo.; Salt Lake City, Utah; Kansas City, Kans.; Kansas City, Mo.; Chicago, Ill.; Seattle, Wash.; and Los Angeles, Emeryville, and Hayward, Calif., restricted to shipments originating at the above origin point, and destined to the above destinations.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 139771 (Sub-No. 3), filed December 27, 1974. Applicant: GAFCO, INC., 1040 West 45th Street, Norfolk, Va. 23508. Applicant's representative: Chester A. Zyblut, 1522 K Street NW., Washington, D.C. 20005. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Marine paint*, in containers, from Bayonne, N.J., to port facilities located at Baltimore, Md.; Norfolk, Va.; Wilmington, N.C.; Charleston, S.C.; Savannah, Ga.; Tampa, Jacksonville, Miami, and Port Canaveral, Fla.; Mobile, Ala.; New Orleans, La.; Houston, Tex.; Los Angeles and San Francisco, Calif.; Portland, Oreg.; and Seattle, Wash., under a continuing contract or contracts with Hempel Marine Paints, Inc.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 140016 (Sub-No. 4), filed Dec. 26, 1974. Applicant: TRANSPORTATION SERVICES, INC., 1285 Glendale Road, Sparks, Nev. 89431. Applicant's representative: Daniel W. Baker, 100 Pine Street, San Francisco, Calif. 94111. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Beer, other malt beverages, and related advertising materials*, in temperature-controlled equipment, from points in Los Angeles County, Calif., to points in Nevada on and north of U.S. Highway 6.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at either Reno or Carson City, Nev.

No. MC 140022 (Sub-No. 2) (Amendment), filed October 29, 1974, published in the FEDERAL REGISTER issue of November 27, 1974, and republished as amended this issue. Applicant: DONOVAN P. RODRIGUEZ, doing business as MICHIGAN TRUCKING SERVICE, 4630 Benzie Hwy., Benzonia, Mich. 49616. Applicant's representative: James R. Davis, 1018 Michigan National Tower, Lansing, Mich. 48933. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Pallets and pallet stock* in mixed shipments with pallets on flat bed equipment, (1) between points in Michigan and points in Indiana on and north of Interstate Highway 70; and (2) between points in Michigan (except those points located east of U.S. Highway 127 and south of Michigan Highway M-21) on the one hand, and, on the other, points in Ohio on and north of Interstate Highway 70.

NOTE.—The purpose of this republication is to amend the territorial description in (2) above. If a hearing is deemed necessary, the applicant requests it be held at Lansing or Detroit, Mich.

No. MC 140089, filed July 22, 1974. Applicant: LIONEL THERIAULT, INC., P.O. Box 239, Water Street, Caribou, Maine 04736. Applicant's representative: Arthur A. Wentzell, P.O. Box 764, Worcester, Mass. 01613. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Rock salt*, in bulk, in dump vehicles, from Caribou, Houlton, and Fort Kent, Maine, to points in Maine, under contract with The Chemical Corporation.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Portland, Maine.

No. MC 140149 (Sub-No. 2), filed December 23, 1974. Applicant: M. C. BUNCH, doing business as M. C. BUNCH TRUCKING CO., 1500 Garland, Jonesboro, Ark. 72401. Applicant's representative: John R. Henry, P.O. Box 906, Harrisburg, Ark. 72432. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Flattened vehicles and scrap metal* for recycling, from points in Arkansas, Iowa, Kansas, Missouri, Nebraska, Oklahoma, Texas, and Tennessee, to Alton, Chicago, East St. Louis, and Rockford, Ill., Indianapolis, Ind., Beloit and Madison, Wis.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held either at Little Rock, Ark., Washington, D.C., or Fort Worth, Tex.

No. MC 140277 (Sub-No. 1), filed Jan. 2, 1975. Applicant: BILL BALL, doing business as BILL BALL TRUCKING, 1703 Industrial Avenue, Sioux Falls, S. Dak. 57104. Applicant's representative: Bill Ball (same address as applicant). Authority sought to operate as a contract carrier, by motor vehicle, over irregular routes, transporting: *Commodity bags, envelopes, packets and pouches, and wrappers, flat, folded flat, and in rolls*, requiring separation into individual units, with and without complement of bag ties, from the plantsite and storage facilities of American Western Corporation, at Sioux Falls, S. Dak., to Phoenix, Ariz., and points in California, under contract with American Western Corporation.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Sioux Falls, S. Dak., or Sioux City, Iowa.

No. MC 140296 (Sub-No. 1), filed January 8, 1975. Applicant: SANDNER BROTHERS TRANSPORT LTD., P.O. Box 40, Christine Lake, B.C., Canada VOH 1EO. Applicant's representative: George H. Hart, 1100 IBM Building, Seattle, Wash. 98101. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Ore concentrates*, from ports of entry on the International Boundary line between the United States and Can-

ada, at or near Laurier, Wash., to Anaconda, Mont., under contract with Granby Mining Company Ltd.

NOTE.—Applicant holds common carrier authority in MC 133239 Sub 1, therefore dual operations may be involved. If a hearing is deemed necessary, the applicant requests it be held at Seattle, Wash.

No. MC 140430 (Correction), filed November 18, 1974, published in the FEDERAL REGISTER issue of December 27, 1974, and republished as corrected, this issue. Applicant: DELLON R. CAPPER AND ROBERT M. NAWFEL, doing business as B and B LEASING COMPANY, Miami, Ariz. 85539. Applicant's representative: Donald E. Fernaays, Suite 312, 4040 East McDowell Road, Phoenix, Ariz. 85008. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages and accompanying advertising material*; between Van Nuys, Calif., on the one hand, and, on the other, Globe, Miami, and Safford, Ariz.; and *empty pallets and refillable bottles* on return, under a continuing contract or contracts with Cactus Liquor Sales, Inc. and Jim Hafer Distributor.

NOTE.—The purpose of this republication is to indicate applicant's correct address. If a hearing is deemed necessary, applicant requests it be held at Phoenix, Ariz.

No. MC 140416 (Sub-No. 1), filed January 2, 1975. Applicant: BOOCHER TRUCKING, INC., Rural Route 2, North Manchester, Ind. 46962. Applicant's representative: Alki E. Scopelitis, 815 Merchants Bank Building, Indianapolis, Ind. 46204. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Feed and feed ingredients* (except liquid feed and liquid feed ingredients, in bulk, in tank vehicles), from the facilities of Ralston Purina Company located near Milford, Ind., to Allen, Defiance, Erie, Fulton, Hancock, Hardin, Henry, Huron, Lucas, Marion, Ottawa, Paulding, Putnam, Sandusky, Seneca, Van Wert, Williams, Wood, and Wyandot Counties, Ohio, and Van Buren, Cass, Berrien, St. Joseph, Kalamazoo, and Branch Counties, Mich., restricted to a contract with Ralston Purina Company.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Indianapolis, Ind., or Chicago, Ill.

No. MC 140474 (Sub-No. 2), filed January 2, 1975. Applicant: C. E. JOHNSON, an individual, 704 North First, Osborne, Kans. 67473. Applicant's representative: Clyde N. Christey, 641 Harrison Street, Topeka, Kans. 66603. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Iron and steel articles, parts, and materials* to be used in the manufacture of agricultural machinery, from Fort Morgan, Colo.; Chicago, Freeport, Fulton, Galesburg, Plainfield, and Quincy, Ill.; Elkhart, Ind.; Boone and Marshalltown, Iowa; Maple Plains, Minn.; Kansas City and St. Louis, Mo.; Grand Island and Valley, Nebr.; Fargo, N. Dak.; Fort Worth, Tex.; and Milwaukee, Wis., to the plant and or warehouse facilities of Osborne Manufacturing Co., Inc. located at/or near Osborne, Kans., and the plant and/or warehouse facilities of Gilmore-Tatge Mfg. Co., located at/or near Clay Center, Kans.; and (2) *agricultural machinery and parts*, from the plant and/or warehouse facilities of Osborne Manufacturing Co., Inc. and/or near Osborne, Kans., and the plant and/or warehouse facilities of Gilmore-Tatge Mfg. Co., Inc. located at/or near Clay Center, Kans., to points in Alabama, Arkansas, Colorado, Connecticut, Delaware, Georgia, Idaho, Illinois, Indiana, Iowa, Kentucky, Louisiana, Maryland, Michigan, Minnesota, Mississippi, Missouri, Montana, Nebraska, New Jersey, New Mexico, New York, North Carolina, North Dakota, Ohio, Oklahoma, Oregon, Pennsylvania, South Carolina, South Dakota, Tennessee, Texas, Utah, Virginia, Washington, West Virginia, Wisconsin, and Wyoming, parts (1) and (2) under a continuing contract with Osborne Manufacturing Co., Inc. and Gilmore-Tatge Mfg. Co., Inc.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Kansas City, Mo.

No. MC 140480 (Sub-No. 2), filed January 3, 1975. Applicant: EDWIN J. MEIERS, doing business as GRAPHIC ARTS EXPRESS, R.F.D. 1, Oregon, Ill. 61061. Applicant's representative: Robert H. Levy, 29 South LaSalle Street, Chicago, Ill. 60603. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Rotogravure cylinders*, between Mt. Morris, Ill., and New Berlin and Milwaukee, Wis., under contract with Kable Printing Company, at Mt. Morris, Ill.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 140481 (Sub-No. 1), filed January 6, 1975. Applicant: A.M.S. MOTOR SERVICE, INC., 132 West 154th Street, South Holland, Ill. 60473. Applicant's representative: Irving Stillerman, 29 South LaSalle Street, Chicago, Ill. 60603. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Brick and concrete block*, from the plantsites and warehouse sites of Illinois Brick Company, Division of Old Fort Industries, Inc., located in the Chicago, Ill., Commercial Zone, to points in Wisconsin, Michigan, and Indiana, under a continuing contract or contracts with Illinois Brick Company, Division of Old Fort Industries, Inc.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 140513, filed December 27, 1974. Applicant: LUMBER SPECIALTY TRANSPORT, INC., 82 South Broadway, Salem, N.H. 03079. Applicant's representative: James Troisi (same address as applicant). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Lumber, wooden fencing and wooden pallets*, from points in Clinton County, N.Y., and points in Maine, New Hampshire, and Vermont, to points in and east of Minnesota, Iowa, Missouri, Arkansas, and Louisiana, under a continuing contract or contracts with New England Lumber Sales Co.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Boston, Mass.

No. MC 140514, filed December 27, 1974. Applicant: GELLO BROS. INCORPORATED, 18 Duncan Street, Wallingford, Conn. 06492. Applicant's representative: Salvatore R. Gello (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wrecked, disabled, and repossessed vehicles*, between points in Connecticut, on the one hand, and, on the other, points in Massachusetts, Rhode Island, Maine, Vermont, New Hampshire, New York, New Jersey, Pennsylvania, Delaware, and Maryland.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at either Hartford, Conn., New York, N.Y., or Boston, Mass.

No. MC 140525, filed Dec. 31, 1974. Applicant: LIQUID TRANSPORTERS, INC., 1292 Fern Valley Road, P.O. Box 21395, Louisville, Ky. 40221. Applicant's representative: Leonard A. Jaskiewicz, Suite 501, 1730 M St. NW., Washington, D.C. 20036. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Pickled products*, in containers, from the plantsite of Vlasic Foods, Inc., at or near Greenville, Miss., to points in the United States (except Alaska and Hawaii); and (2) *supplies and materials*, used in the processing and manufacture of pickle products, from points in the United States (except Alaska and Hawaii), to the plantsite of Vlasic Foods, Inc., at or near Greenville, Miss., under contract with Vlasic Foods, Inc., at or near Greenville, Miss.

NOTE.—Applicant holds common carrier authority in MC 112617 and subs thereunder, therefore dual operations may be involved. Common control may also be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Louisville, Ky.

No. MC 140532, filed January 3, 1975. Applicant: HAROLD GENE SPARKS, doing business as INTERSTATE MOBILEHOME TOWING, 1223 Mull Street, Jacksonville, Fla. 32205. Applicant's representative: W. Guy McKenzie, Jr., P.O. Box 1200, Tallahassee, Fla. 32302. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Mobile homes, modular homes and buildings, complete, knocked down, in sections, loaded and unloaded, and their component parts and accessories*, when transported in connection therewith, (1) from points in Alachua, Baker, Bradford, Clay, Duval, Flagler, Putnam, St. Johns, and Union Counties, Fla., to points in Georgia; and (2) from points in Brantley, Camden, Charlton, Clinch, Glynn, Liberty, Long, Pierce, McIntosh, Ware, and Wayne Counties, Ga., to points in Florida.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Jacksonville or Tallahassee, Fla., or Atlanta, Ga.

PASSENGER APPLICATION(S)

No. MC 140282 (Sub-No. 1), filed January 3, 1975. Applicant: COMMUNITY COACH, INC., 315 Howe Avenue, Passaic, N.J. 07055. Applicant's representative: Charles J. Williams, 47 Lincoln Park, Newark, N.J. 07102. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Passengers*, between points in the Boroughs of Manhattan and Bronx, New York, N.Y., on the one hand, and, on the other, the plantsite of Kohner Bros., Inc., at Elmwood Park, N.J., under a continuing contract, or contracts, with Kohner Bros., Inc., at Elmwood Park, N.J.; and (2) *passengers*, between the Borough of Bronx, New York, N.Y., on the one hand, and, on the other, the plantsite of the Duralite Company, Inc., at Passaic, N.J., under a continuing contract, or contracts, with Duralite Company, Inc., at Passaic, N.J.

NOTE.—Applicant holds common carrier authority in MC 76022, therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Newark, N.J., or New York, N.Y.

BROKER APPLICATION(S)

No. MC 130288, filed December 26, 1974. Applicant: RICHARD L. MORGAN AGENCY, a Partnership, Bldg. D, Room 314, 1401 Fairfax Trafficway, Kansas City, Kans. 66115. Applicant's representative: Donald J. Quinn, Suite 900, 1012 Baltimore, Kansas City, Mo. 64105. Authority sought to engage in operation, in interstate or foreign commerce, as a *broker* at Kansas City, Kans., to sell or offer to sell the transportation of: *General commodities* (except Classes A and B explosives and household goods), by motor common and contract carriers, between 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 Kansas City, Mo., or Topeka, Kans.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.75-2709 Filed 1-29-75;8:45 am]

IRREGULAR-ROUTE MOTOR COMMON CARRIERS OF PROPERTY

Elimination of Gateway Applications

JANUARY 27, 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 March 3, 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 5470 (Sub-No. 93G), filed June 4, 1974. Applicant: TAJON, INC., R.D. No. 5, Mercer, Pa. 16137. Applicant's representative: Don Cross, 700 World Center Building, 918 16th St. NW., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Scrap metals*, in dump vehicles, from Uniontown, Pa., to Perth Amboy, N.J. The purpose of this filing is to eliminate the gateway of Oil City, Pa.

No. MC 7573 (Sub-No. 5G), filed June 4, 1974. Applicant: LEHMAN CARTAGE, INC., 1821 Middle Ave., Elyria, Ohio 44035. Applicant's representative: John P. McMahon, 100 East Broad St., Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special lading), between points in Ohio on and north and east of a line beginning at U.S. Highway 40 from the Ohio-West Virginia State line and extending westward to junction Interstate Highway 77 and U.S. Highway 21, thence extending northward along Interstate Highway 77 or U.S. Highway 21 to Canton, Ohio, thence westward along U.S. Highway 30 from Canton through Wooster, Mansfield, Bucyrus, and Upper Sandusky, Ohio to junction U.S. Highway 30 and 68, thence along U.S. Highway 68 northward to Findlay, Ohio, and junction U.S. Highway 68 and Interstate Highway 75 or U.S. Highway 25, and thence northward along Interstate Highway 75 or U.S. Highway 25 of Toledo, Ohio, on the one hand, and, on the other, points in that part of Indiana on and east of U.S. Highway 31 between the Indiana-Michigan State line and Indianapolis, and on and north of U.S. Highway 40 between Indianapolis and the Indiana-Ohio State line, those in that part of Michigan on and east of U.S. Highway 23 between the Michigan-Ohio State line and Flint, and on and south of Michigan Highway 21 between Flint and Port Huron, and those in that part of West Virginia on and north of U.S. Highway 60 between Huntington and Gauley Bridge, and on and west of West Virginia Highway 39 (formerly U.S. Highway 19) between Gauley Bridge and Summersville, via Belya, thence on and west of U.S. Highway 19 between Summersville, and the West Virginia-Pennsylvania State line near Maidsville, W. Va. The purpose of this filing is to eliminate the gateway of Elyria (Lorain County), Ohio.

No. MC 13134 (Sub-No. 38G), filed June 4, 1974. Applicant: GRANT TRUCKING, INC., P.O. Box 266, Oak Hill, Ohio 45656. Applicant's representative: John P. McMahon, Suite 1800, 100 East Broad St., Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Iron and steel products, glassware, and clay refractory products*, between points in Ohio, on the one hand, and, on the other, points in West Virginia; (restricted as to refractories against the transportation of (1) commodities in bulk, and (2) lime, limestone, and lime and limestone products between Washington, Pa., and points within 5 miles thereof, on the one hand, and, on the other, points in Ohio and West Virginia. The purpose of this filing is to eliminate the gateways of Washington, Pa., and points in Pennsylvania within 5 miles of Washington, Pa.

(2) *clay products and refractories* (except furnace and stone lining shapes and plastic brick), from Oak Hill, Ohio, and points within 14 miles of Oak Hill, to points in Florida, Georgia, North Carolina, South Carolina and Louisiana. The purpose of this filing is to eliminate the gateway of Ironton, Ohio.

(3) *clay products and refractories* (except furnace and stone lining shapes and plastic brick), from the plant site of the Esso-Ramtite Co., near Siloam, Ky., to points in Alabama, Connecticut, Delaware, Florida, Georgia, Iowa, Kentucky, Louisiana, Maryland, Massachusetts, Minnesota, Missouri, New Jersey, North Carolina, Rhode Island, South Carolina, Tennessee, Virginia, Wisconsin, Maine, New Hampshire, Texas, Vermont and the District of Columbia. The purpose of this filing is to eliminate the gateways of Ironton, Ohio and Oak Hill, Ohio and points in Ohio within 14 miles of Oak Hill, Ohio.

(4) *clay products and refractories*, from the plantsite of the Lawrence Refractories Clay Company in Elizabeth Township, Lawrence County, Ohio, to points in Alabama, Connecticut, Delaware, Florida, Georgia, Iowa, Louisiana, Maryland, Massachusetts, Minnesota, Missouri, New Jersey, North Carolina, Rhode Island, South Carolina, Tennessee, Virginia and Wisconsin. The purpose of this filing is to eliminate the gateway of Ironton, Ohio.

(5) *iron and steel articles*, from the plantsite of the Bethlehem Steel Corporation, at Burns Harbor, Porter County, Ind., to points in Washington County, Pa. The purpose of this filing is to eliminate the gateway of points in Ohio.

No. MC 36616 (Sub-No. 4G), filed June 4, 1974. Applicant: PAUL A. HARRINGTON AND ALLEN F.

BIEBERSTEIN, doing business as HARRINGTON & COMPANY, 830 Broadway, Stowe Township (McKees Rocks, P.O.), Pa. 15136. Applicant's representative: Paul A. Harrington (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, between points in Allegheny County, Pa. and Vandergrift, Pa. and points within 15 miles thereof and points in Connecticut, District of Columbia, Florida, Georgia, Massachusetts, Maine, New Hampshire, North Carolina, Rhode Island, South Carolina and Vermont. The purpose of this filing is to eliminate the gateway of points in Middlesex County, N.J., those points in Somerset County, N.J. on and east of U.S. Highway 206, and on and south of New Jersey Highway 28 and Monmouth and Ocean Counties, N.J.

No. MC 37203 (Sub-No. 10G), filed June 5, 1974. Applicant: MILLSTEAD VAN LINES, INC., Drawer 878, Second and Park Ave., Bartlesville, Okla. 74003. Applicant's representative: Thomas F. Sedberry, 1102 Perry-Brooks Bldg., Austin, Tex. 78701. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, (1) Between points in Kansas, on the one hand, and, on the other, points in Missouri; (2) between points in Oklahoma, Kansas, and Texas, on the one hand, and, on the other, points in Tennessee; (3) between points in Colorado, on the one hand, and, on the other, points in Texas, Oklahoma, and Kansas; (4) between points in Kansas, on the one hand, and, on the other, points in Illinois; (5) between New Mexico, on the one hand, and, on the other, points in Kansas; (6) between points in Nebraska, on the one hand, and, on the other, points in Kansas; and (7) between points in Kansas, on the one hand, and, on the other, points in Wyoming. The purpose of this filing is to eliminate the gateways at points in Oklahoma within 150 miles of Shawnee in (1) through (6) above; and in (2) points in McLean County, Ill.; in (7) points within 80 miles of Tulsa, Okla.

No. MC 47800 (Sub-No. 6G), filed June 4, 1974. Applicant: THE SUDLER MOVING & STORAGE COMPANY, a Corporation, doing business as ALLSTATES VAN & STORAGE, 2171 Druid Park Dr., Baltimore, Md. 21211. Applicant's representative: Theodore Polydoroff, 1250 Connecticut Ave. NW., Washington, D.C. 20036. 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 Virginia, West Virginia and the District of Columbia, on the one hand, and, on the other, points in Connecticut, Delaware, Massachusetts, New Jersey, New York, Pennsylvania, and Rhode Island, (2) between points in New Jersey, on the one hand, and, on the other, points in Connecticut, New York, Pennsylvania and Rhode Island, (3) between points in Delaware, on the one hand, and, on the other, points in Connecticut, Massachusetts, New York, Pennsylvania and Rhode Island, (4) between points in Pennsylvania, on the one hand, and, o the other, points in New York, and (5) between points in Maryland within 50 miles of Baltimore, Md., on the one hand, and, on the other, points in Connecticut, Delaware, Massachusetts, New Jersey, New York, Pennsylvania, Rhode Island, Virginia, West Virginia and the District of Columbia. The purpose of this filing is to eliminate the gateways of Baltimore, Md., Concordville, Pa., and Norwich, Conn.

No. MC 49052 (Sub-No. 7G), filed June 4, 1974. Applicant: MACON TRADING POST, INC., doing business as, TRADING POST, 103 Cherry St., Macon, Ga. 31208. Applicant's representative: Thomas R. Kingsley, 1819 H St. NW., Suite 1030, Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods* as defined by the Commission, between points in Alabama, Florida, Georgia, Mississippi, North Carolina, South Carolina, Tennessee, Kentucky and Virginia. The purpose of this filing is to eliminate the gateways of points in Georgia within 25 miles of Columbus, Ga. and Bibb, Monroe, Jones, Jasper, Baldwin, Oconee, Peach, Lee, Dougherty, Twiggs, Bleckley, Dodge, Pulaski, Dooly, Houston, Crawford, Tift, Wilcox, Crisp, Ben Hill, and Telfair Counties, Ga.

No. MC 114604 (Sub-No. 29G), filed October 23, 1974. Applicant: CAUDELL TRANSPORT, INC., State Farmers Market, Bldg. 33, Forest Park, Ga. 30050. Applicant's representative: Guy H. Postell, Suite 713, 3384 Peachtree Rd. NE., Atlanta, Ga. 30326. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bananas*, from New Orleans, La., Charleston, S.C., Brunswick and Savannah, Ga., Miami, Jacksonville, Port Everglades and Tampa, Fla., and Gulfport, Miss., to points in Alabama, Georgia, South Carolina and Chattanooga, Tenn. The purpose of this filing is to eliminate the gateway of Atlanta, Ga.

No. MC 115841 (Sub-No. 476G), filed June 4, 1974. Applicant: COLONIAL REFRIGERATED TRANSPORTATION, INC., 105 Vulcan Rd., Suite 200, P.O. Box 10327, Birmingham, Ala. 35202. Applicant's representative: Roger M. Shaner (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products, meat by-products, articles distributed by meat packinghouses, and dairy products*, as described in Sections A, B and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, and *frozen foods and candy, and foodstuffs*, when moving in mixed loads with the foregoing commodities listed above (except liquid commodities, in bulk), in vehicles equipped with mechanical refrigeration, from Nashville, Tenn., and points in its Commercial Zone, to points in Alabama. The purpose of this filing is to eliminate the gateway of Chattanooga, Tenn.

No. MC 120737 (Sub-No. 29G), filed June 4, 1974. Applicant: STAR DELIVERY & TRANSFER, INC., P.O. Box 39, Canton, Ill. 61520. 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 irregular routes, transporting: (1) *Tractors* (except truck tractors), from Chicago, and West Chicago, Ill. and Eau Claire, Wis., to points in Washington, Oregon, California, Nevada, Utah, Idaho, Montana, Wyoming, Colorado, New Mexico, Texas, Oklahoma, Kansas, Nebraska, South Dakota, North Dakota, Arkansas, Mississippi, Kentucky, Indiana, Ohio, West Virginia, Maryland, Pennsylvania, New Jersey, New York, Connecticut, Massachusetts, Rhode Island, Vermont, New Hampshire, and Maine; and (2) *agricultural implement parts, tractor parts and tractor attachments*, from Louisville, Ky., to points in Chicago, West Chicago, Libertyville and Melrose Park, Ill, The purpose of this filing is to eliminate the gateways at Louisville, Ky. and Fulton County, Ill.

Irregular-Route Motor Common Carriers of Property—Elimination of Gateway Letter Notices

JANUARY 27, 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(a)), 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 25798 (Sub-No. E30) (Correction), filed May 30, 1974, published in the FEDERAL REGISTER June 27, 1974. Applicant: CLAY HYDER TRUCKING LINES, INC., P.O. Box 1186, Auburndale, Fla. 33823. Applicant's representative: Tony G. Russell (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Citrus products, not canned and not frozen*, from points in Florida east and southeast of the Eastern boundary of Jefferson County to points in Oregon and points in Washington on and west of a line formed by

Washington Highway 11, beginning at the Washington-Oregon State line, thence along Washington Highway 11 to U.S. Highway 12, thence along U.S. Highway 12 to Washington Highway 240, thence along Washington Highway 240 to Washington Highway 243, thence along Washington Highway 243 to Interstate Highway 90, thence along Interstate Highway 90 to Washington Highway 281, thence along Washington Highway 281 to Washington Highway 28, thence along Washington Highway 28 to U.S. Highway 2, thence along U.S. Highway 2 to Interstate Highway 5, thence along Interstate Highway 5 to the United States-Canada International Boundary line. The purpose of this filing is to eliminate the gateway of Raymondsville, Tex. The purpose of this correction is to clarify the territorial description.

No. MC 31462 (Sub-No. E23), filed May 13, 1974. Applicant: PARAMOUNT MOVERS, INC., P.O. Box 309, Lancaster, Tex. 75146. Applicant's representative: R. L. Rork (same as above). 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 the one hand, and, on the other, points in Nebraska. The purpose of this filing is to eliminate the gateways of (1) any point in Missouri; and (2) Omaha, Nebr., or any point in Nebraska within 100 miles thereof.

No. MC 31462 (Sub-No. E26), filed May 13, 1974. Applicant: PARAMOUNT MOVERS, INC., P.O. Box 309, Lancaster, Tex. 75146. Applicant's representative: R. L. Rork (same as above). 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 the one hand, and, on the other, points in that part of Minnesota on and north of a line beginning at the Iowa-Minnesota State line, thence along Interstate Highway 35 to junction U.S. Highway 14, thence along U.S. Highway 14 to junction U.S. Highway 169, thence along U.S. Highway 169 to junction U.S. Highway 52, thence along U.S. Highway 52 to the Minnesota-North Dakota State line. The purpose of this filing is to eliminate the gateway of any point in Missouri within 50 miles of Burlington, Iowa.

No. MC 31462 (Sub-No. E27), filed May 13, 1974. Applicant: PARAMOUNT MOVERS, INC., P.O. Box 309, Lancaster, Tex. 75146. Applicant's representative: R. L. Rork (same as above). 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 the one hand, and, on the other, points in that part of South Dakota on and north of a line beginning at the South Dakota-Minnesota State line, thence along U.S. Highway 16 to junction U.S. Highway 385, thence along U.S. Highway 385 to Hot Springs, Ark., thence along U.S. Highway 18 to the South Dakota-Wyoming State line. The purpose of this filing is to eliminate the gateways of (1) Kansas City, Mo., or any point within 30 miles thereof; and (2) any point which is both within 35 miles of Alden, Minn., and within that part of Minnesota or Iowa on and south of a line beginning at the Mississippi River, thence along U.S. Highway 16 to junction U.S. Highway 71, thence along U.S. Highway 71 to junction U.S. Highway 20, thence along U.S. Highway 20 to the Mississippi River.

No. MC 31462 (Sub-No. E28), filed May 13, 1974. Applicant: PARAMOUNT MOVERS, INC., P.O. Box 309, Lancaster, Tex. 75146. Applicant's representative: R. L. Rork (same as above). 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 the one hand, and, on the other, points in North Dakota. The purpose of this filing is to eliminate the gateways of (1) Kansas City, Mo., or any point within 30 miles thereof; and (2) any point which is both within 35 miles of Alden, Minn., and within that part of Minnesota or Iowa on and south of a line beginning at the Mississippi River, thence along U.S. Highway 16 to junction U.S. Highway 71, thence along U.S. Highway 71 to junction U.S. Highway 20, thence along U.S. Highway 20 to the Mississippi River.

No. MC 31462 (Sub-No. E29), filed May 13, 1974. Applicant: PARAMOUNT MOVERS, INC., P.O. Box 309, Lancaster, Tex. 75146. Applicant's representative: R. L. Rork (same as above). 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 that part of Montana on and east of a line beginning at the International Boundary line between the United States and Canada, thence along U.S. Highway 91 to junction U.S. Highway 2, thence along U.S. Highway 2 to junction U.S. Highway 89, thence along U.S. Highway 89 to junction U.S. Highway 287, thence along U.S. Highway 287 to junction U.S. Highway 91, thence along U.S. Highway 91 to junction U.S. Highway 10, thence along U.S. Highway 10 to junction U.S. Highway 287, thence along U.S. Highway 287 to junction U.S. Highway 91, thence along U.S. Highway 91 to the Montana-Idaho State line, on the one hand, and, on the other, points in Arkansas. The purpose of this filing is to eliminate the gateways of (1) Kansas City, Mo., or any point within 30 miles thereof; (2) any point which is both within 35 miles of Alden, Minn., and within that part of Minnesota or Iowa on and south of a line beginning at the Mississippi River, thence along U.S. Highway 16 to junction U.S. Highway 71, thence along U.S. Highway 71 to junction U.S. Highway 20, thence along U.S. Highway 20 to the Mississippi River; and (3) any point in North Dakota within 200 miles of Williston, N. Dak.

No. MC 31462 (Sub-No. E30), filed May 13, 1974. Applicant: PARAMOUNT MOVERS, INC., P.O. Box 309, Lancaster, Tex. 75146. Applicant's representative: R. L. Rork (same as above). 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 the one hand, and, on the other, points in Wisconsin. The purpose of this filing is to eliminate the gateway of any point in Missouri within 50 miles of Burlington, Iowa.

No. MC 31462 (Sub-No. E31), filed May 13, 1974. Applicant: PARAMOUNT MOVERS, INC., P.O. Box 309, Lancaster, Tex. 75146. Applicant's representative: R. L. Rork (same as above). 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 that part of Arkansas on and south of a line beginning at the Arkansas-Missouri State line, thence along Arkansas Highway 5 to junction U.S. Highway 62, thence along U.S. Highway 62 to Harrison, Ark., thence along Arkansas Highway 7 to junction Arkansas Highway 28, thence along Arkansas Highway 28 to junction U.S. Highway 71, thence along U.S. Highway 71 to junction U.S. Highway 70, thence along U.S. Highway 70 to the Arkansas-Oklahoma State line, on the one hand, and, on the other, points in that part of Michigan on, east, and south of a line beginning at Marquette, Mich., thence along U.S. Highway 41 to Escanaba, Mich. The purpose of this filing is to eliminate the gateways of (1) any point in Missouri within 25 miles of Cairo, Ill.; and (2) Fort Wayne, Ind., or any point in Indiana within 40 miles thereof.

No. MC 31462 (Sub-No. E32), filed May 13, 1974. Applicant: PARAMOUNT MOVERS, INC., P.O. Box 309, Lancaster, Tex. 75146. Applicant's representative: R. L. Rork (same as above). 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 the one hand, and, on the other, points in Indiana. The purpose of this filing is to eliminate the gateway of any point in Missouri within 25 miles of Cairo, Ill.

No. MC 31462 (Sub-No. E33), filed May 13, 1974. Applicant: PARAMOUNT MOVERS, INC., P.O. Box 309, Lancaster, Tex. 75146. Applicant's representative: R. L. Rork (same as above). 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 the one hand, and, on the other, points in Illinois. The purpose of this filing is to eliminate the gateways of (1) Cairo, Ill., or any point with-

in 25 miles thereof; and (2) St. Louis, Mo., and East St. Louis, Ill., or any point within 50 miles of St. Louis, Mo., and East St. Louis, Ill., respectively.

No. MC 31462 (Sub-No. E34), filed May 13, 1974. Applicant: PARAMOUNT MOVERS, INC., P.O. Box 309, Lancaster, Tex. 75146. Applicant's representative: R. L. Rork (same as above). 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 the one hand, and, on the other, points in Kentucky. The purpose of this filing is to eliminate the gateway of any point in Missouri within 45 miles of Cairo, Ill.

No. MC 31462 (Sub-No. E35), filed May 13, 1974. Applicant: PARAMOUNT MOVERS, INC., P.O. Box 309, Lancaster, Tex. 75146. Applicant's representative: R. L. Rork (same as above). 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 the one hand, and, on the other, points in Ohio. The purpose of this filing is to eliminate the gateway of any point in Missouri within 25 miles of Cairo, Ill.

No. MC 31462 (Sub-No. E36), filed May 13, 1974. Applicant: PARAMOUNT MOVERS, INC., P.O. Box 309, Lancaster, Tex. 75146. Applicant's representative: R. L. Rork (same as above). 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 that part of Arkansas on and north of a line beginning at the Arkansas-Missouri State line, thence along Arkansas Highway 25 to Hoxie, Ark., thence along U.S. Highway 63 to junction U.S. Highway 62, thence along U.S. Highway 62 to junction Arkansas Highway 68, thence along Arkansas Highway 68 to junction Arkansas Highway 23, thence along Arkansas Highway 23 to junction U.S. Highway 64, thence along U.S. Highway 64 to the Arkansas-Oklahoma State line, on the one hand, and, on the other, points in that part of Tennessee on and east of a line beginning at the Tennessee-Kentucky State line, thence along Tennessee Highway 69 to junction U.S. Highway 70, thence along U.S. Highway 70 to junction Tennessee Highway 13, thence along Tennessee Highway 13 to junction Interstate Highway 40, thence along Interstate Highway 40 to junction Tennessee Highway 96, thence along Tennessee Highway 96 to junction U.S. Highway 31, thence along U.S. Highway 31 to Columbia, Tenn., thence along Tennessee Highway 50 to junction U.S. Highway 431, thence along U.S. Highway 431 to junction Tennessee Highway 130, thence along Tennessee Highway 130 to junction Tennessee Highway 64, thence along Tennessee Highway 64 to junction Alternate U.S. Highway 41, thence along Alternate U.S. Highway 41 to junction U.S. Highway 64, thence along U.S. Highway 64 to junction Tennessee Highway 56, thence along Tennessee Highway 56 to the Tennessee-Alabama State line. The purpose of this filing is to eliminate the gateway of any point in Missouri within 25 miles of Cairo, Ill.

No. MC 31462 (Sub-No. E37), filed May 13, 1974. Applicant: PARAMOUNT MOVERS, INC., P.O. Box 309, Lancaster, Tex. 75146. Applicant's representative: R. L. Rork (same as above). 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 that part of Arkansas on and north of a line beginning at the Arkansas-Missouri State line, thence along Arkansas Highway 25 to Hoxie, Ark., thence along U.S. Highway 63 to junction U.S. Highway 62, thence along U.S. Highway 62 to junction Arkansas Highway 68, thence along Arkansas Highway 68 to junction Arkansas Highway 23, thence along Arkansas Highway 23 to junction U.S. Highway 64, thence along U.S. Highway 64 to the Arkansas-Oklahoma State line, on the one hand, and, on the other, points in that part of Georgia on and east of a line beginning at the Georgia-Tennessee State line, thence along Interstate Highway 75 to junction U.S. Highway 411, thence along U.S. Highway 411 to junction U.S. Highway 41, thence along U.S. Highway 41 to Atlanta, Ga., thence along Interstate Highway 75 to the Georgia-Florida State line. The purpose of this filing is to eliminate the gateways of (1) any point in Missouri within 25 miles of Cairo, Ill.; and (2) any point in Tennessee.

No. MC 31462 (Sub-No. E38), filed May 13, 1974. Applicant: PARAMOUNT MOVERS, INC., P.O. Box 309, Lancaster, Tex. 75146. Applicant's representative: R. L. Rork (same as above). 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 that part of Arkansas on and north of a line beginning at the Arkansas-Missouri State line, thence along Arkansas Highway 25 to Hoxie, Ark., thence along U.S. Highway 63 to junction U.S. Highway 62, thence along U.S. Highway 62 to junction Arkansas Highway 68, thence along Arkansas Highway 68 to junction Arkansas Highway 23, thence along Arkansas Highway 23 to junction U.S. Highway 64, thence along U.S. Highway 64 to the Arkansas-Oklahoma State line, on the one hand, and, on the other, points in that part of Florida on and east of a line beginning at the Florida-Georgia State line, thence along Interstate Highway 75 to junction U.S. Highway 129, thence along U.S. Highway 129 to junction U.S. Highway 27, thence along U.S. 27 to junction Florida Highway 349, thence along Florida Highway 349 to the Gulf of Mexico. The purpose of this filing is to eliminate the gateways of (1) any point in Missouri within 25 miles of Cairo, Ill.; (2) any point in Tennessee; and (3) any point in Georgia.

No. MC 31462 (Sub-No. E39), filed May 13, 1974. Applicant: PARAMOUNT MOVERS, INC., P.O. Box 309, Lancaster, Tex. 75146. Applicant's representative: R. L. Rork (same as above). 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 that part of Arkansas on and north of a line beginning at the Arkansas-Missouri State line, thence along Interstate Highway 55 to Blytheville, Ark., thence along Arkansas Highway 18 to Jonesboro, Ark., thence along Arkansas Highway 39 to junction U.S. Highway 64, thence along U.S. Highway 64 to junction U.S. Highway 67, thence along U.S. Highway 67 to junction Interstate Highway 30, thence along Interstate Highway 30 to the Arkansas-Texas State line, on the one hand, and, on the other, points in Virginia. The purpose of this filing is to eliminate the gateways of (1) any point in Missouri within 25 miles of Cairo, Ill.; (2) any point in Tennessee; and (3) any point in Georgia.

No. MC 31462 (Sub-No. E41), filed May 13, 1974. Applicant: PARAMOUNT MOVERS, INC., P.O. Box 309, Lancaster, Tex. 75146. Applicant's representative: R. L. Rork (same as above). 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 that part of Arkansas on and east of a line beginning at the Mississippi River, thence along Arkansas Highway 198 to junction U.S. Highway 61, thence along U.S. Highway 61 to junction Arkansas Highway 42, thence along Arkansas Highway 42 to junction Arkansas Highway 149, thence along Arkansas Highway 149 to junction U.S. Highway 70, thence along U.S. Highway 70 to junction Arkansas Highway 261, thence along Arkansas Highway 261 to junction U.S. Highway 79, thence along U.S. Highway 79 to Pine Bluff, Ark., thence along Arkansas Highway 15 to El Dorado, Ark., thence along U.S. Highway 167 to the Arkansas-Louisiana State line, on the one hand, and, on the other, points in that part of West Virginia on and north of a line beginning at the Ohio-West Virginia State line, thence along U.S. Highway 50 to the Virginia-West Virginia State line. The purpose of this filing is to eliminate the gateways of (1) any point in Missouri within 25 miles of Cairo, Ill.; and (2) Fort Wayne, Ind., or any point in Indiana within 40 miles thereof.

No. MC 31462 (Sub-No. E42), filed May 13, 1974. Applicant: PARAMOUNT MOVERS, INC., P.O. Box 309, Lancaster, Tex. 75146. Applicant's representative: R. L. Rork (same as above). 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 the one hand, and, on the other, points in Pennsylvania. The purpose of this filing is to eliminate the gate-

ways of (1) any point in Missouri within 25 miles of Cairo, Ill.; and (2) Fort Wayne, Ind., or any point in Indiana within 40 miles thereof.

No. MC 31462 (Sub-No. E43), filed May 13, 1974. Applicant: PARAMOUNT MOVERS, INC., P.O. Box 309, Lancaster, Tex. 75146. Applicant's representative: R. L. Rork (same as above). 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 the one hand, and, on the other, points in Maryland. The purpose of this filing is to eliminate the gateways of (1) any point in Missouri within 25 miles of Cairo, Ill.; and (2) Ft. Wayne, Ind., or any point in Indiana within 40 miles thereof.

No. MC 31462 (Sub-No. E44), filed May 13, 1974. Applicant: PARAMOUNT MOVERS, INC., P.O. Box 309, Lancaster, Tex. 75146. Applicant's representative: R. L. Rork (same as above). 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 the one hand, and, on the other, points in New Jersey. The purpose of this filing is to eliminate the gateways of (1) any point in Missouri within 25 miles of Cairo, Ill., and (2) Fort Wayne, Ind., or any point in Indiana within 40 miles thereof.

No. MC 31462 (Sub-No. E45), filed May 13, 1974. Applicant: PARAMOUNT MOVERS, INC., P.O. Box 309, Lancaster, Tex. 75146. Applicant's representative: R. L. Rork (same as above). 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 the one hand, and, on the other, points in New York. The purpose of this filing is to eliminate the gateways of (1) any point in Missouri within 25 miles of Cairo, Ill.; and (2) Fort Wayne, Ind., or any point in Indiana within 40 miles thereof.

No. MC 31462 (Sub-No. E46), filed May 13, 1974. Applicant: PARAMOUNT MOVERS, INC., P.O. Box 309, Lancaster, Texas 75146. Applicant's representative: R. L. Rork (same as above). 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 the one hand, and, on the other, the District of Columbia. The purpose of this filing is to eliminate the gateway of (1) any point in Missouri within 25 miles of Cairo, Ill., and (2) Fort Wayne, Ind., or any point in Indiana within 40 miles thereof.

No. MC 31462 (Sub-No. E47), filed May 13, 1974. Applicant: PARAMOUNT MOVERS, INC., P.O. Box 309, Lancaster, Texas 75146. Applicants representative: R. L. Rork (same as above). 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 the one hand, and, on the other, points in Connecticut. The purpose of this filing is to eliminate the gateway of (1) any point in Missouri within 25 miles of Cairo, Ill., and (2) Fort Wayne, Ind., or any point in Indiana within 40 miles thereof.

No. MC 31462 (Sub-No. E48), filed May 13, 1974. Applicant: PARAMOUNT MOVERS, INC., P.O. Box 309, Lancaster, Texas 75146. Applicant's representative: R. L. Rork (same as above). 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 the one hand, and, on the other, points in Massachusetts. The purpose of this filing is to eliminate the gateway of (1) any point in Missouri within 25 miles of Cairo, Ill., and (2) Fort Wayne, Ind., or any point in Indiana within 40 miles thereof.

No. MC 31462 (Sub-No. E49), filed May 13, 1974. Applicant: PARAMOUNT MOVERS, INC., P.O. Box 309, Lancaster, Texas 75146. Applicant's representative: R. L. Rork (same as above). 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 the one hand, and, on the other, points in Vermont. The purpose of this filing is to eliminate the gateway of (1) any point in Missouri within 25 miles of Cairo, Ill., (2) Fort Wayne, Ind., or any point in Indiana within 40 miles thereof; and (3) Hoosick Falls, N.Y.

No. MC 31462 (Sub-No. E50), filed May 13, 1974. Applicant: PARAMOUNT MOVERS, INC., P.O. Box 309, Lancaster, Texas 75146. Applicant's representative: R. L. Rork (same as above). 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 the one hand, and, on the other, points in New Hampshire. The purpose of this filing is to eliminate the gateway of (1) any point in Missouri within 25 miles of Cairo, Ill., (2) Fort Wayne, Ind., or any point in Indiana within 40 miles thereof; (3) Hoosick Falls, N.Y.

No. MC 31462 (Sub-No. E102), filed May 13, 1974. Applicant: PARAMOUNT MOVERS, INC., P.O. Box 309, Lancaster, Tex. 75146. Applicant's representative: R. L. Rork (same as above). 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 Tennessee. The purpose of this filing is to eliminate the gateways of (1) Kansas City, Mo., or any point within 30 miles thereof; and (2) any point in Missouri within 25 miles of Cairo, Ill.

No. MC 31462 (Sub-No. E103), filed May 13, 1974. Applicant: PARAMOUNT MOVERS, INC., P.O. Box 309, Lancaster, Tex. 75146. Applicant's representative: R. L. Rork (same as above). 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 that part of Colorado on, east, and north of a line beginning at the Colorado-Kansas State line, thence along U.S. Highway 36 to Boulder, Colo., thence along Colorado Highway 119 to junction U.S. Highway 287, thence along U.S. Highway 287 to the Colorado-Wyoming State line, on the one hand, and, on the other, points in that part of Oklahoma on and east of a line beginning at the Oklahoma-Kansas State line on U.S. Highway 75, thence along U.S. Highway 75 to junction Indian Nation Turnpike, thence along the Indian Nation Turnpike to Hugo, Okla., thence along U.S. Highway 271 to the Oklahoma-Texas State line. The purpose of this filing is to eliminate the gateway of Kansas City, Mo., or any point within 30 miles thereof.

