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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.

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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. Statutes citation. Subsequent lists will appear every 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.

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.

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Title 5—Administrative Personnel

CHAPTER I—CIVIL SERVICE COMMISSION

PART 1001—EMPLOYEE RESPONSIBILITIES AND CONDUCT

Personnel Employment Referrals

Part 1001 is amended by adding § 1001.735–205a which sets out a standard of Civil Service Commission employee conduct which bans all Civil Service Commission officers and employees from making employment referrals to other Federal agencies.

Section 1001.735–205a is set out below.

§ 1001.735–205a Employment referrals.

Unless requested by an agency, or specifically part of his or her official duties, no officer or employee of the Civil Service Commission shall make or transmit to a Federal agency any written or oral referral or recommendation in behalf of, or against, an applicant for Federal employment. Further, unless requested by an agency, or specifically part of his or her official duties, no officer or employee of the Commission shall make or transmit to a Federal agency any written or oral recommendation bearing on agency action in the promotion, assignment, transfer, or retention of an agency employee. This standard of conduct does not preclude inquiry by a Commission officer or employee into any aspect of a personnel action proposed or taken in behalf of, or against, an agency employee as part of his or her officially assigned duties or when the Commission officer or employee has reason to believe that the action was or may be in violation of the laws, rules or regulations administered by the Commission.

(E.O. 11222, 3 CFR 1964–65 Comp. p. 306; 5 CFR 735.101 et seq.)

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

[FR Doc.75–3359 Filed 2–4–75;8:45 am]

Title 7—Agriculture

CHAPTER I—AGRICULTURAL MARKETING SERVICE, DEPARTMENT OF AGRICULTURE

SUBCHAPTER E—WAREHOUSE REGULATIONS

PART 102—GRAIN WAREHOUSES

Licensing of Inspectors Otherwise Licensed and Exemption From License Fees of Such Inspectors

Notice is hereby given in accordance with the administrative procedure provisions in 5 U.S.C. 553, that the Agricultural Marketing Service, pursuant to the authority conferred by section 28 of the U.S. Warehouse Act (7 U.S.C. 268) is amending warehouse regulations appearing in Part 102 of Subchapter E of Chapter I in Title 7 of the Code of Federal Regulations to issue licenses under the U.S. Warehouse Act to inspectors who hold a license under another Federal act and to exempt such inspectors from the required license fee.

Under grain warehouse regulations, any person who holds a valid license as a grain inspector under the U.S. Grain Standards Act is granted an inspectors license under the U.S. Warehouse Act and is exempt from payment of the license fee required under such Act. Agricultural commodity graders who inspect rice are licensed under the authority of the Agricultural Marketing Act of 1946 rather than under the U.S. Grain Standards Act. Such inspectors have not been granted licenses without show of evidence that they can correctly grade rice and have not been exempt from fee payment under the U.S. Warehouse Act.

The Agricultural Marketing Service is hereby amending the regulations for grain warehouses to grant inspectors' licenses under the U.S. Warehouse Act to applicants who show satisfactory evidence that they hold an effective license under the Agricultural Marketing Act of 1946 and to exempt such inspectors from payment of the specified fee of $6. This change follows the precedent set for U.S. Grain Standards Act inspectors under existing regulations. No prior notices or public procedures are being given because they would be impracticable, unnecessary and contrary to the public interest and because the amended regulation grants an exemption and relieves a former restriction.

Said regulations therefore are amended to read:

§ 102.57 License fees.

There shall be charged and collected a fee of $20 for each original warehouseman's license, and a fee of $10 for each amended or reinstated warehouseman's license applied for by a warehouseman, and a fee of $6 for each license or amendment thereto issued to an inspector and/or weigher, except that no fee shall be charged for issuance of a license to an inspector who holds an unsuspended and unrevoked license under the United States Grain Standards Act or the Agricultural Marketing Act of 1946 and regulations thereunder to inspect and grade any grain and to certificate the grade thereof.

Paragraph (c) of § 102.61 is amended to read:

§ 102.61 Inspectors and weighers applications.

* * * * *

(c) In lieu of compliance with the requirements of paragraph (b) of this section, the license applied for may be granted whenever such applicant furnishes satisfactory evidence that he holds an effective license under the Grain Standards Act or the Agricultural Marketing Act of 1946 and regulations thereunder, to inspect and grade such grain and to certificate the grade thereof.

* * * * *

This amendment shall become effective on February 5, 1975.

Done at Washington, D.C. January 30, 1975.

JOHN C. BLUM,
Associate Administrator.

[FR Doc.75–3310 Filed 2–4–75;8:45 am]

Title 8—Aliens and Nationality

CHAPTER I—IMMIGRATION AND NATURALIZATION SERVICE, DEPARTMENT OF JUSTICE

PART 235—INSPECTION OF PERSONS APPLYING FOR ADMISSION

PART 299—IMMIGRATION FORMS

U.S. Citizen Identification Card

Correction

In FR Doc. 75–1697 appearing on page 3210A in the issue for Monday, January 20, 1975 the ninth line from the bottom of the first column now reading "nity to see and to rebut the reverse evi-" should read "nity to see and to rebut the adverse evi-".

Title 14—Aeronautics and Space

CHAPTER I—FEDERAL AVIATION ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

[Airworthiness Docket No. 74–SW–47; Amdt. 39–2067]

PART 39—AIRWORTHINESS DIRECTIVES

Cessna 305A Airplanes

A proposal to amend Part 39 of the Federal Aviation Regulations to include an airworthiness directive requiring replacement of aluminum oil line fittings modified in accordance with STC–SA568SW or SA504SW was published in 39 FR 41539.

Interested persons have been afforded an opportunity to participate in the making of the amendment. No objections were received.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (31 FR 13697), § 39.13 of Part 39 of the Federal Aviation Regulations is amended by adding the following new airworthiness directive:

CESSNA AIRCRAFT CORPORATION. Applies to Cessna Model 305A series airplanes, modified in accordance with STC SA568SW or SA504SW (oil line rerouting), including airplanes listed in Note 3 of Aircraft Specification 5A5.

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

To prevent failure of the aluminum elbow fitting P/N X34352, remove the fitting from the old cooler and replace with a fitting of the same part number fabricated from brass, or equivalent part approved by the Chief, Engineering and Manufacturing Branch, Flight Standards Division, Southwest Region, Federal Aviation Administration, Fort Worth, Texas.

NOTE: Advisory Circular AC 43.13-1A, Chapter 10, provides information on the proper flex line installation procedure that should be followed when reconnecting the oil system line. These parts are available from Ector Aircraft Company, 414 East Hillmont, Odessa, Texas 79760.

This amendment becomes effective March 10, 1975.

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

Issued in Fort Worth, Texas, on January 27, 1975.

HENRY L. NEWMAN,
Director, Southwest Region.

[FR Doc.75-3188 Filed 2-4-75;8:45 am]

[Docket No. 75-CE-1-AD; Amdt. 39-2083]

PART 39—AIRWORTHINESS DIRECTIVES

Cessna T310, 320, 340, 401, 402, 411, 414 and 421 Series Airplanes

AD 72-10-5, Amendments 39-1442 (37 FR 9385, 9386), and 39-1562 (37 FR 25021), is an Airworthiness Directive (AD) which requires repetitive inspections of the exhaust system on Cessna T310, 320, 401, 402, 411, 414 and 421 series airplanes to detect incipient failure of the engine exhaust system components. Notwithstanding the issuance of AD 72-10-5, as amended, reports continue to be received of exhaust system failures, heat damage to powerplant components and in-flight fires involving these airplanes. In addition, service reports received on the Cessna 340 airplanes establish that similar incidents can occur on these airplanes. Review and evaluation of these reports indicate that in addition to the inspections required by AD 72-10-5, replacement of certain exhaust system clamps when they have reached a total time-in-service of 400 hours and installation of improved exhaust system clamps now available for some locations will substantially reduce or eliminate the above-noted unsafe conditions. The inspection and replacement procedures are covered in Cessna Service Letter No. ME74-21, dated December 18, 1974. Accordingly, an AD is being issued superseding AD 72-10-5 applicable to Cessna T310, 320, 340, 401, 402, 411, 414 and 421 series airplanes making compliance with the Service Letter mandatory.