No. MC 31462 (Sub-No. E104), filed May 13, 1974. Applicant: PARAMOUNT MOVERS, INC., P.O. Box 309, Lancaster, Tex. 75146. Applicant's representative: R. L. Rork (same as above). 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 that part of Colorado on, north, and east of a line beginning at the Colorado-Kansas State line, thence along U.S. Highway 36 to Boulder, Colo., thence along Colorado Highway 119 to junction U.S. Highway 287, thence along U.S. Highway 287 to the Colorado-Wyoming State line, on the one hand, and, on the other, points in that part of Texas on and east of a line beginning at the Oklahoma-Texas State line on U.S. Highway 271, thence south along U.S. Highway 271 to Paris, Tex., thence along Texas Highway 19 to junction Texas Highway 154, thence along Texas Highway 154 to junction Texas Highway 37, thence along Texas Highway 37 to junction U.S. Highway 69, thence along U.S. Highway 69 to Lufkin, Tex., thence along U.S. Highway 59 to junction Texas Highway 146, thence along Texas Highway 146 to junction Interstate Highway 10, thence along Interstate Highway 10 to junction Farm Highway 562, thence along Farm Highway 562 to Galveston Bay, Tex. The purpose of this filing is to eliminate the gateways of (1) Kansas City, Mo., or any point within 30 miles thereof; and (2) any point in Okmulgee County.

No. MC 31462 (Sub-No. E105), filed May 13, 1974. Applicant: PARAMOUNT MOVERS, INC., P.O. Box 309, Lancaster, Tex. 75146. Applicant's representative: R. L. Rork (same as above). 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 Kentucky. The purpose of this filing is to eliminate the gateways of (1) Kansas City, Mo., or any point within 30 miles thereof; and (2) any point in Missouri within 25 miles of Cairo, Ill.

No. MC 31462 (Sub-No. E106), filed May 13, 1974. Applicant: PARAMOUNT MOVERS, INC., P.O. Box 309, Lancaster, Tex. 75146. Applicant's representative: R. L. Rork (same as above). 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 that part of Colorado on and south of a line beginning at the Colorado-Kansas State line on U.S. Highway 50, thence along U.S. Highway 50 to La Junta, Colo., thence along Colorado Highway 10 to Walsenburg, Colo., thence along U.S. Highway 160 to the Colorado-New Mexico State line, on the one hand, and, on the other, points in that part of Mississippi, on and east of a line beginning at the Arkansas-Mississippi State line on U.S. Highway 49, thence along U.S. Highway 49 to junction U.S. Highway 49E, thence along U.S. Highway 49E to junction U.S. Highway 82, thence along U.S. Highway 82 to junction U.S. Highway 51, thence along U.S. Highway 51 to junction Mississippi Highway 17, thence along Mississippi Highway 17 to junction Mississippi Highway 16, thence along Mississippi Highway 16 to junction Mississippi Highway 35, thence along Mississippi Highway 35 to junction U.S. Highway 49, thence along U.S. Highway 49 to Gulfport, Miss. The purpose of this filing is to eliminate the gateways of (1) Kansas City, Mo., or any point within 30 miles thereof; and (2) any point in Missouri within 25 miles of Cairo, Ill.

No. MC 31462 (Sub-No. E107), filed May 13, 1974. Applicant: PARAMOUNT MOVERS, INC., P.O. Box 309, Lancaster, Tex. 75146. Applicant's representative: R. L. Rork (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, from points in Colorado, to points in Ohio. The purpose of this filing is to eliminate the gateways of (1) Kansas City, Mo., or any point within 30 miles thereof; (2) any point in Illinois within 50 miles of St. Louis, Mo.; and (3) Fort Wayne, Ind., or any point in Indiana within 40 miles thereof.

No. MC 31462 (Sub-No. E108), filed May 13, 1974. Applicant: PARAMOUNT MOVERS, INC., P.O. Box 309, Lancaster, Tex. 75146. Applicant's representative: R. L. Rork (same as above). 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 that part of Colorado on and north of a line beginning at the Colorado-Kansas State line, thence along U.S. Highway 50 to LaJunta, Colo., thence along Colorado Highway 10 to Walsenburg, Colo., thence along U.S. Highway 160, on the one hand, and, on the other, points in Florida. The purpose of this filing is to eliminate the gateways of (1) Kansas City, Mo., or any point within 30 miles thereof; (2) any point in Missouri within 25 miles of Cairo, Ill.; and (3) Gulfport, Miss., or any point within 35 miles thereof.

No. MC 35890 (Sub-No. E5) (CORRECTION), filed May 3, 1974, republished in the FEDERAL REGISTER July 31, 1974. Applicant: BLODGETT FURNITURE SERVICE, INC., 3801 Thirty-Sixth St. SE., Grand Rapids, Mich. 49508. Applicant's representative: John F. Freel (same as above). Authority sought to operate as a *common carrier*, by motor vehicle over irregular routes, transporting: (C) *New furniture*, uncrated, from points in Iowa, Minnesota, and Wisconsin, to points in Delaware. The purpose of this filing is to eliminate the gateways of Grand Rapids, Mich., and Warren County, Pa. The purpose of this partial correction is to correct (C) in the previous publication. The remainder of the letter-notice remains as previously published.

No. MC 43283 (Sub-No. E4), filed June 3, 1974. Applicant: WASHBURN STORAGE COMPANY, P.O. Box 278, Macon, Ga. 31202. Applicant's representative: J. Sewell Elliott, Suite 506, American Federal Bldg., Macon, Ga. 31201. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined in *Practices of Motor Common Carriers of Household Goods*, 17 M.C.C. 467, between points in Arkansas, on the one hand, and, on the other, points in that part of West Virginia on and east of a line running from the Virginia-West Virginia State line north along U.S. Highway 52 to Bluefield, thence along U.S. Highway 19 to Summersville, thence east along West Virginia Highway 39 to Marlington, thence north along U.S. Highway 219 through Elkins to the West Virginia-Maryland State line. The purpose of this filing is to eliminate the gateway of points in Georgia.

No. MC 43283 (Sub-No. E5), filed June 3, 1974. Applicant: WASHBURN STORAGE COMPANY, P.O. Box 278, Macon, Ga. 31202. Applicant's representative: J. Sewell Elliott, Suite 506, American Federal Bldg., Macon, Ga. 31201. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined in *Practices of Motor Common Carriers of Household Goods*, 17 M.C.C. 467, between points in West Virginia, on the one hand, and, on the other, points in that part of Arkansas lying on the east of a line running from the Oklahoma-Arkansas State line along Interstate Highway 40 to Little Rock, thence along U.S. Highway 70 to junction U.S. Highway 49, thence along U.S. Highway 49 to the Arkansas-Mississippi State line. The purpose of this filing is to eliminate the gateway of points in Georgia.

No. MC 43283 (Sub-No. E7), filed June 3, 1974. Applicant: WASHBURN STORAGE COMPANY, P.O. Box 278, Macon, Ga. 31202. Applicant's representative: J. Sewell Elliott, Suite 506, American Federal Bldg., Macon, Ga. 31201. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined in *Practices of Motor Common Carriers of Household Goods*, 17 M.C.C. 467, between points in Illinois, on the one hand, and, on the other, points in New Jersey and points in New York and Pennsylvania lying east of a line running north from the Pennsylvania-West Virginia State line along U.S. Highway 119 to Indiana, Pa., thence northeast along Pennsylvania Highway 286 to U.S. Highway 219, thence along U.S. Highway 219 to Grampian, Pa., thence along Pennsylvania Highway 879 to Pennsylvania Highway 144, thence north along Pennsylvania Highway 144 to Galeton, Pa., thence east along U.S. Highway 6 to Stokesdale, Pa., thence north along Pennsylvania Highway 287 to Tioga, Pa., thence north along U.S. Highway 15 across the Pennsylvania-New York State line to New York Highway 17, thence east along New York Highway 17 to New York Highway 13, thence north along New York Highway 13 through Cortland, N.Y., to Interstate Highway 81, thence north along Interstate Highway 81 to New York Highway 80, thence north along New York Highway 80 to New York Highway 30A, thence north along New York Highway 30A to NewYork Highway 29, thence east along New York Highway 29 to U.S. Highway 9, thence north along U.S. 9 to the International Boundary line between the United States and Canada, including all points on the indicated portions of the highways specified. The purpose of this filing is to eliminate the gateways of points in Maryland.

No. MC 43283 (Sub-No. E8), filed June 3, 1974. Applicant: WASHBURN STORAGE COMPANY, P.O. Box 278, Macon, Ga. 31202. Applicant's representative: J. Sewell Elliott, Suite 506, American Federal Bldg., Macon, Ga. 31201. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined in *Practices of Motor Common Carriers of Household Goods*, 17 M.C.C. 467, between points in Indiana, on the one hand, and, on the other, points in New Jersey and points in that part of New York and Pennsylvania east of a line running north from the Pennsylvania-West Virginia State line along U.S. Highway 119 to U.S. Highway 30, thence east along U.S. Highway 30 to Pennsylvania Highway 271, thence east along Pennsylvania Highway 271 to U.S. Highway 22, thence east along U.S. Highway 22 to Pennsylvania Highway 45, thence along Pennsylvania Highway 45 to U.S. Highway 15, thence along U.S. Highway 15 to U.S. Highway 220, thence along U.S. Highway 220 across the Pennsylvania-New York State line to New York Highway 17, thence east

along New York Highway 17 to Binghamton, N.Y., thence northeast along New York Highway 7 to U.S. Highway 20, thence along U.S. Highway 20 to Albany, N.Y., thence along U.S. Highway 4 to New York Highway 2, thence east to the New York-Massachusetts State line, including points on the indicated portions of the highways specified. The purpose of this filing is to eliminate the gateways of points in Maryland.

Applicant: WASHBURN STORAGE COMPANY, P.O. Box 278, Macon, Ga. 31202. Applicant representative: J. Sewell Elliott, Suite 506, American Federal Building, Macon, Ga. 31201. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined in *Practices of Motor Common Carriers of Household Goods*, 17 M.C.C. 467, between points in Indiana, on the one hand, and, on the other, points in New Jersey and points in that part of New York and Pennsylvania east of a line running north from the Pennsylvania-West Virginia State line along U.S. Highway 119 to U.S. Highway 30, thence east along U.S. Highway 30 to Pennsylvania Highway 271, thence east along Pennsylvania Highway 271 to U.S. Highway 22, thence east along U.S. Highway 22 to Pennsylvania Highway 45, thence along Pennsylvania Highway 45 to U.S. Highway 15, thence along U.S. Highway 15 to U.S. Highway 220, thence along U.S. Highway 220 across the Pennsylvania-New York State line to New York Highway 17, thence east along New York Highway 17 to Binghamton, N.Y., thence northeast along New York Highway 7 to U.S. Highway 20, thence along U.S. Highway 20 to Albany, N.Y., thence along U.S. Highway 4 to New York Highway 2, thence east to New York-Massachusetts State line, including points on the indicated portions of the highways specified. The purpose of this filing is to eliminate the gateway of Maryland.

No. MC 95540 (Sub-No. E447), filed May 20, 1974. Applicant: WATKINS MOTOR LINES, INC., P.O. Box 1636, Atlanta, Ga. 30301. Applicant's representative: Clyde W. Carver, 5299 Roswell Rd., NE., Suite 212, Atlanta, Ga. 30301. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, and meat by-products and articles distributed by meat packinghouses*, as described in A and C of Appendix I to the report in Descriptions in Motor Carrier Certificates, 61 M.C.C. 209 and 766 (except canned goods as set forth in List C of the Appendix), from those points in Ohio on and south of a line beginning at the Ohio-Pennsylvania State line and extending along Interstate Highway 80 to its junction with Interstate Highway 76, thence along Interstate Highway 76 to its junction with Ohio Highway 21, thence along Ohio Highway 21 to its junction with Ohio Highway 585, thence along Ohio Highway 585 to its junction with U.S. Highway 36, thence along U.S. Highway 36 to junction U.S. Highway 62, thence along U.S. Highway 62 to junction U.S. Highway 22, thence along U.S. Highway 22 to junction U.S. Highway 25/42, thence along U.S. Highway 25/42 to the Ohio-Kentucky State line. The purpose of this filing is to eliminate the gateway of Tifton, Ga.

Applicant: PARKHILL TRUCK COMPANY, P.O. Box 912, Joplin, Mo. 64801. Applicant's representative: T. M. Tallon (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Plastic pipe*, from all points in the Continental United States on and east of a line beginning at Corpus Christi, Tex., extending along Interstate Highway 37 to its junction with Interstate Highway 35, thence along Interstate Highway 35 to the Oklahoma-Kansas State line, thence west along such State line to U.S. Highway 281, thence north along U.S. Highway 281 to its junction with U.S. Highway 20, thence east along U.S. Highway 20 to Chicago, Ill., except points within the Upper Peninsula of Michigan, to points in California. The purpose of this filing is to eliminate the gateways of McPherson, Kans., and Waco, Tex.

Applicant: PARKHILL TRUCK COMPANY, P.O. Box 912, Joplin, Mo. 64801. Applicant's representative: T. M. Tallon (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Iron and steel articles*, from Corpus Christi, Galveston, and Houston, Tex., to points in Mississippi. The purpose of this filing is to eliminate the gateway of Baytown, Tex.

No. MC 106497 (Sub-No. E11), filed May 14, 1974. Applicant: PARKHILL TRUCK COMPANY, P.O. Box 912, Joplin, Mo. 64801. Applicant's representative: T. M. Tallon (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Transformers*, which because of their size or weight requires the use of special equipment, from points in Louisiana to points in Alaska, Arizona, California, Idaho, Minnesota, Montana, Nebraska, Nevada, North Dakota, Oregon, Utah, Washington, and Wisconsin. The purpose of this filing is to eliminate the gateway of the plant site of the General Electric Company at Shreveport, La.

No. MC 106497 (Sub-No. E13), filed May 14, 1974. Applicant: PARKHILL TRUCK COMPANY, P.O. Box 912, Joplin, Mo. 64801. Applicant's representative: T. M. Tallon (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Transformers*, which because of their size or weight requires the use of special equipment, from points in Texas north of a line extending along U.S. Highway 80 from the United States-Mexico International Boundary line to its junction with U.S. Highway 67, thence along U.S. Highway 67 to the Arkansas-Texas State line, and from points in Colorado, Kansas, New Mexico, Oklahoma, Oregon, Washington, and Wyoming, to points in Mississippi, Alabama, Georgia, and Florida on and south of a line beginning at the Louisiana-Mississippi State line, extending along Interstate Highway 20 to its junction with U.S. Highway 80, thence along U.S. Highway 80 to its junction with U.S. Highway 280, thence along U.S. Highway 280 to its junction with Georgia Highway 26, thence along Georgia Highway 26 to its junction with U.S. Highway 341, thence along U.S. Highway 341 to its junction with U.S. Highway 280, thence along U.S. Highway 280 to its junction with Interstate Highway 16, thence along Interstate Highway 16 to Savannah, Ga. The purpose of this filing is to eliminate the gateway of the State of Wyoming and the plant site of the General Electric Company at Shreveport, La.

No. MC 106497 (Sub-No. E15), filed May 14, 1974. Applicant: PARKHILL TRUCK COMPANY, P.O. Box 912, Joplin, Mo. 64801. Applicant's representative: T. M. Tallon (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Transformers*, the transportation of which because of size or weight requires the use of special equipment, from Pine Bluff, Ark., to points in Florida on and south of a line extending along Interstate Highway 4 from Daytona Beach to its junction with Florida Highway 60, thence along Florida Highway 60 to Clearwater, to points in Nebraska, North Dakota, and South Dakota on and west of U.S. Highway 83, and to points in Arizona, California, Idaho, Montana, Nevada, Oregon, Utah, and Washington. The purpose of this filing is to eliminate the gateway of the plant site of the General Electric Company at Shreveport, La.

No. MC 106920 (Sub-No. E1), filed June 4, 1974. Applicant: RIGGS FOOD EXPRESS, INC., P.O. Box 26, New Bremen, Ohio 45869. Applicant's representative: E. Stephen Heisley, 805 McLachlen Bank Bldg., 666 11th St. NW., Washington, D.C. 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Milk, cream, and buttermilk* (except concentrated whole milk and concentrated skim milk), in bulk, in tank vehicles, from points in Wisconsin to points in Alabama east of a line beginning at the Alabama-Tennessee State line extending along Interstate Highway 65 to junction U.S. Highway 11, thence along U.S. Highway 11 to junction U.S. Highway 82, thence along U.S. Highway 82 to junction Alabama Highway 219, thence along Alabama Highway 219 to junction Alabama Highway 14, thence along Alabama Highway 14 to junction Alabama Highway 22, thence along Alabama Highway 22 to junction Alabama Highway 5, thence along Alabama Highway 5 to junction U.S. Highway 84, thence along U.S. Highway 84 to junction Alabama Highway 21, thence along Alabama Highway 21 to the Alabama-Florida State line. The purpose of this filing is to eliminate the gateway of points in Darke, Mercer, and Auglaize Counties.

No. MC 106920 (Sub-No. E3), filed June 4, 1974. Applicant: RIGGS FOOD EXPRESS, INC., P.O. Box 26, New Bremen, Ohio 45869. Applicant's representative: E. Stephen Heisley, 805 McLachlen Bank Bldg., 666 11th St. NW., Washington, D.C. 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from Elmira, N.Y., to points in Wisconsin on and west of a line beginning at the Michigan-Wisconsin State line extending along U.S. Highway 45 to junction Wisconsin Highway 17, thence along Wisconsin Highway 17 to junction Wisconsin Highway 51, thence along Wisconsin Highway 51 to junction U.S. Highway 151, thence along U.S. Highway 151 to junction U.S. Highway 14, thence along U.S. Highway 14 to junction of Wisconsin Highway 104, thence along Wisconsin Highway 104 to the Wisconsin-Illinois State line. The purpose of this filing is to eliminate the gateway of Wellston, Ohio.

No. MC 106920 (Sub-No. E4), filed June 4, 1974. Applicant: RIGGS FOOD EXPRESS, INC., P.O. Box 26, New Bremen, Ohio 45869. Applicant's representative: E. Stephen Heisley, 805 McLachlen Bank Bldg., 666 11th St. NW., Washington, D.C. 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Milk, cream, and buttermilk* (except concentrated whole milk and concentrated skim milk), in bulk, in tank vehicles, from points in Minnesota to points in Maine, New Hampshire, and Vermont. The purpose of this filing is to eliminate the gateways of Darke, Mercer and Auglaize Counties, Ohio.

No. MC 106920 (Sub-No. E5), filed June 4, 1974. Applicant: RIGGS FOOD EXPRESS, INC., P.O. Box 26, New Bremen, Ohio 45869. Applicant's representative: E. Stephen Heisley, 805 McLachlen Bank Bldg., 666 11th St., NW., Washington, D.C. 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Sweet cream and milk, processed or unprocessed*, from points in Missouri to points in Indiana on and west of a line beginning at the Michigan-Indiana State line and extending along Interstate Highway 69 to junction Indiana Highway 3, thence along Indiana Highway 3 to junction U.S. Highway 40, thence along U.S. Highway 40 to the Indiana-Ohio State line. The purpose of this filing is to eliminate the gateways of Darke, Mercer, and Auglaize Counties, Ohio.

No. MC 106920 (Sub-No. E6), filed June 4, 1974. Applicant: RIGGS FOOD EXPRESS, INC., P.O. Box 26, New Bremen, Ohio 45869. Applicant's representative: E. Stephen Heisley, 805 McLachlen Bank Bldg., 666 11th St. NW., Washington, D.C. 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen dairy products* as defined by the Commission, from Elmira, N.Y., to points in Tennessee west of a line beginning at the Tennessee-Kentucky State line and extending along U.S. Highway 25E to junction Tennessee Highway 33, thence along Tennessee Highway 33 to junction Tennessee Highway 61, thence along Tennessee Highway 61 to junction U. S. Highway 411, thence along U.S. Highway 411 to the Tennessee-Georgia State line. The purpose of this filing is to eliminate the gateways of Darke, Mercer, and Auglaize Counties, Ohio.

No. MC 106920 (Sub-No. E9), filed June 4, 1974. Applicant: RIGGS FOOD EXPRESS, INC., P.O. Box 26, New Bremen, Ohio 45869. Applicant's representative: E. Stephen Heisley, 805 McLachlen Bank Bldg., 666 11th St. NW., Washington, D.C. 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen dairy products*, as defined by the Commission, from Elmira, N.Y., to points in Arkansas. The purpose of this filing is to eliminate the gateway of Darke, Mercer, and Auglaize Counties, Ohio.

No. MC 106920 (Sub-No. E10), filed June 4, 1974. Applicant: RIGGS FOOD EXPRESS, INC., P.O. Box 26, New Bremen, Ohio 45869. Applicant's representative: E. Stephen Heisley, 805 McLachlen Bank Bldg., 666 11th St. NW., Washington, D.C. 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen dairy products*, from Elmira, N.Y., to points in Texas. The purpose of this filing is to eliminate the gateways of Darke, Mercer, and Auglaize Counties, Ohio.

No. MC 106920 (Sub-No. E11), filed June 4, 1974. Applicant: RIGGS FOOD EXPRESS, INC., P.O. Box 26, New Bremen, Ohio 45869. Applicant's representative: E. Stephen Heisley, 805 McLachlen Bank Bldg., 666 11th St. NW., Washington, D.C. 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Milk, cream, and buttermilk* (except concentrated whole milk and concentrated skim milk), in bulk, in tank vehicles, from points in Wisconsin to points in Pennsylvania, Maryland, Massachusetts, New York, North Carolina, South Carolina, West Virginia (except points on and north of U.S. Highway 50), Virginia, New Jersey, Delaware, Connecticut, Rhode Island, and the District of Columbia. The purpose of this filing is to eliminate the gateways of Darke, Mercer, and Auglaize Counties, Ohio.

No. MC 106920 (Sub-No. E12), filed June 4, 1974. Applicant: RIGGS FOOD EXPRESS, INC., P.O. Box 26, New Bremen, Ohio 45869. Applicant's representative: E. Stephen Heisley, 805 McLachlen Bank Bldg., 666 11th St. NW., Washington, D.C. 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Milk, cream, and buttermilk* (except concentrated whole milk and concentrated skim milk), in bulk, in tank vehicles, from points in Wisconsin to points in Maine, New Hampshire, and Vermont. The purpose of this filing is to eliminate the gateways of Darke, Mercer, and Auglaize Counties, Ohio.

No. MC 106920 (Sub-No. E14), filed June 4, 1974. Applicant: RIGGS FOOD EXPRESS, INC., P.O. Box 26, New Bremen, Ohio 45869. Applicant's representative: E. Stephen Heisley, 805 McLachlen Bank Bldg., 666 11th St. NW., Washington, D.C. 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dairy products* under B in the appendix to the report in *Modification of Permits of Motor Contract Carriers of Packing-House Products*, 46 M.C.C. 23, from Elmira, N.Y., to points in Kentucky west of a line beginning at the Kentucky-Ohio State line and extending along Kentucky Highway 11 to junction Kentucky Highway 32, thence along Kentucky Highway 32 to junction Kentucky Highway 7, thence along Kentucky Highway 7 to junction U.S. Highway 119, thence along U.S. Highway 119 to junction U.S. Highway 25E, thence along U.S. Highway 25E to the Kentucky-Tennessee State line, and east of a line beginning at the Missouri-Kentucky State line and extending along U.S. Highway 60 to junction U.S. Highway 42, thence along U.S. Highway 42 to the Ohio-Kentucky State line. The purpose of this filing is to eliminate the gateways of Darke, Mercer, and Auglaize Counties, Ohio.

No. MC 106920 (Sub-No. E15), filed June 4, 1974. Applicant: RIGGS FOOD EXPRESS, INC., P.O. Box 26, New Bremen, Ohio 45869. Applicant's representative: E. Stephen Heisley, 805 McLachlen Bank Bldg., 666 11th St. NW., Washington, D.C. 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen dairy products* as defined by the Commission, from Elmira, N.Y., to points in Georgia beginning at the Georgia-Tennessee State line and extending along U.S. Highway 19, to junction U.S. Highway 23, thence along U.S. Highway 23 to junction Interstate Highway 75, thence along Interstate Highway 75 to junction U.S. Highway 41 at Perry, Ga., thence along U.S. Highway 41 to junction Georgia Highway 33, thence along Georgia Highway 33 to junction U.S. Highway 319, thence along U.S. Highway 319 to the Georgia-Florida State line. The purpose of this filing is to elminate the gateways of Darke, Mercer, and Auglaize Counties, Ohio.

No. MC 106920 (Sub-No. E17), filed June 4, 1974. Applicant: RIGGS FOOD EXPRESS, INC., P.O. Box 26, New Bremen, Ohio 45869. Applicant's representative: E. Stephen Heisley, 805 McLachlen Bank Bldg., 666 11th St. NW., Washington, D.C. 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen dairy products*, from Elmira, N.Y., to points in Mississippi. The purpose of this filing is to eliminate the gateways of Darke, Mercer, and Auglaize Counties, Ohio.

No. MC 113843 (Sub-No. E223) (correction), filed May 12, 1974, republished in the FEDERAL REGISTER September 23,

1974. Applicant: REFRIGERATED FOOD EXPRESS, INC., 316 Summer St., Boston, Mass. 02210. Applicant's representative: Lawrence T. Sheils (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen meats, meat products, and edible meat by-products*, as defined by the Commission, from Sandusky, Ohio, to points in that part of Connecticut on, east, and north of a line beginning at the Connecticut-Massachusetts State line and extending along U.S. Highway 7 to junction Connecticut Highway 63, thence along Connecticut Highway 63 to junction Connecticut Highway 4, thence along Connecticut Highway 4 to junction Connecticut Highway 25, thence along Connecticut Highway 25 to junction U.S. Highway 44, thence along U.S. Highway 44 to junction U.S. Alternate Highway 44, thence along U.S. Alternate Highway 44 to junction U.S. Highway 6, thence along U.S. Highway 6 to junction Connecticut Highway 87, thence along Connecticut Highway 87 to junction Connecticut Highway 2, thence along Connecticut Highway 2 to the Connecticut-Rhode Island State line. The purpose of this filing is to eliminate the gateway of Detroit, Mich. (via Canada). The purpose of this correction is to clarify the territorial description.

No. MC 113495 (Sub-No. E31) (correction) filed June 3, 1974, published in the FEDERAL REGISTER November 4, 1974. Applicant: GREGORY HEAVY HAULER, INC., P.O. Box 60628, Nashville, Tenn. 37206. Applicant's representative: E. T. Gregory (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) (a) *Trucks* designed for off-highway use, each weighing 15,000 pounds or more, which may be included in heavy machinery and construction equipment, in initial movements in truckaway service; (b) *related parts* for the above-specified commodities, moving in connection therewith, from Decatur, Morton, and Joliet, Ill., to points in Adair, Allen, Barren, Clinton, Cumberland, Knox, McCreary, Metcalfe, Monroe, Pulaski, Russell, Wayne, and Whitney Counties, Ken., restricted against the transportation of commodities in connection with the stringing or picking up of pipeline materials or equipment, and restricted to commodities which are transported on trailers; (2) *Trucks* designed for off-highway use, which may be included in heavy machinery and construction equipment, the transportation of which, because of size or weight, requires the use of special equipment, in initial movements, in truckaway service (excluding any transportation in connection with the stringing or picking up of pipepline materials or equipment), from Decatur, Ill., to points in Adair, Allen, Barren, Clinton, Cumberland, Knox, McCreary, Metcalfe, Monroe, Pulaski, Russell, Wayne, and Whitney Counties, Ky. The purpose of this filing is to eliminate the gateway of points in Tennessee. The purpose of this correction is to correct the origin and destination points.

No. MC 113855 (Sub-No. E160) (correction), filed May 30, 1974, published in the FEDERAL REGISTER January 8, 1975. Applicant: INTERNATIONAL TRANSPORT, INC., 2450 Marion Rd. SE., Rochester, Minn. 55901. Applicant's representative: Michael E. Miller, 502 First National Bank Bldg., Fargo, N. Dak. 58102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Road construction equipment*, as described in Appendix VIII to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 (except commodities which because of size or weight, require the use of special handling), in flat bed trailers only, between ports of entry on the United States-Canada International Boundary line at or near Sweetgrass, Mont., and Portal, N. Dak., on the one hand, and, on the other, Arkansas, Mississippi, Alabama, Georgia, Florida, South Carolina, North Carolina, Tennessee, Kentucky, Virginia, Indiana (except points in Hammond, Whiting, East Chicago, and Gary), Michigan (except Battle Creek and Benton Harbor), Delaware, New York, Vermont, Maine, New Hampshire, Massachusetts, Connecticut, and Rhode Island; and (2) *Road construction machinery*, between ports of entry on the United States-Canada International Boundary line at or near Sweetgrass, Mont., and Portal, N. Dak., on the one hand, and, on the other, Arkansas, Mississippi, Alabama, Georgia, Florida, South Carolina, North Caroline, Tennessee, Kentucky, Virginia, Indiana, Michigan, Delaware, New York, Vermont, Maine, New Hampshire, Massachusetts, Connecticut and Rhode Island restricted in (1) and (2) to transportation of shipments in foreign commerce. The purpose of this filing is to eliminate the gateway of points in Wisconsin within 15 miles of the Minneapolis-St. Paul commercial zone. The purpose of this correction is to clarify the authority sought.

No. MC 114211 (Sub-No. E462), filed June 4, 1974. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, Iowa 50704. Applicant's representative: Kenneth R. Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Agricultural machinery, agricultural implements* and *parts* thereof from a point in that part of Kansas on and west of a line beginning at the Nebraska-Kansas State line, thence along Kansas Highway 63 to junction Kansas Highway 9, thence along Kansas Highway 9 to junction Kansas Highway 99, thence along Kansas Highway 99 to junction Kansas Highway 13, thence along Kansas Highway 13 to junction U.S. Highway 24, thence along U.S. Highway 24 to junction Kansas Highway 177, thence along Kansas Highway 177 to junction Interstate Highway 70, thence along Interstate Highway 70 to junction Kansas Highway 15, thence along Kansas Highway 15 to junction Interstate Highway 35W, thence along Interstate Highway 35W to junction Kansas Highway 2, thence along Kansas Highway 2 to junction Kansas Highway 8, thence along Kansas Highway 8 to the Kansas-Oklahoma State line to points in that part of Indiana on and north of a line beginning at the Indiana-Illinois State line, thence along Interstate Highway 74 to junction Interstate Highway 70, thence along Interstate Highway 70 to the Indiana-Ohio State line, with no transportation for compensation on return except as otherwise authorized, restricted against movement to oil field locations. The purpose of this filing is to eliminate the gateway of Beatrice, Nebr.

No. MC 114211 (Sub-No. E470), filed June 4, 1974. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, Iowa 50704. Applicant's representative: Kenneth R. Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Farm machinery and parts thereof*, from points in that part of Minnesota on and west of a line beginning at the Iowa-Minnesota State line, thence along U.S. Highway 65, to junction U.S. Highway 16, thence along U.S. Highway 16 to junction Minnesota Highway 15, thence along Minnesota Highway 15 to junction U.S. Highway 10, thence along U.S. Highway 10 to junction U.S. Highway 59, thence along U.S. Highway 59 to junction Minnesota Highway 175, thence along Minnesota Highway 175 to junction U.S. Highway 75, thence along U.S. Highway 75 to the Minnesota-Canada International Boundary line to points in that part of Indiana on and south of a line beginning at the Illinois-Indiana State line, thence along U.S. Highway 24 to the Illinois-Ohio State line. The purpose of this filing is to eliminate the gateway Fort Dodge, Iowa.

No. MC 114211 (Sub-No. E471), filed June 4, 1974. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, Iowa 50704. Applicant's representative: Kenneth R. Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Tractors*, from points in that part of Iowa on and northeast of a line beginning at the Minnesota-Iowa State line, thence along U.S. Highway 65 to junction U.S. Highway 20, thence along U.S. Highway 20 to junction Iowa Highway 214, thence along Iowa Highway 214 to junction Iowa Highway 175, thence along Iowa Highway 175 to junction Iowa Highway 14, thence along Iowa Highway 14 to junction U.S. Highway 30, thence along U.S. Highway 30 to the Iowa-Illinois State line to points in Texas, with no transportation for compensation on return except as otherwise authorized. The purpose of this filing is to eliminate the gateway of Waterloo, Iowa.

No. MC 114211 (Sub-No. E472), filed June 4, 1974. Applicant: WARREN TRANSPORT, INC., P.O. Box 420,

Waterloo, Iowa 50704. Applicant's representative: Kenneth R. Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Tractors*, from points in that part of Iowa on and north-east of a line beginning at the Minnesota-Iowa State line, thence along U.S. Highway 69 to junction Interstate Highway 80, thence along Interstate Highway 80 to the Iowa-Illinois State line to points in that part of Texas on and south of a line beginning at the Louisiana-Texas State line thence along U.S. Highway 90 to junction U.S. Highway 290, thence along U.S. Highway 290 to junction Texas Highway 71, thence along Texas Highway 71 to junction U.S. Highway 87, thence along U.S. Highway 87 to junction U.S. Highway 83, thence along U.S. Highway 83 to junction Texas Highway 53, thence along Texas Highway 53 to junction Texas Highway 70, thence along Texas Highway 70 to junction U.S. Highway 84, thence along U.S. Highway 84 to junction U.S. Highway 82, thence along U.S. Highway 82 to the Texas-New Mexico State line, with no transportation for compensation on return except as otherwise authorized. The purpose of this filing is to eliminate the gateway of Waterloo, Iowa.

No. MC 114211 (Sub-No. E473), filed June 4, 1974. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, Iowa 50704. Applicant's representative: Kenneth R. Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Farm machinery and parts thereof*, (except the transportation of commodities which, because of size or weight, requires the use of special equipment or special handling), from points in that part of Iowa on the south of a line beginning at the Illinois Iowa State line, thence along Interstate Highway 80 to the Iowa Nebraska State line, thence along the Iowa Nebraska State line to junction U.S. Highway 275, thence along U.S. Highway 275 to junction U.S. Highway 34, thence along U.S. Highway 34 to junction Iowa Highway 25, thence along Iowa Highway 25 to junction Iowa Highway 2, thence along Iowa Highway 2 to junction U.S. Highway 169, thence along U.S. Highway 169 to the Iowa Missouri State line to points in that part of Nebraska on and north of a line beginning at the Nebraska Kansas State line, thence along U.S. Highway 34 to junction Interstate Highway 80, thence along Interstate Highway 80 to the Nebraska Iowa State line and points in Wyoming and South Dakota restricted against the transportation of those commodities described in Mercer Extension Oil Field Commodities, 74, M.C.C. 459. The purpose of this filing is to eliminate the gateway of Omaha, Nebr., and Council Bluffs, Iowa.

No. MC 114211 (Sub-No. E474), filed June 4, 1974. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, Iowa 50704. Applicant's representative: Kenneth R. Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Agricultural machinery* and *implements*, other than hand, as described in Section 1(b) of Appendix XII to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, and parts therefor, when their transportation is incidental to the transportation of the machinery and implements; and *tractors* and *tractor engines* (not including tractors with vehicle beds, bed frames, or fifth wheels) and *parts* and *attachments therefor* when their transportation is incidental to the transportation of tractors, from points in that part of Minnesota State line, thence along U.S. Highway 169 to junction Minnesota Highway 30, thence along Minnesota Highway 30 to junction Minnesota Highway 15, thence along Minnesota Highway 15 to junction U.S. Highway 212, thence along U.S. Highway 212 to junction U.S. Highway 71, thence along U.S. Highway 71 to the Minnesota Canada International Boundary line to points in Texas and New Mexico, with no transportation for compensation on return except as otherwise authorized. The purpose of this filing is to eliminate the gateway of Waterloo, Iowa.

No. MC 114211 (Sub-No. E475), filed June 4, 1974. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, Iowa 50704. Applicant's representative: Kenneth R. Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Self-propelled tractors, road making machinery* and *contractors equipment* and *supplies*, from points in that part of Minnesota on and southwest of a line beginning at the South Dakota-Minnesota State line, thence along Minnesota Highway 19 to junction Minnesota Highway 67, thence along Minnesota Highway 67 to junction Minnesota Highway 68, thence along Minnesota Highway 68 to junction Minnesota Highway 4, thence along Minnesota Highway 4 to junction U.S. Highway 14, thence along U.S. Highway 14 to junction Minnesota Highway 15, thence along Minnesota Highway 15 to the Minnesota-Iowa State line and to points in New York with no transportation for compensation except as otherwise authorized. The purpose of this filing is to eliminate the gateway of the plant site of the Stinar Corporation at Minneapolis, Minn.

No. MC 114211 (Sub-No. E478), filed June 4, 1974. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, Iowa 50704. Applicant's representative: Kenneth R. Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Buildings, storage bins, grain driers*, and *corn cribs*, knocked down or in sections, and, when shipped with said *commodities, component parts, materials, supplies, fixtures* and *accessories* used in their construction and erection, *ventilators*, and *irrigation well casing*, the transportation of which, because of size or weight, requires special equipment, from points in that part of Nebraska on and northeast of a line beginning at the Wyoming-Nebraska State line, thence along U. S. Highway 30 to junction Nebraska Highway 21, thence along Nebraska Highway 21 to junction Nebraska Highway 70, thence along Nebraska Highway 70 to junction Nebraska Highway 22, thence along Nebraska Highway 22 to junction U. S. Highway 81, thence along U. S. Highway 81 to the Nebraska-South Dakota State line to points in that part of Iowa on and southeast of a line beginning at the Nebraska-Iowa State line, thence along Interstate Highway 80 to the Iowa-Illinois State line and to points in Missouri, with no transportation for compensation on return except as otherwise authorized. The purpose of this filing is to eliminate the gateway of Columbus, Nebr.

No. MC 114211 (Sub-No. E480), filed June 4, 1974. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, Iowa 50704. Applicant's representative: Kenneth R. Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Self-propelled agricultural and industrial implements and parts and attachments*, from Glencoe, Minn., to points in Washington, Oregon, California, Nevada, Arizona, Utah, Idaho, Wyoming, and Montana, with no transportation for compensation on return except as otherwise authorized restricted to the transportation of shipments originating at the above named origin. The purpose of this filing is to eliminate the gateway of Minneapolis, Minn.

No. MC 114211 (Sub-No. E481), filed June 4, 1974. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, Iowa 50704. Applicant's representative: Kenneth R. Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Farm machinery and parts thereof*, between points in that part of Iowa on and northeast of a line beginning at the Minnesota-Iowa State line, thence along U.S. Highway 169 to junction Interstate Highway 80, thence along Interstate Highway 80 to junction U.S. Highway 63, thence along U.S. Highway 63 to the Iowa-Missouri State line, on the one hand, and, on the other, points in that part of Kansas on and south of a line beginning at the Missouri-Kansas State line, thence along U.S. Highway 54 to junction U.S. Highway 75, thence along U.S. Highway 75 to junction U.S. Highway 40, thence along U.S. Highway 40 to junction U.S. Highway 77, thence along U.S. Highway 77 to junction U.S. Highway 56, thence along U.S. Highway 56 to the Kansas-Oklahoma State line. The purpose of this filing is to eliminate the gateways of Des Moines, Iowa, and Martin City, Mo.

No. MC 114211 (Sub-No. E482), filed June 4, 1974. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Wa-

terloo, Iowa 50704. Applicant's representative: Kenneth R. Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Farm machinery and parts thereof*, from points in Illinois to points in South Dakota. The purpose of this filing is to eliminate the gateway of Fort Dodge, Iowa.

No. MC 114211 (Sub-No. E483), filed June 4, 1974. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, Iowa 50704. Applicant's representative: R. L. Rork (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Farm machinery and parts thereof*, from points in that part of Kansas on and west of a line beginning at the Nebraska-Kansas State line, thence along U.S. Highway 77 to junction U.S. Highway 24, thence along U.S. Highway 24 to junction U.S. Highway 75, thence along U.S. Highway 75 to junction Kansas Highway 31, thence along Kansas Highway 31 to junction U.S. Highway 59, thence along U.S. Highway 59 to the Kansas-Oklahoma State line to points in that part of Wisconsin on and north of a line beginning at the Minnesota-Wisconsin State line, thence along Wisconsin Highway 25 to junction U.S. Highway 10, thence along U.S. Highway 10 to junction Wisconsin Highway 13, thence along Wisconsin Highway 13 to junction Wisconsin Highway 54, thence along Wisconsin Highway 54 to junction U.S. Highway 10, thence along U.S. Highway 10 to junction Wisconsin Highway 13, thence along Wisconsin Highway 13 to junction Wisconsin Highway 54, thence along Wisconsin Highway 54 to junction U.S. Highway 10, thence along U.S. Highway 10 to junction U.S. Highway 41, thence along U.S. Highway 41 to junction Wisconsin Highway 23, thence along Wisconsin Highway 23 to Sheboygan, Wis., with no transportation for compensation on return except as otherwise authorized, restricted against movement to oil field locations. The purpose of this filing is to eliminate the gateway of Beatrice, Nebr.

No. MC 114211 (Sub-No. E484), filed June 4, 1974. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, Iowa 50704. Applicant's representative Kenneth R Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Farm machinery and parts thereof*, from points in that part of Kansas on and west of a line beginning at the Nebraska-Kansas State line, thence along U.S. Highway 183 to junction U.S. Highway 24, thence along U.S. Highway 24 to junction U.S. Highway 283, thence along U.S. Highway 283 to junction Kansas Highway 96, thence along Kansas Highway 96 to junction U.S. Highway 83, thence along U.S. Highway 83 to junction U.S. Highway 50, thence along U.S. Highway 50 to the Kansas-Colorado State line to points in Illinois, Indiana, Ohio, and Michigan, with no transportation on return except as otherwise authorized restricted against movements to oil field locations. The purpose of this filing is to eliminate the gateway of Beatrice, Nebr.

No. MC 114211 (Sub-No. E485), filed June 4, 1974. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, Iowa 50704. Applicant's representative: Kenneth R. Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Farm machinery and parts thereof*, from points in that part of Kansas on and west of a line beginning at the Nebraska-Kansas State line, thence along U.S. Highway 77 to junction Kansas Highway 24, thence along Kansas Highway 24 to junction Interstate Highway 35, thence along Interstate Highway 35 to the Kansas-Oklahoma State line to points in Wisconsin restricted against movement to oil field locations. The purpose of this filing is to eliminate the gateway of Beatrice, Nebr.

No. MC 114211 (Sub-No. E486), filed June 4, 1974. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, Iowa 50704. Applicant's representative: Kenneth R. Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Road building equipment* (except commodities, which because of size or weight, require the use of special equipment and except commodities described in *Mercer Extension-Oil Field Commodities*, 74 M.C.C. 459), from points in that part of Kansas on and west of a line beginning at the Nebraska-Kansas State line, thence along U.S. Highway 75 to the Kansas-Oklahoma State line to points in that part of Arkansas on and south of a line beginning at the Oklahoma-Arkansas State line, thence long Interstate Highway 40 to junction Arkansas Highway 130, thence along Arkansas Highway 130 to junction Arkansas Highway 1, thence along Arkansas Highway 1 to junction U.S. Highway 49, thence along U.S. Highway 49 to the Arkansas-Mississippi State line, and to points in that part of Mississippi on and south of a line beginning at the Arkansas-Mississippi State line, thence along U.S. Highway 49 to junction Mississippi Highway 6, thence along Mississippi Highway 6 to junction U.S. Highway 78, thence along U.S. Highway 78 to the Mississippi-Alabama State line, and to points in that part of Alabama on and south of a line beginning at the Mississippi-Alabama State line, thence along U.S. Highway 78 to junction U.S. Highway 43, thence along U.S. Highway 43 to junction U.S. Highway 72, thence along U.S. Highway 72 to junction Alabama Highway 35, thence along Alabama Highway 35 to junction Alabama Highway 20, thence along Alabama Highway 20 to the Alabama-Georgia State line, and to points in that part of Georgia on and south of a line beginning at the Alabama-Georgia State line, thence along Georgia Highway 20 to junction Georgia Highway 369, thence along Georgia Highway 369 to junction Georgia Highway 52, thence along Georgia Highway 52 to junction Interstate Highway 85, thence along Interstate Highway 85 to the Georgia-South Carolina State line, and to points in that part of South Carolina on and south of a line beginning at the Georgia-South Carolina State line, thence along Interstate Highway 85 to the South Carolina-North Carolina State line, and to points in that part of North Caorlina on and south of a line beginning at the South Carolina-North Carolina State line, thence along Interstate Highway 85 to junction U.S. Highway 52, thence along U.S. Highway 52 to junction U.S. Highway 158, thence along U.S. Highway 158 to junction North Carolina Highway 62, thence along North Carolina Highway 62 to the North Carolina-Virginia State line, and to points in Louisiana and Florida. The purpose of this filing is to eliminate the gateway of Claremore, Okla.