Since these conditions may exist or develop on other aircraft of the same type design, expeditious adoption of this amendment is required in the interest of safety. Consequently, compliance with the notice and public procedure provisions of the Administrative Procedure Act is impracticable and good cause exists for making this amendment effective in less than thirty (30) days.

In consideration of the foregoing and pursuant to the authority delegated to me by the Administrator 14 CFR 11.89 (31 FR 13697), § 39.13 of Part 39 of the Federal Aviation Regulations is amended by adding the following new AD.

CESSNA. Applies to T310, 320, 340, 401, 402, 411, 414 and 421 series airplanes.

Compliance required as indicated, unless already accomplished.

To detect incipient failure and improve reliability of the engine exhaust systems installed on the above-noted airplanes, accomplish the following:

1. On all new and in-service aircraft listed herein:

(a) Within 50 hours' time in service after the effective date of this AD (or 50 hours' time in service after the last AD 72-10-5 inspection, as applicable) and thereafter at intervals not to exceed 50 hours' time in service, inspect the exhaust system in accordance with Cessna Service Letter ME74-21, dated December 18, 1974, or later revisions.

(b) Within 50 hours' time in service for those clamps having more than 350 hours' time in service or prior to 400 hours' time in service for those clamps having less than 350 hours' time in service, and at or prior to each additional 400 hours' time in service thereafter, replace existing multi segment "V" band exhaust system clamps located between aft engine cylinders and the turbocharger inlet (except for waste gate to exhaust overboard pipe clamp on Models 421 airplanes) with new parts having Cessna part numbers in accordance with Cessna Service ME74-21 dated December 18, 1974, or later revisions. Use aircraft total time for clamp time in service unless aircraft maintenance records establish location and time in service on previously replaced clamps.

2. Within 50 hours' time in service after the effective date of this AD:

(a) On T310 (all aircraft prior to S/N T310Q0734), 320D, 320E, 320F, 401 and 402 (all aircraft prior to S/N 402B0383) series airplanes, replace the existing multi segment "V" band turbocharger to overboard tail pipe clamp with a new Part Number V57A4234 or 41195AA423 clamp as applicable, in accordance with Cessna Service Letter ME74-21, dated December 18, 1974, or later revisions. These new clamps are not "Life Limited".

(b) On 340 (all aircraft prior to S/N 340-0213), 414 (all aircraft prior to S/N 414-0935) and 421 (all aircraft prior to S/N 421B0397) series airplanes, replace the existing multi segment "V" band turbocharger to overboard tail pipe clamp with a new Part Number V57A5019 or 41195AA502 clamp as applicable, in accordance with Cessna Service Letter ME74-21, dated December 18, 1974, or later revisions. These new clamps are not "Life Limited".

3. Any equivalent method of compliance with this AD must be approved by the Chief, Engineering and Manufacturing Branch, FAA, Central Region.

This AD supersedes AD 72-10-5, Amendments 39-1442 and 39-1562.

This amendment becomes effective February 11, 1975.

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

Issued in Kansas City, Missouri, on January 28, 1975.

GEORGE R. LACAILLE,
Acting Director, Central Region.

[FR Doc.75-3189 Filed 2-4-75;8:45 am]

[Airspace Docket No. 75-RM-2]

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

Alteration of Control Zone and Transition Area

The purpose of this amendement to Part 71 of the Federal Aviation Regulations is to delete reference to Howes Municipal Airport in the description of the Huron, So. Dak. control zone and transition area, and substitute in lieu thereof the Huron Regional Airport. The name of this airport was officially changed in December 1974.

Since this amendment is editorial in nature and no substantial change in regulation is effected, notice and public procedure thereon are unnecessary. In view of the foregoing, § 71.171 (40 FR 354) and § 71.181 (40 FR 441) are amended by deleting "Howes Municipal Airport" in the description of the control zone and transition area and substituting "Huron Regional Airport" therefor.

Effective date: February 5, 1975.

Issued in Aurora, Colorado, on February 4, 1975.

M. M. MARTIN,
Director, Rocky Mountain Region.

[FR Doc.75-3190 Filed 2-4-75;8:45 am]

[Airspace Docket No. 74-RM-19]

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

Alteration of Transition Area

On December 20, 1974, a notice of proposed rule making was published in the FEDERAL REGISTER (39 FR 44036) stating that the Federal Aviation Administration was considering an amendment to Part 71 of the Federal Aviation Regulations that would alter the transition area at Livingston, Mont.

Interested persons were given 30 days in which to submit written comments, suggestions, or objections. No objections have been received and the proposed amendment is hereby adopted without change.

Effective date: This amendment shall be effective 0901 G.m.T., March 27, 1975.

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

Issued in Aurora, Colorado, on February 4, 1975.

M. M. MARTIN,
Director, Rocky Mountain Region.

In § 71.181 (40 FR 441) amend the description of the Livingston, Mont. transition area to read as follows:

LIVINGSTON, MONT.

That airspace extending upward from 700 feet above the surface within 9.5 miles west and 4.5 miles east of the Livingston VORTAC 340° radial extending from the VORTAC to 18.5 miles north of the VORTAC and within 2.5 miles each side of the Livingston 085° radial, extending from a 5-mile radius circle centered on Mission Field Airport, Livingston, Mont. (latitude 45°41'45" N., longitude 110°26'40" W.) to 9 miles east of the VORTAC; that airspace extending upward from 1,200 feet above the surface within 6 miles south and 9.5 miles north of the Livingston VORTAC 085° and 265° radials, extending from 7 miles west to 21 miles east of the VORTAC.

[FR Doc.75-3191 Filed 2-4-75;8:45 am]

Title 15—Commerce and Foreign Trade

CHAPTER IX—NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION, DEPARTMENT OF COMMERCE

PART 924—MONITOR MARINE SANCTUARY

Interim Regulations

JANUARY 31, 1975.

On January 30, 1975, the Secretary of Commerce designated as a marine sanctuary an area of the Atlantic Ocean around and above the submerged wreckage of the Civil War ironclad Monitor pursuant to the authority of section 302 (a) of the Marine Protection, Research and Sanctuaries Act of 1972 (86 Stat. 1052, 1061, hereafter the Act). The sanctuary area (hereafter the Sanctuary) is about 16.10 miles south-southeast of Cape Hatteras (North Carolina) Light.

Section 302(f) of the Act directs the Secretary to issue necessary and reasonable regulations to control any activities permitted within a designated marine sanctuary. This section also provides that no permit, license, or other authorization issued pursuant to any other authority shall be valid unless the Secretary shall certify that the permitted activity is consistent with the purposes of Title III of the Act ("Marine Sanctuaries"); and that it can be carried out within the regulations promulgated under section 302(f).

The authority of the Secretary to administer the provisions of the Act has been delegated to the Administrator, National Oceanic and Atmospheric Administration, U.S. Department of Commerce (hereafter the Administrator, 39 FR 10255, March 19, 1974).

There are published herewith interim regulations relating to activities to be prohibited or permitted in the Sanctuary, and relating to the certification requirement described above. Comments upon these regulations are invited through March 7, 1975. Comments should be addressed to the Administrator, National Oceanic and Atmospheric Administration, U.S. Department of Commerce, Washington, D.C. 20230. Following the close of this 30-day period, any comments received will be reviewed. In the discretion of the Administrator, these interim regulations will be amended so as to reflect any such comments. The Administrator shall then publish final regulations in the FEDERAL REGISTER. As authorized by 5 U.S.C. 553(d)(3), these interim regulations are effective in order to protect the wreckage until final regulations become effective.