No. MC 114211 (Sub-No. E487), filed June 4, 1974. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, Iowa 50704. Applicant's representative: Kenneth R. Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Farm tractor show displays and experimental farm tractors*, between points in the Upper Peninsula of Michigan, on the one hand, and, on the other, points in that part of Iowa on and south of a line beginning at the Illinois-Iowa State line, thence along U.S. Highway 20 to junction U.S. Highway 52, thence along U.S. Highway 52 to junction Iowa Highway 3, thence along Iowa Highway 3 to junction U.S. Highway 218, thence along U.S. Highway 218 to junction Iowa Highway 14, thence along Iowa Highway 14 to junction Iowa Highway 3, thence along Iowa Highway 3 to junction Iowa Highway 4, thence along Iowa Highway 4 to junction Iowa Highway 7, thence along Iowa Highway 7 to junction U.S. Highway 71, thence along U.S. Highway 71 to junction U.S. Highway 20, thence along U.S. Highway 20 to the Iowa-South Dakota State line. The purpose of this filing is to eliminate the gateway of Waterloo, Iowa.

No. MC 114211 (Sub-No. E488), filed June 4, 1974. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, Iowa 50704. Applicant's representative: Kenneth R. Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Farm machinery and parts thereof*, from points in Illinois and points in that part of Iowa on and east of a line beginning at the Missouri-Iowa State line, thence along U.S. Highway 169 to junction Interstate Highway 80, thence along Interstate Highway 80 to junction U.S. Highway 69, thence along U.S. Highway 69 to junction U.S. Highway 30, thence along U.S. Highway 30 to junction U.S. Highway 65, thence along U.S. Highway 65 to the Iowa-Minnesota State line to points in that part of Montana

on and west of a line beginning at the Montana-Canada International Boundary line, thence along Montana Highway 242 to junction U.S. Highway 191, thence along U.S. Highway 191 to junction U.S. Highway 87, thence along U.S. Highway 87 to the Montana-Wyoming State line, and to points in that part of Wyoming on and west and south of a line beginning at the Montana-Wyoming State line, thence along U.S. Highway 87 to junction U.S. Highway 26, thence along U.S. Highway 26 to the Wyoming-Nebraska State line, restricted to the transportation of traffic originating at the plant sites, warehouses sites, and experimental farms of Deere and Company. The purpose of this filing is to eliminate the gateway of Des Moines, Iowa.

No. MC 114211 (Sub-No. E489), filed June 4, 1974: Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, Iowa 50704. Applicant's representative: Kenneth R. Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Self-propelled sweepers*, from points in that part of Minnesota on and west of a line beginning at the Wisconsin-Minnesota State line, thence along Interstate Highway 94 to junction Minnesota Highway 3, thence along Minnesota Highway 3 to junction U.S. Highway 52, thence along U.S. Highway 52 to junction U.S. Highway 63, thence along U.S. Highway 63 to junction Interstate Highway 90, thence along Interstate Highway 90 to junction U.S. Highway 218, thence along U.S. Highway 218 to the Minnesota-Iowa State line, thence along the Minnesota-Iowa State line to junction U.S. Highway 69, thence along U.S. Highway 69 to junction U.S. Highway 16, thence along U.S. Highway 16 to junction Minnesota Highway 109, thence along Minnesota Highway 109 to junction U.S. Highway 169, thence along U.S. Highway 169 to junction Interstate Highway 494, thence along Interstate Highway 494 to junction Interstate Highway 694, thence along Interstate Highway 694 to junction U.S. Highway 12, thence along U.S. Highway 12 to the Minnesota-Wisconsin State line, with no transportation for compensation on return except as otherwise authorized. The purpose of this filing is to eliminate the gateway of Minneapolis, Minn.

No. MC 114211 (Sub-No. E491), filed June 4, 1974. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, Iowa 50704. Applicant's represenative: Kenneth R. Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Self-propelled rollers*, from points in that part of Minnesota on and west of a line beginning at the Wisconsin-Minnesota State line, thence along Interstate Highway 94 to junction Minnesota Highway 3, thence along Minnesota Highway 3 to junction U.S. Highway 52, thence along U.S. Highway 52 to junction U.S. Highway 63, thence along U.S. Highway 63 to junction Interstate Highway 90, thence along Interstate Highway 90 to junction U.S. Highway 218, thence along U.S. Highway 218 to the Minnesota-Iowa State line, thence along the Minnesota-Iowa State line to junction U.S. Highway 69, thence along U.S. Highway 69 to junction U.S. Highway 16, thence along U.S. Highway 16 to junction Minnesota Highway 109, thence along Minnesota Highway 109 to junction Minnesota Highway 22, thence along Minnesota Highway 22 to junction U.S. Highway 169, thence along U.S. Highway 169 to junction Interstate Highway 494 thence along Interstate Highway 494 to junction Interstate Highway 694, thence along Interstate Highway 694 to junction U.S. Highway 12, thence along U.S. Highway 12 to the Minnesota-Wisconsin State line, to points in Connecticut and Massachusetts, with no compensation for transportation on return except as otherwise authorized. The purpose of this filing is to eliminate the gateway of Minneapolis, Minn.

No. MC 114211 (Sub-No. E493), filed June 4, 1974. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, Iowa 50704. Applicant's representative: Kenneth R. Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Farm machinery and parts thereof*, from points in that part of Iowa on and north and east of a line beginning at the Minnesota-Iowa State line, thence along Iowa Highway 4 to junction Iowa Highway 9, thence along Iowa Highway 9 to junction U.S. Highway 169, thence along U.S. Highway 169 to junction U.S. Highway 20, thence along U.S. Highway 20 to the Iowa-Illinois State line to points in that part of Missouri on and west of a line beginning at the Iowa-Missouri State line, thence along U.S. Highway 169 to junction U.S. Highway 71, thence along U.S. Highway 71 to the Missouri-Arkansas State line. The purpose of this filing is to eliminate the gateway of Fort Dodge, Iowa.

No. MC 114211 (Sub-No. E494), filed June 4, 1974. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, Iowa 50704. Applicant's representative: Kenneth R. Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Farm machinery and parts thereof*, between points in that part of South Dakota on and north of a line beginning at the Minnesota-Iowa State line, thence along U.S. Highway 12 to junction South Dakota Highway 37, thence along South Dakota Highway 37 to junction South Dakota Highway 28, thence along South Dakota Highway 28 to junction U.S. Highway 281, thence along U.S. Highway 281 to junction U.S. Highway 14, thence along U.S. Highway 14 to junction U.S. Highway 16, thence along U.S. Highway 16 to the South Dakota-Wyoming State line, on the one hand, and, on the other, points in that part of Minnesota on and south of a line beginning at the South Dakota-Minnesota State line, thence along U.S. Highway 12 to junction Interstate Highway 94, thence along Interstate Highway 94 to the Minnesota-Wisconsin State line. The purpose of this filing is to eliminate the gateways of Nassau, Minn., and points in Minnesota within 25 miles of Nassau, Minn.

No. MC 114211 (Sub-No. E495), filed June 4, 1974. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, Iowa 50704. Applicant's representative: Kenneth R. Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Farm machinery and parts thereof* (except commodities the transportation of which, because of size or weight, requires the use of special equipment or special handling and except the transportation of those commodities described in *Mercer Extension-Oil Field Commodities*, 74 M.C.C. 459), between points in that part of Wyoming on and west of a line beginning at the Colorado-Wyoming State line, thence along Interstate Highway 25 to junction U.S. Highway 20, thence along U.S. Highway 20 to junction Wyoming Highway 789, thence along Wyoming Highway 789 to junction Wyoming Highway 131, thence along Wyoming Highway 131 to junction Wyoming Highway 28, thence along Wyoming Highway 28 to junction U.S. Highway 187, thence along U.S. Highway 187 to junction U.S. Highway 30, thence along U.S. Highway 30 to junction Wyoming Highway 89, thence along Wyoming Highway 89 to the Wyoming-Utah State line, on the one hand, and, on the other, to points in North Dakota on and east of a line beginning at the Minnesota-North Dakota State line, thence along North Dakota Highway 34 to junction U.S. Highway 81, thence along U.S. Highway 81 to junction North Dakota Highway 46, thence along North Dakota Highway 46 to junction North Dakota Highway 18, thence along North Dakota Highway 18 to junction U.S. Highway 2, thence along U.S. Highway 2 to junction North Dakota Highway 32, thence along North Dakota Highway 32 to the North Dakota-Canada International Boundary line. The purpose of this filing is to eliminate the gateways of Nassau, Minn., and Milbank, S. Dak.

No. MC 114211 (Sub-No. E496), filed June 4, 1974. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, Iowa 50704. Applicant's representative: Kenneth R. Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Farm machinery and parts thereof*, from points in that part of Iowa on and north and west of a line beginning at the Minnesota-Iowa State line, thence along U.S. Highway 69 to junction U.S. Highway 20, thence along U.S. Highway 20 to junction U.S. Highway 169, thence along U.S. Highway 169 to junction Iowa Highway 7, thence along Iowa Highway 7 to junction Iowa Highway 3, thence along Iowa Highway 3 to the South Dakota-Iowa State line to points in Missouri. The purpose of this filing is to eliminate the gateway of Fort Dodge, Iowa.

No. MC 114211 (Sub-No. E497), filed June 4, 1974. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, Iowa 50704. Applicant's representative: Kenneth R. Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Farm machinery* and *parts* thereof (except commodities the transportation of which, because of size or weight, requires the use of special equipment or special handling and except the transportation of those commodities described in *Mercer Extension-Oil Field Commodities*, 74 M.C.C. 459), between points in Nebraska on and east of a line beginning at the South Dakota-Nebraska State line, thence along U.S. Highway 81 to the Nebraska-Kansas State line on the one hand, and, on the other, points in that part of North Dakota on and north and west of a line beginning at the South Dakota-North Dakota State line extending along North Dakota Highway 31 to junction North Dakota Highway 21, thence along North Dakota Highway 21 to junction North Dakota Highway 6, thence along North Dakota Highway 6 to junction Interstate Highway 94, thence along Interstate Highway 94 to the North Dakota-Minnesota State line and to points in that part of Minnesota on and north of a line beginning at the South Dakota-Minnesota State line, thence along U.S. Highway 12 to the Minnesota-Wisconsin State line. The purpose of this filing is to eliminate the gateway of Nassau, Minn., and Milbank, S. Dak.

By the Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.75-2844 Filed 1-29-75;8:45 am]

federal register

THURSDAY, JANUARY 30, 1975

WASHINGTON, D.C.

Volume 40 ■ Number 21

PART II

ENVIRONMENTAL PROTECTION AGENCY

■

CANNED AND PRESERVED SEAFOOD PROCESSING POINT SOURCE CATEGORY

Effluent Guidelines and Standards and Proposed Guidelines and Standards

Title 40—Protection of the Environment

CHAPTER I—ENVIRONMENTAL PROTECTION AGENCY

SUBCHAPTER N—EFFLUENT GUIDELINES AND STANDARDS

[FRL 328-4]

PART 408—CANNED AND PRESERVED SEAFOOD PROCESSING POINT SOURCE CATEGORY

Interim Final Rule Making

Notice is hereby given that effluent limitations and guidelines for existing sources set forth in interim final form below are promulgated by the Environmental Protection Agency (EPA). On June 26, 1974, EPA promulgated a regulation adding Part 408 to Title 40 of the Code of Federal Regulations (39 FR 23134). That regulation established effluent limitations and guidelines for existing sources and standards of performance and pretreatment standards for new sources for the canned and preserved seafood processing point source category. The regulation set forth below will amend 40 CFR, Part 408—canned and preserved seafood processing point source category by revising § 408.10 of the farm-raised catfish processing subcategory (Subpart A), § 408.20 of the conventional blue crab processing subcategory (Subpart B), § 408.30 of the mechanized blue crab processing subcategory (Subpart C), § 408.40 of the non-remote Alaskan crab meat processing subcategory (Subpart D), § 408.50 of the remote Alaskan crab meat processing subcategory (Subpart E, § 408.60 of the non-remote Alaskan whole crab and crab section processing subcategory (Subpart F), § 408.70 of the remote Alaskan whole crab and crab section processing subcategory (Subpart G), § 408.80 of the dungeness and tanner crab processing in the contiguous States subcategory (Subpart H), § 408.90 of the non-remote Alaskan shrimp processing subcategory (Subpart I), § 408.100 of the remote Alaskan shrimp processing subcategory (Subpart J), § 408.110 of the northern shrimp processing in the contiguous States subcategory (Subpart K), § 408.120 of the southern non-breaded shrimp processing in the contiguous States subcategory (Subpart L), § 408.130 of the breaded shrimp processing subcategory (Subpart M), and § 408.140 of the tuna processing subcategory (Subpart N) to expand the applicability thereof; and by adding thereto effluent limitations and guidelines for existing sources for the fish meal processing subcategory (Subpart O), Alaskan hand-butchered salmon processing subcategory (Subpart P), Alaskan mechanized salmon processing subcategory (Subpart Q), West Coast hand-butchered salmon processing subcategory (Subpart R), West Coast mechanized salmon processing subcategory (Subpart S), Alaskan bottom fish processing subcategory (Subpart T), non-Alaskan conventional bottom fish processing subcategory (Subpart U) non-Alaskan mechanized bottom fish processing subcategory (Subpart V), hand-shucked clam processing subcategory (Subpart W), mechanized clam processing subcategory (Subpart X), Pacific Coast hand-shucked oyster processing subcategory (Subpart Y), Atlantic and Gulf Coast hand-shucked oyster processing subcategory Subpart Z), steamed/canned oyster processing subcategory (Subpart AA), sardine processing subcategory (Subpart AB), Alaskan scallop processing subcategory (Subpart AC), non-Alaskan scallop processing subcategory (Subpart AD), Alaskan herring fillet processing subcategory (Subpart AE), non-Alaskan herring fillet processing subcategory (Subpart AF), and abalone processing subcategory (Subpart AG) pursuant to sections 301, 304 (b) and (c) of the Federal Water Pollution Control Act as amended (33 U.S.C. 1251, 1311, 1314 (b) and (c) 86 Stat. 816 et seq.; P.L. 92-500) (the Act). Simultaneously, the Agency is publishing in proposed form standards of performance for new point sources and pretreatment standards for existing sources and for new sources.

(a) Legal Authority

Section 301(b) of the Act requires the achievement by not later than July 1, 1977, of effluent limitations for point sources, other than publicly owned treatment works, which require the application of the best practicable control technology currently available as defined by the Administrator pursuant to section 304(b) of the Act. Section 301(b) also requires the achievement by not later than July 1, 1983, of effluent limitations for point sources, other than publicly owned treatment works, which require the application of best available technology economically achievable which will result in reasonable further progress toward the national goal of eliminating the discharge of all pollutants, as determined in accordance with regulations issued by the Administrator pursuant to section 304(b) to the Act.

Section 304(b) of the Act requires the Administrator to publish regulations providing guidelines for effluent limitations setting forth the degree of effluent reduction attainable through the application of the best practicable control technology currently available and the degree of effluent reduction attainable through the application of the best control measures and practices achievable including treatment techniques, process and procedure innovations, operating methods and other alternatives. The regulation proposed herein sets forth effluent limitations and guidelines, pursuant to sections 301 and 304(b) of the Act, for the fish meal processing subcategory (Subpart O), Alaskan hand-butchered salmon processing subcategory (Subpart P), Alaskan mechanized salmon processing subcategory (Subpart Q), West Coast hand-butchered salmon processing subcategory (Subpart R), West Coast mechanized salmon processing subcategary (Subpart S), Alaskan bottom fish processing subcategory (Subpart T), non-Alaskan conventional bottom fish processing subcategory (Subpart U), non-Alaskan mechanized bottom fish processing subcategory (Subpart V), hand-shucked clam processing subcategory (Subpart W), mechanized clam processing subcategory (Subpart X), Pacific Coast hand-shucked oyster processing subcategory (Subpart Y), Atlantic and Gulf Coast hand-shucked oyster processing subcategory (Subpart Z), steam/canned oyster processing subcategory (Subpart AA), sardine processing subcategory (Subpart AB), Alaskan scallop processing subcategory (Subpart AC), non-Alaskan scallop processing subcategory (Subpart AD), Alaskan herring fillet processing subcategory (Subpart AE), non-Alaskan herring fillet processing subcategory (Subpart AF), and abalone processing subcategory (Subpart AG) of the canned and preserved seafood processing point source category.

Section 304(c) of the Act requires the Administrator to issue to the States and appropriate water pollution control agencies information on the processes, procedures or operating methods which result in the elimination or reduction of the discharge of pollutants to implement standards of performance under section 306 of the Act. The report or "Development Document" referred to below provides, pursuant to section 304(c) of the Act, information on such processes, procedures or operating methods.

Section 306 of the Act requires the achievement by new sources of a Federal standard of performance providing for the control of the discharge of pollutants which reflects the greatest degree of effluent reduction which the Administrator determines to be achievable through application of the best available demonstrated control technology, processes, operating methods, or other alternatives, including, where practicable, a standard permitting no discharge of pollutants. Section 307(c) of the Act requires the Administrator to promulgate pretreatment standards for new sources at the same time that standards of performance for new sources are promulgated pursuant to section 306. Section 307(b) of the Act requires the establishment of pretreatment standards for pollutants introduced into publicly owned treatment works and 40 CFR 128 establishes that the Agency will propose specific pretreatment standards at the time effluent limitations are established for point source discharges. In another section of the Federal Register regulations are proposed in fulfillment of these requirements.

(b) Summary and Basis of Interim Final Effluent Limitations Guidelines for Existing Sources and Proposed Standards of Performance and Pretreatment Standards for New Sources and Pretreatment Standards for Existing Sources

(1) General methodology.

The effluent limitations, guidelines and standards of performance set forth herein were developed in the following manner. The point source category was first studied for the purpose of determining whether separate limitations and standards are appropriate for different segments within the category. This analysis

included a determination of whether differences in raw material used, product produced, manufacturing process employed, age, size, waste water constituents and other factors require development of separate limitations and standards for different segments of the point source category. The raw waste characteristics for each such segment were then identified. This included an analysis of the source, flow and volume of water used in the process employed, the sources of waste and waste waters in the operation and the constituents of all waste water. The constituents of the waste waters which should be subject to effluent limitations were identified.

The control and treatment technologies existing within each segment were identified. This included an identification of each distinct control and treatment technology, including both in-plant and end-of-process technologies, which are existent or capable of being designed for each segment. It also included an identification of, in terms of the amount of constituents and the chemical, physical, and biological characteristics of pollutants, the effluent level resulting from the application of each of the technologies. The problems, limitations and reliability of each treatment and control technology were also identified. In addition, the non-water quality environmental impact, such as the effects of the application of such technologies upon other pollution problems, including air, solid waste, and noise were identified. The energy requirements of each control and treatment technology were determined as well as the cost of the application of such technologies.

The information, as outlined above, was then evaluated in order to determine what levels of technology constitute the "best practicable control technology currently available," "best available technology economically achievable" and the "best available demonstrated control technology, processes, operating methods, or other alternatives." In identifying such technologies, various factors were considered. These included the total cost of application of technology in relation to the effluent reduction benefits to be achieved from such application, the age of equipment and facilities involved, the process employed, the engineering aspects of the application of various types of control techniques, process changes, non-water quality environmental impact (including energy requirements) and other factors.

The data upon which the above analysis was performed included EPA permit applications, EPA sampling and inspections, consultant reports, and industry submissions.

(2) Summary of conclusions with respect to the fish meal processing subcategory (Subpart O), Alaskan hand-butchered salmon processing subcategory (Subpart P), Alaskan mechanized salmon processing subcategory (Subpart Q), West Coast hand-butchered salmon processing subcategory (Subpart R), West Coast mechanized salmon processing subcategory (Subpart S), Alaskan bottom fish processing subcategory (Subpart T), non-Alaskan conventional bottom fish processing subcategory (Subpart U), non-Alaskan mechanized bottom fish processing subcategory (Subpart V), hand-shucked clam processing subcategory (Subpart W), mechanized clam processing subcategory (Subpart X), Pacific Coast hand-shucked oyster processing subcategory (Subpart Y), Atlantic and Gulf Coast hand-shucked oyster processing subcategory (Subpart Z), steamed/canned oyster processing subcategory (Subpart AA), sardine processing subcategory (Subpart AB), Alaskan scallop processing subcategory (Subpart AC), non-Alaskan scallop processing subcategory (Subpart AD), Alaskan herring fillet processing subcategory (Subpart AE), non-Alaskan herring fillet processing subcategory (Subpart AF), and abalone processing subcategory (Subpart AG) of the canned and preserved seafood processing point source category:

(i) Categorizaiton. For the purpose of studying waste treatment and proposing effluent limitations, the fish meal, salmon, bottom fish, clam, oyster, sardine, scallop, herring and abalone segments of the canned and preserved seafood processing category were divided into 19 discrete subcategories which were based on the form and quality of finished product; manufacturing processes and subprocesses utilized; waste water characteristics (particularly water consumption, total suspended solids, BOD5, and grease and oil); geographical location; and production capacity of plants as outlined in the report entitled, "Development Document for Proposed Effluent Limitations Guidelines and New Source Performance Standards for the Fish Meal, Salmon, Bottom Fish, Clam, Oyster, Sardine, Scallop, Herring and Abalone Segments of the Canned and Preserved Seafood Processing Industry." Several other factors, such as variability in raw product supply and production, condition of raw product on delivery to the processing plant, variety of species being processed, harvesting method, degree of pre-processing, age of plant, water availability, and amenability of waste to treatment were also considered. It was determined that these factors were highly correlated with one or more of the foregoing factors. Consideration of the economic impact of the proposed effluent limitations required provisions to be made in several subcategories to account for the size of the processing facility. Provisions have been established to account for differences due to processing plant locations in Alaska. The isolated location of some Alaskan seafood processing plants eliminates almost all waste water treatment alternatives because of undependable access to ocean, land, or commercial transportation during extended severe sea or weather conditions, and the high costs of eliminating the engineering obstacles due to adverse climatic and geologic conditions.

(1) Subpart O—Fish Meal Processing Subcategory: This subpart is limited to the major portion of the fish meal processing industry which encompasses the reduction of menhaden and anchovy to meal, oil and solubles. The menhaden processing industry is located predominately on the Gulf and Atlantic Coasts, whereas the anchovy processing industry is located on the West Coast.

(2) Subpart P—Alaskan Hand-Butchered Salmon Processing Subcategory: This subpart is limited to hand-butchered fresh/frozen and canned salmon processing in Alaska. Because of short seasons (one to two months) and the large volume of fish to be processed, the Alaska salmon plants are typically larger and operate longer hours than salmon plants in the contiguous states. Moreover, geographical differences based on considerations of climate, topography, relative isolation of the processing plants in Alaska, land and water availability and soil conditions further justify a distinction between Alaskan operations and those in the contiguous states.

Hand-butchered salmon processing results in significantly different waste characteristics and volumes when compared to mechanized salmon processing. For example, the water use per kilogram of salmon processed using mechanized butchering is 6 times the water use of the hand-butchered process; the total suspended solids ratio is about 15 times greater; and the 5-day biochemical oxygen demand (BOD5) approaches 25 times that of the hand-butchered salmon process. A provision has been established to account for differences due to processing plant locations in Alaska. The isolated location of some Alaskan seafood processing plants, compared to those in processing or population centers, eliminates almost all waste water treatment alternatives because of undependable access to ocean, land, or commercial transportation disposal alternatives during extended severe sea or weather conditions, and the high costs of eliminating the engineering obstacles due to adverse climatic and geologic conditions. However, those plants located in population or processing centers have access to more reliable, cost-effective alternatives such as solids recovery techniques or other forms of solids disposal such as barging.

(3) Subpart Q—Alaskan Mechanized Salmon Processing Subcategory: Mechanized butchering of salmon, as discussed above, causes significant differences in waste water characteristics and volumes when compared to the hand-butchered salmon operation.

Geographical differences such as those discussed in the previous section justify a distinction between Alaskan operations and those in the contiguous states.

Again, a provision of the effluent limitations accounts for differences in plant locations for isolated Alaskan plants as opposed to plants in a population or processing center.

(4) Subpart R—West Coast Hand-Butchered Salmon Processing Subcategory: The West Coast hand-butchered salmon processing industry is similar to the Alaskan industry in terms of processing technology and waste water characteristics. However, geographical differences such as those listed previously justify a distinction between Alaskan

processing and processing in the contiguous states.

(5) Subpart S—West Coast Mechanized Salmon Processing Subcategory: The West Coast mechanized salmon processing industry is similar to the Alaskan industry in terms of processing technology and waste water characteristics. However, geographical differences such as those listed previously justify a distinction between Alaskan processing and processing in the contiguous states.

(6) Subpart T—Alaskan Bottom Fish Processing Subcategory: This subpart is limited to conventional processing, in Alaska, of bottom fish such as halibut. A conventional process is defined as one in which the unit operations are carried out essentially by hand and with a relatively low water volume. Geographical differences such as those listed previously justify a distinction between Alaskan processing and processing in the contiguous states.

Again, a provision of the effluent limitations accounts for differences in plant locations for isolated Alaskan plants as opposed to plants in a population or processing center.

(7) Subpart U—Non-Alaskan Conventional Bottom Fish Processing Subcategory: This subpart is limited to conventional bottom fish processing in the contiguous states. A conventional process is defined as one in which the unit operations are carried out essentially by hand and with a relatively low water volume. Significant differences in waste water characteristics exist between this subcategory and the non-Alaskan mechanized bottom fish processing subcategory. For example, the mechanized bottom fish process BOD5 is nearly 4 times that of the conventional bottom fish, the mechanized bottom fish total suspended solids is about 7 times as high as the conventional bottom fish, and the water use is approximately 2.5 times as high as the conventional bottom fish process.

(8) Subpart V—Non-Alaskan Mechanized Bottom Fish Subcategory: The Mechanized non-Alaskan bottom fish processing industry utilizes machines for many of the unit operations such as rinsing, descaling, skinning and butchering. As noted previously, significant differences in waste water characteristics exist between mechanized and conventional bottom fish processing.

(9) Subpart W—Hand-Shucked Clam Processing Subcategory: The majority of the clam harvest, approximately 90 percent, occurs in the mid-Atlantic States with the New England States accounting for the major portion of the remainder. The hand-shucked clam processing plants tend to be small operations in comparison to mechanized processing plants. The hand-shucked clam operation is characterized by significantly lower flow and BOD5 ratios. The water use for the hand-shucked operations is approximately 25 percent of the water use for the mechanized clam operation; the BOD5 is about 40 percent of the mechanized clam processing BOD5.

(10) Subpart X—Mechanized Clam Processing Subcategory: The mechanized clam processing plants tend to be large operations in comparison to the hand-shucked clam processing facilities. The hand shucking operations generally use a hot water cooker before removing the clam from the shell. The mechanical operations generally use a steam cooker or a shucking furnace prior to separating the meat in a brine flotation tank. As discussed previously, significant differences in waste water characteristics exist between mechanized and hand-shucked clam processing.

(11) Subpart Y—Pacific Coast Hand-Shucked Oyster Processing Subcategory: This subpart is limited to hand-shucked oyster processing facilities which utilize oysters harvested off the Pacific Coast. As noted in the next section, significant differences in waste water characteristics exist between Pacific Coast and Atlantic and Gulf Coast hand-shucked oyster processing.

(12) Subpart Z—Atlantic and Gulf Coast Hand-Shucked Oyster Processing Subcategory: Processing of the Atlantic and Gulf Coast oysters is accomplished using either manual or mechanical methods, although plants utilizing manual operations are more prevalent. Manual or hand-shucked operations are relatively small in size in comparison to mechanized operations. This subpart is limited to the Atlantic and Gulf Coast hand-shucked oyster operations because of the differences in waste characteristics in comparison to the Pacific Coast hand-shucked oyster operations. The higher waste load of the Pacifict Coast Oyster is attributable to the fact that the Pacific Coast species is larger and tends to break up easier during handling. For example, the total suspended solids and oil and grease loadings of the Pacific oyster are about 2.5 times that of the Atlantic oyster, and the BOD5 loading is about 1.6 times the Atlantic oyster.

(13) Subpart AA—Steamed/Canned Oyster Processing Subcategory: The steam/canned oyster processor first mechanically shucks the oysters to jar the shells far enough apart to allow steam to enter during cooking. After steam cooking, the meat is separated using brine flotation tanks, washed and canned. Unlike the effluent characteristics of the hand-shucked oyster processes, there is no significant difference between the characteristics of Pacific Coast steamed/canned oyster process effluents when compared to those of the East Coast steamed/canned oyster process. Therefore, this subcategory covers both geographic regions.

(14) Subpart AB—Sardine Processing Subcategory: This subpart is limited to the canning of sardines or sea herring substituted for sardines. The sardine canning process is essentially the same from plant to plant and is located in one geographic region of New England.

(15) Subpart AC—Alaskan Scallop Processing Subcategory: This subpart is limited to the processing of scallops in Alaska. As noted previously, geographical differences based on consideration of climate; topography, relative isolation of the processing plants in Alaska, land and water availability and soil conditions justify a distinction between Alaskan processing and processing in the contiguous states.

Moreover, a provision of the effluent limitations accounts for differences in plant locations for isolated Alaskan plants as opposed to plants in a population or processing center.

(16) Subpart AD—Non-Alaskan Scallop Processing Subcategory: The non-Alaskan bay and sea scallop processing industry in the contiguous states is similar to the Alaskan scallop processing industry in terms of processing technology. However, the geographical differences such as those listed in Subpart AC, above, justify a distinction between Alaskan processing and processing in the contiguous states.

(17) Subpart AE—Alaskan Herring Fillet Processing Subcategory: Sea herring fillets are produced on both the East and West Coasts, with the processing centers located in Southeastern Alaska and in New England. The sea herring filleting operation is a relatively recent development which utilizes filleting machines. Geographical differences based on considerations of climate, topography, relative isolation of the processing plants in Alaska, land and water availability and soil conditions justify a distinction between the Alaskan operations and those in the contiguous states.

Moreover, a provision of the effluent limitations accounts for differences in plant locations for isolated Alaskan plants as opposed to plants in a population or processing center.

(18) Subpart AF—Non-Alaskan Herring Fillet Processing Subcategory: The sea herring filleting process in the contiguous states is similar to the Alaskan operation in terms of processing technology and waste characteristics. However, the geographical differences listed previously justify a distinction between Alaskan processing and processing in the contiguous states.

(19) Subpart AG—Abalone Processing Subcategory: Abalone are found off the West Coast of the United States, ranging from Sitka, Alaska to Baja California. However, this subpart is limited to the commercially important species which are processed in the California area from Monterey to San Diego.

(ii) Waste Characteristics. Pollutants contained in waste waters resulting from seafood processing are measured by biochemical oxygen demand, chemical oxygen demand, settleable solids, total suspended solids, oil and grease, total Kjeldahl nitrogen (organic nitrogen and ammonia), nitrate, phosphorus, coliform bacteria, pH and temperature. Of the foregoing pollution parameters, biochemical oxygen demand, total suspended solids, and oil and grease have been selected as significant parameters for the establishment of effluent limitations. The pH parameter is included also as an effluent limitation which must fall within an acceptable range of values. The remaining parameters are so closely related to those selected as to be effectively controlled due to the specified

limitations, or are present at levels that are not significant.

(iii) Origin of waste water pollutants. Generally, waste water flows within the seafood processing industry originate at the receiving, pre-processing, evisceration, pre-cooling, picking and cleaning, shucking, preserving, canning, freezing, plant cleanup and by-product operations of the manufacturing process.

(iv) Treatment and Control Technology. Waste water treatment and control technologies have been studied for each subcategory of the industry to determine what is (a) the best practicable control technology currently available, (b) the best available technology economically achievable, and (c) the best available demonstrated control technology, processes, operating methods or other alternatives.

Present control and treatment practices are generally inadequate within the fish meal, salmon, bottom fish, clam, oyster, sardine, scallop, herring, and abalone processing segments of the canned and preserved seafood processing industry. Processors employ few, if any, waste water treatment facilities at the full scale plant operational level. Consequently, with the exception of screening and solids recovery, the majority of the waste water treatment alternatives are based on pilot plant studies, full scale demonstration treatment systems, transferable technology from the meat processing industry, municipal waste treatment systems, as well as other segments of the seafood and the food processing industry.

The available alternatives include in-plant controls such as water conservation and dry capture of solids to minimize raw waste loads from processing. The end-of-process physical and chemical treatment technologies include screen, sedimentation, air flotation, and concentration. The end-of-process biological treatment alternatives include activated sludge, extended aeration, rotating biological contactors, high-rate trickling filters, stabilization ponds, and aerated lagoons.

The following discussion of treatment technology provides the basis for the economic impact analysis and the effluent limitations guidelines. This discussion does not preclude the selection of other waste water treatment alternatives which provide equivalent or better levels of treatment.

(1) Treatment for the fish meal processing subcategory:

Fish meal processing plants which utilize solubles recovery units provide a good example of exemplary plant operation in the seafood processing industry. Their "total resource" or raw material utilization eliminates almost all contact waste water and pollutant discharge except for a small amount of carry-over in the non-contact barometric condenser waters.

For plants with solubles recovery units, the best practicable control technology currently available involves "good housekeeping" practices which are considered normal practice within the seafood processing industry such as turning off faucets and hoses when not in use or using spring-loaded hose nozzles, and by controlling leaks in the evaporator bodies and boil-over into condensate water. For plants without solubles recovery units, the best practicable control technology currently available consists of barging stickwater and recycled ball water to sea or to other facilities with solubles recovery units.

The best available technology economically achievable and the best available demonstrated control technology, processes, operating methods or other alternatives for new sources consist of appropriate process design, including installation of solubles recovery units, to provide for by-product recovery and more efficient inplant water use.

(2) Treatment for the Alaskan Hand-butchered salmon processing subcategory:

The best practicable control technology currently available for the non-remote processors, involves "good housekeeping" practices which are considered normal practice within the seafood processing industry such as turning off faucets and hoses when not in use or using spring-loaded hose nozzles, by-product recovery or ultimate disposal of solids, and screening of the waste water effluent. The same level of technology for the remote processors consists of physical treatment of the pollutants to reduce particle sizes through the use of comminutors or grinders.

The best available technology economically achievable consists of appropriate process design to provide more efficient in-plant water use which reduces leaching of solubles and entrainment of solids in the contact process water, by-product recovery or ultimate disposal of solids, and screening of the waste water effluent.

For the non-remote processors, the best available demonstrated control technology, processes, operating methods or other alternatives for new sources consists of appropriate process design to provide more efficient in-plant water use which reduces leaching of solubles and entrainment of solids in the contact process water, by-product recovery or ultimate disposal of solids, and screening of the waste water effluent. The same level of technology for the remote processors consists of physical treatment of the pollutants to reduce particle sizes through the use of comminutors or grinders.

(3) Treatment for the Alaskan mechanized salmon processing subcategory:

The best practicable control technology currently available (BPCTCA) for the non-remote processors, involves "good housekeeping" practices which are considered normal practice within the seafood processing industry such as turning off faucets and hoses when not in use or using spring-loaded hose nozzles, by-product recovery or ultimate disposal of solids, and screening of the waste water effluent. BPCTCA for the remote processors consists of physical treatment of the pollutants through the use of comminutors or grinders to reduce particle sizes.

For the non-remote Alaskan processors the best available technology economically achievable consists of appropriate process design to provide more efficient in-plant water use which reduces leaching of solubles and entrainment of solids in the contact process water, by-product recovery or ultimate disposal of solids, and screening of the waste water effluent prior to dissolved air flotation. For the remote Alaskan processors, the best available technology economically achievable consists of appropriate process design to provide more efficient in-plant water use which reduces leaching of solubles and entrainment of solids in the contact process water, by-product recovery or ultimate disposal of solids, and screening of the waste water effluent.

For the non-remote Alaskan processors the best available demonstrated control technology, processes, operating methods or other alternatives for new sources consists of appropriate process design to provide more efficient in-plant water use which reduces leaching of solubles and entrainment of solids in the contact process water, by-product recovery or ultimate disposal of solids, and screening of the waste water effluent. For the remote Alaskan processors, the best available demonstrated control technology, processes, operating methods or other alternatives for new sources consists of physical treatment of the pollutants through the use of comminutors or grinders to reduce particle sizes.

(4) Treatment for the West Coast hand-butchered salmon processing subcategory:

The best practicable control technology currently available involves "good housekeeping" practices which are considered normal practice within the seafood processing industry such as turning off faucets and hoses when not in use or using spring-loaded hose nozzles, by-product recovery or ultimate disposal of solids, and screening of the waste water effluent.

The best available technology economically achievable and the best available demonstrated control technology, processes, operating methods or other alternatives for new sources consist of appropriate process design to provide more efficient in-plant water use which reduces leaching of solubles and entrainment of solids in the contact process water, by-product recovery or ultimate disposal of solids, and treatment by dissolved air flotation in addition to screening.

(5) Treatment for the West Coast mechanized salmon processing subcategory:

The best practicable control technology currently available involves "good housekeeping" practices which are considered normal practice within the seafood processing industry such as turning off faucets and hoses when not in use or using spring-loaded hose nozzles, by-product recovery or ultimate disposal of solids, and treatment of the waste water effluent by dissolved air flotation in addition to screening.

The best available technology economically achievable and the best avail-

able demonstrated control technology, processes, operating methods or other alternatives for new sources consist of, in addition to the aforementioned treatment, appropriate process design to provide more efficient in-plant water use which reduces leaching of solubles and entrainment of solids in the contact process water.

(6) Treatment for the Alaskan bottom fish processing subcategory:

The best practicable control technology currently available (BPCTCA) for the non-remote processors, involves "good housekeeping" practices which are considered normal practice within the seafood processing industry such as turning off faucets and hoses when not in use or using spring-loaded hose nozzles, by-product recovery or ultimate disposal of solids, and screening of the waste water effluent. BPCTCA for the remote processors consists of physical treatment of the pollutants to reduce particle sizes through the use of comminutors or grinders.

The best available technology economically achievable consists of appropriate process design to provide more efficient in-plant water use which reduces leaching of solubles and entrainment of solids in the contact process water, by-product recovery or ultimate disposal of solids, and screening of the waste water effluent.

For the non-remote processors, the best available demonstrated control technology, processes, operating methods or other alternatives for new sources consists of appropriate process design to provide more efficient in-plant water use which reduces leaching of solubles and entrainment of solids in the contact process water, by-product recovery or ultimate disposal of solids, and screening of the waste water effluent. The same level of technology for the remote processors consists of physical treatment of the pollutants to reduce particle sizes through the use of comminutors or grinders.

(7) Treatment for the non-Alaskan conventional bottom fish processing subcategory:

The best practicable control technology currently available involves "good housekeeping" practices which are considered normal practice within the seafood processing industry such as turning off faucets and hoses when not in use or using spring-loaded hose nozzles, by-product recovery or ultimate disposal of solids, and screening of the waste water effluent.

The best available technology economically achievable and the best available demonstrated control technology, processes, operating methods or other alternatives for new sources consist of the aforementioned treatment technology in addition to aerated lagoon systems and appropriate process design to provide more efficient inplant water use which reduces leaching of solubles and entrainment of solids in the contact process water.

(8) Treatment for the non-Alaskan mechanized bottom fish processing subcategory:

The best practicable control technology currently available involves "good housekeeping" practices which are considered normal practice within the seafood processing industry such as turning off faucets and hoses when not in use or using spring-loaded hose nozzles, by-product recovery or ultimate disposal of solids, and screening of the waste water effluent.

The best available technology economically achievable and the best available demonstrated control technology, processes, operating methods or other alternatives for new sources consist of the aforementioned treatment technology in addition to dissolved air flotation systems and appropriate process design to provide more efficient in-plant water use which reduces leaching of solubles and entrainment of solids in the contact process water.

(9) Treatment for the hand-shucked clam processing subcategory:

The best practicable control technology currently available involves "good housekeeping" practices which are considered normal practice within the seafood processing industry such as turning off faucets and hoses when not in use or using spring-loaded hose nozzles, by-product recovery or ultimate disposal of solids, and screening of the waste water effluent.

The best available technology economically achievable and the best available demonstrated control technology, processes, operating methods or other alternatives for new sources consist of the aforementioned treatment technology and appropriate process design to provide more efficient in-plant water use which reduces leaching of solubles and entrainment of solids in the contact process water.

(10) Treatment for the mechanized clam processing subcategory:

The best practicable control technology currently available involves "good housekeeping" practices which are considered normal practice within the seafood processing industry such as turning off faucets and hoses when not in use or using spring-loaded hose nozzles, by-product recovery or ultimate disposal of solids, and treatment of the waste water effluent by screening.

The best available technology economically achievable and the best available demonstrated control technology, processes, operating methods or other alternatives for new sources consists of the aforementioned treatment technology and appropriate process design to provide more efficient in-plant water use which reduces leaching of solubles and entrainment of solids in the contact process water, and aerated lagoon systems in addition to the aforementioned treatment technology.

(11) Treatment for the Pacific Coast hand-shucked® oyster processing subcategory:

The best practicable control technology currently available involves "good housekeeping" practices which are considered normal practice within the seafood processing industry such as turning off faucets and hoses when not in use or using spring-loaded hose nozzles, by-product recovery or ultimate disposal of solids, and treatment of the waste water effluent by screening.

The best available technology economically achievable and the best available demonstrated control technology, processes, operating methods or other alternatives for new sources consist of the aforementioned treatment technology and appropriate process design to provide more efficient in-plant water use which reduces leaching of solubles and entrainment of solids in the contact process water, and extended aeration systems in addition to the aforementioned treatment technology.

(12) Treatment for the Atlantic and Gulf Coast hand-shucked oyster processing subcategory:

The best practicable control technology currently available involves "good housekeeping" practices which are considered normal practice within the seafood processing industry such as turning off faucets and hoses when not in use or using spring-loaded hose nozzles, by-product recovery or ultimate disposal of solids, and treatment of the waste water effluent by screening.

The best available technology economically achievable and the best available demonstrated control technology, processes, operating methods or other alternatives for new sources consist of the aforementioned treatment technology and appropriate process design to provide more efficient in-plant water use which reduces leaching of solubles and entrainment of solids in the contact process water, and extended aeration systems in addition to the aforementioned treatment technology.

(13) Treatment for the steamed/canned oyster processing subcategory:

The best practicable control technology currently available involves "good housekeeping" practices which are considered normal practice within the seafood processing industry such as turning off faucets and hoses when not in use or using spring-loaded hose nozzles, by-product recovery or ultimate disposal of solids, and treatment of the waste water effluent by screening.

The best available technology economically achievable and the best available demonstrated control technology, processes, operating methods or other alternatives for new sources consist of the aforementioned treatment technology and appropriate process design to provide more efficient in-plant water use which reduces leaching of solubles and entrainment of solids in the contact process water, and aerated lagoon systems in addition to the aforementioned treatment technology.

(14) Treatment for the sardine processing subcategory:

The best practicable control technology currently available involves "good housekeeping" practices which are considered normal practice within the seafood processing industry such as turning off faucets and hoses when not in use or using spring-loaded hose nozzles, by-product recovery or ultimate disposal of solids, treatment of the pre-cook water through oil skimming and screening, and

treatment of all other process waste water by screening.

The best available technology economically achievable and the best available demonstrated control technology, processes, operating methods or other alternatives for new sources consist of the aforementioned treatment technology with additional treatment of the precook water and can wash water by dissolved air flotation, and appropriate process design to provide more efficient in-plant water use which reduces leaching of solubles and entrainment of solids in the contact process water.

(15) Treatment for the Alaskan scallop processing subcategory:

The best practicable control technology currently available (BPCTCA) for the non-remote processors, involves "good housekeeping" practices which are considered normal practice within the seafood processing industry such as turning off faucets and hoses when not in use or using spring-loaded hose nozzles, by-product recovery or ultimate disposal of solids, and screening of the waste water effluent. BPCTCA for the remote processors consists of physical treatment of the pollutants to reduce particle sizes through the use of comminutors or grinders.

The best available technology economically achievable consists of appropriate process design to provide more efficient in-plant water use which reduces leaching of solubles and entrainment of solids in the contact process water, by-product recovery or ultimate disposal of solids, and screening of the waste water effluent.

For the non-remote processors, the best available demonstrated control technology, processes, operating methods or other alternatives for new sources consists of appropriate process design to provide more efficient in-plant water use which reduces leaching of solubles and entrainment of solids in the contact process water, by-product recovery or ultimate disposal of solids, and screening of the waste water effluent. The same level of technology for the remote processors consists of physical treatment of the pollutants to reduce particle sizes through the use of comminutors or grinders.

(16) Treatment for the non-Alaskan scallop processing subcategory:

The best practicable control technology currently available involves "good housekeeping" practices which are considered normal practice within the seafood processing industry such as turning off faucets and hoses when not in use or using spring-loaded hose nozzles, by-product recovery or ultimate disposal of solids, and screening of the waste water effluent.

The best available technology economically achievable and the best available demonstrated control technology, processes, operating methods or other alternatives for new sources consist of the aforementioned treatment technology and appropriate process design to provide more efficient in-plant water use which reduces leaching of solubles and entrainment of solids in the contact process water.

(17) Treatment for the Alaskan herring fillet processing subcategory:

The best practicable control technology currently available (BPCTCA) for the non-remote processors, involves "good housekeeping" practices which are considered normal practice within the seafood processing industry such as turning off faucets and hoses when not in use or using spring-loaded hose nozzles, by-product recovery or ultimate disposal of solids, and screening of the waste water effluent. BPCTCA for the remote processors consists of physical treatment of the pollutants to reduce particles sizes through the use of comminutors or grinders.

For the remote processors, the best available technology economically achievable consists of appropriate process design to provide more efficient in-plant water use which reduces leaching of solubles and entrainment of solids in the contact process water, by-product recovery or ultimate disposal of solids, and screening of the waste water effluent; for the non-remote processors, the effluent limitations are based on dissolved air flotation in addition to the aforementioned technology.