Sec.
924.1 Authority
924.2 Description of the Sanctuary
924.3 Activities Prohibited Within the Sanctuary
924.4 Penalties for Commission of Prohibited Acts
924.5 Permitted Activities
924.6 Permit Procedures and Criteria
924.7 Certification Procedures
924.8 Appeals of Administrative Action

§ 924.1 Authority.

The Sanctuary has been designated by the Secretary of Commerce pursuant to the authority of section 302(a) of the Act. The following regulations are issued pursuant to the authorities of sections 302(f), 302(g) and 303 of the Act.

§ 924.2 Description of the Sanctuary.

The Sanctuary consists of a portion of the water column in the Atlantic Ocean one mile in diameter extending from the surface to the seabed and around and above the submerged wreckage of the Monitor. The central point of the Sanctuary is about 16.10 nautical miles south-southeast of the Cape Hatteras (North Carolina) Light at the coordinates of 35°00'23" north latitude and 75°24'32" west longitude.

§ 924.3 Activities Prohibited Within the Sanctuary.

Except as may be permitted by the Administrator, no person subject to the jurisdiction of the United States shall conduct, nor cause to be conducted, any of the following activities in the Sanctuary:

(a) bottom anchoring;

(b) any type of subsurface salvage or recovery operation;

(c) any type of diving, whether by an individual or by a submersible;

(d) lowering below the surface of the water any grappling, suction, conveyor, dredging or wrecking device;

(e) detonation below the surface of the water of any explosive or explosive mechanism;

(f) seabed drilling or coring;

(g) lowering, laying, positioning or raising any type of seabed cable or cable-laying device;

(h) trawling; or

(i) discharging waste material into the water.

§ 924.4 Penalties for Commission of Prohibited Acts.

Section 303 of the Act authorizes the assessment of a civil penalty of not more than $50,000 for each violation of any regulation issued pursuant to Title III of the Act, and further authorizes a proceeding *in-rem* against any vessel used in violation of any such regulation. Details are set out in Subpart (D) of Part 922 of this Chapter (39 FR 23254, 23257, June 27, 1974). Subpart (D) is applicable to any instance of a violation of these regulations.

§ 924.5 Permitted Activities.

Any person or entity may conduct in the Sanctuary any activity listed in § 924.3 of this Part if: (a) such activity is either (1) for the purpose of research related to the Monitor, or (2) is in connection with an air or marine casualty or the avoidance of same; and (b) such person or entity is in possession of a valid permit issued by the Administrator authorizing the conduct of such activity; except that, no permit is required for the conduct of any activity immediately necessary in connection with an air or marine casualty.

§ 924.6 Permit Procedures and Criteria.

(a) Any person or entity who wishes to conduct in the Sanctuary an activity for which a permit is authorized by § 924.5 (hereafter a permitted activity) may apply in writing to the Administrator for a permit to conduct such activity citing this Section as the basis for the application. Such application should be made to the Administrator, National Oceanic and Atmospheric Administration, U.S. Department of Commerce, Washington, D.C. 20230. Upon receipt of such application, the Administrator shall request, and such person or entity shall supply to the Administrator, such information and in such form as the Administrator may require to enable him to act upon the application.

(b) In considering whether to grant a permit for the conduct of a permitted activity for the purpose of research related to the Monitor, the Secretary shall evaluate such matters as (1) the general professional and financial responsibility of the applicant; (2) the appropriateness of the research method(s) envisioned to the purpose(s) of the research; (3) the extent to which the conduct of any permitted activity may diminish the value of the Monitor as a source of historic, cultural, aesthetic and/or maritime information; (4) the end value of the research envisioned; and (5) such other matters as the Administrator deems appropriate.

(c) In considering whether to grant a permit for the conduct of a permitted activity in the Sanctuary in relation to an air or marine casualty, the Administrator shall consider such matters as (1) the fitness of the applicant to do the work envisioned; (2) the necessity of conducting such activity; (3) the appropriateness of any activity envisioned to the purpose of the entry into the Sanctuary; (4) the extent to which the conduct of any such activity may diminish the value of the Monitor as a source of historic, cultural, aesthetic and/or maritime information; and (5) such other matters as the Administrator deems appropriate.

(d) In considering any application submitted pursuant to this section, the Administrator may seek and consider the views of any person or entity, within or outside of the Federal Government, as he deems appropriate; except that, he shall seek and consider the views of the Advisory Council on Historic Preservation.

(e) The Administrator may, in his discretion, grant a permit which has been applied for pursuant to this Section, in whole or in part, and subject to such condition(s) as he deems appropriate, *except that* the Administrator shall attach to any permit granted for research related to the Monitor the condition that any information and/or artifact(s) obtained in the research shall be made available to the public. The Administrator may observe any activity permitted by this section; and/or may require the submission of one or more reports of the status or progress of such activity.

(f) A permit granted pursuant to this section is nontransferable.

(g) The Administrator may amend, suspend or revoke a permit granted pursuant to this Section, in whole or in part, temporarily or indefinitely, if, in his view, the permit holder (hereafter the Holder) has acted in violation of the terms of the permit; or the Administrator may do so for other good cause shown. Any such action shall be in writing to the Holder, and shall set forth the reason(s) for the action taken. Any Holder in relation to whom such action has been taken may appeal the action as provided in § 924.8 of this Part.

§ 924.7 Certification Procedures.

Any Federal agency which, as of the effective date of these regulations, already has permitted, licensed or otherwise authorized any activity in the Sanctuary shall notify the Administrator of this fact in writing. The writing shall include a reasonably detailed description of such activity, the person(s) involved, the beginning and ending dates of such permission, the reason(s) and purposes(s) for same, and a description of the total area affected. The Administrator shall then decide whether the continuation of the permitted activity, in whole or in part, or subject to such condition(s) as he may deem appropriate, is consistent with the purposes of Title III of the Act and can be carried out within these regulations. He shall inform the Federal agency of his decision in these regards, and the reason(s) therefore, in writing. The decision of the Secretary made pursuant to this section shall be final action for the purpose of the Administrative Procedure Act.

§ 924.8 Appeals of Administrative Action.

(a) In any instance in which the Administrator, as regards a permit authorized by, or issued pursuant to, this Part: (1) denies a permit; (2) issues a permit embodying less authority than was requested; (3) conditions a permit in a manner unacceptable to the applicant; or (4) amends, suspends, or revokes a permit for a reason other than the violation of regulations issued under this Part, the applicant or the permit holder, as the case may be (hereafter the Appellant), may appeal the Administrator's action to the Secretary. In order to be considered by the Administrator, such appeal shall be in writing, shall state the action(s) appealed and the reason(s) therefore; and shall be submitted within 30 days of the action(s) by the Administrator to which the appeal is directed. The Appellant may request a hearing on the appeal.

(b) Upon receipt of an appeal authorized by this section, the Secretary may request, and if he does, the Appellant shall provide, such additional information and in such form as the Secretary may request in order to enable him to act upon the appeal. If the Appellant has not requested a hearing, the Secretary shall decide the appeal upon (1) the basis of the criteria set out in §§ 924.6 (b) or 924.6(c) of this part, as appropriate, (2) information relative to the application on file in NOAA, (3) information provided by the Appellant, and (4) such other considerations as he deems appropriate. He shall notify the Appellant of his decision, and the reason(s) therefore, in writing within 30 days of the date of his receipt of the appeal.

(c) If the Appellant has requested a hearing, the Secretary shall grant an informal hearing before a Hearing Officer designated for that purpose by the Secretary after first giving notice of the time, place, and subject matter of the hearing in the FEDERAL REGISTER. Such hearing shall be held no later than 30 days following the Secretary's receipt of the appeal. The Appellant and any interested person may appear personally or by counsel at the hearing, present evidence, cross-examine witnesses, offer argument and file a brief. Within 30 days of the last day of the hearing, the Hearing Officer shall recommend in writing a decision to the Secretary based upon the considerations outlined in paragraph (b) of this section and based upon the record made at the hearing.

(d) The Secretary may adopt the Hearing Officer's recommended decision, in whole or in part, or may reject or modify it. In any event, the Secretary shall notify the Appellant of his decision, and the reason(s) therefore, in writing within 15 days of his receipt of the recommended decisions of the Hearing Officer. The Secretary's action, whether without or after a hearing, as the case may be, shall constitute final action for the purposes of the Administrative Procedure Act.

ROBERT M. WHITE,
Administrator.

[FR Doc.75-3286 Filed 2-4-75;8:45 am]

Title 21—Food and Drugs

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

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

PART 121—FOOD ADDITIVES

Subpart D—Food Additives Permitted in Food for Human Consumption

AMYLOGLUCOSIDASE ENZYME PRODUCT

The Commissioner of Food and Drugs, having evaluated data in a petition (FAP OA2569) filed by Biocon Ltd., Hall Lane, Rookery Bridge, Nr. Sandbach, Cheshire, CW11 9QZ, England (present address: Grenagh, Rathduff, County Cork, Ireland), and other relevant material, concludes that the food additive regulations (21 CFR Part 121) should be amended, as set forth below, to provide for the safe use of an amyloglucosidase enzyme product for degrading gelatinized starch into constituent sugars.

Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1)), and under authority delegated to the Commissioner (21 CFR 2.120), Part 121 is amended by adding a new section to Subpart D as follows:

§ 121.1265 Amyloglucosidase enzyme product.

Amylglucosidase enzyme product, consisting of enzyme derived from *Rhizopus niveus*, and diatomaceous silica as a carrier, may be safely used in food in accordance with the following conditions:

(a) *Rhizopus niveus* is classified as follows: Class, Phycomycetes; order, Mucorales; family, Mucoraceae; genus, *Rhizipus;* species, *niveus*.

(b) The strain of *Rhizopus niveus* is nonpathogenic and nontoxic in man or other animals.

(c) The enzyme is produced by a process which completely removes the organism *Rhizopus niveus* from the amyloglucosidase.

(d) The additive is used or intended for use for degrading gelatinized starch into constituent sugars, in the production of distilled spirits and vinegar.

(e) The additive is used at a level not to exceed 0.1 percent by weight of the gelatinized starch.

Any person who will be adversely affected by the foregoing order may at any time on or before March 7, 1975 file with the Hearing Clerk, Food and Drug Administration, Rm. 4-65, 5600 Fishers Lane, Rockville, MD 20852, written objections thereto. Objections shall show wherein the person filing will be adversely affected by the order, specify with particularity the provisions of the order deemed objectionable, and state the grounds for the objections. If a hearing is requested, the objections shall state the issues for the hearing, shall be supported by grounds factually and legally sufficient to justify the relief

sought, and shall include a detailed description and analysis of the factual information intended to be presented in support of the objections in the event that a hearing is held. Objections may be accompanied by a memorandum or brief in support thereof. Six copies of all documents shall be filed. Received objections may be seen in the above office during working hours, Monday through Friday.

Effective date: This order shall become effective February 5, 1975.

(Sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1))

Dated: January 29, 1975.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.75-3196 Filed 2-4-75;8:45 am]

SUBCHAPTER D—DRUGS FOR HUMAN USE

PART 310—NEW DRUGS

Diethylstilbestrol as Postcoital Oral Contraceptive; Patient Labeling

In the FEDERAL REGISTER of September 26, 1973 (38 FR 26809) the Commissioner of Food and Drugs proposed to amend § 130.45 (subsequently recodified as § 310.501 and published in the FEDERAL REGISTER of March 29, 1974 (39 FR 11680)) by redesignating the existing text of the entire section as paragraph (a) and by adding a new paragraph (b) establishing requirements for marketing diethylstilbestrol (DES) for use as a postcoital oral contraceptive, setting forth the text of patient labeling for that use, and providing for and inviting abbreviated new drug applications. Sixty days were provided for comment on the proposal.

An amendment to the proposed restructured paragraph (a) was published in the FEDERAL REGISTER of April 19, 1974 (39 FR 13972), upon which, since it is still under consideration, action will be taken at a later date.

In response to the September 1973 proposal, comments were received from 21 persons including several from consumer organizations, one from a religious organization, one from a municipality, one from a private physician, one from an individual employed by a pharmaceutical concern, and several from private individuals.

One abbreviated new drug application has been received.

Three respondents endorsed the proposal. Several endorsed the concept of requiring patient labeling, but were critical of its proposed content. The remainder were generally opposed to approval of DES for oral contraception. The comments, organized into categories, and the Commissioner's response with respect to each, are as follows:

1. Some comments asserted that DES is a dangerous drug due to its carcinogenic potential both to the fetus and to the mother, and should not be allowed on the market. One comment urged that the leaflet state more honestly the risk to the offspring when exposed in utero to DES. It was also requested that the patient leaflet indicate that there is some risk of cancer to the patient herself from taking DES.

In considering the use of DES as a postcoital oral contraceptive, the Commissioner has carefully reviewed all available data and also consulted with the Obstetrics and Gynecology Advisory Committee for the Food and Drug Administration on the issues of both safety and effectiveness.

a. Fetal risks: It has been reported by Herbst et al. in *The New England Journal of Medicine* of April 22, 1971 (284: 878–881) that DES, if taken, usually for a prolonged period, by a woman who is pregnant, increases the risk of carcinoma of the vagina or cervix in the female offspring. It has been estimated that less than one percent of the offspring of women who have received DES treatment during pregnancy have developed cancer. The directions for use proposed for DES state that pregnancy should be ruled out prior to use of the drug. Obviously, if there is no pre-existing or ensuing pregnancy, issues involving a fetus are moot. Where it is later discovered that there is a pre-existing or ensuing pregnancy, however, the patient package insert advises that the patient consult with her physician regarding the continuation of the pregnancy. The physician's labeling also fully discusses this issue.

In order to emphasize this risk, the former fourth sentence in the third paragraph of the patient package insert, set forth in the proposal published in the FEDERAL REGISTER of September 26, 1973, has been revised to delete the word "some" preceding "evidence" and to change the word "may" to "will" in the phrase "the child may have an increased risk of developing cancer of the vagina or cervix later in life." This discussion has also been highlighted by setting it out separately as a new fourth paragraph.

Although it was stated in paragraph (b)(2) of the proposed regulation that teratogenic and other adverse effects on the fetus with the very early administration recommended are not well understood, this was not mentioned in the proposed patient package insert. The Commissioner concludes that it should be mentioned. The patient package insert accordingly contains the following statement as the third sentence of the new fourth paragraph: "Also, it is not definitely known whether this drug may cause other abnormalities in the fetus." The statement is also included in the labeling for the physician.

b. Adult risks: In *The New England Journal of Medicine* of September 28, 1972 (287: 628–631) Cutler et al. reported the occurrence of endometrial carcinoma after stilbestrol therapy in patients with gonadal dysgenesis who were treated with the drug for long periods of time, i.e., 5 years or more. For many years there has been concern that estrogens, both exogenous and endogenous, may have an etiological role in the development of cancer of the genital tract or breast. The observation felt to support this is that certain functioning ovarian tumors, such as granulosa cell and theca cell types which secrete large amounts of estrogen, are associated with an increased frequency of carcinoma of the endometrium. The paper by Cutler et al. may also be considered to support this possibility for certain unusual circumstances. Cutler's cases all had chromosomal abnormalities (only one X chromosome instead of the normal two) and the authors themselves observe that a genetic predisposition of such patients to this type of cancer, enhancing the effect of prolonged estrogen therapy, cannot be excluded. They further point out that abnormal chromosomal constitutions are known to be associated with an increased incidence of specific types of malignant tumors. The Commissioner concludes that the study of Cutler et al. is not applicable to a 5-day course of DES in normal women because the Cutler study involved the cyclic administration of DES for many years to women with chromosomal abnormalities. Therefore, in spite of the Cutler study, there continues to be no relevant evidence at the present time that a short course of DES in normal women, as would be used in postcoital contraception, would expose a woman to an increased risk of cancer. At the same time, it cannot be said that such a risk definitely does not exist.