For the non-remote Alaskan processors the best available demonstrated control technology, processes, operating methods or other alternatives for new sources consists of appropriate process design to provide more efficient in-plant water use which reduces leaching of solubles and entrainment of solids in the contact process water, by-product recovery or ultimate disposal of solids, and screening of the waste water effluent. For the remote Alaskan processors, the best available demonstrated control technology, processes, operating methods or other alternatives for new sources consists of physical treatment of the pollutants through the use of comminutors or grinders to reduce particle sizes.

(18) Treatment for the non-Alaskan herring fillet processing subcategory:

The best practicable control technology currently available involves "good housekeeping" practices which are considered normal practice within the seafood processing industry such as turning off faucets and hoses when not in use or using spring-loaded hose nozzles, by-product recovery or ultimate disposal of solids, and treatment of the waste water effluent by screening.

The best available technology economically achievable and the best available demonstrated control technology, processses, operating methods or other alternatives for new sources consists of dissolved air flotation in addition to the aforementioned treatment technology and appropriate process design to provide more efficient in-plant water use which reduces leaching of solubles and entrainment of solids in the contact process water.

(19) Treatment for the abalone processing subcategory:

The best practicable control technology currently available involves "good housekeeping" practices which are considered normal practice within the seafood processing industry such as turning off faucets and hoses when not in use or using spring-loaded hose nozzles, by-product recovery or ultimate disposal of solids, and treatment of the waste water effluent by screening.

The best available technology economically achievable and the best available demonstrated control technology, processes, operating methods or other alternatives for new sources consist of the aforementioned treatment technology and appropriate process design to provide more efficient in-plant water use which reduces leaching of solubles and entrainment of solids in the contact process water.

Solid Waste Control: Solids currently being wasted in many plants can often be reclaimed in the form of protein foods, supplementary additives, and non-edible products, depending on the particular raw material. Solids from the following sources can be economically processed to yield protein foods, supplementary additives, or non-edible products.

a. Carcasses, frames and trimmings from filleting operations.

b. Ground fish too small to economically fillet.

c. Trimmings portions from butchering operation normally not included in the primary end product.

d. Whole or portions of industrial fish not suitable for human consumption.

e. Trimmings and waste portions from frozen fish, fish blocks, or other forms of seafood that are being trimmed or processed in the frozen state.

f. Frozen sawdust from sawing frozen fish into steaks or other products.

g. Fresh or frozen shrimp too small for peeling.

h. Fresh or frozen waste portions from shrimp cleaning and peeling operations.

i. Dark meat fish that cannot be sold for fillets but that can be added to extruded products in some predetermined percentage.

j. Waste from butchering after precooling.

k. Shrimp, crab and other shell containing meat after the primary extraction process.

l. Combined solids reclaimed from effluent streams after screening.

m. Solids, reclaimed from effluent streams by flocculation, precipitation or other techniques.

n. Crab and shrimp shell residues from processing operations.

A very high degree of product recovery is practiced by industries in locations where solubles and meal plants are available. The pet food, animal food and bait industries also use a considerable amount of solids from some industries. Where such facilities do not exist, alternative methods of solids disposal must be considered, such as incineration, sanitary landfill and ocean disposal.

Incineration of seafood solids wastes has not been tried in most fish industries. However, incineration wastes beneficial nutrients while leaving an ash which requires ultimate disposal. Fuel costs are also high and air pollution control equipment must be installed to minimize emissions.

Sanitary landfills are most suitable for stabilized (digested) sludges and ash. In some regions, disposal of seafood waste solids in a public landfill is unlawful. Where allowed and where land is available, private landfill may be a practical method of ultimate disposal. Land application of unstabilized putrescible solids as a nutrient source may be impractical because of the nuisance odor conditions which may result. The application of stabilized sludges as soil conditioners should be feasible in many locations.

The practicality of landfill or surface land disposal is dependent upon both the absence of a solids reduction facility, and the presence of a suitable disposal site. The nutritive value of the solids indicates that such methods are among the least cost-efficient currently available.

Nevertheless, best practicable control technology and best available control technology as they are known today may require disposal of the pollutants removed from waste waters in this industry in the form of solid wastes and liquid concentrates if they are not recovered as by-products. In most cases these are non-hazardous substances requiring only minimal custodial care. However, some constituents may be hazardous and may require special consideration. In order to ensure long term protection of the environment from these hazardous or harmful constituents, special consideration of disposal sites must be made. All landfill sites where such hazardous wastes are disposed should be selected so as to prevent horizontal and vertical migration of these contaminants to ground or surface waters. In cases where geologic conditions may not reasonably ensure this, adequate legal and mechanical precautions (e.g. impervious liners) should be taken to ensure long term protection to the environment from hazardous materials. Where appropriate; the location of solid hazardous materials disposal sites should be permanently recorded in the appropriate office of legal jurisdiction.

In addition to placement in or on the land and dispersal in the atmosphere (after incineration), the third (and only remaining) ultimate disposal alternative is dispersion in the waters. Ocean disposal of fish wastes does not subject the marine environment to the potential hazards of toxicity and pathogens associated with the dumping of human sewage sludges, municipal refuse and many industrial wastes. The disposal of seafood wastes in deep water can be a practical and possibly beneficial method of ultimate disposal.

(v) Cost estimates for control of waste water pollutants.

The cost associated with the control and treatment technologies have been considered in an economic impact analysis discussed in (vii) below. The costs for in-plant controls are largely those associated with capital investment for process and equipment modifications discussed in detail in Section VII and VIII of the Development Document. Potential realization of profits obtained from product loss reduction, by-product recovery, and reduced treatment costs may well result in a net gain to the processor.

The costs associated with end-of-pipe treatment include amortization of capital expenditures over a ten-year period, debt servicing, and operation and maintenance.

Self-monitoring costs are not included because historically the seafood industry has not been required to collect frequent self-monitoring samples.

(vi) Energy requirements and non-water quality environmental impacts.

The energy requirements associated with the control and treatment technologies have been considered. The estimated energy consumption of the recommended technologies is discussed and listed in Section VIII of the Development Document. The added energy requirements associated with the operation of the treatment facilities are expected to constitute only a small fraction of total plant energy consumption.

The maintenance of air quality, in terms of particulates, will be unaffected by the recommended waste water treatment technologies. Odor from landfills can be a problem, and from lagoons and oxidation ponds when not operated or maintained properly. However, covers or enclosures can be used in some cases if a localized problem exists.

Principal noise sources at treatment facilities are mechanical aerators, air compressors, and pumps. By running air compressors for diffused air systems below their rated critical speed and by providing inlet and exhaust silencers, noise effects can be combated effectively. In no proposed installation would noise levels exceed the guidelines established in the Occupational Safety and Health Standards of 1972.

(vii) Economic impact analysis.

The economic impact of the internal and external costs of the effluent limitations guidelines contained herein for the canned and preserved seafood processing industry is considered to be at an acceptable level. The internal costs are defined as investment and annual cost (operating costs plus the cost of capital and depreciation) for a typical plant. The total internal costs are the total investment and total annual cost for all plants in the industry. The total internal cost of the 1977 guidelines is $6.1 million investment with $1.3 million annual cost. The 1983 standards will require an additional $8.2 million investment and in additional $1.7 million annually. The required investment and annual costs for the 1977, 1983, and New Source standards appear to post no significant industry-wide problems.

External cost deals basically with the assessment of the economic impact of the internal costs discussed above in terms of price increases, production curtailments or plant closures, resultant unemployment, community and regional impacts, international trade, and future industry growth. The proposed effluent limitations will not significantly affect the economic viability of the industry. The proposed limitations for 1977 will have a minor effect on prices as price increases generally in the range of 0.3 to 0.5 percent are projected. Although price increases in this industry will, of course, be affected by foreign competition, the generally small magnitude of the projected price increases is not expected to cause any important international trade effects. A number of small plants are projected to be adversely affected by these guidelines, but the domestic industry capacity is not expected to be affected by the potential closure of these particular small plants.

Only the Alaskan hand-butchered (fresh-frozen) salmon processing segment is of concern with twelve out of 31 exclusive plants possibly threatened economically by the 1977 interim-final guidelines. There are strong indications that this projected impact is overstated because of three factors: a) overestimation of actual treatment costs for small processors, b) overestimation of the actual number of small plants, and c) underestimation of the number of plants with (or soon to have) best practicable control technology in place. The Agency is reevaluating the economic impact analysis projections before issuing final regulations.

The 1983 standards are projected to result in price increases typically in the range 0.5 to 1.5 percent (including the 1977 increase). An additional number of generally small plants are projected to be adversely affected by these 1983 guidelines, but, again, the domestic industry capacity is not anticipated to be affected by the potential closure of these small plants. No significant international trade effects of the 1983 guidelines are projected.

The report entitled "Development Document for Interim Final Effluent Limitations Guidelines and Proposed New Source Performance Standards for the Fish Meal, Salmon, Bottom Fish, Clam, Oyster, Sardine, Scallop, Herring, and Abalone Segment of the Canned and Preserved Seafood Processing Point Source Category" details the analysis undertaken in support of the interim final regulation set forth herein and is available for inspection in the EPA Freedom of Information Center, Room 204, West Tower, Waterside Mall, Washington, D.C., at all EPA regional offices, and at State water pollution control offices. A supplementary analysis prepared for EPA of the possible economic effects of the regulation is also available for inspection at these locations. Copies of both of these documents are being sent to persons or institutions affected by the regulation, or who have placed themselves on a mailing list for this purpose (see EPA's Advance Notice of Public Review Procedures, 38 F.R. 21202, August 6, 1973). An additional limited number of copies of both reports are available. Persons wishing to obtain a copy may write the EPA Office of Public Affairs, Environmental Protection Agency Washington, D.C. 20460, Attention: Ms. Ruth Brown, A-107.

When this regulation is promulgated in final rather than interim form, revised copies of the Development Document will be available from the Superintendent of Documents, Government Printing Office, Washington, D.C. 20402. Copies of the Economic Analysis will be available through the National Technical Information Service, Springfield, Virginia, 22151.

(c) SUMMARY OF PUBLIC PARTICIPATION

Prior to this publication, the agencies and groups listed below were consulted and given an opportunity to participate in the development of effluent limitations, guidelines and standards for the canned and preserved seafood processing category. All participating agencies have been informed of project developments. An initial draft of the Development Document was sent to all participants and comments were solicited on that report. The following are the principal agencies and groups consulted: (1) Effluent Standards and Water Quality Information Advisory Committee (established under section 515 of the Act); (2) all State and U.S. Territory Pollution Control Agencies; (3) the National Marine Fisheries Service, U.S. Department of Commerce; (4) U.S. Department of the Interior; (5) U.S. Department of Health, Education, and Welfare; (6) the Water Resources Council; (7) the American Society of Mechanical Engineers; (8) the American Frozen Food Institute; (9) the National Canners Association; (10) the National Fisheries Association; (11) Chesapeake Bay Seafood Industries, Association, Inc.; (12) The Conservation Foundation; (13) Environmental Defense Fund, Inc.; (14) Natural Resources Defense Council; (15) The American Society of Civil Engineers; (16) Water Pollution Control Federation; (17) National Wildlife Federation; (18) U.S. Department of Agriculture; (19) Virginia Seafood Council; (20) The National Fish Meal and Oil Association; (21) Maine Sardine Council; (22) Shellfish Institute of North America; (23) University of Maryland, Natural Resources Institute, Seafood Processing Laboratory; (24) Kodiak Seafood Processors Association; and (25 Massachusetts Seafood Council.

The following responded with comments: (1) Virginia Seafood Council; (2) Maine Department of Environmental Protection; (3) Hawaii Department of Health; (4) United States Water Resources Council; (5) Government of American Samoa; (6) The National Fish Meal and Oil Association; (7) California State Water Resources Control Board; (8) Maine Sardine Council; (9) Shellfish Institute of North America; (10) State of Washington, Department of Ecology; (11) National Canners Association; (12) American Institute of Chemical Engineers, Puget Sound Section; (13) Virginia State Water Control Board; (14) National Marine Fisheries Service; (15) U.S. Food and Drug Administration; and (16) U.S. Department of the Interior.

Numerous comments were in many respects virtually identical to those received in response to the proposed regulations for the catfish, crab, shrimp, and tuna segment of the canned and preserved seafood processing industry (39 FR 4708). The Agency's response to them appeared in the subsequent promulgated regulations for the catfish, crab, shrimp and tuna processing segment (39 FR 23134). However, for ease of reference these comments and responses are included below.

The primary issues raised in the development of the interim final effluent limitations and guidelines and the treatment of these issues herein are as follows:

(1) A number of commenters feel that EPA has failed to adequately justify treatment of all seafood process wastes prior to their return to the ocean environment because fish waste provides nutrients to the receiving water ecosystem.

The disposal of seafood processing waste waters in limited areas, frequently estuaries or coastal areas, does affect the ecosystem of the receiving waters. Moreover, under the Act, it is not necessary that a showing be made regarding the effect of the pollutional discharge upon the quality of the receiving water on a case-by-case basis. Under sections 301, 304(b) and (c), 306(b) and (c), and 307 (c), the principal means of control is through the adoption of effluent limitations directly applicable to the discharge itself. The effluent limitations guidelines are to be based upon defined levels of technology which are specified in the Act itself. Nevertheless, effluent limitations derived from water quality standards are retained as a secondary means of control and will have their principal applicability in those instances where technology-based effluent limitations are not stringent enough to provide for the achievement of water quality standards.

Contrary to the assumption of many commenters, Water Quality Criteria are not established on an industry-by-industry basis, but rather on a pollutant parameter basis. Notice of publication for the "Proposed Criteria for Water Quality, Volume I" was contained in the October 26, 1973 FEDERAL REGISTER and the "Proposed Water Quality Information, Volume II," in the October 29, 1973 FEDERAL REGISTER. Information may be obtained from the Director, Water Quality Criteria Staff; Environmental Protection Agency; Waterside Mall East, Room 737, 401 M Street, S.W., Washington, D.C. 20460.

(2) A comment was made that the regulations and Development Document do not provide the means to determine subcategory classification for multi-product plants with respect to establishing effluent limitations.

A primary reason for establishing effluent limitations guidelines on the basis of production of raw material or final product, is to provide the means to consider the single product as well as the multi-product seafood processor without setting separate guideline numbers for every possible combination of species and processing rates.

When a plant is subject to effluent limitations covering more than one subcategory, the plant's effluent limitation shall be the aggregate of the limitations applicable to the total production covered by each subcategory. For example, if a plant processes several species concurrently, then the plant's effluent limitation may be the sum of the multiple of the volume of each species (or final product) processed and the respective effluent limitation. If a plant processes several species in series, then the effluent limitation may be based on the subcategory classification of the individual species while it is being processed. In other words, the aggregate effluent limitation guideline number may vary as a function of the commodity mix at any particular point in time.

Section VII of the Development Document discusses a "conservation of mass" approach to evaluating the waste characteristics of the multi-product processing plant as it affects the selection of in-plant and end-of-pipe pollution control technology.

As forecast in the preamble of the promulgated regulations contained in the June 26, 1974, FEDERAL REGISTER (39 FR 23134), the Agency now expands the applicability of the effluent limitations to multi-product plants which were excluded from coverage.

The promulgated effluent limitations limited the guidelines to those plants processing any combination of catfish, crab, shrimp, or tuna providing that the total throughput of these commodities amounts to eighty percent or more of the plants's seasonal or yearly production. At the time of promulgation the Agency had not been able to determine satisfactorily the possible economic impact of extending the guidelines to cover all plants which process some percentage of these species but also process significant quantities of other species. However, the current economic impact analysis indicates that the promulgated regulations (39 FR 23134) and the interim final regulations contained herein may apply to any facility processing a commodity encompassed by the regulations without the need for a product-mix or percentage throughput constraint.

(3) Some commenters criticized as inadequate the data base upon which the raw waste loads and effluent reductions were calculated.

The Agency is well aware that the amount of information available on raw waste loadings and treatment efficiencies is less than that which would exist in ideal circumstances. However the historical data on expected raw waste loads is of diminished utility because of the variability due to sampling methods previously employed and the even smaller amount of data on treatment plant efficiencies is due to the generally inadequate level of treatment which has prevailed historically in the industry.

The time constraints imposed by the statutory deadlines precluded the Agency

from conducting an exhaustive sampling program. Nevertheless in the time available, the contractor (a recognized authority on waste management in the seafood processing industry) carried out the first national scale empirical study of the industry's waste characteristics and treatment. All samples were flow-proportioned, composite samples in order to reflect as accurately as possible the actual pollutant characteristics of the industry's effluent. The existing scientific literature was also reviewed but because of the variability referred to above, the results were less useful than EPA's own sampling program.

As far as the effluent limitations guidelines themselves are concerned, the effluent reductions expected are based predominantly upon: (1) the performance of systems now in operation in the industry; (2) the results of research demonstration projects; (3) Agency studies on seafood waste and on the results of other federal agency programs (such as the National Marine Fisheries Service pilot plant studies of air flotation); and (4) the informed advice of consultants on treatment of seafood processing wastes. The effluent reductions obtained by specific treatment technologies as applied to waste water with similar pollutant characteristics in other food processing industries were also considered in developing the effluent limitation guidelines.

(4) A number of commenters suggested that the technology specified as best available technology economically achievable had not been adequately demonstrated for this industrial category.

The Agency recognizes that the technology specified herein as best available technology economically achievable has not been demonstrated for every subcategory in day-to-day operations in this industrial category. In making the judgment as to whether or not the technology is "available," the Agency examined a wide range of information, including the use of the technology to treat similar wastes in other industrial categories, pilot plant and demonstration projects, and laboratory and other experimental data on various waste treatment processes. Based on such data and information, and the application of the Agency's best judgment, the technology specified herein was determined to constitute the best available technology economically achievable.

It is recognized that in some cases the industry must perform some of the pilot plant and other developmental work which will be necessary to bring the technology into full utilization. This does not, however, alter the Agency's judgment that the technology is "available," is "economically achievable" and can be brought on line in time to achieve full compliance by 1983, as required by the Act.

The technology which forms the basis for the effluent limitations guidelines is used only as a point of reference for available treatment systems. The industry may select alternative methods as discussed in the Development Document to meet the effluent limitations.

(5) Some correspondents endorsed the proposal made to the Administrator by the Effluent Standards and Water Quality Information Advisory Committee that a significantly different approach be taken in the development of effluent guidelines generally.

The committee's proposal is under evaluation as a contribution toward future refinements of guidelines for some industries. The committee has indicated that their proposed methodology could not be developed in sufficient time to be available for the current phase of guideline promulgation, which is proceeding according to a court-ordered schedule. Its present state of development does not provide sufficient evidence to warrant the Agency's delaying issuance of any standard in hopes that an alternative approach might be preferable.

(6) One commenter suggests that, contrary to the provisions of the Act, in-plant process changes form the basis for both the 1977 and 1983 effluent limitations guidelines.

The 1977 effluent limitations guidelines are based on end-of-pipe treatment and "good housekeeping" practices which are considered normal practice within the seafood processing industry such as turning off faucets and hoses when not in use or using spring-loaded hose nozzles. The limitations do not reflect any significant in-plant equipment or process changes. The large variation in water usage for the same process configuration among different plants indicates that there is ample opportunity for the reduction of water usage without adversely affecting the quality of the product.

The emphasis in the Development Document on adequate in-plant control and process changes which substantially reduce the end-of-pipe waste load and flow as well as the associated waste treatment cost, is intended for those processors who recognize the possible cost trade-offs between end-of-pipe treatment and in-plant changes or recovery techniques.

The 1983 guidelines and new source standards include consideration of in-plant process changes to effect water use reductions, as provided by the Act.

(7) A number of commenters suggest that neither the effluent limitations guidelines nor the economic justification for mandatory installation of pollution control technology should be based on the recovery of by-products, because of fluctuating market potentials.

The technical and economic analyses were not based on by-product recovery techniques. The purpose of the by-product recovery discussion in the Development Document is to outline several of the major developments that are currently in use, ready for use, or will be available within the next few years.

(8) The suggestion was made that EPA should use the COD test instead of the BOD5 test because it is faster, easier and less expensive to run, and more reproducible than the BOD5 test.

The BOD5 test is widely used to determine the pollutional strength of domestic and industrial wastes in terms of the oxygen these wastes will require if discharged into natural watercourses in which aerobic conditions exist. Furthermore, current engineering practice utilizes BOD5 as a principal design parameter, especially for biological waste treatment systems.

The possibility of substituting the COD parameter for the BOD5 parameter was investigated during this study. The BOD5 and corresponding COD data from industrial fish, finfish, and shellfish waste waters were analyzed to determine if COD is an adequate predictor of BOD5 for any or all of these groups of seafood. The analysis presented in Section VI of the Development Document indicates that the COD parameter is not a reliable predictor of BOD5.

The relationship between COD and BOD5 before treatment is not necessarily the same after treatment. Therefore, the effluent limitations guidelines will include the BOD5 parameter, since insufficient information is available on the COD effluent levels after treatment.

(9) One commenter suggested that the effluent limitations should be modified to include a range of numbers for the BOD5, total suspended solids, and oil and grease parameters. The range should include that attainable by screening at one extreme and air flotation or its equivalent at the other.

The available data do not indicate significant differences attributable to age and size of plant and other factors that would justify further subcategorization of the industry or establishment of ranges of limitations.

The present guidelines take differences within the seafood processing industry into account through subcategorization, rather than by use of ranges of numbers to be varied at the discretion of the permit issuing authority.

Section 306 of the Act separates several broad industrial groups into 27 subgroups. For example, the food processing industry has been divided into the meat products and rendering, dairy products, canned and preserved fruits and vegetables, grain mills, canned and preserved seafood, and sugar processing categories. The canned and preserved seafood processing category has been further subdivided as given in the regulation promulgated on June 26, 1974 (39 FR 23134) into four segments (catfish, crab, shrimp and tuna) within which 14 subcategories have been established on the basis of such factors as size and location of plants, and types of products processed. The proposed limitations presented herein further subdivides the category into an additional 20 subcategories enumerated above.

(10) The comment was made that the practice of screening the raw waste waters with a 20-mesh Tyler sieve prior to laboratory analysis does not measure the real organic waste load of the untreated effluent. Therefore, EPA is in error by using this data for establishing further reductions through employment

of subsequent waste water treatment under commercial plant operating conditions. The samples should have been ground prior to analysis in order to measure the total BOD demand by the effluent in the environment even if it does require a long time for such biological degradation.

As discussed in the Development Document, the sampling effort was designed to identify the constitutents of the waste waters which should be subject to effluent limitations and to minimize the complexity of reducing the effluent pollution to acceptable levels.

The practice of utilizing a 20-mesh Tyler sieve has been used in previous waste water characterization research in both the seafood and the fruits and vegetable fields. It serves to remove the larger solid particles (such as crab legs, some shrimp shell, fish parts, etc.) and thereby greatly reduce the resultant "scatter" of the data points. The method is especially valuable in developing a precise base-line value for each parameter from a limited number of samples.

The problem of collecting representative samples when large solid particles are contained in the effluent becomes rather complex without knowing the underlying frequency distribution of the number and size of the particles. Extremely large volumes of waste water would be necessary for a representative raw waste effluent sample. Because the basis for the minimum treatment effort included screening for most processors, data based on ground effluent samples would have no relationship to commonly accepted engineering design parameters.

(11) It was suggested that the Alaskan subcategories should have been further subdivided to account for the isolated plants which do not have dependable access to landfills or ocean barging in order to dispose of screened wastes by biologically degradable techniques or by dispersion over large areas through ocean disposal because of adverse climatic and geologic conditions.

After assessing the available information provisions have been established to account for differences due to seafood processing plant locations in Alaska.

There is substantial evidence that processors in isolated and remote areas of Alaska are at a comparative economic disadvantage to the processors located in population or processing centers regarding attempts to meet the proposed effluent limitations guidelines. The isolated location of some Alaskan seafood processing plants eliminates almost all waste water treatment alternatives because of undependable access to ocean, land, or commercial transportation disposal methods during extended severe sea or weather conditions, and the high costs of eliminating the engineering obstacles due to adverse climatic and geologic conditions. However, those plants located in population or processing centers have access to more reliable, cost-effective alternatives such as solids recovery techniques or other forms of solids disposal such as landfill or barging.

(12) The comment was made that the technology of dissolved air flotation cannot be transferred from one type of food processing or even fishery species to another. Moreover, EPA has not identified the degree of effluent reduction by best practicable control technology currently available from adequate plant and demonstration studies for the seafood subcategories.

A determination of the effluent limitations guidelines study was that the existing level of waste treatment throughout seafood processing industry was generally inadequate. With the exception of operations engaged in fish meal processing, the prevalent form of plant waste water treatment technology for the fish and seafood processing industry is screening or direct discharge.

EPA has reassessed the available data and consulted recognized seafood waste water treatment experts. The Agency has concluded that air flotation technology is currently available for the fish and seafood processing industry because of its use in other related industries with similiar wastes and because of its current use in several segments of the seafood processing industry. Dissolved air flotation is an established technology for the seafood industry though not as yet in common practice. The Fisheries Research Board of Canada and the Fisheries Association of British Columbia designed and erected a full scale demonstration dissolved air flotation waste water treatment plant which accommodates salmon canning, herring roe recovery, and ground fish filleting effluents. Full scale dissolved air flotation systems have also been installed within the menhaden, sardine, and tuna processing industries. Pilot plant studies have been conducted on shrimp processing effluents in Alaska and Louisiana, and on crab processing effluents in Alaska. Section VII of the Development Document includes a discussion of dissolved air flotation technology and tables listing by species the degree of removal of various parameters attained by pilot plant and full scale air flotation systems. Appendices to the Development Document include a bibliography of air flotation studies for the seafood industry, a listing of sources on the application of air flotation technology to other related industries such as meat packing and poultry processing, and a list of waste water treatment equipment manufacturers that produce air flotation units.

(13) The criticism was made that there are no data which support the statement that dissolved air flotation operated as a physical system will achieve the reductions assumed in the draft Development Document.

EPA recognizes that almost all pilot plant and full-scale air flotation systems operating in the seafood industry rely on chemical addition and optimization to achieve the highest levels of pollution abatement or by-product recovery. The Agency expects the dissolved air flotation systems to include chemical addition. The capital cost estimates and operation and maintenance costs used in the economic impact analysis for air flotation equipment include the costs for chemical addition for both the 1977 and 1983 estimates. However, optimization of dissolved air flotation performance is not required until 1983 because the technology is relatively new for most of the seafood processing industry and requires careful selection of chemicals and dosages, as well as skilled operation for optimum pollution abatement. Those 1977 guidelines which are based on dissolved air flotation reflect the Agency's best engineering assessment of the effluent reduction attainable by this technology without chemical optimization.

(14) One commenter suggested that adequate attention had not been given to the sludge disposal or recovery problems of the dissolved air flotation system.

Conventional methods of sludge handling and disposal are available and demonstrated to be effective. For example, the sludge from the Canadian dissolved air flotation system is presently being dewatered by centrifuging and recovered as a supplement to poultry feed. A conclusion of the "Draft Shrimp Canning Waste Treatment Study" (EPA Project S800 904) states that dewatering of dissolved air flotation sludge will be necessary for economical disposal. Centrifugation of the sludge was demonstrated to decrease the volume by 4:1 and increase the total solids dry weight by 2:1.

(15) A number of comments reflected concern that the effluent limitations guidelines should be applied on a net rather than a gross basis to allow for pollutants which may be present in the plant intake-water.

The effluent limitations guidelines have generally been developed on a gross or absolute basis. However, the Agency recognizes that in certain instances pollutants will be present in navigable waters which provide a plant's intake water supply in significant concentrations which may not be removed to the levels specified in the guidelines by the application of treatment technology contemplated by best practicable control currently available.

Accordingly, the Agency has developed amendments to its NPDES permit regulations (40 CFR Part 125) which specifies the situations in which the Regional Administrator may allow a credit for such pollutants. The proposed amendment appeared in the October 18, 1974, FEDERAL REGISTER (39 FR 37215).

(16) Many commenters stated that the summary "raw waste" data presented in the draft development document were too variable to be used as a basis for proposed effluent standards.

An examination of the method of calculation of the summary "raw waste" averages revealed that the logarithmic-normal frequency distribution provides a better fit of the data than the arithmetic-normal frequency distribution.

The observation that many of the arithmetic-normal, summary standard deviations exceeded fifty percent of the mean value, supports the notion that the data does not fit the arithmetic-normal distribution. The logarithmic-normal

distribution fits data which tends to skew toward the right, away from zero, which is the case with the plant summary data presented in the Development Document.

To further equalize the summary statistics, individual plant averages were weighted by the number of samples collected per plant and the individual plant temporal variances.

The effect of the logarithmic-normal statistical analysis raises some summary means, lowers others, and leaves other summary means relatively unchanged from the draft development document.

(17) One commenter feels it would be more equitable to base the oyster effluent limitations on the tonnage of raw product processed rather than the shucked weight of the oyster.

The effluent limitations guidelines are expressed in terms of the shucked weight of the oysters rather than the weight of the raw material as received at the plant because the relation of input shell weight to final product weight was too variable for accurate measurements. This is partially due to empty or loose shell in the raw material at the 14 plants sampled and the fact that accurate records were available for the shucked weights of the oysters rather than raw material weights because the shuckers are usually paid for the amount of shucked oyster produced.

The Agency believes this to be an equitable approach. For example, suppose that a plant produces two tons of shucked oysters from 25 tons of raw material with a total waste load of 100 pounds of BOD5 for the day's production. Then the waste load expressed in terms of raw material is 4 lbs. of BOD5 per ton of raw material; the identical waste load expressed in terms of final product is 50 lbs of BOD5 per ton of product.

The Agency realizes that the oyster guidelines derived from raw waste load ratios based on product weight instead of raw material weight is inconsistent with other subcategories and therefore, during the comment period, requests data which could be used to establish a more accurate basis for shucked oyster production and effluent limitations.

(18) One commenter felt that the Gulf Coast oyster processors should be exempt from effluent limitations because the Gulf Coast oyster processing facilities were not among those specifically sampled.

As discussed in the development document, the Agency believes that the Gulf Coast oyster processors can be grouped with the East Coast oyster processors because the same species of oysters are processed and the same processing methods are utilized in both areas.

(19) Several commenters feel that industry expansion will be inhibited in remote areas of Alaska if the new source performance standards are based on screening instead of comminutors or grinders which provides the basis for the July 1, 1977, standards.

After reassessing the available information and comments submitted by interested parties, the technology basis for new source performance standards was changed from screening to comminutors or grinders because it can be argued that the adverse climatic and geologic conditions of many isolated areas of Alaska eliminates almost all waste water treatment alternatives.

In addition, the agency proposes amendments to §§ 408.55, 408.75, and 408.105 of the promulgated effluent limitations and guidelines for existing sources and standards of performance and pretreatment standards for new sources for the canned and preserved seafood processing point source category (39 FR 23134) to reflect this change.

(20) Several commenters suggest that the cost of collecting self-monitoring samples should be an integral part of the economic analysis since it may have a significant impact on the small processing facilities.

Self-monitoring costs are not included because historically the small-to-medium sized plants in the seafood processing industry have not been required to collect frequent self-monitoring samples. In general, the sampling frequency has fallen within once every three to six months with no less than one sample per year. Assuming that such monitoring requirements will continue, the cost of monitoring for a typical plant is considered to be negligible for the economic impact analysis. However, the self-monitoring sampling frequency may increase for (a) large plants, (b) facilities affected by water quality criteria, or (c) plants with unique waste loads.

(21) Several commenters requested allowances within the hand-shucked oyster subcategories to accommodate possible processing changes which may be necessary to meet forthcoming Food and Drug Administration regulations.

Even though the Agency appreciates the fact that the raw waste loads may change as a result of future process alterations, the effluent limitations contained herein are based on waste loads resulting from current industry processing configurations. When the Food and Drug Administration promulgates regulations affecting the hand-shucked oyster processing subcategory, the Agency will reevaluate the effluent limitations. However, an individual processor may petition the permit issuing authority for an allowance in the waste load to account for such processing changes.

(22) Even though the regulations contained herein do not apply to nontraditional fishery resources or to new or experimental processes, one commenter is concerned that the new source performance standards will be extrapolated to new pilot or demonstration plants before adequate economic data materializes.

The Agency's intrepretation of section 306(a)(2) of the Act does not consider a new seafood processing facility a "new source" if the processing facility is not covered by the regulations set forth in Part 408 of Title 40 of the Code of Federal Regulations. In developing effluent limitations for sources not covered by guidelines the permit issuing authority would be expected to consider all available information of a technical and economic nature pertaining to the proposed facilities and not just simply extrapolate new source performance standards from categories covered by guidelines.

The Agency is subject to an order of the United States District Court for the District of Columbia entered in *Natural Resources Defense Council* v *Train* et. al. (Civ. No. 1609–73) which requires the promulgation of regulations for this industry category no later than January 3, 1975. This order also requires than such regulations become effective immediately upon publication. In addition, it is necessary to promulgate regulations establishing limitations on the discharge of pollutants from point sources in this category so that the process of issuing permits to individual dischargers under section 402 of the Act is not delayed.

It has not been practicable to develop and publish regulations for this category in proposed form, to provide a 30 day comment period, and to make any necessary revisions in light of the comments received within the time constraints imposed by the court order referred to above. Accordingly, the Agency has determined pursuant to 5 USC 553(b) that notice and comment on the interim final regulations would be impracticable and contrary to the public interest. Good cause is also found for these regulations to become effective on January 30, 1975.

Interested persons are encouraged to submit written comments. Comments should be submitted in triplicate to the EPA Office of Public Affairs, Environmental Protection Agency, Washington, D.C. 20460, Attention: Ms. Ruth Brown, A–107. Comments on all aspects of the regulation are solicited. In the event comments are in the nature of criticisms as to the adequacy of data which are available, or which may be relied upon by the Agency, comments should identify and, if possible, provide any additional data which may be available and should indicate why such data are essential to the amendment or modification of the regulation. In the event comments address the approach taken by the Agency in establishing an effluent limitation or guideline EPA solicits suggestions as to what alternative approach should be taken and why and how this alternative better satisfies the detailed requirements of sections 301 and 304(b) of the Act.

A copy of all public comments will be available for inspection and copying at the EPA Freedom of Information Center, Room 204, West Tower, Waterside Mall, 401 M Street SW., Washington, D.C. A copy of preliminary draft contractor reports, the Development Document and economic study referred to above, and certain supplementary materials supporting the study of the industry concerned will also be maintained at this location for public review and copying. The EPA information regulation, 40 CFR Part 2, provides that a

reasonable fee may be charged for copying.

All comments received on or before March 3, 1975 will be considered. Steps previously taken by the Environmental Protection Agency to facilitate public response within this time period are outlined in the advance notice concerning public review procedures published on August 6, 1973 (38 FR 21202). In the event that the final regulation differs substantially from the interim final regulation set forth herein the Agency will consider petitions for reconsideration of any permits issued in accordance with these interim final regulation.

In consideration of the foregoing, 40 CFR Part 408 is hereby amended as set forth below.

Dated: January 17, 1975.

Effective date: January 30, 1975.

RUSSELL E. TRAIN,
Administrator.

Subpart A—the farm raised catfish processing subcategory is amended by revising § 408.10 to read as follows:

§ 408.10 Applicability; description of the farm raised catfish processing subcategory.

The provisions of this subpart are applicable to discharges resulting from the processing of farm-raised catfish by existing facilities which process more than 1362 kg (3000 lbs) of raw material per day on any day during a calendar year and all new sources.

Subpart B—the conventional blue crab processing subcategory is amended by revising § 408.20 to read as follows:

§ 408.20 Applicability; description of the conventional blue crab processing subcategory.

The provisions of this subpart are applicable to discharges resulting from the processing of blue crab in which manual picking or separation of crab meat from the shell is utilized. The effluent limitations contained in Subpart B are applicable to existing facilities processing more than 1362 kg (3000 lbs) of raw material per day on any day during a calendar year and all new sources.

Subpart C—the mechanized blue crab processing subcategory is amended by revising § 408.30 to read as follows:

§ 408.30 Applicability; description of the mechanized blue crab processing subcategory.

The provisions of this subpart are applicable to discharges resulting from the processing of blue crab in which mechanical picking or separation of crab meat from the shell is utilized.

Subpart D—the non-remote Alaskan crab meat processing subcategory is amended by revising § 408.40 to read as follows:

§ 408.40 Applicability; description of the non-remote Alaskan crab meat processing subcategory.

The provisions of this subpart are applicable to discharges resulting from the processing, in non-remote Alaska, of dungeness, tanner, and king crab meat. The effluent limitations contained in Subpart D are applicable to facilities located in population or processing centers including but not limited to Anchorage, Cordova, Juneau, Ketchikan, Kodiak, and Petersburg.

Subpart E—the remote Alaskan crab meat processing subcategory is amended by revising § 408.50 to read as follows:

§ 408.50 Applicability; description of the remote Alaskan crab meat processing subcategory.

The provisions of this subpart are applicable to discharges resulting from the processing, in remote Alaska, of dungeness, tanner, and king crab meat. The effluent limitations contained in Subpart E are applicable to facilities not covered under Subpart D.

Subpart F—the non-remote Alaskan whole crab and crab section processing subcategory is amended by revising § 408.60 to read as follows:

§ 408.60 Applicability; description of the non-remote Alaskan whole crab and crab section processing subcategory.

The provisions of this subpart are applicable to discharges resulting from the processing, in non-remote Alaska, of dungeness, tanner and king whole crab and crab sections. The effluent limitations contained in Subpart F are applicable to facilities located in population or processing centers including but not limited to Anchorage, Cordova, Juneau, Ketchikan, Kodiak, and Petersburg.

Subpart G—the remote Alaskan whole crab and crab section processing subcategory is amended by revising §408.70 to read as follows:

§ 408.70 Applicability; description of the remote Alaskan whole crab and crab section processing subcategory.

The provisions of this subpart are applicable to discharges resulting from the processing, in remote Alaska, of dungeness, tanner, and king whole crab and crab sections. The effluent limitations contained in Subpart G are applicable to facilities not covered under Subpart F.

Subpart H—the dungeness and tanner crab processing in the contiguous States subcategory is amended by revising § 408.80 to read as follows:

§ 408.80 Applicability; description of the dungeness and tanner crab processing in the contiguous States subcategory.

The provisions of this subpart are applicable to discharges resulting from the processing of dungeness and tanner crab in the contiguous States.

Subpart I—the non-remote Alaskan shrimp processing subcategory is amended by revising § 408.90 to read as follows:

§ 408.90 Applicability; description of the non-remote Alaskan shrimp processing subcategory.

The provisions of this subpart are applicable to discharges resulting from the processing of shrimp in non-remote Alaska. The effluent limitations contained in Subpart I are applicable to facilities located in population or processing centers including but not limited to Anchorage, Cordova, Juneau, Ketchikan, Kodiak, and Petersburg.

Subpart J—the remote Alaskan shrimp processing subcategory is amended by revising § 408.100 to read as follows:

§ 408.100 Applicability; description of the remote Alaskan shrimp processing subcategory.

The provisions of this subpart are applicable to discharges resulting from the processing of shrimp in remote Alaska. The effluent limitations contained in Subpart J are applicable to facilities not covered under Subpart I.

Subpart K—the northern shrimp processing in the contiguous States subcategory is amended by revising § 408.110 to read as follows:

§ 408.110 Applicability; description of the Northern shrimp processing in the contiguous States subcategory.

The provisions of this subpart are applicable to discharges resulting from the processing of shrimp in the Northern contiguous States, including Washington, Oregon, California, Maine, New Hampshire, and Massachusetts. The effluent limitations contained in Subpart K are applicable to existing facilities processing more than 908 kg (2000 lbs) of raw material per day on any day during a calendar year and all new sources.

Subpart L—the southern non-breaded shrimp processing in the contiguous States subcategory is amended by revising § 408.120 to read as follows:

§ 408.120 Applicability; description of the Southern non-breaded shrimp processing in the contiguous States subcategory.

The provisions of this subpart are applicable to discharges resulting from the processing of non-breaded shrimp in the Southern contiguous States, including North and South Carolina, Georgia, Florida, Alabama, Mississippi, Louisiana, and Texas. The effluent limitations contained in Subpart L are applicable to existing facilities processing more than 908 kg (2000 lbs) of raw material per day on any day during a calendar year and all new sources.

Subpart M—the breaded shrimp processing in the contiguous States subcategory is amended by revising § 408.130 to read as follows:

§ 408.130 Applicability; description of the breaded shrimp processing in the contiguous States subcategory.

The provisions of this subpart are applicable to discharges resulting from the processing of breaded shrimp in the contiguous States by existing facilities processing more than 908 kg (2000 lbs) of raw material per day on any day during a calendar year and all new sources.

Subpart N—the tuna processing subcategory is amended by revising § 408.140 to read as follows:

§ 408.140 Applicability; description of the tuna processing subcategory.

The provisions of this subpart are applicable to discharges resulting from the processing of tuna.

The following new subparts are added to 40 CFR Part 408:

Subpart O—Fish Meal Processing Subcategory

Sec.
408.150 Applicability; description of the fish meal processing subcategory.
408.151 Specialized definitions.
408.152 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.
408.153 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.

Subpart P—Alaskan Hand-Butchered Salmon Processing Subcategory

408.160 Applicability; description of the Alaskan hand-butchered salmon processing subcategory.
408.161 Specialized definitions.
408.162 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.
408.163 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.

Subpart Q—Alaskan Mechanized Salmon Processing Subcategory

408.170 Applicability; description of the Alaskan mechanized salmon processing subcategory.
408.171 Specialized definitions.
408.172 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.
408.173 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.

Subpart R—West Coast Hand-Butchered Salmon Processing Subcategory

408.180 Applicability; description of the West Coast hand-butchered salmon processing subcategory.
408.181 Specialized definitions.
408.182 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.
408.183 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.

Subpart S—West Coast Mechanized Salmon Processing Subcategory

408.190 Applicability; description of the West Coast mechanized salmon processing subcategory.
408.191 Specialized definitions.
Sec.
408.192 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.
408.193 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.

Subpart T—Alaskan Botton Fish Processing Subcategory

408.200 Applicability; description of the Alaskan bottom fish processing subcategory.
408.201 Specialized definitions.
408.202 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.
408.208 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.

Subpart U—Non-Alaskan Conventional Bottom Fish Processing Subcategory

408.210 Applicability; description of the non-Alaskan conventional bottom fish processing subcategory.
408.211 Specialized definitions.
408.212 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.
408.213 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.

Subpart V—Non-Alaskan Mechanized Bottom Fish Processing Subcategory

408.220 Applicability; description of the non-Alaskan mechanized bottom fish processing subcategory.
408.221 Specialized definitions.
408.222 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.
408.223 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.

Subpart W—Hand-Shucked Clam Processing Subcategory

408.230 Applicability; description of the hand-shucked clam processing subcategory.
408.231 Specialized definitions.
408.232 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.
408.233 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.

Subpart X—Mechanized Clam Processing Subcategory

Sec.
408.240 Applicability; description of the mechanized clam processing subcategory.
408.241 Specialized definitions.
408.242 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.
408.243 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.

Subpart Y—Pacific Coast Hand-Shucked Oyster Processing Subcategory

408.250 Applicability; description of the Pacific Coast hand-shucked oyster processing subcategory.
408.251 Specialized definitions.
408.252 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.
408.253 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.

Subpart Z—Atlantic and Gulf Coast Hand-Shucked Oyster Processing Subcategory

408.260 Applicability; description of the Atlantic and Gulf Coast hand-shucked oyster processing subcategory.
408.261 Specialized definitions.
408.262 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.
408.263 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.

Subpart AA—Steamed/Canned Oyster Processing Subcategory

408.270 Applicability; description of the steamed/canned oyster processing subcategory.
408.271 Specialized definitions.
408.272 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.
408.273 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.

Subpart AB—Sardine Processing Subcategory

408.280 Applicability; description of the sardine processing subcategory.
408.281 Specialized definitions.
408.282 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.
408.283 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.

Subpart AC—Alaskan Scallop Processing Subcategory

Sec.
408.290 Applicability; description of the Alaskan scallop processing subcategory.
408.291 Specialized definitions.
408.292 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.
408.293 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.

Subpart AD—Non-Alaskan Scallop Processing Subcategory

408.300 Applicability; description of the non-Alaskan scallop processing subcategory.
408.301 Specialized definitions.
408.302 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.
408.303 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.

Subpart AE—Alaskan Herring Fillet Processing Subcategory

408.310 Applicability; description of the Alaskan herring fillet processing subcategory.
408.311 Specialized definitions.
408.312 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.
408.313 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.

Subpart AF—Non-Alaskan Herring Fillet Processing Subcategory

408.320 Applicability; description of the non-Alaskan herring fillet processing subcategory.
408.321 Specialized definitions.
408.322 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application control technology currently available.
408.323 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.

Subpart AG—Abalone Processing Subcategory

408.330 Applicability; description of the abalone processing subcategory.
408.331 Specialized definitions.
408.332 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.
408.333 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.

Subpart O—Fish Meal Processing Subcategory

§ 408.150 Applicability; description of the fish meal processing subcategory.

The provisions of this subpart are applicable to discharges resulting from the processing of menhaden on the Gulf and Atlantic Coasts and the processing of anchovy on the West Coast into fish meal, oil and solubles.