The Commissioner recognizes that the patient package insert, as originally proposed, did not deal with the carcinogenicity of DES in animals and the possible relevance of these data to human use. In the regulation previously promulgated concerning oral contraceptives, § 310.501 (a)(6)(xi) requires that patient information include a statement regarding production of cancer in certain animals, and provides that such statement may be coupled with a statement that there is no proof of such effect in human beings.

The Commissioner concludes that such a requirement is equally applicable for the patient information to be supplied with DES as a postcoital oral contraceptive. Accordingly, the last sentence in the third paragraph of the proposed patient package insert has been deleted and is replaced by a new fifth paragraph, which cites the tests conducted in animals resulting in increased frequency of cancer, and warns that high dosages of estrogen are recommended for emergencies only, and not for repeated use.

c. Effectiveness: The Commissioner concludes that data from clinical investigations provide substantial evidence that DES is effective in preventing conception; however, its effectiveness depends upon close adherence to the dosage regimen of 25 milligrams twice a day for 5 consecutive days, with initiation of administration preferably within 24 hours and not later than 72 hours after coitus. On reconsideration, the Commissioner believes the words "highly effective," which appeared in the proposed patient package insert, may be misconstrued by some readers to imply a greater degree of effectiveness than other forms

of contraception or to imply that this treatment is always successful. To minimize the possibility of such misconception, the words "highly effective" in the first sentence of the third paragraph of the proposed patient package insert and in the last sentence of § 310.501(b)(1) have been changed to "usually effective."

The following studies are regarded as providing substantial evidence of effectiveness:

(1) Morris, J. M. and G. van Wagenen, "Postcoital Oral Contraception," Proc. 8th Int. Conf. International Planned Parenthood Federation, Santiago, 1967, p. 256.

(2) Kuchera, L. K., "Postcoital Contraception with Diethylstilbestrol," *Journal of the American Medical Association* 4:562, 1971.

The following studies and review paper provide supportive evidence of effectiveness:

(1) Morris, J. M. and G. van Wagenen, "Compounds Interfering with Ovum Implantation and Development," *American Journal of Obstetrics and Gynecology* 96:804, 1966.

(2) Haspel, A. A., "The Effect of Large Doses of Oestrogens Postcoitum in 2000 Women." Unpublished paper (available from the Food and Drug Administration).

(3) Morris, J. M. and G. van Wagenen, "Interception: The Use of Postovulatory Estrogens to Prevent Implantation," *American Journal of Obstetrics and Gynecology* 115: 101, 1973.

(4) Blye, R. P., "The Use of Estrogens as Postcoital Contraceptive Agents," *American Journal of Obstetrics and Gynecology* 115: 1044, 1973. Presented at the 26th meeting of the Obstetrics and Gynecology Advisory Committee to the Bureau of Drugs, Food and Drug Administration, January 26, 1973. This paper reviewed the studies currently available in support of the efficacy of DES as well as other estrogens (ethinyl estradiol, conjugated equine estrogens, dienestrol, estradiol cyclopentylpropionate). This paper supports the finding that estrogens are biologically effective as contraceptive agents and that there is need to determine the appropriate safe and effective dose with respect to each estrogen.

2. Several comments contended that DES is an abortifacient and not a contraceptive.

The exact mechanism of action through which DES prevents pregnancy when used postcoitally is presently unknown. There have been several theories advanced as to the mechanism, including interference with nidation through effects on the endometrium (the most likely), accelerated tubal transport of ovum, closure of the uterotubal junction, and luteolytic activity. The definition of an abortifacient is a matter of controversy. On the one hand, it may be defined as a drug or device which is capable of destroying an implanted ovum. Under this definition, DES cannot be an abortifacient because it cannot do this. Alternatively, an abortifacient could be defined as a drug or device which can prevent implantation of a fertilized ovum. Intrauterine devices and certain oral contraceptives are considered by experts to act, at least in part, by preventing implantation. These devices and drugs are generally classified as contraceptives rather than abortifacients. There is no scientific basis for distinguishing DES from such oral drugs or intrauterine devices on the basis of mechanism of action.

Since classification of DES as an abortifacient would be arbitrary unless many other devices and drugs were similarly classified, the Commissioner concludes it is proper to call DES a contraceptive.

3. A number of persons expressed considerable concern regarding what they construed as a "recommendation" that abortion be performed in the event that the method fails.

The patient package insert advises the patient to consult with her physician regarding continuation of the pregnancy if there is pre-existing pregnancy or if pregnancy ensues. The final decision as to the course of action to be taken rests with the patient and her physician. Thus, there is no "recommendation" that an abortion be performed.

4. One comment requested that the patient leaflet make it clear that the drug is for emergency use only, and define exactly what emergency use is.

The Commissioner agrees that the patient package insert should make it quite clear that this use is an emergency measure and that it is not to be used as a routine or frequent method of contraception. Therefore, in order to emphasize this, the first sentence in the first paragraph of the patient package insert has been changed by revising the phrase "emergency measure to prevent pregnancy" to read "measure to prevent pregnancy in an emergency, for example, after a rape." In addition, the second paragraph of the patient package insert has been revised to state: "You should use this drug only under the direction of your physician. This treatment is for emergencies only and should not be used repeatedly. If you find it necessary to use this treatment more than once, you should consult with your physician to obtain an adequate method of routine contraception." Finally, the point is again emphasized in the new fifth paragraph of the patient package insert.

The Commissioner believes that these additions to the patient package insert provide sufficient emphasis that DES is intended for emergency use only, but that a definition of what constitutes an emergency is unnecessary and should properly be left to the patient and her physician.

5. A comment stated that women should be fully informed concerning possible side effects. Another suggested that all possible contraindications to the drug be included in the patient package insert.

The Commissioner agrees with these comments. All contraindications to the use of the drug are listed in the patient package insert. The patient package insert does list the most common as well as the most serious adverse effects which may be encountered with the use of an estrogenic preparation such as DES. Additionally, the patient package insert does list special health problems that should be brought to the attention of the physician. Each and every side effect associated with the use of DES is not listed in the patient package insert because, although they apply to estrogens as a class, they have not been associated with the use of DES as a postcoital contraceptive to an appreciable extent. All side effects are listed in the package insert intended for the physician and such information should be readily available to the patient from her physician if she requests it. Furthermore, the physician's package insert states in the "Important Notes" section that "patients should be informed of . . . all other existing information relative to known and potential side effects prior to use of DES for this indication."

In order to discourage use for postcoital contraception of dosage strengths of DES other than the 25 mg. tablets which are accompanied by the patient package insert, the physician's package insert for such dosage strengths will be required to include the following in block letters before the description:

THIS DRUG PRODUCT SHOULD NOT BE USED AS A POSTCOITAL CONTRACEPTIVE

A FEDERAL REGISTER notice will be published in the near future setting forth this requirement.

6. It was requested that users of DES be strongly cautioned to contact a physician if they are pregnant, because of the association between DES and carcinoma of the vagina in female offspring.

The Commissioner agrees and notes that the patient package insert does recommend that the patient consult her physician regarding continuation of pregnancy in the event the drug is not successful.

7. One comment requested that a medical history of the patient be taken, including any history of cancer in the family.

Good medical practice dictates that an appropriate medical history be taken prior to initiation of therapy with any drug. Thus, the Commissioner concludes that such a statement is unnecessary and inappropriate for inclusion in any drug labeling.

8. A comment urged that patient followup be made to assure that the patient did not become pregnant, to discover possible adverse side effects, and to determine pregnancy rates associated with this use of DES.

In order to assure patient followup in the event that pregnancy occurs, the Commissioner has concluded that the sixth sentence in the original third paragraph of the proposed patient package insert should be deleted and replaced by a new sentence inserted at the end of the new fourth paragraph, to read as follows: "If you have not had a normal menstrual period within 4 weeks after taking the last tablet, you should contact your physician to determine if you are pregnant, and if you are, consult with him regarding continuation of the pregnancy."

With respect to adverse effects, the proposed labeling informs the patient that if any of the serious adverse effects mentioned in the labeling are noted, these should be reported to her physician.

With respect to collecting data on adverse effects and pregnancy rates associated with this treatment, it is highly unlikely that meaningful and valid results could be obtained unless such followup visits were done as part of a controlled study.

9. Two comments contended that provisions for informed patient consent are inadequate and that written consent should be required in some cases.

The Commissioner concludes that the patient who has consulted her physician, discussed her problem with him, and read her patient package insert, will ordinarily be adequately informed. The physician may consult with a parent or guardian if he finds it appropriate or necessary. If experience should prove that the present requirements do not ensure that patients are adequately informed, the Commissioner will consider other measures.

10. One comment recommended that every possible attempt be made to ensure that a patient is never prescribed DES for this particular indication more than once.

Both the patient package insert and the physician's package insert indicate that DES is not to be used routinely or frequently as a method of contraception, and draw attention to the lack of evidence of safety in repeated use. This point is now emphasized in both the second and fifth paragraphs of the revised patient package insert. The Commissioner believes that this labeling adequately discloses current knowledge to both physician and patient and that further measures to limit usage are not warranted at this time.

11. One comment objected to the proposal and requested that the reasons for his objections be explored in public hearings.

The regulation proposed is not the type of regulation on which the Food and Drug Administration is required to hold a public hearing, although the Commissioner may exercise his discretion in that regard. The topic of DES as a postcoital contraceptive was considered during a public hearing at the open session of the Obstetrics and Gynecology Advisory Committee on January 26, 1973. Anyone wishing to present his views on this subject was invited to do so and several people availed themselves of this opportunity either through personal appearance or through correspondence. Their views were carefully considered by the members of the Advisory Committee and by the Food and Drug Administration in reaching their final decision relative to DES as a postcoital contraceptive. The Commissioner has carefully considered the data and information available, finds that the proposed approval of DES as a postcoital contraceptive is justified by the facts, and concludes that a further public hearing at this time on this matter would serve no useful purpose.

The Commissioner, having considered the comments received, finds no basis for altering his finding that DES is safe and effective as a postcoital contraceptive for emergency use when used under the conditions proposed, and concludes that, except for the revisions in the patient package insert and the regulation noted above, the regulation shall be promulgated as proposed.

Shipment in interstate commerce of diethylstilbestrol for use as a postcoital contraceptive is unlawful unless such use is provided for in an approved new drug application as described in the regulation below.

The references cited in this preamble, and other related background material have been assembled and are on display in the office of the Hearing Clerk, Food and Drug Administration, Rm. 4–65, 5600 Fishers Lane, Rockville, MD 20852. The following is a list of the material on display:

(1) Proposed DES regulation. FEDERAL REGISTER, September 26, 1973.

(2) Notice that DES is contraindicated in pregnancy FEDERAL REGISTER, November 10, 1971.

(3) "Postcoital Diethylstilbestrol," FDA Drug Bulletin, May 1973.

(4) "Diethylstilbestrol Contraindicated in Pregnancy," FDA Drug Bulletin, November 1971.

(5) Obstetrics and Gynecology Advisory Committee: Minutes of December 1971 meeting. Material not relevant to DES has been deleted.

(6) Obstetrics and Gynecology Advisory Committee: Minutes of March 1972 meeting. Material not relevant to DES has been deleted.

(7) Obstetrics and Gynecology Advisory Committee: Minutes of January 1973 meeting (both open and closed sessions).

(8) Results of NIH/FDA Workshop on Pregnancy Prevention by Estrogens, held February 14, 1972.

(9) Kuchera, L. K., M.D., "Postcoital Contraception with Diethylstilbestrol," *Journal of the American Medical Association 4:* 562–563, 1971.

(10) Haspels, A. A., M.D., "The Effect of Large Doses of Oestrogens Post-Coitum in 2000 Women." Unpublished paper.

(11) Connell, E. B., M.D., "New York State Survey on 'Morning After' Estrogen Contraceptive Therapy," report presented at NIH Workshop on Aversion of Pregnancy by Estrogens, held February 14, 1972.

(12) Herbst, A. L., et al., "Adenocarcinoma of the Vagina," *New England Journal of Medicine* 284:878–881, 1971.

(13) Cutler, B. S., et al., "Endometrial Carcinoma after Stilbestrol Therapy in Gonadal Dysgenesis," *New England Journal of Medicine* 287:628–631, 1972.

(14) Morris, J. M., et al., "Compounds Interfering with Ovum Implantation and Development," *American Journal of Obstetrics and Gynecology* 96:804, 1966.

(15) Morris, J. M., et al., "Post-Coital Oral Contraception." Proc. 8th Int. Conf. International Planned Parenthood Federation, Santiago, 1967, p. 256.

(16) Blye, R. P., "The Use of Estrogens as Postcoital Contraceptive Agents," *American Journal of Obstetrics and Gynecology* 7:1044, 1973.

(17) Morris, J. M. and G. van Wagenen, "Interception: The Use of Postovulatory Estrogens to Prevent Implantation," *American Journal of Obstetrics and Gynecology* 115:101, 1973.

(18) Morris, J. M., "Mechanisms Involved in Progesterone Contraception and Estrogen Interception," *American Journal of Obstetrics and Gynecology* September 15, 1973.

Accordingly, the Commissioner concludes that § 310.501 should be amended by revising the section heading; redesignating paragraph (a) as paragraph (a)(1) and adding a new heading for paragraph (a); redesignating paragraph (b) as paragraph (a)(2); redesignating the remainder of the existing paragraphs as subparagraphs of paragraph (a) with no change in the existing text; and by adding a new paragraph (b).

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (secs. 502(a) and (f), 505, 701(a), 52 Stat. 1050–1053, 1055, as amended; 21 U.S.C. 352(a) and (f), 355, 371(a)) and under authority delegated to him (21 CFR 2.120), Part 310 is amended by revising § 310.501 to read as follows:

§ 310.501 Preparations for contraception; labeling directed to the patient.

(a) *Oral contraceptives.* (1) The Food and Drug Administration is charged with assuring both physicians and patients that drugs are safe and effective for their intended uses. The full disclosure of information to physicians concerning such things as the effectiveness, contraindications, warnings, precautions and adverse reactions is an important element in the discharge of this responsibility. In view of this, the Administration has reviewed the oral contraceptive products, taking into account the following factors: The products contain potent steroid hormones which affect many organ systems; they are used for long periods of time by large numbers of women who, for the most part, are healthy and take them as a matter of choice for prophylaxis against pregnancy, in full knowledge of other means of contraception; and there is no present assurance that persons for whom the drugs are prescibed or dispensed are uniformly being provided the necessary information for safe and effective use of the drugs.

(2) In view of the foregoing, it is deemed in the public interest to present to users of the oral contraceptives a brief notice of the nature of the drugs, the fact that continued medical supervision is needed for safe and effective use, that the drugs may cause side effects and are contraindicated in some cases, that the most important complication is abnormal blood clotting which can have a fatal outcome, that the physician recognizes an obligation to discuss the potential hazards of taking the drugs with the patient, that he has available for the patient written material discussing the effectiveness and the hazards of the drugs, and that users of the oral contraceptives should notify their physicians if they notice any unusual physical disturbance or discomfort.

(3) The Commissioner agrees that the physician is the proper person for providing use information to his patients,

and these regulations will provide him a balanced discussion of the effectiveness and the risks attendant upon the use of oral contraceptives for his use in discussing the drugs with his patients.

(4) The oral contraceptives are restricted to prescription sale, and their labeling is required to bear information under which practitioners licensed to administer the drugs can use them safely and for the purpose for which they are intended. In addition, in the case of oral contraceptive drugs, the Commissioner conclude that it is necessary in the best interests of users that the following printed information for patients be included in or with the package dispensed to the patient:

(Patient Package Information)

ORAL CONTRACEPTIVES

(Birth Control Pills)

Do Not Take This Drug Without Your Doctor's Continued Supervision

The oral contraceptives are powerful and effective drugs which can cause side effects in some users and should not be used at all by some women. The most serious known side effect is abnormal blood clotting which can be fatal.