§ 408.151 Specialized definitions.

For the purpose of this subpart:

(a) Except as provided below, the general definitions, abbreviations and methods of analysis set forth in 40 CFR Part 401 shall apply to this subpart.

(b) The term "seafood" shall mean the raw material, including freshwater and saltwater fish and shellfish, to be processed, in the form in which it is received at the processing plant.

§ 408.152 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.

(a) In establishing the limitations set forth in this section, EPA took into account all information it was able to collect, develop and solicit with respect to factors (such as age and size of plant, raw materials, manufacturing processes, products produced, treatment technology available, energy requirements and costs) which can affect the industry subcategorization and effluent levels established. It is, however, possible that data which would affect these limitations have not been available and, as a result, these limitations should be adjusted for certain plants in this industry. An individual discharger or other interested person may submit evidence to the Regional Administrator (or to the State, if the State has the authority to issue NPDES permits) that factors relating to the equipment or facilities involved, the process applied, or other such factors related to such discharger are fundamentally different from the factors considered in the establishment of the guidelines. On the basis of such evidence or other available information, the Regional Administrator (or the State) will make a written finding that such factors are or are not fundamentally different for that facility compared to those specified in the Development Document. If such fundamentally different factors are found to exist, the Regional Administrator or the State shall establish for the discharger effluent limitations in the NPDES permit either more or less stringent than the limitations established herein, to the extent dictated by such fundamentally different factors. Such limitations must be approved by the Administrator of the Environmental Protection Agency. The Administrator may approve or disapprove such limitations, specify other limitations, or initiate proceedings to revise these regulations.

(b) The following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a point source subject to the provisions of this subpart after application of the best practicable control technology currently available:

(1) Any menhaden or anchovy fish meal reduction facility which utilizes a solubles plant to process stick water or bail water shall meet the following limitations.

Effluent characteristic	Effluent limitations: Maximum for any one day	Effluent limitations: Average of daily values for thirty consecutive days shall not exceed—
(Metric units) kg/kkg of seafood		
BOD5	4.7	3.5
TSS	2.3	1.3
Oil and grease	0.80	0.63
pH	Within the range 6.0 to 9.0.	
(English units) lb/1000 lb of seafood		
BOD5	4.7	3.5
TSS	2.3	1.3
Oil and grease	0.80	0.63
pH	Within the range 6.0 to 9.0.	

(2) Any menhaden or anchovy fish meal reduction facility not covered under § 408.152(b)(1) shall meet the following limitations:

Effluent characteristic	Effluent limitations: Maximum for any one day	Effluent limitations: Average of daily values for thirty consecutive days shall not exceed—
(Metric units) kg/kkg of seafood		
BOD5	3.5	2.8
TSS	2.6	1.7
Oil and grease	3.2	1.4
pH	Within the range 6.0 to 9.0.	
(English units) lb/1000 lb of seafood		
BOD5	3.5	2.8
TSS	2.6	1.7
Oil and grease	3.2	1.4
pH	Within the range 6.0 to 9.0.	

§ 408.153 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.

The following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a point source subject to the provisions of this subpart after application of the best available technology economically achievable:

Effluent characteristic	Effluent limitations: Maximum for any one day	Effluent limitations: Average of daily values for thirty consecutive days shall not exceed—
(Metric units) kg/kkg of seafood		
BOD5	4.0	2.9
TSS	2.3	1.3
Oil and grease	0.80	0.63
pH	Within the range 6.0 to 9.0.	
(English units) lb/1000 lb of seafood		
BOD5	4.0	2.9
TSS	2.3	1.3
Oil and grease	0.80	0.63
pH	Within the range 6.0 to 9.0.	

Salmon Processing Subcategory

§ 408.160 Applicability; description of the Alaskan hand-butchered salmon processing subcategory.

The provisions of this subpart are applicable to discharges resulting from the hand-butchering of salmon in Alaska.

§ 408.161 Specialized definitions.

For the purpose of this subpart:

(a) Except as provided below, the general definitions, abbreviations and methods of analysis set forth in 40 CFR Part 401 shall apply to this subpart.

(b) The term "seafood" shall mean the raw material, including freshwater and saltwater fish and shell fish, to be processed, in the form in which it is received at the processing plant.

§ 408.162 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.

(a) In establishing the limitations set forth in this section, EPA took into account all information it was able to collect, develop and solicit with respect to factors, such as age and size of plant, raw materials, manufacturing processes, products produced, treatment technology available, energy requirements and costs) which can affect the industry subcategorization and effluent levels established. It is, however, possible that data which would affect these limitations have not been available and, as a result, these limitations should be adjusted for certain plants in this industry. An individual discharger or other interested person may submit evidence to the Regional Administrator (or to the State, if the State has the authority to issue NPDES permits) that factors relating to the equipment or facilities involved, the process applied, or other such factors related to such discharger are fundamentally different from the factors considered in the establishment of the guidelines. On the basis of such evidence or other available information, the Regional Administrator (or the State) will make a written finding that such factors are or are not fundamentally different for that facility compared to those specified in the Development Document. If such fundamentally different factors are found to exist, the Regional Administrator or the State shall establish for the discharger effluent limitations in the NPDES permit either more or less stringent than the limitations established herein, to the extent dictated by such fundamentally different factors. Such limitations must be approved by the Administrator of the Environmental Protection Agency. The Administrator may approve or disapprove such limitations, specify other limitations, or initiate proceedings to revise these regulations.

(b) The following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a point source subject to the provisions of this subpart after application of the best practicable control technology currently available:

(1) Any hand-butchered salmon processing facility located in population or processing centers including but not limited to Anchorage, Cordova, Juneau, Ketchikan, Kodiak, and Petersburg shall meet the following limitations:

Effluent characteristic	Effluent limitations: Maximum for any one day	Effluent limitations: Average of daily values for thirty consecutive days shall not exceed—
(Metric units) kg/kkg of seafood		
TSS	1.7	1.4
Oil and grease	0.20	0.17
pH	Within the range 6.0 to 9.0.	
(English units) lb/1000 lb of seafood		
TSS	1.7	1.4
Oil and grease	0.20	0.17
pH	Within the range 6.0 to 9.0.	

(2) Any hand-butchered salmon processing facility not covered under § 408.162 (b) (1) shall meet the following limitations: No pollutants may be discharged which exceed 1.27 cm (0.5 inch) in any dimension.

§ 408.163 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.

The following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a point source subject to the provisions of this subpart after application of the best available technology economically achievable:

Effluent characteristic	Effluent limitations: Maximum for any one day	Effluent limitations: Average of daily value for thirty consecutive days shall not exceed—
(Metric units) kg/kkg of seafood		
TSS	1.5	1.2
Oil and grease	0.18	0.15
pH	Within the range 6.0 to 9.0.	
(English units) lb/100 lb of seafood		
TSS	1.5	1.2
Oil and grease	0.18	0.15
pH	Within the range 6.0 to 9.0.	

Subpart Q—Alaskan Mechanized Salmon Processing Subcategory

§ 408.170 Applicability; description of the Alaskan mechanized salmon processing subcategory.

The provisions of this subpart are applicable to discharges resulting from the mechanized butchering of salmon in Alaska.

§ 408.171 Specialized definitions.

For the purpose of this subpart:

(a) Except as provided below, the general definitions, abbreviations and methods of analysis set forth in 40 CFR Part 401 shall apply to this subpart.

(b) The term "seafood" shall mean the raw material, including freshwater and saltwater fish and shellfish, to be processed, in the form in which it is received at the processing plant.

§ 408.172 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.

(a) In establishing the limitations set forth in this section, EPA took into account all information it was able to collect, develop and solicit with respect to factors (such as age and size of plant, raw materials, manufacturing processes, products produced, treatment technology available, energy requirements and costs) which can affect the industry subcategorization and effluent levels established. It is, however, possible that data which would affect these limitations have not been available and, as a result, these limitations should be adjusted for certain plants in this industry. An individual discharger or other interested person may submit evidence to the Regional Administrator (or to the State, if the State has the authority to issue NPDES permits) that factors relating to the equipment or facilities involved, the process applied, or other such factors related to such discharger are fundamentally different from the factors considered in the establishment of the guidelines. On the basis of such evidence or other available information,

the Regional Administrator (or the State) will make a written finding that such factors are or are not fundamentally different for that facility compared to those specified in the Development Document. If such fundamentally different factors are found to exist, the Regional Administrator or the State shall establish for the discharger effluent limitations in the NPDES permit either more or less stringent than the limitations established herein, to the extent dictated by such fundamentally different factors. Such limitations must be approved by the Administrator of the Environmental Protection Agency. The Administrator may approve or disapprove such limitations, specify other limitations, or initiate proceedings to revise these regulations.

(b) The following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a point source subject to the provisions of this subpart after application of the best practicable control technology currently available:

(1) Any mechanized salmon processing facility located in population or processing centers including but not limited to Anchorage, Cordova, Juneau, Ketchikan, Kodiak, and Petersburg shall meet the following limitations:

Effluent characteristic	Effluent limitations: Maximum for any one day	Effluent limitations: Average of daily values for thirty consecutive days shall not exceed—
(Metric units) kg/kkg of seafood		
TSS	27	22
Oil and grease	27	10
pH	Within the range 6.0 to 9.0.	
(English units) lb/1000 lb of seafood		
TSS	27	22
Oil and grease	27	10
pH	Within the range 6.0 to 9.0.	

(2) Any mechanized salmon processing facility not covered under § 408.172 (b) (1) shall meet the following limitations: No pollutants may be discharged which exceed 1.27 cm (0.5 inch) in any dimension.

§ 408.173 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.

(a) The following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a point source subject to the provisions of this subpart after application of the best available technology economically achievable:

(1) Any mechanized salmon processing facility located in population or processing centers including but not limited to Anchorage, Cordova, Juneau, Ketchikan, Kodiak, and Petersburg shall meet the following limitations:

Effluent characteristic	Effluent limitations: Maximum for any one day	Effluent limitations: Average of daily values for thirty consecutive days shall not exceed—
(Metric units) kg/kkg of seafood		
BOD5	16	13
TSS	2.6	2.3
Oil and grease	2.6	1.0
pH	Within the range 6.0 to 9.0.	
(English units) lb/1000 lb of seafood		
BOD5	16	13
TSS	2.6	2.3
Oil and grease	2.6	1.0
pH	Within the range 6.0 to 9.0.	

(2) Any mechanized salmon processing facility not covered under § 408.173(a) (1) shall meet the following limitations:

Effluent characteristic	Effluent limitations: Maximum for any one day	Effluent limitations: Average of daily values for thirty consecutive days shall not exceed—
(Metric units) kg/kkg of seafood		
TSS	26	21
Oil and grease	26	10
pH	Within the range 6.0 to 9.0.	
(English units) lb/1000 lb of seafood		
TSS	26	21
Oil and grease	26	10
pH	Within the range 6.0 to 9.0.	

Subpart R—West Coast Hand-Butchered Salmon Processing Subcategory

§ 408.180 Applicability; description of the West Coast hand-butchered salmon processing subcategory.

The provisions of this subpart are applicable to discharges resulting from the hand-butchering of salmon on the West Coast.

§ 408.181 Specialized definitions.

For the purpose of this subpart:

(a) Except as provided below, the general definitions, abbreviations and methods of analysis set forth in 40 CFR Part 401 shall apply to this subpart.

(b) The term "seafood" shall mean the raw material, including freshwater and saltwater fish and shellfish, to be processed, in the form in which it is received at the processing plant.

§ 408.182 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.

In establishing the limitations set forth in this section, EPA took into account all information it was able to collect, develop and solicit with respect to factors (such as age and size of plant, raw materials, manufacturing processes, products produced, treatment technology available, energy requirements and costs) which can affect the industry subcategorization and effluent levels established. It is, however, possible that data which would affect these limitations have not been available and, as a result, these limitations should be adjusted for certain plants in this industry. An individual discharger or other interested person may submit evidence to the Regional Administrator (or to the State, if the State has the authority to issue NPDES permits) that factors relating to the equipment or facilities involved, the process applied, or other such factors related to such discharger are fundamentally different from the factors considered in the establishment of the guidelines. On the basis of such evidence or other available information, the Regional Administrator (or the State) will make a written finding that such factors are or are not fundamentally different for that facility compared to those specified in the Development Document. If such fundamentally different factors are found to exist, the Regional Administrator or the State shall establish for the discharger effluent limitations in the NPDES permit either more or less stringent than the limitations established herein, to the extent dictated by such fundamentally different factors. Such limitations must be approved by the Administrator of the Environmental Protection Agency. The Administrator may approve or disapprove such limitations, specify other limitations, or initiate proceedings to revise these regulations.

The following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a point source subject to the provisions of this subpart after application of the best practicable control technology currently available:

Effluent characteristic	Effluent limitations: Maximum for any one day	Effluent limitations: Average of daily values for thirty consecutive days shall not exceed—
(Metric units) kg/kkg of seafood		
TSS	1.7	1.4
Oil and grease	0.20	0.17
pH	Within the range 6.0 to 9.0.	
(English units) lb/1000 lb of seafood		
TSS	1.7	1.4
Oil and grease	0.20	0.17
pH	Within the range 6.0 to 9.0.	

§ 408.183 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.

The following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this

section, which may be discharged by a point source subject to the provisions of this subpart after application of the best available technology economically achievable:

Effluent characteristic	Effluent limitations: Maximum for any one day	Effluent limitations: Average of daily values for thirty consecutive days shall not exceed—
(Metric units) kg/kkg of seafood		
BOD5	1.2	1.0
TSS	0.15	0.12
Oil and grease	0.02	0.02
pH	Within the range 6.0 to 9.0.	
(English units) lb/1000 lb of seafood		
BOD5	1.2	1.0
TSS	0.15	0.12
Oil and grease	0.02	0.02
pH	Within the range 6.0 to 9.0.	

Subpart S—West Coast Mechanized Salmon Processing Subcategory

§ 408.190 Applicability; description of the West Coast mechanized salmon processing subcategory.

The provisions of this subpart are applicable to discharges resulting from the mechanized butchering of salmon on the West Coast.

§ 408.191 Specialized definitions.

For the purpose of this subpart:

(a) Except as provided below, the general definitions, abbreviations and methods of analysis set forth in 40 CFR Part 401 shall apply to this subpart.

(b) The term "seafood" shall mean the raw material, including freshwater and saltwater fish and shellfish, to be processed, in the form in which it is received at the processing plant.

§ 408.192 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.

(a) In establishing the limitations set forth in this section, EPA took into account all information it was able to collect, develop and solicit with respect to factors (such as age and size of plant, raw materials, manufacturing processes, products produced, treatment technology available, energy requirements and costs) which can affect the industry subcategorization and effluent levels established. It is, however, possible that data which would affect these limitations have not been available and, as a result, these limitations should be adjusted for certain plants in this industry. An individual discharger or other interested person may submit evidence to the Regional Administrator (or to the State, if the State has the authority to issue NPDES permits) that factors relating to the equipment or facilities involved, the process applied, or other such factors related to such discharger are fundamentally different from the factors considered in the establishment of the guidelines. On the basis of such evidence or other available information, the Regional Administrator (or the State) will make a written finding that such factors are or are not fundamentally different for that facility compared to those specified in the Development Document. If such fundamentally different factors are found to exist, the Regional Administrator or the State shall establish for the discharger effluent limitations in the NPDES permit either more or less stringent than the limitations established herein, to the extent dictated by such fundamentally different factors. Such limitations must be approved by the Administrator of the Environmental Protection Agency. The Administrator may approve or disapprove such limitations, specify other limitations, or initiate proceedings to revise these regulations.

(b) The following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a point source subject to the provisions of this subpart after application of the best practicable control technology currently available:

(1) Any mechanized salmon processing facility which processes more than 1816 kg (4000 lbs) of raw material per day on any day during a calendar year shall meet the following limitations:

Effluent characteristic	Effluent limitations: Maximum for any one day	Effluent limitations: Average of daily values for thirty consecutive days shall not exceed—
(Metric units) kg/kkg of seafood		
BOD5	41	34
TSS	8.2	6.7
Oil and grease	4.0	1.6
pH	Within the range 6.0 to 9.0.	
(English units) lb/1000 lb of seafood		
BOD5	41	34
TSS	8.2	6.7
Oil and grease	4.0	1.6
pH	Within the range 6.0 to 9.0.	

(2) Any mechanized salmon processing facility not covered under § 408.192 (b) (1) shall meet the following limitations:

Effluent characteristic	Effluent limitations: Maximum for any one day	Effluent limitations: Average of daily values for thirty consecutive days shall not exceed—
(Metric units) kg/kkg of seafood		
TSS	27	22
Oil and grease	27	10
pH	Within the range 6.0 to 9.0.	
(English units) lb/1000 lb of seafood		
TSS	27	22
Oil and grease	27	10
pH	Within the range 6.0 to 9.0.	

§ 408.193 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.

The following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a point source subject to the provisions of this subpart after application of the best available technology economically achievable:

Effluent characteristic	Effluent limitations: Maximum for any one day	Effluent limitations: Average of daily values for thirty consecutive days shall not exceed—
(Metric units) kg/kkg of seafood		
BOD5	16	13
TSS	2.6	2.2
Oil and grease	2.6	1.0
pH	Within the range 6.0 to 9.0.	
(English units) lb/1000 lb of seafood		
BOD5	16	13
TSS	2.6	2.2
Oil and grease	2.6	1.0
pH	Within the range 6.0 to 9.0.	

Subpart T—Alaskan Bottom Fish Processing Subcategory

§ 408.200 Applicability; description of the Alaskan bottom fish processing subcategory.

The provisions of this subpart are applicable to discharges resulting from the processing of bottom fish such as halibut in Alaska.

§ 408.201 Specialized definitions.

For the purpose of this subpart:

(a) Except as provided below, the general definitions, abbreviations and methods of analysis set forth in 40 CFR Part 401 shall apply to this subpart.

(b) The term "seafood" shall mean the raw material, including freshwater and saltwater fish and shellfish, to be processed, in the form in which it is received at the processing plant.

§ 408.202 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.

(a) In establishing the limitations set forth in this section, EPA took into account all information it was able to collect, develop and solicit with respect to factors (such as age and size of plant, raw materials, manufacturing processes, products produced, treatment technology available, energy requirements and costs) which can affect the industry subcategorization and effluent levels established. It is, however, possible that data which would affect these limitations have not been available and, as a result, these limitations should be adjusted for certain plants in this industry. An individual discharger or other interested person may submit evidence to

the Regional Administrator (or to the State, if the State has the authority to issue NPDES permits) that factors relating to the equipment or facilities involved, the process applied, or other such factors related to such discharger are fundamentally different from the factors considered in the establishment of the guidelines. On the basis of such evidence or other available information, the Regional Administrator (or the State) will make a written finding that such factors are or are not fundamentally different for that facility compared to those specified in the Development Document. If such fundamentally different factors are found to exist, the Regional Administrator or the State shall establish for the discharger effluent limitations in the NPDES permit either more or less stringent than the limitations established herein, to the extent dictated by such fundamentally different factors. Such limitations must be approved by the Administrator of the Environmental Protection Agency. The Administrator may approve or disapprove such limitations, specify other limitations, or initiate proceedings to revise these regulations.

(b) The following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a point source subject to the provisions of this subpart after application of the best practicable control technology currently available:

(1) Any Alaskan bottom fish processing facility located in population or processing centers including but not limited to Anchorage, Cordova, Juneau, Ketchikan, Kodiak, and Petersburg shall meet the following limitations:

Effluent characteristic	Effluent limitations: Maximum for any one day	Effluent limitations: Average of daily values for thirty consecutive days shall not exceed—
(Metric units) kg/kkg of seafood		
TSS	1.9	1.7
Oil and grease	0.11	0.09
pH	Within the range 6.0 to 9.0.	
(English units) lb/1000 lb of seafood		
TSS	1.9	1.7
Oil and grease	0.11	0.09
pH	Within the range 6.0 to 9.0.	

(2) Any Alaskan bottom-fish processing facility not covered under § 408.202 (b) (1) shall meet the following limitations: No pollutants may be discharged which exceed 1.27 cm (0.5 inch) in any dimension.

§ 408.203 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.

The following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a point source subject to the provisions of this subpart after application of the best available technology economically achievable:

Effluent characteristic	Effluent limitations: Maximum for any one day	Effluent limitations: Average of daily values for thirty consecutive days shall not exceed—
(Metric units) kg/kkg of seafood		
TSS	1.1	1.0
Oil and grease	0.07	0.06
pH	Within the range 6.0 to 9.0.	
(English units) lb/1000 lb of seafood		
TSS	1.1	1.0
Oil and grease	0.07	0.06
pH	Within the range 6.0 to 9.0.	

Subpart U—Non-Alaskan Conventional Bottom Fish Processing Subcategory

§ 408.210 Applicability; description of the non-Alaskan conventional bottom fish processing subcategory.

The provisions of this subpart are applicable to discharges resulting from the processing of bottom fish outside of Alaska in which the unit operations are carried out predominantly through manual methods. The provisions of this subpart apply to the processing of currently, commercially processed species of bottom fish such as flounder, ocean perch, haddock, cod, sea catfish, sole, halibut, and rockfish. These provisions apply to existing facilities processing more than 1816 kg (4000 lbs) of raw material per day on any day during a calendar year and all new sources.

§ 408.211 Specialized definitions.

For the purpose of this subpart:

(a) Except as provided below, the general definitions, abbreviations and methods of analysis set forth in 40 CFR Part 401 shall apply to this subpart.

(b) The term "seafood" shall mean the raw material, including freshwater and saltwater fish and shellfish, to be processed, in the form in which it is received at the processing plant.

§ 408.212 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.

In establishing the limitations set forth in this section, EPA took into account all information it was able to collect, develop and solicit with respect to factors (such as age and size of plant, raw materials, manufacturing processes, products produced, treatment technology available, energy requirements and costs) which can affect the industry subcategorization and effluent levels established. It is, however, possible that data which would affect these limitations have not been available and, as a result, these limitations should be adjusted for certain plants in this industry. An individual discharger or other interested person may submit evidence to the Regional Administrator (or to the State, if the State has the authority to issue NPDES permits) that factors relating to the equipment or facilities involved, the process applied, or other such factors related to such discharger are fundamentally different from the factors considered in the establishment of the guidelines. On the basis of such evidence or other available information, the Regional Administrator (or the State) will make a written finding that such factors are or are not fundamentally different for that facility compared to those specified in the Development Document. If such fundamentally different factors are found to exist, the Regional Administrator or the State shall establish for the discharger effluent limitations in the NPDES permit either more or less stringent than the limitations established herein, to the extent dictated by such fundamentally different factors. Such limitations must be approved by the Administrator of the Environmental Protection Agency. The Administrator may approve or disapprove such limitations, specify other limitations, or initiate proceedings to revise these regulations.

The following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a point source subject to the provisions of this subpart after application of the best practicable control technology currently available:

Effluent characteristic	Effluent limitations: Maximum for any one day	Effluent limitations: Average of daily values for thirty consecutive days shall not exceed—
(Metric units) kg/kkg of seafood		
TSS	2.1	1.6
Oil and grease	0.55	0.40
pH	Within the range 6.0 to 9.0.	
(English units) lb/1000 lb of seafood		
TSS	2.1	1.6
Oil and grease	0.55	0.40
pH	Within the range 6.0 to 9.0.	

§ 408.213 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.

The following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a point source subject to the provisions of this subpart after application of the best available technology economically achievable:

Effluent characteristic	Effluent limitations: Maximum for any one day	Effluent limitations: Average of daily values for thirty consecutive days shall not exceed—
(Metric units) kg/kkq of product		
BOD5	3.6	3.5
TSS	8.7	8.3
Oil and grease	0.78	0.26
pH	Within the range 6.0 to 9.0.	
(English units) lb/1000 lb of product		
BOD5	3.6	3.5
TSS	8.7	8.3
Oil and grease	0.78	0.26
pH	Within the range 6.0 to 9.0.	

Subpart V—Non-Alaskan Mechanized Bottom Fish Processing Subcategory

§ 408.220 Applicability; description of the non-Alaskan mechanized bottom fish processing subcategory.

The provisions of this subpart are applicable to discharges resulting from the processing of bottom fish outside of Alaska in which the unit operations are carried out predominately through mechanized methods. The provisions of this subpart apply to the processing of bottom fish such as whiting and croaker.

§ 408.221 Specialized definitions.

For the purpose of this subpart:

(a) Except as provided below, the general definitions, abbreviations and methods of analysis set forth in 40 CFR Part 401 shall apply to this subpart.

(b) The term "seafood" shall mean the raw material, including freshwater and saltwater fish and shellfish, to be processed, in the form in which it is received at the processing plant.

§ 408.222 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.

In establishing the limitations set forth in this section, EPA took into account all information it was able to collect, develop and solicit with respect to factors (such as age and size of plant, raw materials, manufacturing processes, products produced, treatment technology available, energy requirements and costs) which can affect the industry subcategorization and effluent levels established. It is, however, possible that data which would affect these limitations have not been available and, as a result, these limitations should be adjusted for certain plants in this industry. An individual discharger or other interested person may submit evidence to the Regional Administrator (or to the State, if the State has the authority to issue NPDES permits) that factors relating to the equipment or facilities involved, the process applied, or other such factors related to such discharger are fundamentally different from the factors considered in the establishment of the guidelines. On the basis of such evidence or other available information, the Regional Administrator (or the State) will make a written finding that such factors are or are not fundamentally different for that facility compared to those specified in the Development Document. If such fundamentally different factors are found to exist, the Regional Administrator or the State shall establish for the discharger effluent limitations in the NPDES permit either more or less stringent than the limitations established herein, to the extent dictated by such fundamentally different factors. Such limitations must be approved by the Administrator of the Environmental Protection Agency. The Administrator may approve or disapprove such limitations, specify other limitations, or initiate proceedings to revise these regulations. The following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a point source subject to the provisions of this subpart after application of the best practicable control technology currently available:

Effluent characteristic	Effluent limitations: Maximum for any one day	Effluent limitations: Average of daily values for thirty consecutive days shall not exceed—
(Metric units) kg/kkg of seafood		
TSS	14	10
Oil and grease	5.7	3.3
pH	Within the range 6.0 to 9.0.	
(English units) lb/1000 lb of seafood		
TSS	14	10
Oil and grease	5.7	3.3
pH	Within the range 6.0 to 9.0.	

§ 408.223 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.

The following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a point source subject to the provisions of this subpart after application of the best available technology economically achievable:

Effluent characteristic	Effluent limitations: Maximum for any one day	Effluent limitations: Average of daily values for thirty consecutive days shall not exceed—
(Metric units) kg/kkg of seafood		
BOD5	6.5	5.3
TSS	1.1	0.82
Oil and grease	0.46	0.26
pH	Within the range 6.0 to 9.0.	
(English units) lb/1000 lb of seafood		
BOD5	6.5	5.3
TSS	1.1	0.82
Oil and grease	0.46	0.26
pH	Within the range 6.0 to 9.0.	

Subpart W—Hand-Shucked Clam Processing Subcategory

§ 408.230 Applicability; description of the hand-shucked clam processing subcategory.

The provisions of this subpart are applicable to discharges resulting from existing hand-shucked clam processing facilities which process more than 1816 kg (4000 lbs) of raw material per day on any day during a calendar year and all new sources.

§ 408.231 Specialized definitions.

For the purpose of this subpart:

(a) Except as provided below, the general definitions, abbreviations and methods of analysis set forth in 40 CFR Part 401 shall apply to this subpart.

(b) The term "seafood" shall mean the raw material, including freshwater and saltwater fish and shellfish, to be processed, in the form in which it is received at the processing plant.

§ 408.232 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.

In establishing the limitations set forth in this section, EPA took into account all information it was able to collect, develop and solicit with respect to factors (such as age and size of plant, raw materials, manufacturing processes, products produced, treatment technology available, energy requirements and costs) which can affect the industry subcategorization and effluent levels established. It is, however, possible that data which would affect these limitations have not been available and, as a result, these limitations should be adjusted for certain plants in this industry. An individual discharger or other interested person may submit evidence to the Regional Administrator (or to the State, if the State has the authority to issue NPDES

permits) that factors relating to the equipment or facilities involved, the process applied, or other such factors related to such discharger are fundamentally different from the factors considered in the establishment of the guidelines. On the basis of such evidence or other available information, the Regional Administrator (or the State) will make a written finding that such factors are or are not fundamentally different for that facility compared to those specified in the Development Document. If such fundamentally different factors are found to exist, the Regional Administrator or the State shall establish for the discharger effluent limitations in the NPDES permit either more or less stringent than the limitations established herein, to the extent dictated by such fundamentally different factors. Such limitations must be approved by the Administrator of the Environmental Protection Agency. The Administrator may approve or disapprove such limitations, specify other limitations, or initiate proceedings to revise these regulations. The following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a point source subject to the provisions of this subpart after application of the best practicable control technology currently available:

Effluent characteristic	Effluent limitations: Maximum for any one day	Effluent limitations: Average of daily values for thirty consecutive days shall not exceed—
(Metric units) kg/kkg of seafood		
TSS	30	19
Oil and grease	0.29	0.19
pH	Within the range 6.0 to 9.0.	
(English units) lb/1000 lb of seafood		
TSS	30	19
Oil and grease	0.29	0.19
pH	Within the range 6.0 to 9.0.	

§ 408.233 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.

The following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a point source subject to the provisions of this subpart after application of the best available technology economically achievable:

Effluent characteristic	Effluent limitations: Maximum for any one day	Effluent limitations: Average of daily values for thirty consecutive days shall not exceed—
(Metric units) kg/kkg of seafood		
TSS	29	18
Oil and grease	0.28	0.18
pH	Within the range 6.0 to 9.0.	
(English units) lb/1000 lb of seafood		
TSS	29	18
Oil and grease	0.28	0.18
pH	Within the range 6.0 to 9.0.	

Subpart X—Mechanized Clam Processing Subcategory

§ 408.240 Applicability; description of the mechanized clam processing subcategory.

The provisions of this subpart are applicable to discharges resulting from mechanized clam processing.

§ 408.241 Specialized definitions.

For the purpose of this subpart:

(a) Except as provided below, the general definitions, abbreviations and methods of analysis set forth in 40 CFR Part 401 shall apply to this subpart.

(b) The term "seafood" shall mean the raw material, including freshwater and saltwater fish and shellfish, to be processed, in the form in which it is received at the processing plant.

§ 408.242 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.

In establishing the limitations set forth in this section, EPA took into account all information it was able to collect, develop and solicit with respect to factors (such as age and size of plant, raw materials, manufacturing processes, products produced, treatment technology available, energy requirements and costs) which can affect the industry subcategorization and effluent levels established. It is, however, possible that data which would affect these limitations have not been available and, as a result, these limitations should be adjusted for certain plants in this industry. An individual discharger or other interested persons may submit evidence to the Regional Administrator (or to the State, if the State has the authority to issue NPDES permits) that factors relating to the equipment or facilities involved, the process applied, or other such factors related to such discharger are fundamentally different from the factors considered in the establishment of the guidelines. On the basis of such evidence or other available information, the Regional Administrator (or the State) will make a written finding that such factors are or are not fundamentally different for that facility compared to those specified in the Development Document. If such fundamentally different factors are found to exist, the Regional Administrator or the State shall establish for the discharger effluent limitations in the NPDES permit either more or less stringent than the limitations established herein, to the extent dictated by such fundamentally different factors. Such limitations must be approved by the Administrator of the Environmental Protection Agency. The Administrator may approve or disapprove such limitations, specify other limitations, or initiate proceedings to revise these regulations.

The following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a point source subject to the provisions of this subpart after application of the best practicable control technology currently available:

Effluent characteristic	Effluent limitations: Maximum for any one day	Effluent limitations: Average of daily values for thirty consecutive days shall not exceed—
(Metric units) kg/kkg of seafood		
TSS	7.7	6.1
Oil and grease	0.55	0.48
pH	Within the range 6.0 to 9.0.	
(English units) lb/1000 lb of seafood		
TSS	7.7	6.1
Oil and grease	0.55	0.48
pH	Within the range 6.0 to 9.0.	

§ 408.243 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.

The following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a point source subject to the provisions of this subpart after application of the best available technology economically achievable:

Effluent characteristic	Effluent limitations: Maximum for any one day	Effluent limitations: Average of daily values for thirty consecutive days shall not exceed—
(Metric units) kg/kkg of seafood		
BOD5	2.9	2.7
TSS	7.4	3.7
Oil and grease	0.18	0.09
pH	Within the range 6.0 to 9.0.	
(English units) lb/1000 lb of seafood		
BOD5	2.9	2.7
TSS	7.4	3.7
Oil and grease	0.18	0.09
pH	Within the range 6.0 to 9.0.	

Subpart Y—Pacific Coast Hand Shucked Oyster Processing Subcategory

§ 408.250 Applicability; description of the Pacific Coast hand shucked oyster processing subcategory.

The provisions of this subpart are applicable to discharges resulting from existing Pacific Coast hand-shucked oyster processing facilities which process more than 454 kg (1000 lbs) of product per day on any day during a calendar year and all new sources.

§ 408.251 Specialized definitions.

For the purpose of this subpart:

(a) Except as provided below, the general definitions, abbreviations and methods of analysis set forth in 40 CFR Part 401 shall apply to this subpart.

(b) The term "product" shall mean the weight of the oyster meat after shucking.

§ 408.252 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.

In establishing the limitations set forth in this section, EPA took into account all information it was able to collect, develop and solicit with respect to factors (such as age and size of plant, raw materials, manufacturing processes, products produced, treatment technology available, energy requirements and costs) which can affect the industry subcategorization and effluent levels established. It is, however, possible that data which would affect these limitations have not been available and, as a result, these limitations should be adjusted for certain plants in this industry. An individual discharger or other interested person may submit evidence to the Regional Administrator (or to the State, if the State has the authority to issue NPDES permits) that factors relating to the equipment or facilities involved, the process applied, or other such factors related to such discharger are fundamentally different from the factors considered in the establishment of the guidelines. On the basis of such evidence or other available information, the Regional Administrator (or the State) will make a written finding that such factors are or are not fundamentally different for that facility compared to those specified in the Development Document. If such fundamentally different factors are found to exist, the Regional Administrator or the State shall establish for the discharged effluent limitations in the NPDES permit either more or less stringent than the limitations established herein, to the extent dictated by such fundamentally different factors. Such limitations must be approved by the Administrator of the Environmental Protection Agency. The Administrator may approve or disapprove such limitations, specify other limitations, or initiate proceedings to revise these regulations. The following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a point source subject to the provisions of this subpart after application of the best practicable control technology currently available:

Effluent characteristic	Effluent Limitations: Maximum for any one day	Effluent Limitations: Average of daily values for thirty consecutive days shall not exceed—
(Metric units) kg/kkg of product		
TSS	37	35
Oil and grease	1.7	1.6
pH	Within the range 6.0 to 9.0.	
(English units) lb/1000 lb of product		
TSS	37	35
Oil and grease	1.7	1.6
pH	Within the range 6.0 to 9.0.	

§ 408.253 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.

The following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a point source subject to the provisions of this subpart after application of the best available technology economically achievable:

Effluent characteristic	Effluent limitations: Maximum for any one day	Effluent limitations: Average of daily values for thirty consecutive days shall not exceed—
(Metric units) kg/kkg of product		
BOD5	3.6	3.5
TSS	8.7	8.3
Oil and grease	0.78	0.26
pH	Within the range 6.0 to 9.0.	
(English units) lb/1000 lb of product		
BOD5	3.6	3.5
TSS	8.7	8.3
Oil and grease	0.78	0.26
pH	Within the range 6.0 to 9.0.	

Subpart Z—Atlantic and Gulf Coast Hand-Shucked Oyster Processing Subcategory

§ 408.260 Applicability; description of the Atlantic and Gulf Coast hand-shucked oyster processing subcategory.

The provisions of this subpart are applicable to discharges resulting from existing hand-shucked oyster processing facilities on the Atlantic and Gulf Coasts which process more than 454 kg (1000 lbs) of product per day on any day during a calendar year and all new sources.

§ 408.261 Specialized definitions.

For the purpose of this subpart:

(a) Except as provided below, the general definitions, abbreviations and methods of analysis set forth in 40 CFR Part 401 shall apply to this subpart.

(b) The term "product" shall mean the weight of the oyster meat after shucking.

§ 408.262 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.

In establishing the limitations set forth in this section, EPA took into account all information it was able to collect, develop and solicit with respect to factors (such as age and size of plant, raw materials, manufacturing processes, products produced, treatment technology available, energy requirements and costs) which can affect the industry subcategorization and effluent levels established. It is, however, possible that data which would affect these limitations have not been available and, as a result, these limitations should be adjusted for certain plants in this industry. An individual discharger or other interested person may submit evidence to the Regional Administrator (or to the State, if the State has the authority to issue NPDES permits) that factors relating to the equipment or facilities involved, the process applied, or other such factors related to such discharger are fundamentally different from the factors considered in the establishment of the guidelines. On the basis of such evidence or other available information, the Regional Administrator (or the State) will make a written finding that such factors are or are not fundamentally different for that facility compared to those specified in the Development Document. If such fundamentally different factors are found to exist, the Regional Administrator or the State shall establish for the discharger effluent limitations in the NPDES permit either more or less stringent than the limitations established herein, to the extent dictated by such fundamentally different factors. Such limitations must be approved by the Administrator of the Environmental Protection Agency. The Administrator may approve or disapprove such limitations, specify other limitations, or initiate proceedings to revise these regulations. The following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be

discharged by a point source subject to the provisions of this subpart after application of the best practicable control technology currently available:

Effluent characteristic	Effluent limitations: Maximum for any one day	Effluent limitations: Average of daily values for thirty consecutive days shall not exceed—
(Metric units) kg/kkg of product		
TSS	19	15
Oil and grease	0.77	0.70
pH	Within the range 6.0 to 9.0.	
(English units) lb/1000 lb of product		
TSS	19	15
Oil and grease	0.77	0.70
pH	Within the range 6.0 to 9.0.	

§ 408.263 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.

The following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a point source subject to the provisions of this subpart after application of the best available technology economically achievable:

Effluent characteristic	Effluent limitations: Maximum for any one day	Effluent limitations: Average of daily values for thirty consecutive days shall not exceed—
(Metric units) kg/kkg of product		
BOD_5	2.5	2.3
TSS	4.5	3.6
Oil and grease	0.45	0.15
pH	Within the range 6.0 to 9.0.	
(English units) lb/1000 lb of product		
BOD_5	2.5	2.3
TSS	4.5	3.6
Oil and grease	0.45	0.15
pH	Within the range 6.0 to 9.0.	

Subpart AA—Steamed/Canned Oyster Processing Subcategory

§ 408.270 Applicability; description of the steamed/canned oyster processing subcategory.

The provisions of this subpart are applicable to discharges resulting from oysters which are mechanically shucked.

§ 408.271 Specialized definitions.

For the purpose of this subpart:

(a) Except as provided below, the general definitions, abbreviations and methods of analysis set forth in 40 CFR Part 401 shall apply to this subpart.

(b) The term "product" shall mean the weight of the oyster meat after shucking.

§ 408.272 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.

In establishing the limitations set forth in this section, EPA took into account all information it was able to collect, develop and solicit with respect to factors (such as age and size of plant, raw materials, manufacturing processes, products produced, treatment, technology available, energy requirements and costs) which can affect the industry subcategorization and effluent levels established. It is, however, possible that data which would affect these limitations have not been available and, as a result, these limitations should be adjusted for certain plants in this industry. An individual discharger or other interested person may submit evidence to the Regional Administrator (or to the State, if the State has the authority to issue NPDES permits) that factors relating to the equipment or facilities involved, the process applied, or other such factors related to such discharger are fundamentally different from the factors considered in the establishment of the guidelines. On the basis of such evidence or other available information, the Regional Administrator (or the State) will make a written finding that such factors are or are not fundamentally different for that facility compared to those specified in the Development Document. If such fundamentally different factors are found to exist, the Regional Administrator or the State shall establish for the discharger effluent limitations in the NPDES permit either more or less stringent than the limitations established herein, to the extent dictated by such fundamentally different factors. Such limitations must be approved by the Administrator of the Environmental Protection Agency. The Administrator may approve or disapprove such limitations, specify other limitations, or initiate proceedings to revise these regulations. The following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a point source subject to the provisions of this subpart after application of the best practicable control technology currently available:

Effluent characteristic	Effluent limitations: Maximum for any one day	Effluent limitations: Average of daily values for thirty consecutive days shall not exceed—
(Metric units) kg/kkg of product		
TSS	54	36
Oil and grease	1.6	1.3
pH	Within the range 6.0 to 9.0.	
(English units) lb/1000 lb of product		
TSS	54	36
Oil and grease	1.6	1.3
pH	Within the range 6.0 to 9.0.	

§ 408.273 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.

The following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a point source subject to the provisions of this subpart after application of the best available technology economically achievable:

Effluent characteristic	Effluent limitations: Maximum for any one day	Effluent limitations: Average of daily values for thirty consecutive days shall not exceed—
(Metric units) kg/kkg of product		
BOD_5	7.4	5.2
TSS	22	11
Oil and grease	0.56	0.28
pH	Within the range 6.0 to 9.0.	
(English units) lb/1000 lb of product		
BOD_5	7.4	5.2
TSS	22	11
Oil and grease	0.56	0.28
pH	Within the range 6.0 to 9.0.	

Subpart AB—Sardine Processing Subcategory

§ 408.280 Applicability; description of the sardine processing subcategory.

The provisions of this subpart are applicable to discharges resulting from the canning of sardines or sea herring for sardines.

§ 408.281 Specialized definitions.

For the purpose of this subpart:

(a) Except as provided below, the general definitions, abbreviations and methods of analysis set forth in 40 CFR Part 401 shall apply to this subpart.

(b) The term "seafood" shall mean the raw material, including freshwater and saltwater fish and shellfish, to be processed, in the form in which it is received at the processing plant.

§ 408.282 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.

In establishing the limitations set forth in this section, EPA took into account all information it was able to collect, develop and solicit with respect to factors (such as age and size of plant, raw materials, manufacturing processes, products produced, treatment technology available, energy requirements and costs) which can affect the industry subcategorization and effluent levels established. It is, however, possible that data which would affect these limitations have not been available and, as a result, these limitations should be adjusted for certain plants in this industry. An individual discharger or other interested person may submit evidence to the Regional Admin-

istrator (or to the State, if the State has the authority to issue NPDES permits) that factors relating to the equipment or facilities involved, the process applied, or other such factors related to such discharger are fundamentally different from the factors considered in the establishment of the guidelines. On the basis of such evidence or other available information, the Regional Administrator (or the State) will make a written finding that such factors are or are not fundamentally different for that facility compared to those specified in the Development Document. If such fundamentally different factors are found to exist, the Regional Administrator or the State shall establish for the discharger effluent limitations in the NPDES permit either more or less stringent than the limitations established herein, to the extent dictated by such fundamentally different factors. Such limitations must be approved by the Administrator of the Environmental Protection Agency. The Administrator may approve or disapprove such limitations, specify other limitations, or initiate proceedings to revise these regulations. The following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a point source subject to the provisions of this subpart after application of the best practicable control technology currently available:

Effluent characteristic	Effluent limitations: Maximum for any one day	Effluent limitations: Average of daily values for thirty consecutive days shall not exceed—
(Metric units) kg/pkg of seafood		
TSS	4.2	3.3
Oil and grease	2.9	1.6
pH	Within the range 6.0 to 9.0.	
(English units) lb/1000 lb of seafood		
TSS	4.2	3.3
Oil and grease	2.9	1.6
pH	Within the range 6.0 to 9.0.	

§ 408.283 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.

The following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a point source subject to the provisions of this subpart after application of the best available technology economically achievable:

Effluent characteristic	Effluent limitations: Maximum for any one day	Effluent limitations: Average of daily values for thirty consecutive days shall not exceed—
(Metric units) kg/kkq of seafood		
BOD5	5.3	4.6
TSS	2.2	1.8
Oil and grease	1.7	0.87
pH	Within the range 6.0 to 9.0.	
(English units) lb/1000 lb of seafood		
BOD5	5.3	4.6
TSS	2.2	1.8
Oil and grease	1.7	0.87
pH	Within the range 6.0 to 9.0.	

Subpart AC—Alaskan Scallop Processing Subcategory

§ 408.290 Applicability; description of the Alaskan scallop processing subcategory.

The provisions of this subpart are applicable to discharges resulting from the processing of scallops in Alaska.

§ 408.291 Specialized definitions.

For the purpose of this subpart:

(a) Except as provided below, the general definitions, abbreviations and methods of analysis set forth in 40 CFR Part 401 shall apply to this subpart.

(b) The term "product" shall mean the weight of the scallop meat after processing.

§ 408.292 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.

(a) In establishing the limitations set forth in this section, EPA took into account all information it was able to collect, develop and solicit with respect to factors (such as age and size of plant, raw materials, manufacturing processes, products produced, treatment technology available, energy requirements and costs) which can affect the industry subcategorization and effluent levels established. It is, however, possible that data which would affect these limitations have not been available and, as a result, these limitations should be adjusted for certain plants in this industry. An individual discharger or other interested person may submit evidence to the Regional Administrator (or to the State, if the State has the authority to issue NPDES permits) that factors relating to the equipment or facilities involved, the process applied, or other such factors related to such discharger are fundamentally different from the factors considered in the establishment of the guidelines. On the basis of such evidence or other available information, the Regional Administrator (or the State) will make a written finding that such factors are or are not fundamentally different for that facility compared to those specified in the Development Document. If such fundamentally different factors are found to exist, the Regional Administrator or the State shall establish for the discharger effluent limitations in the NPDES permit either more or less stringent than the limitations established herein, to the extent dictated by such fundamentally different factors. Such limitations must be approved by the Administrator of the Environmental Protection Agency. The Administrator may approve or disapprove such limitations, specify other limitations, or initiate proceedings to revise these regulations.