Safe use of this drug requires a careful discussion with your doctor. To assist him in providing you with the necessary information, _____ has prepared a booklet (or other form) written in a style understandable to you as the drug user. This provides information on the effectiveness and known hazards of the drug including warnings, side effects and who should not use it. Your doctor will give you this booklet (or other form) if you ask for it and he can answer any questions you may have about the use of this drug.

(Firm name)

Notify your doctor if you notice any unusual physical disturbance or discomfort.

(5) Providing the patient package information to users may be accomplished by including it in each package of the type intended for the user as follows:

(i) If such package includes additional printed materials for the patient (e.g., dosage schedules), the text of the information in paragraph (a)(4) of this section shall be an integral part of the printed material and be in boldface type set out in a box, preceding all other printed text.

(ii) If such package does not include other printed material for the patient, the text of the information in paragraph (a)(1) of this section shall be provided as a printed leaflet in boldface type.

(iii) Include in each bulk package intended for multiple dispensing a sufficient number of the patient package information leaflets, with instructions to the pharmacist to include one with each prescription dispensed.

(6) Written, printed, or graphic materials on the use of a drug that are disseminated by or on behalf of the manufacturer, packager, or distributor and are intended to be made available to the patient, are regarded as labeling. The commissioner also concludes that it is necessary that information in lay language, concerning effectiveness, contraindications, warnings, precautions, and adverse reactions be incorporated prominently in the beginning of any such materials, and that such labeling must be made available to physicians for all patients who may request it. Such labeling shall be substantially as follows, based on the approved package insert for prescribers of the oral contraceptives, and shall include the following points:

(i) A statement that the drug should be taken only under continued supervision of a physician.

(ii) A statement regarding the effectiveness of the product.

(iii) A warning regarding the serious side effects with special attention to thromboembolic disorders and stating the estimated morbidity and mortality in users vs. nonusers. Other serious side effects to be mentioned include mental depression, edema, rash, and jaundice. The possibility of infertility following discontinuation of the drug should be mentioned.

(iv) A statement of contraindications.

(v) A statement of the need for special supervision of some patients including those with heart or kidney disease, asthma, high blood pressure, diabetes, epilepsy, fibroids of the uterus, migraine, mental depression or history thereof.

(vi) A statement of the most frequently encountered side effects such as spotting, breast changes, weight changes, skin changes, and nausea and vomiting.

(vii) A statement of the side effects frequently reported in association with the use of oral contraceptives, but not proved to be directly related, such as nervousness, dizziness, changes in appetite, loss of scalp hair, increase in body hair, and increased or decreased libido.

(viii) A statement regarding metabolic effects such as on blood sugar and cholesterol setting forth our current lack of knowledge regarding the long term significance of these effects.

(ix) Instructions in the event of missed menstrual periods.

(x) A statement cautioning the patient to consult her physician before resuming the use of the drug after childbirth, especially if she intends to breastfeed the baby, pointing out that the hormones in the drug are known to appear in the milk and may decrease the flow.

(xi) A statement regarding production of cancer in certain animals. This may be coupled with a statement that there is no proof of such effect in human beings.

(xii) A reminder to the patient to report promptly to her physician any unusual change in her general physical condition and to have regular examinations.

Optionally, the booklet may also contain factual information on family planning, the usefulness and hazards of other available methods of contraception, and the hazards of pregnancy. This material shall be neither false nor misleading in any particular and shall follow the material presented above.

(7) The marketing of oral contraceptives may be continued if all the following conditions are met on or before May 6, 1975, the date of publication of this section in the FEDERAL REGISTER.

(i) The labeling of such preparations shipped within the jurisdiction of the Act is in accord with paragraph (a)(4), (5), and (6) of this section.

(ii) The holder of an approved new-drug application for such preparation submits a supplement to his new drug application under the provisions of § 314.8(d) of this chapter to provide for labeling as described in paragraph (a)(4), (5) and (6) of this section. Such labeling may be put into use without advance approval of the Food and Drug Administration.

(iii) Existing stocks may be shipped without the package insert for a period of 90 days, provided the labeling booklet is prepared and disseminated as promptly as possible.

(b) *Oral postcoital contraceptives.* (1) Diethylstilbestrol orally for postcoital contraception. Studies conducted with this drug have shown its effectiveness in contraception when administered under restricted conditions. The Commissioner, having considered comments by members of the Food and Drug Administration's Obstetrics and Gynecology Advisory Committee, concludes that the drug is safe and effective as an emergency treatment only, and not as a routine method of birth control. Repeated courses of therapy are to be avoided. The effectiveness of diethylstilbestrol in preventing pregnancy depends upon the time lapse after coitus and administration of the drug. The recommended dosage is one 25 milligram tablet twice a day, for 5 consecutive days beginning, preferably, within 24 hours and not later than 72 hours after exposure. When this dosage is given within the specified time interval, the drug is usually effective in preventing conception. Its use, however, will not terminate pregnancy.

(2) There is at present no positive evidence that the restricted use of diethylstilbestrol for postcoital contraception carries a significant carcinogenic risk either to the mother or the fetus. However, because existing data support the possibility of delayed appearance of carcinoma in females whose mothers have been given diethylstilbestrol later in pregnancy, and because teratogenic and other adverse effects on the fetus with the very early administration recommended are not well understood, failure of postcoital treatment with the drug deserves serious consideration of voluntary termination of pregnancy. For these reasons, as well as possible adverse effects in the patient, the drug should not be used as a routine method of birth control. A pregnancy test should be performed prior to use of the drug as a postcoital contraceptive. If the test is positive, the drug should not be used.

(3) Because of the nature of the conditions surrounding this use of diethylstilbestrol, the Commissioner concludes that it is in the best interests of the patient that, in addition to receiving specific instructions from her physician, she also receive with her package of the drug

a printed leaflet describing how to use the drug, limitations on its use, its potential for serious effects on the fetus in the event she is pregnant, and possible adverse effects, contraindications and precautions.

(4) Diethylstilbestrol for use as a postcoital contraceptive shall be packaged in containers of 10 tablets, each tablet to contain 25 milligrams diethylstilbestrol. Each drug package of 10 tablets shall contain, in addition to information under which the practitioner licensed to administer the drug can use it safely and for the purpose for which it is intended, a brief leaflet for the user to read as follows:

(Patient package information)

Your doctor has prescribed these tablets which contain estrogen (female hormone) as a measure to prevent pregnancy in an emergency, for example, after a rape. To be effective the treatment must be started within 3 days of sexual intercourse and preferably within 1 day. Also, you must take the full course of tablets (1 twice a day for 5 days) even if some nausea and vomiting occurs. These symptoms are common in patients receiving this medicine.

You should use this drug only under the direction of your physician. This treatment is for emergencies only and should not be used repeatedly. If you find it necessary to use this treatment more than once, you should consult with your physician to obtain an adequate method of routine contraception.

This treatment is usually effective in preventing pregnancy if used as described above. However, this drug will not cause an abortion if you are already pregnant. Before prescribing this drug, your physician will determine whether or not you may be pregnant.

An important reason for not taking the drug if you are already pregnant is that such usage exposes the fetus to an unnecessary hazard. There is evidence that, if the growing fetus is a female and the mother is given this drug during pregnancy, the child will have an increased risk of developing cancer of the vagina or cervix later in life. Also, it is not definitely known whether this drug may cause other abnormalities in the fetus. If you have not had a normal menstrual period within 4 weeks after taking the last tablet, you should contact your physician to determine if you are pregnant; and if you are, consult with him regarding continuation of the pregnancy.