(b) The following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a point source subject to the provisions of this subpart after application of the best practicable control technology currently available:

(1) Any Alaskan scallop processing facility located in population or processing centers including but not limited to Anchorage, Cordova, Juneau, Ketchikan, Kodiak, and Petersburg shall meet the following limitations:

Effluent characteristic	Effluent limitations: Maximum for any one day	Effluent limitations: Average of daily values for thirty consecutive days shall not exceed—
(Metric units) kg/kkg of product		
TSS	0.82	0.62
Oil and grease	0.63	0.32
pH	Within the range 6.0 to 9.0.	
(English units) lb/1000 lb of product		
TSS	0.82	0.62
Oil and grease	0.63	0.32
pH	Within the range 6.0 to 9.0.	

(2) any Alaskan scallop processing facility not covered under § 408.292(b)(1) shall meet the following limitations: No pollutants may be discharged which exceed 1.27 cm (0.5 inch) in any dimension.

§ 408.293 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.

The following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a point source subject to the provisions of this subpart after application of the best available technology economically achievable:

Effluent characteristic	Effluent limitations: Maximum for any one day	Effluent limitations: Average of daily values for thirty consecutive days shall not exceed—
(Metric units) kg/kkg of product		
TSS	0.80	0.60
Oil and grease	0.62	0.31
pH	Within the range 6.0 to 9.0.	
(English units) lb/1000 lb of product		
TSS	0.80	0.60
Oil and grease	0.62	0.31
pH	Within the range 6.0 to 9.0.	

Subpart AD—Non-Alaskan Scallop Processing Subcategory

§ 408.300 Applicability; description of the non-Alaskan scallop processing subcategory.

With the exception of land-based processing of calico scallops, the provisions of this subpart are applicable to discharges resulting from the processing of scallops outside of Alaska.

§ 408.301 Specialized definitions.

For the purpose of this subpart:

(a) Except as provided below, the general definitions, abbreviations and methods of analysis set forth in 40 CFR Part 401 shall apply to this subpart.

(b) The term "product" shall mean the weight of the scallop meat after processing.

§ 408.302 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.

In establishing the limitations set forth in this section, EPA took into account all information it was able to collect, develop and solicit with respect to factors (such as age and size of plant, raw materials, manufacturing processes, products produced, treatment technology available, energy requirements and costs) which can affect the industry subcategorization and effluent levels established. It is, however, possible that data which would affect these limitations have not been available and, as a result, these limitations should be adjusted for certain plants in this industry. An individual discharger or other interested person may submit evidence to the Regional Administrator (or to the State, if the State has the authority to issue NPDES permits) that factors relating to the equipment or facilities involved, the process applied, or other such factors related to such discharger are fundamentally different from the factors considered in the establishment of the guidelines. On the basis of such evidence or other available information, the Regional Administrator (or the State) will make a written finding that such factors are or are not fundamentally different for that facility compared to those specified in the Development Document. If such fundamentally different factors are found to exist, the Regional Administrator or the State shall establish for the discharger effluent limitations in the NPDES permit either more or less stringent than the limitations established herein, to the extent dictated by such fundamentally different factors. Such limitations must be approved by the Administrator of the Environmental Protection Agency. The Administrator may approve or disapprove such limitations, specify other limitations, or initiate proceedings to revise these regulations. The following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a point source subject to the provisions of this subpart after application of the best practicable control technology currently available:

Effluent characteristic	Effluent limitations: Maximum for any one day	Effluent limitations: Average of daily values for thirty consecutive days shall not exceed—
(Metric units) kg/kkg of product		
TSS	0.82	0.62
Oil and grease	0.63	0.32
pH	Within the range 6.0 to 9.0.	
(English units) lb/1000 lb of product		
TSS	0.82	0.62
Oil and grease	0.63	0.32
pH	Within the range 6.0 to 9.0.	

§ 408.303 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.

The following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a point source subject to the provisions of this subpart after application of the best available technology economically achievable:

Effluent characteristic	Effluent limitations: Maximum for any one day	Effluent limitations: Average of daily values for thirty consecutive days shall not exceed—
(Metric units) kg/kkg of product		
TSS	0.80	0.60
Oil and grease	0.62	0.31
pH	Within the range 6.0 to 9.0.	
(English units) lb/1000 lb of product		
TSS	0.80	0.60
Oil and grease	0.62	0.31
pH	Within the range 6.0 to 9.0.	

Subpart AE—Alaskan Herring Fillet Processing Subcategory

§ 408.310 Applicability; description of the Alaskan herring fillet processing subcategory.

The provisions of this subpart are applicable to discharges resulting from the processing of herring fillets in Alaska.

§ 408.311 Specialized definitions.

For the purpose of this subpart:

(a) Except as provided below, the general definitions, abbreviations and methods of analysis set forth in 40 CFR Part 401 shall apply to this subpart.

(b) The term "seafood" shall mean the raw material, including freshwater and saltwater fish and shellfish, to be processed, in the form in which it is received at the processing plant.

§ 408.312 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.

(a) In establishing the limitations set forth in this section, EPA took into account all information it was able to collect, develop and solicit with respect to factors (such as age and size of plant, raw materials, manufacturing processes, products produced, treatment technology available, energy requirements and costs) which can affect the industry subcategorization and effluent levels established. It is, however, possible that data which would affect these limitations have not been available and, as a result, these limitations should be adjusted for certain plants in this industry. An individual discharger or other interested person may submit evidence to the Regional Administrator (or to the State, if the State has the authority to issue NPDES permits) that factors relating to the equipment or facilities involved, the process applied, or other such factors related to such discharger are fundamentally different from the factors considered in the establishment of the guidelines. On the basis of such evidence or other available information, the Regional Administrator (or the State) will make a written finding that such factors are or are not fundamentally different for that facility compared to those specified in the Development Document. If such fundamentally different factors are found to exist, the Regional Administrator or the State shall establish for the discharger effluent limitations in the NPDES permit either more or less stringent than the limitations established herein, to the extent dictated by such fundamentally different factors. Such limitations must be approved by the Administrator of the Environmental Protection Agency. The Administrator may approve or disapprove such limitations, specify other limitations, or initiate proceedings to revise these regulations.

(b) The following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a point source subject to the provisions of this subpart after application of

the best practicable control technology currently available:

(1) any herring fillet processing facility located in population or processing centers including but not limited to Anchorage, Cordova, Juneau, Ketchikan, Kodiak and Petersburg shall meet the following limitations:

Effluent characteristic	Effluent limitations: Maximum for any one day	Effluent limitations: Average of daily values for thirty consecutive days shall not exceed—
(Metric units) kg/kkg of seafood		
TSS	25	24
Oil and grease	8.4	6.9
pH	Within the range 6.0 to 9.0.	
(English units) lb/1000 lb of seafood		
TSS	25	24
Oil and grease	8.4	6.9
pH	Within the range 6.0 to 9.0.	

(2) any Alaskan herring fillet processing facility not covered under § 408.312 (b)(1) shall meet the following limitations: No pollutants may be discharged which exceed 1.27 cm (0.5 inch) in any dimension.

§ 408.313 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.

(a) The following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a point source subject to the provisions of this subpart after application of the best available technology economically achievable.

(1) any herring fillet processing facility located in population or processing centers including but not limited to Anchorage, Cordova, Juneau, Ketchikan, Kodiak and Petersburg shall meet the following limitations:

Effluent characteristic	Effluent limitations: Maximum for any one day	Effluent limitations: Average of daily values for thirty consecutive days shall not exceed—
(Metric units) kg/kkg of seafood		
BOD5	8.6	6.7
TSS	1.9	1.7
Oil and grease	3.1	1.2
pH	Within the range 6.0 to 9.0.	
(English units) lb/1000 lb of seafood		
BOD5	8.6	6.7
TSS	1.9	1.7
Oil and grease	3.1	1.2
pH	Within the range 6.0 to 9.0.	

(2) Any Alaskan herring fillet processing facility not covered under § 408.313(a)(1) shall meet the following limitations:

Effluent characteristic	Effluent limitations: Maximum for any one day	Effluent limitations: Average of daily values for thirty consecutive days shall not exceed—
(Metric units) kg/kkg of seafood		
TSS	19	17
Oil and grease	6.7	5.2
pH	Within the range 6.0 to 9.0.	
(English units) lb/1000 lb of seafood		
TSS	19	17
Oil and grease	6.7	5.2
pH	Within the range 6.0 to 9.0.	

Subpart AF—Non-Alaskan Herring Fillet Processing Subcategory

§ 408.320 Applicability; description of the non-Alaskan herring fillet processing subcategory.

The provisions of this subpart are applicable to discharges resulting from the processing of herring fillets outside of Alaska.

§ 408.321 Specialized definitions.

For the purpose of this subpart:

(a) Except as provided below, the general definitions, abbreviations and methods of analysis set forth in 40 CFR Part 401 shall apply to this subpart.

(b) The term "seafood" shall mean the raw material, including freshwater and saltwater fish and shellfish, to be processed, in the form in which it is received at the processing plant.

§ 408.322 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.

In establishing the limitations set forth in this section, EPA took into account all information it was able to collect, develop and solicit with respect to factors (such as age and size of plant, raw materials, manufacturing processes, products produced, treatment technology available, energy requirements and costs) which can affect the industry subcategorization and effluent levels established. It is, however, possible that data which would affect these limitations have not been available and, as a result, these limitations should be adjusted for certain plants in this industry. An individual discharger or other interested person may submit evidence to the Regional Administrator (or to the State, if the State has the authority to issue NPDES permits) that factors relating to the equipment or facilities involved, the process applied, or other such factors related to such discharger are fundamentally different from the factors considered in the establishment of the guidelines. On the basis of such evidence or other available information, the Regional Administrator (or the State) will make a written finding that such factors are or are not fundamentally different for that facility compared to those specified in the Development Document. If such fundamentally different factors are found to exist, the Regional Administrator or the State shall establish for the discharger effluent limitations in the NPDES permit either more or less stringent than the limitations established herein, to the extent dictated by such fundamentally different factors. Such limitations must be approved by the Administrator of the Environmental Protection Agency. The Administrator may approve or disapprove such limitations, specify other limitations, or initiate proceedings to revise these regulations.

The following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a point source subject to the provisions of this subpart after application of the best practicable control technology currently available:

Effluent characteristic	Effluent limitations: Maximum for any one day	Effluent limitations: Average of daily values for thirty consecutive days shall not exceed—
(Metric units) kg/kkg of seafood		
TSS	25	24
Oil and grease	8.4	6.9
pH	Within the range 6.0 to 9.0.	
(English units) lb/1000 lb of seafood		
TSS	25	24
Oil and grease	8.4	6.9
pH	Within the range 6.0 to 9.0.	

§ 408.323 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.

The following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a point source subject to the provisions of this subpart after application of the best available technology economically achievable:

Effluent characteristic	Effluent limitations: Maximum for any one day	Effluent limitations: Average of daily values for thirty consecutive days shall not exceed—
(Metric units) kg/kkg of seafood		
BOD5	8.6	6.7
TSS	1.9	1.7
Oil and grease	3.1	1.2
pH	Within the range 6.0 to 9.0.	
(English units) lb/1000 lb of seafood		
BOD5	8.6	6.7
TSS	1.9	1.7
Oil and grease	3.1	1.2
pH	Within the range 6.0 to 9.0.	

Subpart AG—Abalone Processing Subcategory

§ 408.330 Applicability; description of the abalone processing subcategory.

The provisions of this subpart are applicable to discharges resulting from the processing of abalone in the contiguous states.

§ 408.331 Specialized definitions.

For the purpose of this subpart:

(a) Except as provided below, the general definitions, abbreviations and methods of analysis set forth in 40 CFR Part 401 shall apply to this subpart.

(b) The term "seafood" shall mean the raw material, including freshwater and saltwater fish and shellfish, to be processed, in the form in which it is received at the processing plant.

§ 408.332 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.

In establishing the limitations set forth in this section, EPA took into account all information it was able to collect, develop and solicit with respect to factors (such as age and size of plant, raw materials, manufacturing processes, products produced, treatment technology available, energy requirements and costs) which can affect the industry subcategorization and effluent levels established. It is, however, possible that data which would affect these limitations have not been available and, as a result, these limitations should be adjusted for certain plants in this industry. An individual discharger or other interested person may submit evidence to the Regional Administrator (or to the State, if the State has the authority to issue NPDES permits) that factors relating to the equipment or facilities involved, the process applied, or other such factors related to such discharger are fundamentally different from the factors considered in the establishment of the guidelines. On the basis of such evidence or other available information, the Regional Administrator (or the State) will make a written finding that such factors are or are not fundamentally different for that facility compared to those specified in the Development Document. If such fundamentally different factors are found to exist, the Regional Administrator or the State shall establish for the discharger effluent limitations in the NPDES permit either more or less stringent than the limitations esablished herein, to the extent dictated by such fundamentally different factors. Such limitations must be approved by the Administrator of the Environmental Protection Agency. The Administrator may approve or disapprove such limitations, specify other limitations, or initiate proceedings to revise these regulations. The following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a point source subject to the provisions of this subpart after application of the best practicable control technology currently available:

Effluent characteristic	Effluent limitations: Maximum for any one day	Effluent limitations: Average of daily values for thirty consecutive days shall not exceed—
(Metric units) kg/kkg of seafood		
TSS	11	9.2
Oil and grease	1.2	0.98
pH	Within the range 6.0 to 9.0.	
(English units) lb/1000 lb of seafood		
TSS	11	9.2
Oil and grease	1.2	0.98
pH	Within the range 6.0 to 9.0.	

§ 408.333 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.

The following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a point source subject to the provisions of this subpart after application of the best available technology economically achievable:

Effluent characteristic	Effluent limitations: Maximum for any one day	Effluent limitations: Average of daily values for thirty consecutive days shall not exceed—
(Metric units) kg/kkg of seafood		
TSS	10	8.7
Oil and grease	1.1	0.93
pH	Within the range 6.0 to 9.0.	
(English units) lb/1000 lb of seafood		
TSS	10	8.7
Oil and grease	1.1	0.93
pH	Within the range 6.0 to 9.0.	

[FR Doc.75-2725 Filed 1-29-75;8.45 am]

ENVIRONMENTAL PROTECTION AGENCY

[40 CFR Part 408]

[FRL 328-5]

CANNED AND PRESERVED SEAFOOD PROCESSING POINT SOURCE CATEGORY

Standards of Performance for New Sources and Pretreatment Standards for Existing and for New Sources

Notice is hereby given that standards of performance and pretreatment standards for new sources and pretreatment standards for existing sources set forth in tentative form below are proposed by the Environmental Protection Agency (EPA). On June 26, 1974, EPA promulgated a regulation adding Part 408 to Title 40 of the Code of Federal Regulations (39 FR 23134). That regulation with subsequent amendments established effluent limitations and guidelines for existing sources and standards of performance and pretreatment standards for new sources for the canned and preserved seafood processing point source category. The regulation proposed below will amend 40 CFR 408—canned and preserved seafood processing point source category by revising § 408.55 of the remote Alaskan crab meat processing subcategory (Subpart E), § 408.75 of the remote Alaskan whole crab and crab section processing subcategory (Subpart G), and § 408.105 of the remote Alaskan shrimp processing subcategory (Subpart J) to change the standards of performance for new sources based on screening to standards based on comminutors or grinders; and by adding thereto §§ 408.154, 408.155 and 408.156 to the fish meal processing subcategory (Subpart O), §§ 408.164, 408.165 and 408.166 to the Alaskan hand-butchered salmon processing subcategory (Subpart P), §§ 408.174, 408.175 and 408.176 to the Alaskan mechanized salmon processing subcategory (Subpart Q), §§ 408.184, 408.185 and 408.186 to the West Coast hand-butchered salmon processing subcategory (Subpart R), §§ 408.194, 408.195 and 408.196 to the West Coast mechanized salmon processing subcategory (Subpart S), §§ 408.204, 408.205 and 408.206 to the Alaskan bottom fish processing subcategory (Subpart T), §§ 408.214, 408.215 and 408.216 to the non-Alaskan conventional bottom fish processing subcategory (Subpart U), §§ 408.224, 408.225 and 408.226 to the non-Alaskan mechanized bottom fish processing subcategory (Subpart V), §§ 408.234, 408.235 and 408.236 to the hand-shucked clam processing subcategory (Subpart W), §§ 408.244, 408.245 and 408.246 to the mechanized clam processing subcategory (Subpart X), §§ 408.254, 408.255 and 408.256 to the Pacific Coast hand-shucked oyster processing subcategory (Subpart Y), §§ 408.264, 408.265 and 408.266 to the Atlantic and Gulf Coast hand-shucked oyster processing subcategory (Subpart Z), §§ 408.274, 408.275 and 408.276 to the steamed/canned oyster processing subcategory (Subpart AA), §§ 408.284, 408.285 and 408.286 to the sardine processing subcategory (Subpart AB), §§ 408.294, 408.295 and 408.296 to the Alaskan scallop processing subcategory (Subpart AC), §§ 408.304, 408.305 and 408.306 to the non-Alaskan scallop processing subcategory (Subpart AD), §§408.314, 408.315 and 408.316 to the Alaskan herring fillet processing subcategory (Subpart AE), §§ 408.324, 408.325 and 408.326 to the non-Alaskan herring fillet processing subcategory (Subpart AC), §§ 408.304, 408.305 and and 408.336 to the abalone processing subcategory (Subpart AG) pursuant to sections 306(b) and 307(b) and (c) of the Federal Water Pollution Control Act, as amended (33 U.S.C. 1251, 1316(b) and 1317(b) and (c), 86 Stat. 816 et seq.; P.L. 92-500) (the Act). Simultaneously with this proposed rule making EPA is promulgating interim final regulations which establish the above listed subparts.

(a) *Legal Authority.* Section 306 of the Act requires the achievement by new sources of a Federal standard of performance providing for the control of the discharge of pollutants which reflects the greatest degree of effluent reduction which the Administrator determines to be achievable through application of the best available demonstrated control technology, processes, operating methods, or other alternatives, including, where practicable, a standard permitting no discharge of pollutants.

Section 306(b)(1)(B) of the Act requires the Administrator to propose regulations establishing Federal standards of performance for categories of new sources included in a list published pursuant to section 306(b)(1)(A) of the Act. The Administrator published in the FEDERAL REGISTER of January 16, 1973 (38 FR 1624) a list of 27 source categories, including the canned and preserved seafood processing category. The regulations proposed herein set forth the standards of performance applicable to new sources for fish meal processing subcategory (Subpart O), Alaskan hand-butchered salmon processing subcategory (Subpart P), Alaskan mechanized salmon processing subcategory (Subpart Q), West Coast hand-butchered salmon processing subcategory (Subpart R), West Coast mechanized salmon processing subcategory (Subpart S), Alaskan bottom fish processing subcategory (Subpart T), non-Alaskan conventional bottom fish processing subcategory (Subpart U), non-Alaskan mechanized bottom fish processing subcategory (Subpart V), hand-shucked clam processing subcategory (Subpart W), mechanized clam processing subcategory (Subpart X), Pacific Coast hand-shucked oyster processing subcategory (Subpart Y), Atlantic and Gulf Coast hand-shucked oyster processing subcategory (Subpart Z), steamed/canned oyster processing subcategory (Subpart AA), sardine processing subcategory (Subpart AB), Alaskan scallop processing subcategory (Subpart AC), non-Alaskan scallop processing subcategory (Subpart AD), Alaskan herring fillet processing subcategory (Subpart AE), non-Alaskan herring fillet processing subcategory (Subpart AF), and abalone processing subcategory (Subpart AG) of the canned and preserved seafood processing point source category.

Section 307(c) of the Act requires the Administrator to promulgate pretreatment standards for new sources at the same time that standards of performance for new sources are promulgated pursuant to section 306. Sections 408.156, 408.166, 408.176, 408.186, 408.196, 408.206, 408.216, 408.226, 408.236, 408.246, 408.256, 408.266, 408.276, 408.286, 408.296, 408.306, 408.316, 408.326, and 408.336 proposed below, provide pretreatment standards for new sources within the fish meal processing subcategory (Subpart O), Alaskan hand-butchered salmon processing subcategory (Subpart P), Alaskan mechanized salmon processing subcategory (Subpart Q), West Coast hand-butchered salmon processing subcategory (Subpart R), West Coast mechanized salmon processing subcategory (Subpart S), Alaskan bottom fish processing subcategory (Subpart T), non-Alaskan conventional bottom fish processing subcategory (Subpart U), non-Alaskan mechanized bottom fish processing subcategory (Subpart V), hand-shucked clam processing subcategory (Subpart W), mechanized clam processing subcategory (Subpart X), Pacific Coast hand-shucked oyster processing subcategory (Subpart Y), Atlantic and Gulf Coast hand-shucked oyster processing subcategory (Subpart Z), steamed/canned oyster processing subcategory (Subpart AA), sardine processing subcategory (Subpart AB), Alaskan scallop processing subcategory (Subpart AC), non-Alaskan scallop processing subcategory (Subpart AD), Alaskan herring fillet processing subcategory (Subpart AE), non-Alaskan herring fillet processing subcategory (Subpart AF), and abalone processing subcategory (Subpart AG) of the canned and preserved seafood processing point source category. Section 307(b) of the Act requires the establishment of pretreatment standards for pollutants introduced into publicly owned treatment works and 40 CFR 128 establishes that the Agency will propose specific pretreatment standards at the time effluent limitations are established for point source discharges. Sections 408.154, 408.164, 408.174, 408.184, 408.194, 408.204, 408.214, 408.224, 408.234, 408.244, 408.254, 408.264, 408.274, 408.284, 408.294, 408.304, 408.314, 408.324, and 408.334 proposed below provide pretreatment standards for existing sources within the fish meal processing subcategory (Subpart O), Alaskan hand-butchered salmon processing subcategory (Subpart P), Alaskan mechanized salmon processing subcategory (Subpart Q), West Coast hand-butchered salmon processing subcategory (Subpart R), West Coast mechanized salmon processing subcategory (Subpart S), Alaskan bottom fish processing subcategory (Subpart T), non-Alaskan conventional bottom fish processing subcategory (Subpart U), non-Alaskan mechanized bottom fish processing subcategory (Subpart V),

hand-shucked clam processing subcategory (Subpart W), mechanized clam processing subcategory (Subpart X), Pacific Coast hand-shucked oyster processing subcategory (Subpart Y), Atlantic and Gulf Coast hand-shucked oyster processing subcategory (Subpart Z), steamed/canned oyster processing subcategory (Subpart AA), sardine processing subcategory (Subpart AB), Alaskan scallop processing subcategory (Subpart AC), non-Alaskan scallop processing subcategory (Subpart AD), Alaskan herring fillet processing subcategory (Subpart AE), non-Alaskan herring fillet processing subcategory (Subpart AF), and abalone processing subcategory (Subpart AG) of the canned and preserved seafood processing point source category.

(b) *Summary and Basis of Proposed Standards of Performance and Pretreatment Standards for New Sources and Pretreatment Standards for Existing Sources.* The general methodology and summary of conclusions are discussed in considerable detail in the preamble of the interim final regulations for the fish meal processing subcategory (Subpart O), Alaskan hand-butchered salmon processing subcategory (Subpart P), Alaskan mechanized salmon processing subcategory (Subpart Q), West Coast hand-butchered salmon processing subcategory (Subpart R), West Coast mechanized salmon processing subcategory (Subpart S), Alaskan bottom fish processing subcategory (Subpart T), non-Alaskan conventional bottom fish processing subcategory (Subpart U), non-Alaskan mechanized bottom fish processing subcategory (Subpart V), hand-shucked clam processing subcategory (Subpart W), mechanized clam processing subcategory (Subpart X), Pacific Coast hand-shucked oyster processing subcategory (Subpart Y), Atlantic and Gulf Coast hand-shucked oyster processing subcategory (Subpart Z), steamed/canned oyster processing subcategory (Subpart AA), sardine processing subcategory (Subpart AB), Alaskan scallop processing subcategory (Subpart AC), non-Alaskan scallop processing subcategory (Subpart AD), Alaskan herring fillet processing subcategory (Subpart AE), non-Alaskan herring fillet processing subcategory (Subpart AF), and abalone processing subcategory (Subpart AG) of the canned and preserved seafood processing point source category which are being promulgated by EPA simultaneouly with publication of this proposed regulation. The information contained in the preamble to the interim final regulation is incorporated herein by reference. The proposed regulation set forth below proposes pretreatment standards for pollutants introduced into publicly owned treatment works. The proposal will establish for each subpart the extent of application of effluent limitations to existing sources and to new sources which discharge to publicly owned treatment works. The regulation is intended to be complementary to the general regulation for pretreatment standards for existing sources set forth at 40 CFR Part 128. The general regulation was proposed July 19, 1973 (38 FR 19236), and published in final form on November 8, 1973 (38 FR 30982). The regulation proposed below applies to users of publicly owned treatment works which fall within the description of the point source category to which the limitations and standards apply. However, the proposed pretreatment regulation applies to the introduction of pollutants which are directed into a publicly owned treatment works, rather than to discharges of pollutants to navigable waters.

The general pretreatment standard divides pollutants discharged by users of publicly owned treatment works into two broad categories; "compatible" and "incompatible." Compatible pollutants are generally not subject to pretreatment standards. However, 40 CFR 128.131 (prohibited wastes) may be applicable to compatible pollutants. Additionally, local pretreatment requirements may apply (See 40 CFR 128.110). Incompatible pollutants are subject generally to pretreatment standards as provided in 40 CFR 128.133. Sections 408.154, 408.164, 408.174, 408.184, 408.194, 408.204, 408.214, 408.224, 408.234, 408.244, 408.254, 408.264, 408.274, 408.284, 408.294, 408.304, 408.314, 408.324, and 408.334 of the regulation proposed below are intended to implement that portion of § 128.133, above, requiring that a separate provision be made stating the application to pretreatment standards of effluent limitations based upon best practicable control technology currently available.

Questions were raised during the public comment period on the proposed general pretreatment standard (40 CFR 128) about the propriety of applying a standard based upon best practicable control technology currently available to all plants subject to pretreatment standards. In general, EPA believes the analysis supporting the effluent limitations and guidelines is adequate to make a determination regarding the application of those standards to users of publicly owned treatment works. However, to ensure that those standards are appropriate in all cases, EPA now seeks additional comments focusing upon the application of effluent limitations guidelines to users of publicly owned treatment works.

The report entitled "Development Document for Interim Final Effluent Limitations Guidelines and Proposed New Source Performance Standards for the Fish Meal, Salmon, Bottom Fish, Clam, Oyster, Sardine, Scallop, Herring and Abalone Segment of the Canned and Preserved Seafood Processing Point Source Category" details the analysis undertaken in support of the regulation being proposed herein and is available for inspection in the EPA Freedom of Information Center, Room 204, West Tower, Waterside Mall, Washington, D.C., at all EPA regional offices, and at State water pollution control offices. A supplementary analysis prepared for EPA of the possible economic effects of the proposed regulation is also available for inspection at these locations. Copies of both of these documents are being sent to persons or institutions affected by the proposed regulation or who have placed themselves on a mailing list for this purpose (see EPA's Advance Notice of Public Review Procedures, 38 F.R. 21202, August 6, 1973). An additional limited number of copies of both reports are available. Persons wishing to obtain a copy may write the EPA Freedom of Information Center, Environmental Protection Agency, Washington, D.C. 20460, Attention: Ms. Ruth Brown.

When this regulation is promulgated, revised copies of the Development Document will be available from the Superintendent of Documents, Government Printing Office, Washington, D.C. 20402. Copies of the Economic Analysis will be available through the National Technical Information Service, Springfield, Virginia 22151.

(c) *Summary of public participation.* A full listing of participants and discussion of comments and responses is included in the preamble of the interim final regulation for the fish meal processing subcategory (Subpart O), Alaskan hand-butchered salmon processing subcategory (Subpart P), Alaskan mechanized salmon processing subcategory (Subpart Q), West Coast hand-butchered salmon processing subcategory (Subpart R) West Coast mechanized salmon processing subcategory (Subpart S), Alaskan bottom fish processing subcategory (Subpart T), non-Alaskan conventional bottom fish processing subcategory (Subpart U), non-Alaskan mechanized bottom fish processing subcategory (Subpart V), hand-shucked clam processing subcategory (Subpart W), mechanized clam processing subcategory (Subpart X), Pacific Coast hand-shucked oyster processing subcategory (Subpart Y), Atlantic and Gulf Coast hand-shucked oyster processing subcategory (Subpart Z), steamed/canned oyster processing subcategory (Subpart AA), sardine processing subcategory (Subpart AB), Alaskan scallop processing subcategory (Subpart AC), non-Alaskan scallop processing subcategory (Subpart AD), Alaskan herring fillet processing subcategory (Subpart AE), non-Alaskan herring fillet processing subcategory (Subpart AF), and abalone processing subcategory (Subpart AG) of the canned and preserved seafood processing point source category being simultaneously promulgated by EPA and are incorporated herein by reference.

Interested persons may participate in this rulemaking by submitting written comments in triplicate to the EPA Office of Public Affairs, Environmental Protection Agency, Washington, D.C. 20460, Attention: Ms. Ruth Brown, A–107. Comments on all aspects of the proposed regulation are solicited. In the event comments are in the nature of criticisms as to the adequacy of data which are available, or which may be relied upon by the Agency, comments should identify and, if possible, provide any additional data which may be available and should indicate why such data are essential to the development of the regulations. In the event comments address the approach taken by the Agency in establishing a

standard of performance or pretreatment standard, EPA solicits suggestions as to what alternative approach should be taken and why and how this alternative better satisfies the detailed requirements of sections 306 and 307 (b) and (c) of the Act.

A copy of all public comments will be available for inspection and copying at the EPA Freedom of Information Center, Room 204, West Tower, Waterside Mall, 401 M Street SW., Washington, D.C. A copy of preliminary draft contractor reports, the Development Document and economic study referred to above, and certain supplementary materials supporting the study of the industry concerned will also be maintained at this location for public review and copying. The EPA information regulation, 40 CFR Part 2, provides that a reasonable fee may be charged for copying.

All comments received on or before March 3, 1975 will be considered. Steps previously taken by the Environmental Protection Agency to facilitate public response within this time period are outlined in the advance notice concerning public review procedures published on August 6, 1973 (38 FR 21202).

Dated January 17, 1975.

RUSSELL E. TRAIN,
Administrator.

It is proposed to amend 40 CFR Part 408 as set forth below:

Subpart E—the remote Alaskan crab meat processing subcategory is amended by revising § 408.55 to read as follows:

§ 408.55 Standards of performance for new sources.

The following standards of performance establish the quantity or quality of pollutants of pollutant properties, controlled by this section, which may be discharged by a new source subject to the provisions of this subpart: No pollutants may be discharged which exceed 1.27 cm (0.5 inch) in any dimension.

Subpart G—the remote Alaskan whole crab and crab section processing subcategory is amended by revising § 408.75 to read as follows:

§ 408.75 Standards of performance for new sources.

The following standards of performance establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a new source subject to the provisions of this subpart: No pollutants may be discharged which exceed 1.27 cm (0.5 inch) in any dimension.

Subpart J—the remote Alaskan shrimp processing subcategory is amended by revising § 408.105 to read as follows:

§ 408.105 Standards of performance for new sources.

The following standards of performance establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a new source subject to the provisions of this subpart: No pollutants may be discharged which exceed 1.27 cm (0.5 inch) in any dimension.

The table of contents to 40 CFR Part 408 is amended by adding the following sections to the indicated subparts:

Subpart O—Fish Meal Processing Subcategory

Sec.
408.154 Pretreatment standards for existing sources.
408.155 Standards of performance for new sources.
408.156 Pretreatment standards for new sources.

Subpart P—Alaskan Hand-Butchered Salmon Processing Subcategory

408.164 Pretreatment standards for existing sources.
408.165 Standards of performance for new sources.
408.166 Pretreatment standards for new sources.

Subpart Q—Alaskan Mechanized Salmon Processing Subcategory

408.174 Pretreatment standards for existing sources.
408.175 Standards of performance for new sources.
408.176 Pretreatment standards for new sources.

Subpart R—West Coast Hand-Butchered Salmon Processing Subcategory

408.184 Pretreatment standards for existing sources.
408.185 Standards of performance for new sources.
408.186 Pretreatment standards for new sources.

Subpart S—West Coast Mechanized Salmon Processing Subcategory

408.194 Pretreatment standards for existing sources.
408.195 Standards of performance for new sources.
408.196 Pretreatment standards for new sources.

Subpart T—Alaska Bottom Fish Processing Subcategory

408.204 Pretreatment standards for existing sources.
408.205 Standards of performance for new sources.
408.206 Pretreatment standards for new sources.

Subpart U—Non-Alaskan Conventional Bottom Fish Processing Subcategory

408.214 Pretreatment standards for existing sources.
408.215 Standards of performance for new sources.
408.216 Pretreatment standards for new sources.

Subpart V—Non-Alaskan Mechanized Bottom Fish Processing Subcategory

408.224 Pretreatment standards for existing sources.
408.225 Standards of performance for new sources.
408.226 Pretreatment standards for new sources.

Subpart W—Hand-Shucked Clam Processing Subcategory

408.234 Pretreatment standards for existing sources.
408.235 Standards of performance for new sources.
408.236 Pretreatment standards for new sources.

Subpart X—Mechanized Clam Processing Subcategory

Sec.
408.244 Pretreatment standards for existing sources.
408.245 Standards of performance for new sources.
408.246 Pretreatment standards for new sources.

Subpart Y—Pacific Coast Hand Shucked Oyster Processing Subcategory

408.254 Pretreatment standards for existing sources.
408.255 Standards of performance for new sources.
408.256 Pretreatment standards for new sources.

Subpart Z—Atlantic and Gulf Coast Hand-Shucked Oyster Processing Subcategory

408.264 Pretreatment standards for existing sources.
408.265 Standards of performance for new sources.
408.266 Prerteatment standards for new sources.
408.275 Standards of performance for new sources.
408.276 Pretreatment standards for new sources.

Subpart AB—Sardine Processing Subcategory

408.284 Pretreatment standards for existing sources.
408.285 Standards of performance for new sources.
408.286 Pretreatment standards for new sources.

Subpart AC—Alaskan Scallop Processing Subcategory

408.294 Pretreatment standards for existing sources.
408.295 Standards of performance for new sources.
408.296 Pretreatment standards for new sources.

Subpart AD—Non-Alaskan Scallop Processing Subcategory

408.304 Pretreatment standards for existing sources.
408.305 Standards of performance for new sources.
408.306 Pretreatment standards for new sources.

Subpart AE—Alaskan Herring Fillet Processing Subcategory

408.314 Pretreatment standards for existing sources.
408.315 Standards of performance for new sources.
408.316 Pretreatment standards for new sources.

Subpart AF—Non-Alaskan Herring Fillet Processing Subcategory

408.324 Pretreatment standards for existing sources.
408.325 Standards of performance for new sources.
408.326 Pretreatment standards for new sources.

Subpart AG—Abalone Processing Subcategory

408.334 Pretreatment standards for existing sources.
408.335 Standards of performance for new sources.
408.336 Pretreatment standards for new sources.

The following new sections are added to Subpart O—Fish Meal Processing Subcategory:

§ 408.154 Pretreatment standards for existing sources.

The pretreatment standard under section 307(b) of the Act for a source within the fish meal processing subcategory which is a user of a publicly owned treatment works and a major contributing industry as defined in 40 CFR Part 128 (and which would be an existing point source subject to section 301 of the Act, if it were to discharge pollutants to the navigable waters); shall be the standard set forth in 40 CFR Part 128, except that, for the purpose of this section, 40 CFR 128.121, 128.122, 128.132 and 128.133 shall not apply. The following pretreatment standard establishes the quantity or quality of pollutants or pollutant properties controlled by this section which may be discharged to a publicly owned treatment works by a point source subject to the provisions of this subpart.

Pollutant or Pollutant Property:	*Pretreatment Standard*
BOD5	No limitation.
TSS	No limitation.
pH	No limitation.
Oil and grease	No limitation.

§ 408.155 Standards of performance for new sources.

The following standards of performance establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a new source subject to the provisions of this subpart:

Effluent characteristic	Effluent limitations: Maximum for any one day	Effluent limitations: Average of daily values for thirty consecutive days shall not exceed—
(Metric units) kg/kkg of seafood		
BOD5	4.0	2.9
TSS	2.3	1.3
Oil and grease	0.80	0.63
pH	Within the range 6.0 to 9.0.	
(English units) lb/1000 lb of seafood		
BOD5	4.0	2.9
TSS	2.3	1.3
Oil and grease	0.80	0.63
pH	Within the range 6.0 to 9.0.	

§ 408.156 Pretreatment standards for new sources.

The pretreatment standard under section 307(c) of the Act for a new source within the fish meal processing subcategory which is a user of a publicly owned treatment works and a major contributing industry as defined in 40 CFR Part 128 (and which would be a new source subject to section 306 of the Act, if it were to discharge pollutants to the navigable waters), shall be the same standard as set forth in 40 CFR Part 128, for existing sources, except that, for the purpose of this section, 40 CFR 128.121, 128.122, 128.132 and 128.133 shall not apply. The following pretreatment standard establishes the quantity or quality of pollutants or pollutant properties controlled by this section which may be discharged to a publicly owned treatment works by a new source subject to the provisions of this subpart:

Pollutant or Pollutant Property:	*Pretreatment Standard*
BOD5	No limitation.
TSS	No limitation.
pH	No limitation.
Oil and grease	No limitation.

The following new sections are added to Subpart P—Alaskan Hand-Butchered Salmon Processing Subcategory.

§ 408.164 Pretreatment standards for existing sources.

The pretreatment standard under section 307(b) of the Act for a source within the Alaskan hand-butchered salmon processing subcategory which is a user of a publicly owned treatment works and a major contributing industry as defined in 40 CFR Part 128 (and which would be an existing point source subject to section 301 of the Act, if it were to discharge pollutants to the navigable waters), shall be the standard set forth in 40 CFR Part 128, except that, for the purpose of this section, 40 CFR 128.121, 128.122, 128.132, and 128.133 shall not apply. The following pretreatment standard establishes the quantity or quality of pollutants or pollutant properties controlled by this section which may be discharged to a publicly owned treatment works by a point source subject to the provisions of this subpart.

Pollutant or Pollutant Property:	*Pretreatment Standard*
BOD5	No limitation.
TSS	No limitation.
pH	No limitation.
Oil and grease	No limitation.

§ 408.165 Standards of performance for new sources.

(a) The following standards of performance establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a new source subject to the provisions of this subpart:

(1) Any hand-butchered salmon processing facility located in population or processing centers including but not limited to Anchorage, Cordova, Juneau, Ketchikan, Kodiak, and Petersburg shall meet the following limitations:

Effluent characteristic	Effluent limitations: Maximum for any one day	Effluent limitations: Average of daily values for thirty consecutive days shall not exceed—
(Metric units) kg/kkg of seafood		
TSS	1.5	1.2
Oil and grease	0.18	0.15
pH	Within the range 6.0 to 9.0.	
(English units) lb/1000 lb of seafood		
TSS	1.5	1.2
Oil and grease	0.18	0.15
pH	Within the range 6.0 to 9.0.	

(2) Any hand-butchered salmon processing facility not covered under Sec. 408.165(a)(1) shall meet the following limitations: No pollutants may be discharged which exceed 1.27 cm (0.5 inch) in any dimension.

§ 408.166 Pretreatment standards for new sources.

The pretreatment standard under section 307(c) of the Act for a new source within the Alaskan hand-butchered salmon processing subcategory which is a user of a publicly owned treatment works and a major contributing industry as defined in 40 CFR Part 128 (and which would be a new source subject to section 306 of the Act, if it were to discharge pollutants to the navigable waters), shall be the same standard as set forth in 40 CFR Part 128, for existing sources, except that, for the purpose of this section, 40 CFR 128.121, 128.122, 128.132, and 128.133 shall not apply. The following pretreatment standard establishes the quantity or quality of pollutants or pollutant properties controlled by this section which may be discharged to a publicly owned treatment works by a new source subject to the provisions of this subpart:

Pollutant or Pollutant Property:	*Pretreatment Standard*
BOD5	No limitation.
TSS	No limitation.
pH	No limitation.
Oil and grease	No limitation.

The following new sections are added to Subpart Q—Alaskan Mechanized Salmon Processing Subcategory.

§ 408.174 Pretreatment standards for existing sources.

The pretreatment standard under section 307(b) of the Act for a source within the Alaskan mechanized salmon processing subcategory which is a user of a publicly owned treatment works and a major contributing industry as defined in 40 CFR Part 128 (and which would be an existing point source subject to section 301 of the Act, if it were to discharge pollutants to the navigable waters), shall be the standard set forth in 40 CFR Part 128, except that, for the purpose of this section, 40 CFR 128.121, 128.122, 128.132, and 128.133 shall not apply. The following pretreatment standard establishes the quantity or quality of pollutants or pollutant properties controlled by this section which may be discharged to a publicly owned treatment works by a point source subject to the provisions of this subpart.

Pollutant or Pollutant Property:	*Pretreatment Standard*
BOD5	No limitation.
TSS	No limitation.
pH	No limitation.
Oil and grease	No limitation.

§ 408.175 Standards of performance for new sources.

(a) The following standards of performance establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a new source subject to the provisions of this subpart:

(1) Any mechanized salmon processing facility located in population or processing centers including but not limited to Anchorage, Cordova, Juneau, Ketchikan, Kodiak, and Peterburg shall meet the following limitations:

Effluent characteristic	Effluent limitations: Maximum for any one day	Effluent limitations: Average of daily values for thirty consecutive days shall not exceed—
(Metric units) kg/kkg of seafood		
TSS	26	21
Oil and grease	25	10
pH	Within the range 6.0 to 9.0.	
(English units) lb/1000 lb of seafood		
TSS	26	21
Oil and grease	26	10
pH	Within the range 6.0 to 9.0.	

(2) Any mechanized salmon processing facility not covered under § 408.175 (a) (1) shall meet the following limitations: No pollutants may be discharged which exceed 1.27 cm (0.5 inch) in any dimension.

§ 408.176 Pretreatment standards for new sources.

The pretreatment standard under section 307(c) of the Act for a new source within the Alaskan mechanized salmon processing subcategory which is a user of a publicly owned treatment works and a major contributing industry as defined in 40 CFR Part 128 (and which would be a new source subject to section 306 of the Act, if it were to discharge pollutants to the navigable waters), shall be the same standard as set forth in 40 CFR Part 128, for existing sources, except that, for the purpose of this section, 40 CFR 128.121, 128.122, 128.132, and 128.133 shall not apply. The following pretreatment standard establishes the quantity or quality of pollutants or pollutant properties controlled by this section which may be discharged to a publicly owned treatment works by a new source subject to the provisions of this subpart:

Pollutant or Pollutant Property:	*Pretreatment Standard*
BOD5	No limitation.
TSS	No limitation.
pH	No limitation.
Oil and grease	No limitation.

The following new sections are added to Subpart R—West Coast Hand-Butchered Salmon Processing Subcategory.

§ 408.184 Pretreatment standards for existing sources.

The pretreatment standard under section 307(b) of the Act for a source within the West Coast hand-butchered salmon processing subcategory which is a user of a publicly owned treatment works and a major contributing industry as defined in 40 CFR Part 128 (and which would be an existing point source subject to section 301 of the Act, if it were to discharge pollutants to the navigable waters), shall be the standard set forth in 40 CFR Part 128, except that, for the purpose of this section, 40 CFR 128.121, 128.122, 128.132, and 128.133 shall not apply. The following pretreatment standard establishes the quantity or quality of pollutants or pollutant properties controlled by this section which may be discharged to a publicly owned treatment works by a point source subject to the provisions of this subpart.

Pollutant or Pollutant Property:	*Pretreatment Standard*
BOD5	No limitation.
TSS	No limitation.
pH	No limitation.
Oil and grease	No limitation.

§ 408.185 Standards of performance for new sources.

The following standards of performance establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a new source subject to the provisions of this subpart:

Effluent characteristic	Effluent limitations: Maximum for any one day	Effluent limitations: Average of daily values for thirty consecutive days shall not exceed—
(Metric units) kg/kkg of seafood		
BOD5	1.7	1.4
TSS	0.46	0.37
Oil and grease	0.03	0.02
pH	Within the range 6.0 to 9.0.	
(English units) lb/1000 lb of seafood		
BOD5	1.7	1.4
TSS	0.46	0.37
Oil and grease	0.03	0.02
pH	Within the range 6.0 to 9.0.	

§ 408.186 Pretreatment standards for new sources.

The pretreatment standard under section 307(c) of the Act for a new source within the West Coast hand-butchered salmon processing subcategory which is a user of a publicly owned treatment works and a major contributing industry as defined in 40 CFR 128 (and which would be a new source subject to section 306 of the Act, if it were to discharge pollutants to the navigable waters), shall be the same standard as set forth in 40 CFR 128, for existing sources, except that, for the purpose of this section, 40 CFR 128.121, 128.122, 128.132, and 128.133 shall not apply. The following pretreatment standard establishes the quantity or quality of pollutants or pollutant properties controlled by this section which may be discharged to a publicly owned treatment works by a new source subject to the provisions of this subpart:

Pollutant or Pollutant Property:	*Pretreatment Standard*
BOD5	No limitation.
TSS	No limitation.
pH	No limitation.
Oil and grease	No limitation.

The following new sections are added to Subpart S—West Coast Mechanized Salmon Processing Subcategory.

§ 408.194 Pretreatment standards for existing sources.

The pretreatment standard under section 307(b) of the Act for a source within the West Coast mechanized salmon processing subcategory which is a user of a publicly owned treatment works and a major contributing industry as defined in 40 CFR Part 128 (and which would be an existing point source subject to section 301 of the Act, if it were to discharge pollutants to the navigable waters), shall be the standard set forth in 40 CFR Part 128, except that, for the purpose of this section, 40 CFR 128.121, 128.122, 128.132, and 128.133 shall not apply. The following pretreatment standard establishes the quantity or quality of pollutants or pollutant properties controlled by this section which may be discharged to a publicly owned treatment works by a point source subject to the provisions of this subpart.

Pollutant or Pollutant Property:	*Pretreatment Standard*
BOD5	No limitation.
TSS	No limitation.
pH	No limitation.
Oil and grease	No limitation.

§ 408.195 Standards of performance for new sources.

The following standards of performance establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a new source subject to the provisions of this subpart:

Effluent characteristic	Effluent limitations: Maximum for any one day	Effluent limitations: Average of daily values for thirty consecutive days shall not exceed—
(Metric units) kg/kkg of seafood		
BOD5	39	32
TSS	7.9	6.5
Oil and grease	3.8	1.5
pH	Within the range 6.0 to 9.0.	
(English units) lb/1000 lb of seafood		
BOD5	39	32
TSS	7.9	6.5
Oil and grease	3.8	1.5
pH	Within the range 6.0 to 9.0.	

§ 408.196 Pretreatment standards for new sources.

The pretreatment standard under section 307(c) of the Act for a new source within the West Coast mechanized salmon processing subcategory which is a user of a publicly owned treatment works

and a major contributing industry as defined in 40 CFR Part 128 (and which would be a new source subject to section 306 of the Act, if it were to discharge pollutants to the navigable waters), shall be the same standard as set forth in 40 CFR Part 128, for existing sources, except that, for the purpose of this section, 40 CFR 128.121, 128.122, 128.132, and 128.133 shall not apply. The following pretreatment standard establishes the quantity or quality of pollutants or pollutant properties controlled by this section which may be discharged to a publicly owned treatment works by a new source subject to the provisions of this subpart:

Pollutant or Pollutant Property:	*Pretreatment Standard*
BOD5	No limitation.
TSS	No limitation.
pH	No limitation.
Oil and grease	No limitation.

The following new sections are added to Subpart T—Alaskan Bottom Fish Processing Subcategory.

§ 408.204 Pretreatment standards for existing sources.

The pretreatment standard under section 307(b) of the Act for a source within the Alaskan bottom fish processing subcategory which is a user of a publicly owned treatment works and a major contributing industry as defined in 40 CFR Part 128 (and which would be an existing point source subject to section 301 of the Act, if it were to discharge pollutants to the navigable waters), shall be the standard set forth in 40 CFR Part 128, except that, for the purpose of this section, 40 CFR 128.121, 128.122, 128.132, and 128.133 shall not apply. The following pretreatment standard establishes the quantity or quality of pollutants or pollutant properties controlled by this section which may be discharged to a publicly owned treatment works by a point source subject to the provisions of this subpart.

Pollutant or Pollutant Property:	*Pretreatment Standard*
BOD5	No limitation.
TSS	No limitation.
pH	No limitation.
Oil and grease	No limitation.

§ 408.205 Standards of performance for new sources.

(a) The following standards of performance establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a new source subject to the provisions of this subpart:

(1) Any Alaskan bottom fish processing facility located in population or processing centers including but not limited to Anchorage, Cordova, Juneau, Ketchikan, Kodiak, and Petersburg shall meet the following limitations:

Effluent characteristic	Effluent limitations: Maximum for any one day	Effluent limitations: Average of daily values for thirty consecutive days shall not exceed—
(Metric units) kg/kkg of seafood		
TSS	1.1	1.0
Oil and grease	0.07	0.06
pH	Within the range 6.0 to 9.0.	
(English units) lb/1000 lb of seafood		
TSS	1.1	1.0
Oil and grease	0.07	0.06
pH	Within the range 6.0 to 9.0.	

(2) Any Alaskan bottom-fish processing facility not covered under § 408.205 (a)(1) shall meet the following limitations: No pollutants may be discharged which exceed 1.27 cm (0.5 inch) in any dimension.

§ 408.206 Pretreatment standards for new sources.

The pretreatment standard under section 307(c) of the Act for a new source within the Alaskan bottom fish processing subcategory which is a user of a publicly owned treatment works and a major contributing industry as defined in 40 CFR Part 128 (and which would be a new source subject to section 306 of the Act, if it were to discharge pollutants to the navigable waters), shall be the same standard as set forth in 40 CFR Part 128, for existing sources, except that, for the purpose of this section, 40 CFR 128.121, 128.122, 128.132, and 128.133 shall not apply. The following pretreatment standard establishes the quantity or quality of pollutants or pollutant properties controlled by this section which may be discharged to a publicly owned treatment works by a new source subject to the provisions of this subpart:

Pollutant or Pollutant Property:	*Pretreatment Standard*
BOD5	No limitation.
TSS	No limitation.
pH	No limitation.
Oil and grease	No limitation.

The following new sections are added to Subpart U—Non-Alaskan Conventional Bottom Fish Processing Subcategory.

§ 408.214 Pretreatment standards for existing sources.

The pretreatment standard under section 307(b) of the Act for a source within the non-Alaskan conventional bottom fish processing subcategory which is a user of a publicly owned treatment works and a major contributing industry as defined in 40 CFR Part 128 (and which would be an existing point source subject to section 301 of the Act, if it were to discharge pollutants to the navigable waters), shall be the standard set forth in 40 CFR Part 128, except that, for the purpose of this section, 40 CFR 128.121, 128.122, 128.132, and 128.133 shall not apply. The following pretreatment standard establishes the quantity or quality of pollutants or pollutant properties controlled by this section which may be discharged to a publicly owned treatment works by a point source subject to the provisions of this subpart.

Pollutant or Pollutant Property:	*Pretreatment Standard*
BOD5	No limitation.
TSS	No limitation.
pH	No limitation.
Oil and grease	No limitation.

§ 408.215 Standards of performance for new sources.

The following standards of performance establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a new source subject to the provisions of this subpart:

Effluent characteristic	Effluent limitations: Maximum for any one day	Effluent limitations: Average of daily values for thirty consecutive days shall not exceed—
(Metric units) kg/kkg of seafood		
BOD5	0.73	0.58
TSS	1.5	0.73
Oil and grease	0.04	0.03
pH	Within the range 6.0 to 9.0.	
(English units) lb/1000 lb of seafood		
BOD5	0.73	0.58
TSS	1.5	0.73
Oil and grease	0.04	0.03
pH	Within the range 6.0 to 9.0.	

§ 408.216 Pretreatment standards for new sources.

The pretreatment standard under section 307(c) of the Act for a new source within the non-Alaskan conventional bottom fish processing subcategory which is a user of a publicly owned treatment works and a major contributing industry as defined in 40 CFR Part 128 (and which would be a new source subject to section 306 of the Act, if it were to discharge pollutants to the navigable waters), shall be the same standard as set forth in 40 CFR Part 128, for existing sources, except that, for the purpose of this section, 40 CFR 128.121, 128.122, 128.132, and 128.133 shall not apply. The following pretreatment standard establishes the quantity or quality of pollutants or pollutant properties controlled by this section which may be discharged to a publicly owned

treatment works by a source subject to the provisions of this subpart:

Pollutant or Pollutant Property:	*Pretreatment Standard*
BOD5	No limitation.
TSS	No limitation.
pH	No limitation.
Oil and grease	No limitation.

The following new sections are added to Subpart V—Non-Alaskan Mechanized Bottom Fish Processing Subcategory.

§ 408.224 Pretreatment standards for existing sources.

The pretreatment standard under section 307(b) of the Act for a source within the non-Alaskan mechanized bottom fish processing subcategory which is a user of a publicly owned treatment works and a major contributing industry as defined in 40 CFR Part 128 (and which would be an existing point source subject to section 301 of the Act, if it were to discharge pollutants to the navigable waters), shall be the standard set forth in 40 CFR Part 128, except that, for the purpose of this section, 40 CFR 128.121, 128.122, 128.132, and 128.133 shall not apply. The following pretreatment standard establishes the quantity or quality of pollutants or pollutant properties controlled by this section which may be discharged to a publicly owned treatment works by a point source subject to the provisions of this subpart.

Pollutant or Pollutant Property:

Pollutant or Pollutant Property:	*Pretreatment Standard*
BOD5	No limitation.
TSS	No limitation.
pH	No limitation.
Oil and grease	No limitation.

§ 408.225 Standards of performance for new sources.

The following standards of performance establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a new source subject to the provisions of this subpart:

Effluent characteristic	Effluent limitations: Maximum for any one day	Effluent limitations: Average of daily values for thirty consecutive days shall not exceed—
(Metric units) kg/kkg of seafood		
BOD5	9.1	7.4
TSS	3.3	2.5
Oil and grease	0.66	0.39
pH	Within the range 6.0 to 9.0.	
(English units) lb/1000 lb of seafood		
BOD5	9.1	7.4
TSS	3.3	2.5
Oil and grease	0.66	0.39
pH	Within the range 6.0 to 9.0.	

§ 408.226 Pretreatment standards for new sources.

The pretreatment standard under section 307(c) of the Act for a new source within the non-Alaskan mechanized bottom fish processing subcategory which is a user of a publicly owned treatment works and a major contributing industry as defined in 40 CFR Part 128 (and which would be a new source subject to section 306 of the Act, if it were to discharge pollutants to the navigable waters), shall be the same standard as set forth in 40 CFR Part 128, for existing sources, except that, for the purpose of this section, 40 CFR 128.121, 128.122, 128.132, and 128.133 shall not apply. The following pretreatment standard establishes the quantity or quality of pollutants or pollutant properties controlled by this section which may be discharged to a publicly owned treatment works by a new source subject to the provisions of this subpart:

Pollutant or Pollutant Property:	*Pretreatment Standard*
BOD5	No limitation.
TSS	No limitation.
pH	No limitation.
Oil and grease	No limitation.

The following new sections are added to Subpart W—Hand-Shucked Clam Processing Subcategory.

§ 408.234 Pretreatment standards for existing sources.

The pretreatment standard under section 307(b) of the Act for a source within the hand-shucked clam processing subcategory which is a user of a publicly owned treatment works and a major contributing industry as defined in 40 CFR Part 128 (and which would be an existing point source subject to section 301 of the Act, if it were to discharge pollutants to the navigable waters), shall be the standard set forth in 40 CFR Part 128, except that, for the purpose of this section, 40 CFR 128.121, 128.122, 128.132, and 128.133 shall not apply. The following pretreatment standard establishes the quantity or quality of pollutants or pollutant properties controlled by this section which may be discharged to a publicly owned treatment works by a point source subject to the provisions of this subpart.

Pollutant or Pollutant Property:	*Pretreatment Standard*
BOD5	No limitation.
TSS	No limitation.
pH	No limitation.
Oil and grease	No limitation.

§ 408.235 Standards of performance for new sources.

The following standards of performance establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a new source subject to the provisions of this subpart:

Effluent characteristic	Effluent limitations: Maximum for any one day	Effluent limitations: Average of daily values for thirty consecutive days shall not exceed—
(Metric units) kg/kkg of seafood		
TSS	29	18
Oil and grease	0.28	0.18
pH	Within the range 6.0 to 9.0.	
(English units) lb/1000 lb of seafood		
TSS	29	18
Oil and grease	0.28	0.18
pH	Within the range 6.0 to 9.0.	

§ 408.236 Pretreatment standards for new sources.

The pretreatment standard under section 307(c) of the Act for a new source within the hand-shucked clam processing subcategory which is a user of a publicly owned treatment works and a major contributing industry as defined in 40 CFR Part 128 (and which would be a new source subject to section 306 of the Act, if it were to discharge pollutants to the navigable waters), shall be the same standard as set forth in 40 CFR Part 128, for existing sources, except that, for the purpose of this section, 40 CFR 128.121, 128.122, 128.132, and 128.133 shall not apply. The following pretreatment standard establishes the quantity or quality of pollutants or pollutant properties controlled by this section which may be discharged to a publicly owned treatment works by a new source subject to the provisions of this subpart:

Pollutant or Pollutant Property:	*Pretreatment Standard*
BOD5	No limitation.
TSS	No limitation.
pH	No limitation.
Oil and grease	No limitation.

The following new sections are added to Subpart X—Mechanized Clam Processing Subcategory.

§ 408.244 Pretreatment standards for existing sources.

The pretreatment standard under section 307(b) of the Act for a source within the mechanized clam processing subcategory which is a user of a publicly owned treatment works and a major contributing industry as defined in 40 CFR Part 128 (and which would be an existing point source subject to section 301 of the Act, if it were to discharge pollutants to the navigable waters), shall be the standard set forth in 40 CFR Part 128, except that, for the purpose of this section, 40 CFR 128.121, 128.122, 128.132, and 128.133 shall not apply. The following pretreatment standard establishes the quantity or quality of pollutants or pollutant properties con-

trolled by this section which may be discharged to a publicly owned treatment works by a point source subject to the provisions of this subpart.

Pollutant or Pollutant Property:	Pretreatment Standard
BOD5	No limitation.
TSS	No limitation.
pH	No limitation.
Oil and grease	No limitation.

§ 408.245 Standards of performance for new sources.

The following standards of performance establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a new source subject to the provisions of this subpart:

Effluent characteristic	Effluent limitations: Maximum for any one day	Effluent limitations: Average of daily values for thirty consecutive days shall not exceed—
(Metric units) kg/kkg of seafood		
BOD5	2.9	2.7
TSS	7.4	3.7
Oil and grease	0.18	0.09
pH	Within the range 6.0 to 9.0.	
(English units) lb/1000 lb of seafood		
BOD5	2.9	2.7
TSS	7.4	3.7
Oil and grease	0.18	0.09
pH	Within the range 6.0 to 9.0.	

§ 408.246 Pretreatment standards for new sources.

The pretreatment standard under section 307(c) of the Act for a new source within the mechanized clam processing subcategory which is a user of a publicly owned treatment works and a major contributing industry as defined in 40 CFR Part 128 (and which would be a new source subject to section 306 of the Act, if it were to discharge pollutants to the navigable waters), shall be the same standard as set forth in 40 CFR Part 128, for existing sources, except that, for the purpose of this section, 40 CFR 128.121, 128.122, 128.132, and 128.133 shall not apply. The following pretreatment standard establishes the quantity or quality of pollutants or pollutant properties controlled by this section which may be discharged to a publicly owned treatment works by a new source subject to the provisions of this subpart:

Pollutant or Pollutant Property:	Pretreatment Standard
BOD5	No limitation.
TSS	No limitation.
pH	No limitation.
Oil and grease	No limitation.

The following new sections are added to Subpart Y—Pacific Coast Hand Shucked Oyster Processing Subcategory.

§ 408.254 Pretreatment standards for existing sources.

The pretreatment standard under section 307(b) of the Act for a source within the Pacific Coast hand-shucked oyster processing subcategory which is a user of a publicly owned treatment works and a major contributing industry as defined in 40 CFR Part 128 (and which would be an existing point source subject to section 301 of the Act, if it were to discharge pollutants to the navigable waters), shall be the standard set forth in 40 CFR Part 128, except that, for the purpose of this section, 40 CFR 128.121, 128.122, 128.132, and 128.133 shall not apply. The following pretreatment standard establishes the quantity or quality of pollutants or pollutant properties controller by this section which may be discharged to a publicly owned treatment works by a point source subject to the provisions of this subpart.

Pollutant or Pollutant Property:	Pretreatment Standard
BOD5	No limitation.
TSS	No limitation.
pH	No limitation.
Oil and grease	No limitation.

§ 408.255 Standards of performance for new sources.

The following standards of performance establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a new source subject to the provisions of this subpart:

Effluent characteristic	Effluent limitations: Maximum for any one day	Effluent limitations: Average of daily values for thirty consecutive days shall not exceed—
(Metric units) kg/kkg of product		
BOD5	3.6	3.5
TSS	8.7	8.3
Oil and grease	0.78	0.26
pH	Within the range 6.0 to 9.0.	
(English units) lb/1000 lb of product		
BOD5	3.6	3.5
TSS	8.7	8.3
Oil and grease	0.78	0.26
pH	Within the range 6.0 to 9.0.	

§ 408.256 Pretreatment standards for new sources.

The pretreatment standard under section 307(c) of the Act for a new source within the Pacific Coast hand-shucked oyster processing subcategory which is a user of a publicly owned treatment works and a major contributing industry as defined in 40 CFR Part 128 (and which would be a new source subject to section 306 of the Act, if it were to discharge pollutants to the navigable waters), shall be the same standard as set forth in 40 CFR Part 128, for existing sources, except that, for the purpose of this section, 40 CFR 128.121, 128.122, 128.132, and 128.133 shall not apply. The following pretreatment standard establishes the quantity or quality of pollutants or pollutant properties controlled by this section which may be discharged to a publicly owned treatment works by a new source subject to the provisions of this subpart:

Pollutant or Pollutant Property:	Pretreatment Standard
BOD5	No limitation.
TSS	No limitation.
pH	No limitation.
Oil and grease	No limitation.

The following new sections are added to Subpart Z—Atlantic and Gulf Coast Hand-Shucked Oyster Processing Subcategory.

§ 408.264 Pretreatment standards for existing sources.

The pretreatment standard under section 307(b) of the Act for a source within the Atlantic and Gulf Coast hand-shucked oyster processing subcategory which is a user of a publicly owned treatment works and a major contributing industry as defined in 40 CFR Part 128 (and which would be an existing point source subject to section 301 of the Act, if it were to discharge pollutants to the navigable waters), shall be the standard set forth in 40 CFR Part 128, except that, for the purpose of this section, 40 CFR 128.121, 128.122, 128.132, and 128.133 shall not apply. The following pretreatment standard establishes the quantity or quality of pollutants or pollutant properties controlled by this section which may be discharged to a publicly owned treatment works by a point source subject to the provisions of this subpart.

Pollutant or Pollutant Property:	Pretreatment Standard
BOD5	No limitation.
TSS	No limitation.
pH	No limitation.
Oil and grease	No limitation.

§ 408.265 Standards of performance for new sources.

The following standards of performance establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a new source subject to the provisions of this subpart:

Effluent characteristic	Effluent limitations: Maximum for any one day	Effluent limitations: Average of daily values for thirty consecutive days shall not exceed—
(Metric units) kg/kkg of product		
BOD5	2.5	2.3
TSS	4.5	3.6
Oil and grease	0.45	0.15
pH	Within the range 6.0 to 9.0.	
(English units) lb/1000 lb of product		
BOD5	2.5	2.3
TSS	4.5	3.6
Oil and grease	0.45	0.15
pH	Within the range 6.0 to 9.0.	

§ 408.266 Pretreatment standards for new sources.

The pretreatment standard under section 307(c) of the Act for a new source within the Atlantic and Gulf Coast

hand-shucked oyster processing subcategory which is a user of a publicly owned treatment works and a major contributing industry as defined in 40 CFR Part 128 (and which would be a new source subject to section 306 of the Act, if it were to discharge pollutants to the navigable waters), shall be the same standard as set forth in 40 CFR Part 128, for existing sources, except that, for the purpose of this section, 40 CFR 128.121, 128.122, 128.132, and 128.133 shall not apply. The following pretreatment standard establishes the quantity or quality of pollutants or pollutant properties controlled by this section which may be discharged to a publicly owned treatment works by a new source subject to the provisions of this subpart:

Pollutant or Pollutant Property:	*Pretreatment Standard*
BOD5	No limitation.
TSS	No limitation.
pH	No limitation.
Oil and grease	No limitation.

The following new sections are added to Subpart AA—Steamed/Canned Oyster Processing Subcategory.

§ 408.274 Pretreatment standards for existing sources.

The pretreatment standard under section 307(b) of the Act for a source within the steamed/canned oyster processing subcategory which is a user of a publicly owned treatment works and a major contributing industry as defined in 40 CFR Part 128 (and which would be an existing point source subject to section 301 of the Act, if it were to discharge pollutants to the navigable waters), shall be the standard set forth in 40 CFR Part 128, except that, for the purpose of this section, 40 CFR 128.121, 128.122, 128.132, and 128.133 shall not apply. The following pretreatment standard establishes the quantity or quality of pollutants or pollutant properties controlled by this section which may be discharged to a publicly owned treatment works by a point source subject to the provisions of this subpart.

Pollutant or Pollutant Property:	*Pretreatment Standard*
BOD5	No limitation.
TSS	No limitation.
pH	No limitation.
Oil and grease	No limitation.

§ 408.275 Standards of performance for new sources.

The following standards of performance establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a new source subject to the provisions of this subpart:

Effluent characteristic	Effluent limitations: Maximum for any one day	Effluent limitations: Average of daily values for thirty consecutive days shall not exceed—
(Metric units) kg/kkg of product		
BOD5	7.4	5.2
TSS	22	11
Oil and grease	0.56	0.28
pH	Within the range 6.0 to 9.0.	
(English units) lb/1000 lb of product		
BOD5	7.4	5.2
TSS	22	11
Oil and grease	0.56	0.28
pH	Within the range 6.0 to 9.0.	

§ 408.276 Pretreatment standards for new sources.

The pretreatment standard under section 307(c) of the Act for a new source within the steamed/canned oyster processing subcategory which is a user of a publicly owned treatment works and a major contributing industry as defined in 40 CFR Part 128 (and which would be a new source subject to section 306 of the Act, if it were to discharge pollutants to the navigable waters), shall be the same standard as set forth in 40 CFR Part 128, for existing sources, except that, for the purpose of this section, 40 CFR 128.121, 128.122, 128.132, and 128.133 shall not apply. The following pretreatment standard establishes the quantity or quality of pollutants or pollutant properties controlled by this section which may be discharged to a publicly owned treatment works by a new source subject to the provisions of this subpart:

Pollutant or Pollutant Property:	*Pretreatment Standard*
BOD5	No limitation.
TSS	No limitation.
pH	No limitation.
Oil and grease	No limitation.

The following new sections are added to Subpart AB—Sardine Processing Subcategory.

§ 408.284 Pretreatment standards for existing sources.

The pretreatment standard under section 307(b) of the Act for a source within the sardine processing subcategory which is a user of a publicly owned treatment works and a major contributing industry as defined in 40 CFR Part 128 (and which would be an existing point source subject to section 301 of the Act, if it were to discharge pollutants to the navigable waters), shall be the standard set forth in 40 CFR Part 128, except that, for the purpose of this section, 40 CFR 128.121, 128.122, 128.132, and 128.133 shall not apply. The following pretreatment standard establishes the quantity or quality of pollutants or pollutant properties controlled by this section which may be discharged to a publicly owned treatment works by a point source subject to the provisions of this subpart.

Pollutant or Pollutant Property:	*Pretreatment Standard*
BOD5	No limitation.
TSS	No limitation.
pH	No limitation.
Oil and grease	No limitation.

§ 408.285 Standards of performance for new sources.

The following standards of performance establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a new source subject to the provisions of this subpart:

Effluent characteristic	Effluent limitations: Maximum for any one day	Effluent limitations: Average of daily values for thirty consecutive days shall not exceed—
(Metric units) kg/kkg of seafood		
BOD5	7.1	6.2
TSS	2.9	2.1
Oil and grease	1.8	0.97
pH	Within the range 6.0 to 9.0.	
(English units) lb/1000 lb of seafood		
BOD5	7.1	6.2
TSS	2.9	2.1
Oil and grease	1.8	0.97
pH	Within the range 6.0 to 9.0.	

§ 408.286 Pretreatment standards for new sources.

The pretreatment standard under section 307(c) of the Act for a new source within the sardine processing subcategory which is a user of a publicly owned treatment works and a major contributing industry as defined in 40 CFR Part 128 (and which would be a new source subject to section 306 of the Act, if it were to discharge pollutants to the navigable waters), shall be the same standard as set forth in 40 CFR Part 128, for existing sources, except that, for the purpose of this section, 40 CFR 128.121, 128.122, 128.132, and 128.133 shall not apply. The following pretreatment standard establishes the quantity or quality of pollutants or pollutant properties controlled by this section which may be discharged to a publicly owned treatment works by a new source subject to the provisions of this subpart:

Pollutant or Pollutant Property:	*Pretreatment Standard*
BOD5	No limitation.
TSS	No limitation.
pH	No limitation.
Oil and grease	No limitation.

The following new sections are added to Subpart AC—Alaskan Scallop Processing Subcategory.

§ 408.294 Pretreatment standards for existing sources.

The pretreatment standard under section 307(b) of the Act for a source within the Alaskan scallop processing subcategory which is a user of a publicly owned treatment works and a major contributing industry as defined in 40 CFR Part 128 (and which would be an existing point source subject to section 301 of the Act, if it were to discharge pollutants to the navigable waters), shall be the standard set forth in 40 CFR Part 128, except that, for the purpose of this section, 40 CFR 128.121, 128.122, 128.132, and 128.133 shall not apply. The following pretreatment standard establishes the quantity or quality of pollutants or pollutant properties controlled by this section which may be discharged to a publicly owned treatment works by a point source subject to the provisions of this subpart.

Pollutant or Pollutant Property:	*Pretreatment Standard*
BOD5	No limitation.
TSS	No limitation.
pH	No limitation.
Oil and grease	No limitation.

§ 408.295 Standards of performance for new sources.

(a) The following standards of performance establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a new source subject to the provisions of this subpart:

(1) any Alaskan scallop processing facility located in population or processing centers including but not limited to Anchorage, Cordova, Juneau, Ketchikan, Kodiak, and Petersburg shall meet the following limitations:

Effluent characteristic	Effluent limitations: Maximum for any one day	Effluent limitations: Average of daily values for thirty consecutive days shall not exceed—
(Metric units) kg/kkg of product		
TSS	0.80	0.60
Oil and grease	0.62	0.31
pH	Within the range 6.0 to 9.0.	
(English units) lb/1000 lb of product		
TSS	0.80	0.60
Oil and grease	0.62	0.31
pH	Within the range 6.0 to 9.0.	

(2) Any Alaskan scallop processing facility not covered under § 408.295(a) (1) shall meet the following limitations: No pollutants may be discharged which exceed 1.27 cm (0.5 inch) in any dimension.

§ 408.296 Pretreatment standards for new sources.

The pretreatment standard under section 307(c) of the Act for a new source within the Alaskan scallop processing subcategory which is a user of a publicly owned treatment works and a major contributing industry as defined in 40 CFR Part 128 (and which would be a new source subject to section 306 of the Act, if it were to discharge pollutants to the navigable waters), shall be the same standard as set forth in 40 CFR Part 128, for existing sources, except that, for the purpose of this section, 40 CFR 128.121, 128.122, 128.132, and 128.133 shall not apply. The following pretreatment standard establishes the quantity or quality of pollutants or pollutant properties controlled by this section which may be discharged to a publicly owned treatment works by a new source subject to the provisions of this subpart:

Pollutant or Pollutant Property:	*Pretreatment Standard*
BOD5	No limitation.
TSS	No limitation.
pH	No limitation.
Oil and grease	No limitation.

The following new sections are added to Subpart AD—Non-Alaskan Scallop Processing Subcategory.

§ 408.304 Pretreatment standards for existing sources.

The pretreatment standard under section 307(b) of the Act for a source within the non-Alaskan scallop processing subcategory which is a user of a publicly owned treatment works and a major contributing industry as defined in 40 CFR Part 128 (and which would be an existing point source subject to section 301 of the Act, if it were to discharge pollutants to the navigable waters), shall be the standard set forth in 40 CFR Part 128, except that, for the purpose of this section, 40 CFR 128.121, 128.122, 128.132, and 128.133 shall not apply. The following pretreatment standard establishes the quantity or quality of pollutants or pollutant properties controlled by this section which may be discharged to a publicly owned treatment works by a point source subject to the provisions of this subpart.

Pollutant or Pollutant Property:	*Pretreatment Standard*
BOD5	No limitation.
TSS	No limitation.
pH	No limitation.
Oil and grease	No limitation.

§ 408.305 Standards of performance for new sources.

The following standards of performance establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a new source subject to the provisions of this subpart:

Effluent characteristic	Effluent limitations: Maximum for any one day	Effluent limitations: Average of daily values for thirty consecutive days shall not exceed—
(Metric units) kg/kkg of product		
TSS	0.80	0.60
Oil and grease	0.62	0.31
pH	Within the range 6.0 to 9.0.	
(English units) lb/1000 lb of product		
TSS	0.80	0.60
Oil and grease	0.62	0.31
pH	Within the range 6.0 to 9.0.	

§ 408.306 Pretreatment standards for new sources.

The pretreatment standard under section 307(c) of the Act for a new source within the non-Alaskan scallop processing subcategory which is a user of a publicly owned treatment works and a major contributing industry as defined in 40 CFR Part 128 (and which would be a new source subject to section 306 of the Act, if it were to discharge pollutants to the navigable waters), shall be the same standard as set forth in 40 CFR Part 128, for existing sources, except that, for the purpose of this section, 40 CFR 128.121, 128.122, 128.132, and 128.133 shall not apply. The following pretreatment standard establishes the quantity or quality of pollutants or pollutant properties controlled by this section which may be discharged to a publicly owned treatment works by a new source subject to the provisions of this subpart:

Pollutant or Pollutant Property:	*Pretreatment Standard*
BOD5	No limitation.
TSS	No limitation.
pH	No limitation.
Oil and grease	No limitation.

The following new sections are added to Subpart AE—Alaskan Herring Fillet Processing Subcategory.

§ 408.314 Pretreatment standards for existing sources.

The pretreatment standard under section 307(b) of the Act for a source within the Alaskan herring fillet processing subcategory which is a user of a publicly owned treatment works and a major contributing industry as defined in 40 CFR Part 128 (and which would be an existing point source subject to section 301 of the Act, if it were to discharge pollutants to the navigable waters), shall be the standard set forth in 40 CFR Part 128, except that, for the purpose of this section, 40 CFR 128.121, 128.122, 128.132, and 128.133 shall not apply. The following pretreatment standard establishes the quantity or quality of pollutants or pollutant properties controlled by this section which may be discharged to a publicly owned treatment works by a point source subject to the provisions of this subpart.

Pollutant or Pollutant Property:	*Pretreatment Standard*
BOD5	No limitation.
TSS	No limitation.
pH	No limitation.
Oil and grease	No limitation.

§ 408.315 Standards of performance for new sources.

(a) The following standards of performance establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a new source subject to the provisions of this subpart:

(1) any herring fillet processing facility located in population or processing centers including but not limited to Anchorage, Cordova, Juneau, Ketchikan, Kodiak and Petersburg shall meet the following limitations:

Effluent characteristic	Effluent limitations: Maximum for any one day	Effluent limitations: Average of daily values for thirty consecutive days shall not exceed—
(Metric units) kg/kkg of seafood		
TSS	19	17
Oil and grease	6.7	5.2
pH	Within the range 6.0 to 9.0.	
(English units) lb/1000 lb of seafood		
TSS	19	17
Oil and grease	6.7	5.2
pH	Within the range 6.0 to 9.0.	

(2) Any Alaskan herring fillet processing facility not covered under § 408.315 (a)(1) shall meet the following limitations: No pollutants may be discharged which exceed 1.27 cm (0.5 inch) in any dimension.

§ 408.316 Pretreatment standards for new sources.

The pretreatment standard under section 307(c) of the Act for a new source within the Alaskan herring fillet processing subcategory which is a user of a publicly owned treatment works and a major contributing industry as defined in 40 CFR Part 128 (and which would be a new source subject to section 306 of the Act, if it were to discharge pollutants to the navigable waters), shall be the same standard as set forth in 40 CFR Part 128, for existing sources, except that, for the purpose of this section, 40 CFR 128.121, 128.122, 128.132, and 128.133 shall not apply. The following pretreatment standard establishes the quantity or quality of pollutants or pollutant properties controlled by this section which may be discharged to a publicly owned treatment works by a new source subject to the provisions of this subpart:

Pollutant or Pollutant Property:	*Pretreatment Standard*
BOD5	No limitation.
TSS	No limitation.
pH	No limitation.
Oil and grease	No limitation.

The following new sections are added to Subpart AF—Non-Alaskan Herring Fillet Processing Subcategory.

§ 408.324 Pretreatment standards for existing sources.

The pretreatment standard under section 307(b) of the Act for a source within the non-Alaskan herring fillet processing subcategory which is a user of a publicly owned treatment works and a major contributing industry as defined in 40 CFR Part 128 (and which would be an existing point source subject to section 301 of the Act, if it were to discharge pollutants to the navigable waters), shall be the standard set forth in 40 CFR Part 128, except that, for the purpose of this section, 40 CFR 128.121, 128.122, 128.132, and 128.133 shall not apply. The following pretreatment standard establishes the quantity or quality of pollutants or pollutant properties controlled by this section which may be discharged to a publicly owned treatment works by a point source subject to the provisions of this subpart.

Pollutant or Pollutant Property:	*Pretreatment Standard*
BOD5	No limitation.
TSS	No limitation.
pH	No limitation.
Oil and grease	No limitation.

§ 408.325 Standards of performance for new sources.

The following standards of performance establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a new source subject to the provisions of this subpart:

Effluent characteristic	Effluent limitations: Maximum for any one day	Effluent limitations: Average of daily values for thirty consecutive days shall not exceed—
(Metric units) kg/kkg of seafood		
BOD5	21	16
TSS	5.6	5.2
Oil and grease	3.3	1.4
pH	Within the range 6.0 to 9.0.	
(English units) lb/1000 lb of seafood		
BOD5	21	16
TSS	5.6	5.2
Oil and grease	3.3	1.4
pH	Within the range 6.0 to 9.0.	

§ 408.326 Pretreatment standards for new sources.

The pretreatment standard under section 307(c) of the Act for a new source within the non-Alaskan herring fillet processing subcategory which is a user of a publicly owned treatment works and a major contributing industry as defined in 40 CFR Part 128 (and which would be a new source subject to section 306 of the Act, if it were to discharge pollutants to the navigable waters), shall be the same standard as set forth in 40 CFR Part 128, for existing sources, except that, for the purpose of this section, 40 CFR 128.121, 128.122, 128.132, and 128.133 shall not apply. The following pretreatment standard establishes the quantity or quality of pollutants or pollutant properties controlled by this section which may be discharged to a publicly owned treatment works by a new source subject to the provisions of this subpart:

Pollutant or Pollutant Property:	*Pretreatment Standard*
BOD5	No limitation.
TSS	No limitation.
pH	No limitation.
Oil and grease	No limitation.

The following new sections are added to Subpart AG—Abalone Processing Subcategory.

§ 408.334 Pretreatment standards for existing sources.

The pretreatment standard under section 307(b) of the Act for a source within the abalone processing subcategory which is a user of a publicly owned treatment works and a major contributing industry as defined in 40 CFR Part 128 (and which would be an existing point source subject to section 301 of the Act, if it were to discharge pollutants to the navigable waters), shall be the standard set forth in 40 CFR Part 128, except that, for the purpose of this section, 40 CFR 128.121, 128.122, 128.132, and 128.133 shall not apply. The following pretreatment standard establishes the quantity or quality of pollutants or pollutant properties controlled by this section which may be discharged to a publicly owned treatment works by a point source subject to the provisions of this subpart.

Pollutant or Pollutant Property:	*Pretreatment Standard*
BOD5	No limitation.
TSS	No limitation.
pH	No limitation.
Oil and grease	No limitation.

§ 408.335 Standards of performance for new sources.

The following standards of performance establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a new source subject to the provisions of this subpart:

Effluent characteristic	Effluent limitations: Maximum for any one day	Effluent limitations: Average of daily values for thirty consecutive days shall not exceed—
(Metric units) kg/kkg of seafood		
TSS	10	8.7
Oil and grease	1.1	0.93
pH	Within the range 6.0 to 9.0.	
(English units) lb/1000 lb of seafood		
TSS	10	8.7
Oil and grease	1.1	0.93
pH	Within the range 6.0 to 9.0.	

§ 408.336 Pretreatment standards for new sources.

The pretreatment standard under section 307(c) of the Act for a new source within the abalone processing subcategory which is a user of a publicly owned treatment works and a major contributing industry as defined in 40 CFR Part 128 (and which would be a new source subject to section 306 of the Act, if it were to discharge pollutants to the navigable waters), shall be the same standard as set forth in 40 CFR Part 128, for existing sources, except that, for the purpose of this section, 40 CFR 128.121, 128.122, 128.132, and 128.133 shall not apply. The following pretreatment standard establishes the quantity or quality of pollutants or pollutant properties controlled by this section which may be discharged to a publicly owned treatment works by a new source subject to the provisions of this subpart:

Pollutant or Pollutant Property:	*Pretreatment Standard*
BOD5	No limitation.
TSS	No limitation.
pH	No limitation.
Oil and grease	No limitation.

[FR Doc.75-2726 Filed 1-29-75;8:45 am]

federal register

THURSDAY, JANUARY 30, 1975

WASHINGTON, D.C.

Volume 40 ■ Number 21

PART III

DEPARTMENT OF TRANSPORTATION

Coast Guard

■

MARINE SANITATION DEVICES

Certification Procedures and Design and Construction Requirements

Title 33—Navigation and Navigable Waters

CHAPTER I—COAST GUARD, DEPARTMENT OF TRANSPORTATION

[CGD 73-83]

PART 159—MARINE SANITATION DEVICES

These regulations establish certification procedures and design and construction requirements for marine sanitation devices. The regulations apply to vessel owners, manufacturers of vessels, and manufacturers of marine sanitation devices (MSD's).

Interested parties were notified of the opportunity to participate in this rule making proceeding by the notice of proposed rule making published in the FEDERAL REGISTER of March 1, 1974 (39 FR 8038). Over 280 comments were received and a public hearing was held in Washington, D.C., on May 1, 1974. Statements made at the public hearing and all written comments received were considered by the Coast Guard in promulgating these regulations. Except as noted and discussed in the following paragraphs, the regulations as proposed have been adopted without substantive changes.

Comments were received requesting that promulgation of final regulations be delayed. Issuance of these regulations is necessary to give effect to the purposes and goals of the Federal Water Pollution Control Act (FWPCA). The purpose of section 312 of FWPCA is to prevent the discharge of untreated or inadequately treated sewage from vessels into or upon United States waters. The use of marine sanitation devices that operate in compliance with the Environmental Protection Agency (EPA) discharge standards will accomplish this purpose and thus further the national goal stated in section 101 of FWPCA to eliminate the discharge of pollutants into United States waters by 1985.

Several comments on the Notice of Proposed Rule Making recommended that the Coast Guard waive the applicability of the EPA no-discharge standard for marine sanitation devices used on recreational craft. Some comments also urged that the Coast Guard waive the applicability of the EPA discharge criteria in 40 CFR 140.3(c) for discharge treatment devices used on recreational craft. Most of the latter comments suggested that large commercial vessels are the primary source of sewage discharge into United States waters. Section 312(c)(2) of FWPCA authorizes the Coast Guard after consultation with the EPA to waive the applicability of EPA standards whenever necessary or appropriate for "classes, types, and sizes of vessels * * *." After consideration of these comments, the Coast Guard has concluded that the class of recreational craft is so broad, that a waiver of EPA discharge standards for these vessels would be inappropriate. The waiver would apply to such large number of vessels that the purpose of section 312 of FWPCA to prevent the discharge of untreated and inadequately treated sewage from vessels into United States waters would not be accomplished.

Several comments were received questioning the legality and appropriateness of the EPA no-discharge standard regardless of class or type. One of these comments noted that if a no-discharge standard is imposed, adequate pump out facilities should be required or a waiver from compliance with the standard should be granted under section 312(c)(2) of FWPCA. The Coast Guard has no authority to require that pump out facilities be established. However, requests for waivers under section 312(c)(2) will be fully considered.

Over 150 comments were received concerning EPA's discharge standards in 40 CFR 140(c). Review of these comments by both the Coast Guard and EPA resulted in the formation of a joint working group tasked with reassessing the existing no-discharge standard. The working group upon completion of their reassessment recommended to the Administrator of EPA that the Standard (40 CFR 140) be revised to permit the installation of certified flow through devices which provide adequate treatment on both new and existing vessels. While existing vessels are permitted to install flow through devices in accordance with the 3-year incentive provision of the existing Standard (40 CFR 140.3(c)), this provision was not applicable to the new vessels. Based on the probable adoption of the recommended revision of EPA's Standard, during the next 12 months, § 159.13 (Waiver for New Vessels) is added to permit certified flow-through devices to be installed on new vessels for 1 year. This effectively treats a vessel constructed during this 1-year period as an "existing vessel".

Some other comments asked whether a discharge type device can be used in a no-discharge zone established by a state before the effective date of the regulations in this document if the device complies with the regulations in this document. A state cannot enforce a no-discharge prohibition on United States waters against vessels with a certified device until a no-discharge prohibition is established under section 312(f)(3) or (4).

Section 312(f)(3) and (4) of FWPCA provides, in part, that after the effective date of the regulations in this document a state may prohibit the discharge of sewage, whether treated or not, into some or all of its waters if the EPA has determined "that adequate facilities for the safe and sanitary removal and treatment of sewage from all vessels are reasonably available" for the waters in which the no-discharge prohibition is to apply. Thus, the use of a discharge treatment device, which is certified pursuant to the regulations in this document, can be prohibited under section 312(f)(3) and (4) in designated state waters.

Several comments asked whether a toilet bowl is a part of a marine sanitation device. A toilet bowl will not be tested as part of the device unless it is a part of the container enclosing the device or unless it is bolted to or otherwise fastened to the device.

Several comments were received asking whether a device that is designed to retain sewage on board a vessel which also has a through-hull fitting for use in discharging sewage into the water can be certified pursuant to the regulations in this document. The regulations in this document do not preclude the use of a through-hull fitting. However, a device furnished with a through-hull fitting will not be certified unless there is some means of preventing discharge of sewage through the fitting.

Comments were received requesting that separate regulations be issued for each class of vessel. The design and equipment requirements in the final rules apply to devices used on board all vessels regardless of class. However, because a particular test required by these regulations may not be necessary or appropriate for an MSD to be used on a particular class of vessel, § 159.19 in the final regulations allows the manufacturer of a device to apply for authorization to delete a test which is not applicable or to perform an equivalent test in lieu of the required test.

One comment recommended that a device certified pursuant to the regulations in this document be tested at some time after installation on a vessel to ensure that it continues to be operable. A program for inspecting representative devices will be established. If these inspections show that devices are not being manufactured substantially the same as the test device, the manufacturer's letter of authorization, issued under § 159.16, will be suspended or terminated.

One comment asked that the term "territorial seas" in § 159.1 be defined as a fixed distance from the shore. The FWPCA, under which these rules are promulgated, defines "territorial seas," in 33 U.S.C. 1362(8), and this definition is added to the definitions in these regulations.

Several comments requested that the applicability of the regulations be clarified. Since the distinction between a "new vessel" and an "existing vessel" is important to the applicability of these regulations to vessel operators, the definitions from the FWPCA are added to § 159.3.

One comment contended that built-in holding tanks are not marine sanitation devices. The definition of "marine sanitation device" in 33 U.S.C. 1322(a)(5) includes any equipment installed on a vessel which is designed to retain sewage. If there is a problem with testing a built-in holding tank, the manufacturer may request an equivalent test under § 159.19. Several comments were received which requested a determination as to applicability of these regulations to "portable devices" such as those self contained units capable of being carried on and off a vessel. These regulations are not applicable to such "portable devices".

One comment requested that proposed § 159.3(f) specify that sewage is only waste from toilets and not from showers or washbasins. The definition of sewage does not include the normal effluents from washbasins or showers, and the definition is considered to be clear without change.

Several comments requested clarification of the effective dates of the regulations. Section 159.5 is being changed by adding the effective dates for new and existing vessels. One comment asked whether proposed §§ 159.5 and 159.7 are effective immediately. These sections are effective January 30, 1977, for new vessels and January 30, 1980, for existing vessels.

Though the rules speak to certification procedures and design and construction requirements for marine sanitation devices, the Coast Guard believes that this preamble is an appropriate place to clarify the operator requirements for the carriage of marine sanitation devices. These requirements were prescribed in part, in section 312 of the FWPCA and in EPA's regulations of June 23, 1972, adopting the no-discharge standard. The following information is an attempt to provide that clarification.

Vessel type	Must be equipped with a—	Except when the vessel is equipped with—
Existing—A vessel whose construction was initiated [1] before January 30, 1975.	Coast Guard certified no-discharge MSD on and after January 30, 1980.	A Coast Guard certified discharge type MSD installed on or before January 30, 1978. This MSD can be used as long as it operates properly; or A Coast Guard certified discharge type MSD installed after January 30, 1978, but before January 30, 1980. This MSD can be used until January 30, 1983. After January 30, 1983, a Coast Guard certified no-discharge MSD is required.
New—A vessel whose construction was initiated [1] after January 30, 1975.	Coast Guard certified no-discharge MSD on and after January 30, 1977.	A Coast Guard certified discharge type MSD installed on or before January 30, 1976. This MSD can be used as long as it operates properly.

[1] For many years the Coast Guard has considered the initiation or commencement of construction to be the laying of a keel or similar stage of construction.

Section 159.12 is added to the final rule in response to comments concerned with the problem of vessels presently equipped with no-discharge type MSD's and equipping vessels with MSD's before certified and labeled devices are available under these regulations. All no-discharge type devices installed prior to January 30, 1975, are considered certified but will not be labeled. During the interim between promulgation of these regulations and the time when there will be recognized facilities to certify devices, the Coast Guard will certify devices that meet EPA standards. There will also be no label required on these certified devices. The Coast Guard will compile and distribute lists of the MSD models that have been certified by this method.

Several comments concerned what facilities would be recognized to test MSD's. The Coast Guard intends to recognize any facility that meets the requirements in subpart D of the regulations for a recognized facility.

Several comments suggested that manufacturers be required to furnish proof of product liability insurance or to warrant their product. The Coast Guard does not have the authority to require this.

One comment suggested the addition of a provision that states that the information that is required is considered proprietary. Section 312(g)(3) of the FWPCA states that any information that relates to a trade secret or other matter that is referred to in 18 U.S.C. 1905 shall be considered confidential. Therefore, it is unnecessary to include this provision.

One comment states that appeal by a manufacturer of a denial of certification by the Coast Guard should be an adjudicatory proceeding under 5 U.S.C. 556. The appeal procedures in 46 CFR 2.75 that are referenced in paragraph (d) apply to all marine equipment that the Coast Guard approves for use on inspected vessels and provides the necessary procedural protection.

The heading of § 159.16 is changed to reflect the contents of the section. The letter of authorization authorizes a manufacturer to certify by labeling that these devices are in all material respects substantially the same as the test device certified by the U.S. Coast Guard pursuant to Section 312 of the FWPCA Amendments of 1972.

Section 159.17, "Changes to certified devices," does not preclude a manufacturer or recognized facility from recommending which additional tests may be required by the changes in the device; however, the Coast Guard makes the final determination.

Many comments asked what data is acceptable as equivalent testing under § 159.19. The Coast Guard will consider any data that is submitted by a manufacturer in the determination of equivalency. For example, proof of satisfactory performance of a device that has been in use may be considered equivalent to the mechanical tests that are required by the regulations. Biological tests during development of the device may be acceptable.

Comments questioned tests of holding tanks that are an integral unit of the vessel. If it can be determined from a vessel's plans or design criteria that the tank is capable of the necessary performance, no tests are required; however, final determination depends upon the performance of the device as a system after installation and service on the vessel.

If it is impractical to test an entire system as a unit, selected components may be tested; however, final determination depends upon the performance of the unit after installation and service on the vessel.

Several comments requested that § 159.55 require only information on the device itself that would identify it. The information required in § 159.55, as it appeared in the Notice of Proposed Rule Making, was meant to aid the user in the operation of the device. The requirement of this information has been moved to § 159.57. This change results in a smaller information plate on the device, while at the same time still providing the used with the needed information in the operating instructions.

The reference in proposed § 159.55(a)(14) has been moved to § 159.55(a)(5). The information required by this section is intended to indicate whether the device is to be installed on an inspected or an uninspected vessel and the language used in the proposed rule has been changed in the final rule to reflect this intent.

Several comments noted that the method outlined in § 159.55(b) of affixing the information required by § 159.55 (a) to the device might result in leakage problems for tanks constructed of certain materials. Section 159.55(b) has been changed in the final rule to allow for lettering the required information on the device itself as long as the procedure used makes the lettering resistant to the marine environment and the chemicals used in the marine sanitation device and as long as it will be obvious if the information is altered or removed.

The intent of proposed § 159.59 was that the required placard accompany each device. The wording in the final rule has been changed to make this intent clear.

Several comments noted that all vents will clog under certain circumstances and, therefore, it would be impossible to design a vent that would comply with the requirements of proposed § 159.61. The final rule has been changed to require a design that will minimize the occurrence of clogging.

Section 159.65 is being changed to create an alternative method of indicating the amount of chemical supply needed to operate a device. Under the proposed rule, the device had to be designed to indicate the supply of chemicals in the divice at all times. The final rule allows this method, but also allows a method that will indicate when chemicals must be added to the device for its proper continued operation.

Proposed §159.71 required wire to be stranded "when subject to vibration * * *." One comment noted the difficulty in determining which devices would be subject to vibration. Vibration is a force inherent in the marine environment and unstranded wire would be subject to breakage when introduced into that environment. the language of § 159.71 has been changed in the final rule to require all electrical wiring to be stranded.

One comment noted that baffles having openings to allow liquid and vapor to flow freely across the top and bottom of the tank would be ineffective in minimizing short circuiting of sewage. A distinction must be made between tank baffles

and tank partitions. Tank baffles are fitted into tanks of large surface area to hinder the motion of liquid when the tank is subjected to dynamic motion. Tank partitions subdivide a tank and control the access of liquid from one section to another. Tank partitions would be used in the sewage processing. Section 159.81 does not apply to tank partitions.

Section 159.83 is changed in light of comments from continuous level indication to an indication of the level in the system when the holding tank or tanks should be emptied.

Section 159.85 is being changed to require that nearly all of the material can be emptied. This change reflects the difficulty in pumping a tank completely dry, but the intent of this section is still to require a complete pump out.

One comment requested that the size of the pipe in § 159.87 be deleted from the regulations. The individual making the comment uses a pipe size between those in the section. Adapters are available to bring the fitting to the required size and thus the sizes are retained in the section. The sizes in the section are recommended in the International Convention for the Prevention of Pollution from Ships, 1973.

Several comments asked what duration of time was intended in § 159.89. A momentary loss of power with immediate resumption of power is intended. A total loss of power is covered in § 159.53.

Several comments stated that proposed § 159.91, which required a means to obtain a sample of effluent, is unnecessary. This section has been deleted.

Sections 159.95(a)(1) and (2) are being changed in response to comments pointing out that toxic gases are unavoidably generated in certain treatment methods. Fire protection aboard vessels is the subject of a continuing Coast Guard research and development study and fire protection regulations may be promulgated later.

Several comments requested that proposed § 159.101 be changed to allow some deterioration of a device after all the tests are completed. Section 159.101 is changed to require that there be no deterioration of the device affecting its operation or safety after each test. The change is consistent with the objective of the testing sections to ensure that the device operates properly and safely. Cosmetic cracking which does not impair the operation or safety of the device is not within the scope of these regulations.

Sections 159.103 through 159.105 are clarified to require that liquid retention components be filled with water to one-half of their volume. This requirement is applicable to all liquid retention components, including those that are full during normal operation. Although the size and shape of the components materially affect the severity of the tests upon the devices under §§ 159.103 through 159.107, requiring the components to be filled to one half of their volume is expected to ensure a sufficiently severe test for each device.

In response to comments requesting that the number of shocks a device must be subjected to in proposed § 159.105 be reduced, the section is changed to require 1000 shocks rather than the proposed 5000. Comments requesting that the force and duration of the shocks in proposed § 159.105 be reduced are not adopted in the regulations. The test force of 10g's for 20–25 milliseconds is similar to the force in the Underwriters' Laboratories, Inc. test for fuel tanks.

Section 159.109 is changed to more accurately reflect a pressure test.

Section 159.111 is changed to require a positive displacement pump to empty the tank. This positive displacement pump ensures a vacuum in the tank after it is emptied during the Pressure and Vacuum Pulse Test.

Proposed § 159.117(a) is changed to require the chemical resistance test for materials that come into contact with vapors in the normal operation of the device. Contact with vapors makes the test necessary because vapors might dissolve certain materials.

Proposed § 159.117(b)(3) is changed to expand the submersion requirement to chemicals used or emitted, in addition to those produced in the operation of the device.

Proposed § 159.119 is changed by substituting operating-fluid temperature for water temperature. This change recognizes the fact that some devices operate with fluid other than water.

Proposed § 159.121(b) is changed by dropping the requirement that a filter cigarette be processed by the device. Several comments requested this change. The intent of the processing test is to find out if a device will operate normally. Processing a cigarette is beyond the scope of this test.

Several comments requested that the amount and type of human sewage to be processed in proposed § 159.121(c) be more clearly defined. This paragraph is changed in light of these comments to require a urination to defecation ratio of four to one and require at least one defecation per test person per day. The amount of sewage required for each device each day is the amount required to be specified in § 159.57(b)(8).

One comment noted that the minimum of 500 milligrams suspended solids required in the fresh domestic sewage in proposed § 159.121(d) is an unrealistically high density. This paragraph has been changed in response to this comment to allow primary sludge to be added to the domestic sewage to bring its amount of suspended solids up to a point that will duplicate the shipboard wastes which are generally more concentrated than domestic sewages.

A comment from EPA requested that the number of samples required in §§ 159.123 through 159.127 be increased from 30 to 40. This comment is adopted in this regulation and 40 samples will be required in these sections. The larger number of samples required should provide a greater statistical confidence in the tests.

Proposed § 159.123(b) is changed to require that four samples be taken each day. Also added is the requirement that one of these four samples be taken after the peak capacity processing period. This sample will help determine the effect of the high loading of the device.

Several comments stated that the turbidity test for visible floating solids in § 159.125 was not valid and was too severe, and recommended that the screening test, that was included in the advance notice, be reinstated. In consideration of these comments the Coast Guard consulted with the EPA and is reinstating a screening test as the test for visible floating solids under § 159.125. Section 159.125 requires the flush of the MSD to be poured expeditiously through a U.S. Sieve #12. The material caught on the screen is dried and weighed. This weight, expressed in the form of milligrams per liter, is compared to the total suspended solids of a like sample of flush. The material on the screen, expressed in the form of milligrams per liter, cannot exceed 10 percent of the total suspended solids in the sample flush. This test must be repeated 40 times. This test is intended to measure when individual particles are too small to be easily visible in water. Any large particles that exist after maceration will be caught on the screen and therefore will be measured. This is a definitive, easily repeatable test which can give an objective measurement of visible floating solids.

One comment questioned the Coast Guard's authority to regulate, in § 159.127, the fecal coliform bacteria count for recirculating devices. The comment stated that this requirement establishes operating standards that are beyond the scope of mechanical safety. Section 312(b)(1) of the FWPCA directs the Coast Guard to promulgate regulations that are consistent with maritime safety to govern "the design, construction, installation, and operation of any marine sanitation device" on board a vessel. Control of this bacteria count is consistent with the maritime safety considerations. EPA recommended that 1000 fecal coliform bacteria count is too high from a sanitation standpoint, accordingly it is reduced to 240.

Several comments requested that a device not intended to be installed in an explosive atmosphere be exempted from § 159.129. These comments are adopted in this regulation.

Several comments stated that there are no standards for the approval of recognized facilities. The final rule is changed accordingly. A set of criteria needed to become a recognized facility is included in subpart D. This change sets down in specific terms the general requirements in proposed § 159.33.

In consideration of the foregoing, Chapter I of Title 33 of the Code of Federal Regulations is amended by adding a new part 159 to read as follows:

Subpart A—General

Sec

159.1 Purpose.
159.3 Definitions.
159.5 Requirements for vessel manufacturers.
159.7 Requirements for vessel operators.

Subpart B—Certification Procedures

Sec
159.11 Purpose.
159.12 Regulation for certification of existing devices.
159.13 Waiver for new vessels manufactured before 30 January 1976.
159.14 Application for certification.
159.15 Certification.
159.16 Authorization to label devices.
159.17 Changes to certified devices.
159.19 Testing equivalency.

Subpart C—Design, Construction, and Testing

159.51 Purpose and scope.
159.53 General requirements.
159.55 Identification.
159.57 Installation, operation, and maintenance instructions.
159.59 Placard.
159.61 Vents.
159.63 Access to parts.
159.65 Chemical level indicator.
159.67 Electrical component ratings.
159.69 Motor ratings.
159.71 Electrical controls and conductors.
159.73 Conductors.
159.75 Overcurrent protection.
159.79 Terminals.
159.81 Baffles.
159.83 Level indicator.
159.85 Sewage removal.
159.87 Removal fittings.
159.89 Power interruption: discharge devices.
159.93 Independent supporting.
159.95 Safety.
159.97 Safety: inspected vessels.
159.101 Testing: general.
159.103 Vibration test.
159.105 Shock test.
159.107 Rolling test.
159.109 Pressure test.
159.111 Pressure and Vacuum Pulse test.
159.115 Temperature range test.
159.117 Chemical resistance test.
159.119 Operability test; temperature range.
159.121 Sewage processing test.
159.123 Coliform test: discharge devices.
159.125 Visible floating solids: discharge devices.
159.127 Safety Coliform count: recirculating devices.
159.129 Safety: Ignition prevention test.
159.131 Safety: Incinerating device.

Subpart D—Recognition of Facilities

159.201 Application.
159.205 Criteria for recognition.

AUTHORITY: Sec. 312(b)(1), 86 Stat. 871 (33 U.S.C. 1322(b)(1); 49 CFR 1.45(b) and 1.46 (f) and (m).

Subpart A—General

§ 159.1 Purpose.

This part prescribes regulations governing the design and construction of marine sanitation devices and procedures for certifying that marine sanitation devices meet the regulations and the standards of the Environmental Protection Agency promulgated under section 312 of the Federal Water Pollution Control Act (33 U.S.C. 1322), to eliminate the discharge of untreated sewage from vessels into the waters of the United States, including the territorial seas. Subpart A of this part contains regulations governing the manufacture and operation of vessels equipped with marine sanitation devices.

§ 159.3 Definitions.

In this part:

(a) "Coast Guard" means the Commandant or his authorized representative.

(b) "Discharge" includes, but is not limited to, any spilling, leaking, pouring, pumping, emitting, emptying, or dumping.

(c) "Existing vessel" includes every vessel, the construction of which was initiated before promulgation of the standards and regulations in this part.

(d) "Inspected vessel" means any vessel that is required to be inspected under 46 CFR Chapter I.

(e) "Manufacturer" means any person engaged in manufacturing, assembling, or importing of marine sanitation devices or of vessels subject to the standards and regulations promulgated under section 312 of the Federal Water Pollution Control Act.

(f) "Marine sanitation device" and "device" includes any equipment for installation on board a vessel which is designed to receive, retain, treat, or discharge sewage, and any process to treat such sewage.

(g) "New vessel" includes any vessel, the construction of which is initiated after promulgation of the standards and regulations in this part.

(h) "Person" means an individual, partnership, firm, corporation, or association, but does not include an individual on board a public vessel.

(i) "Public vessel" means a vessel owned or bare-boat chartered and operated by the United States, by a State or political subdivision thereof, or by a foreign nation, except when such vessel is engaged in commerce.

(j) "Recognized facility" means any laboratory or facility listed by the Coast Guard as a recognized facility under this part.

(k) "Sewage" means human body wastes and the wastes from toilets and other receptacles intended to receive or retain body waste.

(l) "Territorial seas" means the belt of the seas measured from the line of ordinary low water along that portion of the coast which is in direct contact with the open sea and the line marking the seaward limit of inland waters, and extending seaward a distance of 3 miles.

(m) "Uninspected vessel" means any vessel that is not required to be inspected under 46 CFR Chapter I.

(n) "United States" includes the States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, the Canal Zone, and the Trust Territory of the Pacific Islands.

(o) "Vessel" includes every description of watercraft or other artificial contrivance used, or capable of being used, as a means of transportation on the navigable waters.

§ 159.5 Requirements for vessel manufacturers.

(a) After January 30, 1977, no manufacturer may manufacture for sale, or distribute for sale or resale any new vessel, except a vessel not equipped with installed toilet facilities, unless it is equipped with:

(1) An operable no-discharge type marine sanitation device that has a label placed on it under § 159.16, or that is certified under § 159.12.

(b) After January 30, 1980, no manufacturer may sell, or offer for sale, or distribute for sale or resale any existing vessel, except a vessel not equipped with installed toilet facilities, unless it is equipped with:

(1) An operable no-discharge type device that has a label placed on it under § 159.16 or that is certified under § 159.12, or

(2) An operable discharge type device installed on the vessel prior to January 30, 1980, that has a label placed on it under § 159.16 or that is certified under § 159.12.

(c) After January 30, 1983, no manufacturer may sell, or offer for sale, or distribute for sale or resale any existing vessel, except a vessel not equipped with installed toilet facilities, unless it is equipped with:

(1) An operable no-discharge type device that has a label placed on it under § 159.16 or that is certified under § 159.12, or

(2) An operable discharge type device installed on the vessel prior to January 30, 1978, that has a label placed on it under § 159.16 or that is certified under § 159.12.

§ 159.7 Requirements for vessel operators.

(a) After January 30, 1977, no person may operate any new vessel, except a vessel not equipped with installed toilet facilities, unless it is equipped with:

(1) An operable no-discharge type marine sanitation device that has a label placed on it under § 159.16, or that is certified under § 159.12.

(b) After January 30, 1980, no person may operate any existing vessel, except a vessel not equipped with installed toilet facilities, unless it is equipped with:

(1) An operable no-discharge type device that has a label placed on it under § 159.16 or that is certified under § 159.12, or

(2) An operable discharge type device installed on the vessel prior to January 30, 1980, that has a label placed on it under § 159.16 or that is certified under § 159.12.

(c) After January 30, 1983, no person may operate any existing vessel, except a vessel not equipped with installed toilet facilities, unless it is equipped with:

(1) An operable no-discharge type device that has a label placed on it under § 159.16 or that is certified under § 159.12, or

(2) An operable discharge type device installed on the vessel prior to January 30, 1978, that has a label placed on it under § 159.16 or that is certified under § 159.12.

Subpart B—Certification Procedures

§ 159.11 Purpose.

This subpart prescribes procedures for certification of marine sanitation devices and authorization for labels on certified devices.

§ 159.12 Regulations for certification of existing devices.

(a) The purpose of this section is to provide regulations for certification of existing devices until manufacturers can design and manufacture devices that comply with this part and recognized facilities are prepared to perform the testing required by this part.

(b) Any no-discharge type device which was installed on an existing vessel prior to January 30, 1975, is considered certified.

(c) Any person may apply to the Commandant (G-MMT/82), U.S. Coast Guard, Washington, D.C. 20590 for certification of a marine sanitation device manufactured before January 30, 1976. The Coast Guard will issue a letter certifying the device if the applicant shows that the device meets § 159.53 of this part by:

(1) Evidence that the device meets state standards at least equal to the standards in § 159.53, or

(2) Test conducted under this part by a recognized laboratory, or

(3) Evidence that the device is substantially equivalent to a device certified under this section, or

(4) A Coast Guard field test if considered necessary by the Coast Guard.

(d) The Coast Guard will maintain and make available a list that identifies each device certified under this section.

(e) Devices certified under this section in compliance with § 159.53 need not meet the other regulations in this part and may not be labeled under § 159.16.

§ 159.13 Waiver for new vessels manufactured before January 30, 1976.

(a) The Commandant hereby waives the requirements of §§ 159.5(a) and 159.7(a) for new vessels until January 30, 1976, if the manufacturer or operator applies to and receives from Commandant (G-MMT/82), U.S. Coast Guard, Washington, D.C. 20590 certification under this section. The Coast Guard will issue a letter certifying the device if it is shown that the device meets § 159.53(b) by:

(1) Evidence that the device meets state standards at least equal to the standards in § 159.53(b), or

(2) Test conducted under this part by a recognized laboratory, or

(3) Evidence that the device is substantially equivalent to a device certified under this section, or

(4) A Coast Guard field test if considered necessary by the Coast Guard.

(b) The Coast Guard will maintain and make available a list that identifies each device so certified under this section.

(c) Devices certified under this section in compliance with § 159.53(b) need not meet the other regulations in this part and may not be labeled under § 159.16.

§ 159.14 Application for certification.

(a) Any manufacturer may apply to any recognized facility for certification of a marine sanitation device. The application for certification must indicate if the device will be used aboard all vessels or only aboard uninspected vessels.

(b) An application may be in any format but must be in writing and must be signed by an authorized representative of the manufacturer and include or be accompanied by:

(1) A complete description of the manufacturer's production quality control and inspection methods, record keeping systems pertaining to the manufacture of marine sanitation devices, and testing procedures;

(2) The design for the device, including drawings, specifications and other information that describes the materials, construction and operation of the device;

(3) The installation, operation, and maintenance instructions for the device; and

(4) The name and address of the applicant and the manufacturing facility.

(c) The manufacturer must furnish the recognized facility one device of each model for which certification is requested and samples of each material from which the device is constructed, that must be tested destructively under § 159.117. The device furnished is for the testing required by this part except that, for devices that are not suited for unit testing, the manufacturer may submit the design so that the recognized facility may determine the components of the device and materials to be submitted for testing and the tests to be performed at a place other than the facility. The Coast Guard must review and accept all such determinations before testing is begun.

(d) At the time of submittal of an application to a recognized facility the manufacturer must notify the Coast Guard of the type and model of the device, the name of the recognized facility to which application is being made, and the name and address of the manufacturer, and submit a signed statement of the times when the manufacturer will permit designated officers and employees of the Coast Guard to have access to the manufacturer's facilities and all records required by this part.

§ 159.15 Certification.

(a) The recognized facility must evaluate the information that is submitted by the manufacturer in accordance with § 159.14(b) (1), (2), and (3), evaluate the device for compliance with § 159.53 through § 159.97, test the device in accordance with § 159.101 and submit to the Commandant (G-MMT/82), U.S. Coast Guard, Washington, D.C. 20590 the following:

(1) The information that is required under § 159.14(b);

(2) A report on compliance evaluation;

(3) A description of each test;

(4) Test results; and

(5) A statement, that is signed by the person in charge of testing, that the test results are accurate and complete.

(b) The Coast Guard certifies a test device, on the design of the device, if it determines, after consideration of the information that is required under paragraph (a) of this section, that the device meets the requirements in Subpart C of this part.

(c) The Coast Guard notifies the manufacturer and recognized facility of its determination under paragraph (b) of this section. If the device is certified, the Coast Guard includes a certification number for the device. If certification is denied, the Coast Guard notifies the manufacturer and recognized facility of the requirements of this part that are not met. The manufacturer may appeal a denial to the Commandant (G-MMT/82), U.S. Coast Guard, Washington, D.C. 20590.

(d) If upon re-examination of the test device, the Coast Guard determines that the device does not in fact comply with the requirements of Subpart C of this part, it may terminate the certification.

§ 159.16 Authorization to label devices.

(a) When a test device is certified under § 159.15(b), the Coast Guard will issue a letter that authorizes the manufacturer to label each device that he manufactures with the manufacturer's certification that the device is in all material respects substantially the same as a test device certified by the U.S. Coast Guard pursuant to section 312 of the Federal Water Pollution Control Act Amendments of 1972.

(b) Certification placed on a device by its manufacturer under this section is the certification required by section 312(h)(4) of the Federal Water Pollution Control Act Amendments of 1972, which makes it unlawful for a vessel that is subject to the standards and regulations promulgated under the Act to operate on the navigable waters of the United States, if such vessel is not equipped with an operable marine sanitation device certified pursuant to section 312 of the Act.

(c) Letters of authorization issued under this section are valid for 5 years, unless sooner suspended, withdrawn, or terminated and may be reissued upon written request of the manufacturer to whom the letter was issued.

(d) The Coast Guard, in accordance with the procedure in 46 CFR 2.75, may suspend, withdraw, or terminate any letter of authorization issued under this section if the Coast Guard finds that the manufacturer is engaged in the manufacture of devices labeled under this part that are not in all material respects substantially the same as a test device certified pursuant to this part.

§ 159.17 Changes to certified devices.

(a) The manufacturer of a device that is certified under this part shall notify the Commandant (G-MMT/82), U.S. Coast Guard, Washington, D.C. 20590 in writing of any change in the design of the device.

(b) A manufacturer shall include with a notice under paragraph (a) of this section a description of the change, its advantages, and the recommendation of the recognized facility as to whether the device remains in all material respects substantially the same as the original test device.

(c) After notice under paragraph (a) of this section, the Coast Guard notifies the manufacturer and the recognized facility in writing of any tests that must be made for certification of the device or for any change in the letter of authorization. The manufacturer may appeal this determination to the Commandant (G-MMT/82), U.S. Coast Guard, Washington, D.C. 20590.

§ 159.19 Testing equivalency.

(a) If a test required by this part may not be practicable or necessary, a manufacturer may apply to the Commandant (G-MMT/82), U.S. Coast Guard, Washington, D.C. 20590 for deletion or approval of an alternative test as equivalent to the test requirements in this part. The application must include the manufacturer's justification for deletion or the alternative test and any alternative test data.

(b) The Coast Guard notifies the manufacturer of its determination under paragraph (a) of this section and that determination is final.

Subpart C—Design, Construction, and Testing

§ 159.51 Purpose and scope.

(a) This subpart prescribes regulations governing the design and construction of marine sanitation devices.

(b) Unless otherwise authorized by the Coast Guard each device for which certification under this part is requested must meet the requirements of this subpart.

§ 159.53 General requirements.

A device must either:

(a) Be designed to prevent the overboard discharge of treated or untreated sewage or any waste derived from sewage; or

(b) Under the test conditions described in §§ 159.123 and 159.125 be capable of providing a degree of treatment that will reduce fecal coliform bacteria to no more than 1,000 per 100 milliliters and prevent the discharge of an effluent with visible floating solids.

§ 159.55 Identification.

(a) Each production device must be legibly marked in accordance with paragraph (b) of this section with the following information:

(1) The name of the manufacturer.

(2) The name and model number of the device.

(3) The month and year of completion of manufacture.

(4) Serial number.

(5) Whether the device is certified for use on an inspected or an uninspected vessel.

(b) The information required by paragraph (a) of this section must appear on a nameplate attached to the device or in lettering on the device. The nameplate or lettering stamped on the device must be capable of withstanding without loss of legibility the combined effects of normal wear and tear and exposure to water, salt spray, direct sunlight, heat, cold, and any substance listed in § 159.117 (b) and (c). The nameplate and lettering must be designed to resist efforts to remove them from the device or efforts to alter the information stamped on the nameplate or the device without leaving some obvious evidence of the attempted removal or alteration.

§ 159.57 Installation, operation, and maintenance instructions.

(a) The instructions supplied by the manufacturer must contain directions for each of the following:

(1) Installation of the device in a manner that will permit ready access to all parts of the device requiring routine service and that will provide any flue clearance necessary for fire safety.

(2) Safe operation and servicing of the device so that any discharge meets the requirements of §§ 159.123 and 159.125.

(3) Cleaning, winter layup, and ash or sludge removal.

(4) Installation of a vent or flue pipe.

(5) The type and quantity of chemicals that are required to operate the device, including instructions on the proper handling, storage and use of these chemicals.

(6) Recommended methods of making required plumbing and electrical connections including fuel connections and supply circuit overcurrent protection.

(b) The instructions supplied by the manufacturer must include the following information:

(1) The name of the manufacturer.

(2) The name and model number of the device.

(3) Whether the device is certified for use on an inspected, or uninspected vessel.

(4) A complete parts list.

(5) A schematic diagram showing the relative location of each part.

(6) A wiring diagram.

(7) A description of the service that may be performed by the user without coming into contact with sewage or chemicals.

(8) Average and peak capacity of the device for the flow rate, volume, or number of persons that the device is capable of serving and the period of time the device is rated to operate at peak capacity.

(9) The power requirements, including voltage and current.

(10) The type and quantity of fuel required.

(11) The duration of the operating cycle for unitized incinerating devices.

(12) The maximum angles of pitch and roll at which the device operates in accordance with the requirements of §§ 159.123 and 159.125.

(13) Whether the device is designed to operate in salt, fresh, or brackish water.

(14) The maximum hydrostatic pressure at which a pressurized sewage retention tank meets the requirements of § 159.111.

(15) The maximum operating level of liquid retention components.

§ 159.59 Placard.

Each device must have a placard suitable for posting on which is printed the operating instructions, safety precautions, and warnings pertinent to the device. The size of the letters printed on the placard must be one-eighth of an inch or larger.

§ 159.61 Vents.

Vents must be designed and constructed to minimize clogging by either the contents of the tank or climactic conditions such as snow or ice.

§ 159.63 Access to parts.

Each part of the device that is required by the manufacturer's instructions to be serviced routinely must be readily accessible in the installed position of the device recommended by the manufacturer.

§ 159.65 Chemical level indicator.

The device must be equipped with one of the following:

(a) A means of indicating the amount in the device of any chemical that is necessary for its effective operation.

(b) A means of indicating when chemicals must be added for the proper continued operation of the device.

§ 159.67 Electrical component ratings.

Electrical components must have current and voltage ratings equal to or greater than the maximum load they may carry.

§ 159.69 Motor ratings.

Motors must be rated to operate at 50° C ambient temperature.

§ 159.71 Electrical controls and conductors.

Electrical controls and conductors must be installed in accordance with good marine practice. Wire must be copper and must be stranded. Electrical controls and conductors must be protected from exposure to chemicals and sewage.

§ 159.73 Conductors.

Current carrying conductors must be electrically insulated from non-current carrying metal parts.

§ 159.75 Overcurrent protection.

Overcurrent protection must be provided within the unit to protect subcomponents of the device if the manufacturer's recommended supply circuit overcurrent protection is not adequate for these subcomponents.

§ 159.79 Terminals.

Terminals must be solderless lugs with ring type or captive spade ends, must have provisions for being locked against movement from vibration, and must be marked for identification on the wiring diagram required in § 159.57. Terminal blocks must be nonabsorbent and securely mounted. Terminal blocks must be provided with barrier insulation that prevents contact between adjacent terminals or metal surfaces.

§ 159.81 Baffles.

Baffles in sewage retention tanks, if any, must have openings to allow liquid

and vapor to flow freely across the top and bottom of the tank.

§ 159.83 Level indicator.

Each sewage retention device must have a means of indicating when the device is more than ¾ full by volume.

§ 159.85 Sewage removal.

The device must be designed for efficient removal of nearly all of the liquid and solids in the sewage retention tank.

§ 159.87 Removal fittings.

If sewage removal fittings or adapters are provided with the device, they must be of either 1½" or 4" nominal pipe size.

§ 158.89 Power interruption: discharge devices.

A discharge device must be designed so that a momentary loss of power during operation of the device does not allow a discharge that does not meet the requirements in §§ 159.123 and 159.125.

§ 159.93 Independent supporting.

The device must have provisions for supporting that are independent from connecting pipes.

§ 159.95 Safety.

(a) Each device must—

(1) Be free of design defects such as rough or sharp edges that may cause bodily injuries or that would allow toxic substances to escape to the interior of the vessel;

(2) Be vented or provided with a means to prevent an explosion or over pressurization as a result of an accumulation of gases; and

(3) Meet all other safety requirements of the regulations applicable to the type of vessel for which it is certified.

(b) A chemical that is specified or provided by the manufacturer for use in the operation of a device and is defined as a hazardous material in 46 CFR Part 146 must be certified by the procedures in 46 CFR Part 147.

(c) Current carrying components must be protected from accidental contact by personnel operating or routinely servicing the device. All current carrying components must as a minimum be of drip-proof construction or be enclosed within a drip-proof compartment.

§ 159.97 Safety: inspected vessels.

The design and construction of a device to be certified for installation and operation on board an inspected vessel must be shown by tests and reports of inspection to be consistent with applicable marine engineering requirements in Subchapter F of Title 46, Code of Federal Regulations, and with applicable electrical engineering requirements in Subchapter J of Title 46, Code of Federal Regulations.

§ 159.101 Testing: general.

Unless otherwise authorized by the Coast Guard, a recognized facility must perform each test described in §§ 159.103 through 159.125. The same device must be used for each test and tested in the order in which the tests are described. There must be no cracking, softening, deterioration, displacement, breakage, leakage or damage of components or materials that affects the operation or safety of the device after each test described in §§ 159.103 through 159.117 and § 159.121, and the device must remain operable after the test described in § 159.119. The device must be set up in a manner simulating installation on a vessel in accordance with the manufacturer's instructions with respect to mounting, water supply, and discharge fittings.

§ 159.103 Vibration test.

The device, with liquid retention components, if any, filled with water to one-half of their volume, must be subjected to a sinusoidal vibration for a period of 12 hours, 4 hours in each of the x, y, and z planes, at the resonant frequency of the device (or at 55 cycles per second if there is no resonant frequency between 10 to 60 hertz) and with a peak amplitude of 0.019 to 0.021 inches.

§ 159.105 Shock test.

The device, with liquid retention components, if any, filled with water to half of their volume, must be subjected to 1,000 vertical shocks that are ten times the force of gravity (10g) and have a duration of 20–25 milliseconds measured at the base of the half-sine shock envelope.

§ 159.107 Rolling test.

(a) The device, with liquid retention components, if any, filled with water to half of their volume, must be subjected to 100 cycles with the axis of rotation 4 feet from the centerline of the device, no more than 6 inches below the plane of the bottom of the device, and parallel to any tank baffles. The device must then be rotated 90 degrees on its vertical axis and subjected to another 100 cycles. This testing must be repeated with the liquid retention components filled to the maximum operating level as specified by the manufacturer in § 159.57.

(b) Eighty percent of the rolling action must be approximately 15 degrees on either side of the vertical and at a cyclic rate of 3 to 4 seconds. Twenty percent motions must be approximately 30 degrees, or the maximum angle specified by the manufacturer under § 159.57, whichever is greater, on either side of the vertical at a cyclic rate of 6 to 8 seconds.

§ 159.109 Pressure test.

Any sewage retention tank that is designed to operate under pressure must be pressurized hydrostatically at a pressure head of 7 feet or to 150 percent of the maximum pressure specified by the manufacturer for operation of the tank, whichever is greater. The tank must hold the water at this pressure for 1 hour with no evidence of leaking.

§ 159.111 Pressure and Vacuum Pulse test.

Liquid retention components of the device with manufacturer specified venting installed must be subjected to 50 fillings of water at a pressure head of 7 feet or the maximum pressure specified by the manufacturer for operation of the device, whichever is greater, and then emptied with a 45 gallon per minute or larger positive displacement pump that remains in operation 30 seconds after emptying the tank at the end of each cycle.

§ 159.115 Temperature range test.

(a) The device must be held at a temperature of 60° C or higher for a period of 16 hours.

(b) The device must be held at a temperature of −40° C or less for a period of 16 hours following winterization in accordance with manufacturers' instructions.

§ 159.117 Chemical resistance test.

(a) In each case where the recognized facility doubts the ability of a material to withstand exposure to the substances listed in paragraphs (b) and (c) of this section a sample of the material must be tested.

(b) A sample referred to in paragraph (a) of this section must be partially submerged in each of the following substances for 100 hours at an ambient temperature of 22° C.

(1) Sewage.

(2) Any disinfectant that is required in the operation of the device.

(3) Any chemical compound in solid, liquid or gaseous form, used, emitted or produced in the operation of the device.

(4) Fresh or salt (3.5 percent Sodium Chloride) flush water.

(5) Toilet bowl cleaners.

(6) Engine Oil (SAE # 30).

(7) Ethylene Glycol.

(8) Detergents (household and bilge cleaning type).

(c) A sample of the material must be doused 20 times, with a 1 hour drying period between dousings, in each of the following substances:

(1) Gasoline.

(2) Diesel fuel.

(3) Mineral spirits.

(4) Turpentine.

(5) Methyl alcohol.

§ 159.119 Operability test; temperature range.

The device must operate in an ambient temperature of 5° C with inlet operating fluid temperature varying from 2° C to 32° C and in an ambient temperature of 50° C with inlet operating fluid temperature varying from 2° C to 32° C.

§ 159.121 Sewage processing test.

(a) The device must process human sewage in the manner for which it is designed when tested in accordance with this section. There must be no sewage or sewage-treating chemicals remaining on surfaces or in crevices that could come in contact with a person using the device or servicing the device in accordance with the instructions supplied under § 159.57(b)(7).

(b) During the test the device must be operated and maintained in accordance with the manufacturer's instruc-

tions. Any initial start-up time specified by the manufacturer must be allowed before tests periods begin. For 1 hour of each 8-hour test period, the device must be tilted to the maximum angles specified by the manufacturer under §§ 159.55 and 159.57.

(c) Except for devices described in paragraph (d) of this section, the devices must process and discharge or store human sewage over at least an 8-consecutive hour period on at least 10 days within a 20-day period. The device must receive human sewage consisting of fecal matter, urine, and toilet paper in a ratio of four urinations to one defecation with at least one defecation per person per day. Devices must be tested at their average rate of capacity as specified in § 159.57. In addition, during three periods of each day the system must process sewage at the peak capacity for the period of time it is rated at peak capacity.

(d) A device that processes and discharges continuously between individual use periods or a large device, as determined by the Coast Guard, must process and discharge sewage over at least 10-consecutive days at the average daily capacity specified by the manufacturer. During three periods of each day the system must process sewage at the peak capacity for the period of time it is rated at peak capacity. The sewage for this test must be fresh, domestic sewage to which primary sludge has been added, as necessary, to create a test sewage with a minimum of 500 miligrams of suspended solids per liter.

§ 159.123 Coliform test: discharge devices.

(a) The arithmetic mean of the fecal coliform bacteria in 38 of 40 samples of effluent discharged from a discharge device during the test described in § 159.121 must be less than 1000 per 100 milliliters when tested in accordance with 40 CFR 140.5.

(b) The 40 samples must be taken from the device as follows: During each of the 10-test days, one sample must be taken at the beginning, middle, and end of an 8-consecutive hour period with one additional sample taken immediately following the peak capacity processing period.

§ 159.125 Visible floating solids: discharge devices.

During the sewage processing test (§ 159.121) 40 effluent samples of approximately 1 liter each shall be taken at the same time as samples taken in § 159.123 and passed expeditiously through a US Sieve No. 12 as specified in ASTM E-11-70. The weight of the material retained on the screen after it has been dried to a constant weight in an oven at 103° C must be divided by the volume of the sample and expressed as milligrams per liter. This value must be 10 percent or less of the total suspended solids of at least 38 of the 40 samples as determined in the 13th edition of "Standard Methods For the Examination of Water and Wastewater."

NOTE: 33 U.S.C. 1321(b)(3) prohibits discharge of harmful quantities of oil into or upon the navigable waters of the United States or adjoining shorelines or into or upon the waters of the contiguous zone. Under 40 CFR 110.3 and 110.4 such discharges of oil include discharges which:

(a) Violate applicable water quality standards, or

(b) Cause a film or sheen upon or discoloration of the surface of the water or adjoining shorelines or cause a sludge or emulsion to be deposited beneath the surface of the water or upon adjoining shorelines. If a sample contains a quantity of oil determined to be harmful, the Coast Guard will not certify the device.

§ 159.127 Safety Coliform count: recirculating devices.

Thirty-eight of forty samples of flush fluid from a recirculating device must have less than 240 fecal coliform bacteria per 100 milliliters. These samples must be collected in accordance with § 159.123(b) and tested in accordance with 40 CFR 140.5.

§ 159.129 Safety: Ignition prevention test.

(a) Components of a device that are a potential ignition source in an explosive atmosphere must pass the test in paragraph (b) or (c) of this section or meet the requirements of paragraph (d) or have a specific warning in the instruction manual required by § 159.57 that the device should not be installed in an explosive atmosphere.

(b) Components protected by vapor exclusion must be placed in a chamber filled with a rich mixture of gasoline or propane in air with the pressure being varied from 0 to 2 psig once an hour for 8 hours. Vapor readings must be taken in the void being protected and must indicate a leakage less than 20 percent of the lower explosive limit of the mixture in the chamber.

(c) Components providing ignition protection by means other than vapor exclusion must be fitted with an ignition source, such as a spark plug, and a means of injecting an explosive mixture of gasoline or propane and air into the void that protects the component. Connections must be made so as to minimize any additional volume added to the protected void by the apparatus delivering the explosive mixture. The component must be placed in a chamber filled with an explosive mixture and there must be no ignition of the explosive mixture surrounding the component when the following tests are conducted:

(1) Using any overload protection that is part of the device, the potential ignition source must be operated for one half hour at 110 percent of its rated voltage, one half hour at 50 percent of its rated voltage and one half hour at 100 percent of its rated voltage with the motor or armature locked, if the potential ignition source is a motor or part of a motor's electrical circuit.

(2) With the explosive mixture in the protected void, the test installed ignition source must be activated 50 times.

(3) The tests (1) and (2) must be repeated with any plugs removed.

(d) Components that are certified as being intrinsically safe in accordance with the Instrument Society of American (RP 12.2) or explosion proof in accordance with the Underwriters Laboratories STD 698 in Class I, Group D hazardous locations (46 CFR 111.80-5(a)) need not be subjected to this testing.

§ 159.131 Safety: Incinerating device.

An incinerating device must not incinerate unless the combustion chamber is closed, must purge the combustion chamber of combustible fuel vapors before and after incineration must secure automatically if the burner does not ignite, must not allow an accumulation of fuel, and must neither produce a temperature on surfaces adjacent to the incineration chamber higher than 67° C nor produce a temperature on surfaces in normal body contact higher than 41° C when operating in an ambient temperature of 25° C. Unitized incineration devices must completely burn to a dry, inert ash, a simultaneous defecation and urination and must not discharge fly ash, malodors, or toxic substances.

Subpart D—Recognition of Facilities

§ 159.201 Application.

(a) To apply for listing as a recognized facility under this part, a facility must apply to the Commandant (G-MMT/82), U.S. Coast Guard Headquarters, Washington, D.C. 20590 and include:

(1) Name and address;

(2) A description of the applicant's capability to perform the tests and evaluations that are required by this part, including information on personnel qualifications, equipment, materials, and facilities; and

(3) A signed statement that the Coast Guard may inspect the facility to verify its qualification and inspect the records on certification of marine sanitation devices.

(b) An applicant under paragraph (a) of this section must submit any other information the Coast Guard requests for the determination of the facility's qualification as a recognized facility.

§ 159.205 Criteria for recognition.

To qualify for and retain recognition as a recognized facility, a facility must meet the criteria in this section.

(a) The facility must maintain an organization chart that shows the personnel structure and the relationship between administration, operation, and quality control for the testing of marine sanitation devices.

(b) The facility must maintain a quality control program and a quality control manual that describes that program and the responsibilities of personnel for the testing of marine sanitation devices, including:

(1) Receiving, handling, and shipping procedures;

(2) Test procedures;

(3) The calibration system;

(4) The test report system;

(5) Certification procedures and standards;

(6) The record and filing system; and

(7) The standards and filing system for subcontracts.

(c) The facility must maintain a master file that contains the Coast Guard standards, reference standards, and the facility's test standards that apply to the testing of marine sanitation devices.

(d) The facility must maintain the shipping and receiving information for each device, including—

(1) The date of receipt;

(2) The name of the manufacturer;

(3) The type of device;

(4) A record of the visible condition of the device upon receipt; and

(5) Any other information that is necessary to accurately record and positively identify each device that is received.

(e) The facility must follow written procedures for tests of devices. These written procedures must be available for examination upon the request of the Coast Guard.

(f) The facility must maintain data sheets and test equipment lists for all inspections and tests of devices. These must be in sufficient detail for complete verification and evaluation of the operations and objectives, including:

(1) The date and name of the test, the name of the supervising engineer, the manufacturer and description of the test device;

(2) A detailed explanation of the results of each phase of tests and any unusual occurrences; and

(3) The signature of the technician who performs each test.

(g) The facility must maintain a list of the test equipment that it uses and the date of the last calibration of that equipment.

(h) The facility must maintain and document a calibration program and ensure the degree of accuracy as follows:

(1) The accuracy of all measurement instrument standards must be traceable to the primary standards of the National Bureau of Standards. This traceability may be through reference standards that are certified for accuracy and stability by the National Bureau of Standards.

(2) The normal accuracy of the reference standard must be at least four times as great as that of the facility's instrument that is being calibrated. All equipment must be calibrated at least once a year or in accordance with the recommended schedule of the instrument manufacturer of the National Bureau of Standards.

(3) The facility must maintain documentation of the calibration standards and test equipment.

(4) If the facility performs its own calibration, it must maintain written calibration procedures, maintenance information, a record of the values that are recorded during calibration, and the standards and equipment that are used for the calibration.

(5) If the facility does not perform its own calibration, it is responsible for the accuracy of the calibrations.

(i) The facility must have no conflict of interest. The Coast Guard's determination on the conflict of interest questions is final. Except as provided in paragraph (j) of this section, conflict of interest is defined as follows:

(1) The loss or award of a specific contract to test marine sanitation devices is not a substantial factor for the financial well being of the facility;

(2) The facility's personnel are free of the influence or control of manufacturers, suppliers, or vendors; and

(3) The facility is not involved in the promotion of a marine sanitation device.

(j) If the uniqueness or size of a device requires testing by a facility that may not meet all the criteria for conflict of interest in paragraph (i) of this section, a manufacturer may apply to the Commandant (G-MMT/82), U.S. Coast Guard Washington, D.C. 20590 to allow the facility to conduct the tests.

(k) If a recognized facility subcontracts for any testing, it must apply to the Commandant (G-MMT/82), U.S. Coast Guard, Washington, D.C. 20590 for authorization and include the justification for the subcontracting. The recognized facility is responsible for the accuracy and completeness of all tests by a subcontractor.

(Sec. 312(b)(1), 86 Stat. 871 (33 U.S.C. 1322 (b)(1); 49 CFR 1.45(b) and 1.46 (l) and (m)))

Effective date. This amendment is effective on January 30, 1975.

Dated: January 27, 1975.

O. W. SILER,
Admiral, U.S. Coast Guard,
Commandant.

[FR Doc.75-2852 Filed 1-29-75;8:45 am]