In tests conducted in animals, estrogens given for long periods have increased the frequency of cancer in certain species. While there is no evidence from currently available studies in women to indicate that you will have an increased risk of developing cancer later in life if you use this treatment, there is no way to be certain that such evidence will not appear in the future. Therefore, it is sensible and prudent to avoid the high dose of estrogen used in this treatment unless absolutely necessary. That is why this method of contraception is recommended for emergency use only and should not be used repeatedly.

These tablets which contain estrogen may cause certain side effects, most of which are not serious. The most common side effects are nausea, vomiting, breast tenderness and swelling. The most serious side effect of estrogens, which is rare but can at times be fatal, is abnormal blood clotting, the symptoms of which may be severe leg or chest pain, coughing up of blood, difficulty in breathing, sudden severe headaches, dizziness or fainting, disturbances in vision or speech or weakness or numbness of an arm or leg. If any of these occur, you should stop taking the tablets and notify your doctor as soon as possible.

Women who have or have had blood clotting disorders, serious liver conditions, cancer of the breast or womb, or undiagnosed vaginal bleeding in the past should not take these tablets. Furthermore, you should inform your physician if you have or have had a special health problem, such as migraine, mental depression, fibroids of the uterus, heart or kidney disease, asthma, high blood pressure, diabetes or epilepsy. He may wish to make sure that it is suitable for you to take these tablets.

(5) Diethylstilbestrol for use as a postcoital contraceptive may be marketed only on the basis of an approved new drug application containing information required by § 314.1(f) of this chapter, except that full information described under items 7 and 8 (composition and methods, facilities, and controls) of the new drug application Form FD-356H (§ 134.1(c) of this chapter) is required. Guidelines for labeling directed to the physician are available from the Food and Drug Administration, Bureau of Drugs, Division of Metabolic and Endocrine Drug Products (HFD-130), 5600 Fishers Lane, Rockville, MD 20852.

Effective date: This order shall be effective on March 7, 1975.

(Secs. 502 (a) and (f), 505, 701(a), 52 Stat. 1050–1053, 1055, as amended; 21 U.S.C. 352 (a) and (f), 505, 701(a).)

Dated: January 30, 1975.

A. M. SCHMIDT,
Commissioner of Food and Drugs.

[FR Doc.75-3201 Filed 2-4-75;8:45 am]

PART 442—CEPHA ANTIBIOTIC DRUGS

Cephalothin Sodium for Injection

The Commissioner of Food and Drugs has evaluated data submitted in accordance with regulations promulgated under section 507 of the Federal Food, Drug, and Cosmetic Act, regarding approval of the antibiotic drug cephalothin sodium for injection.

The Commissioner concludes that data supplied by the manufacturer about this antibiotic drug are adequate to establish its safety and efficacy when used as directed in the labeling, and that the regulations should be amended to provide for its certification, effective immediately.

Therefore, under provisions of the Federal Food, Drug, and Cosmetic Act (sec. 507, 59 Stat. 463, as amended; 21 U.S.C. 357) and under authority delegated to the Commissioner (21 CFR 2.120), Part 442 in Subchapter D of Chapter I of Title 21, of the Code of Federal Regulations, is amended in Subpart C by adding the following new section to provide for certification of the antibiotic drug product cephalothin sodium for injection:

§ 442.225c Cephalothin sodium for injection.

(a) *Requirements for certification*—(1) *Standards of identity, strength, quality, and purity.* Cephalothin sodium for injection is a dry mixture of cephalothin sodium with one or more suitable and harmless buffer substances. Its potency is satisfactory if it is not less than 90 percent and not more than 115 percent of the number of milligrams of cephalothin that it is represented to contain. It is sterile. It is nonpyrogenic. It passes the safety test. Its loss on drying is not more than 1.5 percent. When reconstituted as directed in the labeling, its pH is not less than 6.0 and not more than 8.5. The cephalothin sodium used conforms to the standards prescribed in § 442.25a(a)(1).

(2) *Labeling.* It shall be labeled in accordance with the requirements of § 432.5 of this chapter.

(3) *Requests for certification; samples.* In addition to complying with the requirements of § 431.1 of this chapter, each such request shall contain:

(i) Results of tests and assays on:

(*a*) The cephalothin sodium used in making the batch for potency, loss on drying, pH, specific rotation, identity, and crystallinity.

(*b*) The batch for potency, sterility, pyrogens, safety, loss on drying, and pH.

(ii) Samples required:

(*a*) The cephalothin sodium used in making the batch: 10 packages, each containing approximately 500 milligrams.

(*b*) The batch:

(*1*) For all tests except sterility: A minimum of 10 immediate containers.

(*2*) For sterility testing: 20 immediate containers, collected at regular intervals throughout each filling operation.

(b) *Tests and methods of assay*—(1) *Potency.* Use either of the following methods; however, the results obtained from the microbiological agar diffusion assay shall be conclusive.

(i) *Microbiological agar diffusion assay.* Proceed as directed in § 436.105 of this chapter, preparing the sample for assay as follows: Reconstitute the sample as directed in the labeling. Using a suitable hypodermic needle and syringe, remove an accurately measured representative portion from each container and dilute with sufficient 1 percent potassium phosphate buffer, pH 6.0 (solution 1), to give a stock solution of convenient concentration. Further dilute an aliquot of the stock solution with solution 1 to the reference concentration of 1.0 microgram of cephalothin per milliliter (estimated).

(ii) *Hydroxylamine colorimetric assay.* Proceed as directed in § 436.205 of this chapter, preparing the sample for assay as follows: Reconstitute the sample as directed in the labeling. Using a suitable hypodermic needle and syringe, remove an accurately measured representative portion from each container and dilute with distilled water to give a stock solution of convenient concentration. Further dilute with distilled water to the prescribed concentration.

(2) *Sterility.* Proceed as directed in § 436.20 of this chapter, using the method described in paragraph (e)(1) of that section.

(3) *Pyrogens.* Proceed as directed in § 436.32(b) of this chapter, using a solution containing 50 milligrams of cephalothin per milliliter.

(4) *Safety.* Proceed as directed in § 436.33 of this chapter.

(5) *Loss on drying.* Proceed as directed in § 436.200(b) of this chapter.

(6) *pH.* Proceed as directed in § 436.202 of this chapter, using the drug reconstituted as directed in the labeling.

Since the conditions prerequisite to providing for certification of the subject antibiotic drug have been complied with and since the matter is noncontroversial in nature, notice and public procedures and delayed effective date are not prerequisites to this promulgation.

Effective date. This order shall be effective February 5, 1975.

(Sec. 507, 59 Stat. 463, as amended; 21 U.S.C. 357)

Dated: January 29, 1975.

MARY A. MCENIRY,
Assistant to the Director for Regulatory Affairs, Bureau of Drugs.

[FR Doc.75-3199 Filed 2-4-75;8:45 am]

Title 24—Housing and Urban Development

CHAPTER II—OFFICE OF ASSISTANT SECRETARY FOR HOUSING PRODUCTION AND MORTGAGE CREDIT—FEDERAL HOUSING COMMISSIONER (FEDERAL HOUSING ADMINISTRATION), DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

SUBCHAPTER B—MORTGAGE AND LOAN INSURANCE PROGRAMS UNDER NATIONAL HOUSING ACT

[Docket No. R-75-235]

PART 201—PROPERTY IMPROVEMENT AND MOBILE HOME LOANS

Factory Inspection of Mobile Homes

On September 4, 1973, a notice of proposed rulemaking was published in the FEDERAL REGISTER (38 FR 23803) by the Department of Housing and Urban Development proposing a new system for third party factory inspection of mobile homes financed with loans insured under this part.

A final rule was adopted on March 29, 1974 (39 FR 11552), effective on April 29, 1974. The effective date was subsequently postponed to January 29, 1975 (39 FR 17440, 39 FR 38905).

The regulations are being amended to provide that the provisions governing inspections will become effective for mobile homes manufactured in each state 30 days after approval by the Commissioner of individual state programs (with inspections made by the state and/or approved third parties) governing the manufacture and inspection of mobile homes. These provisions shall apply for mobile homes manufactured in all states after April 30, 1975, except that in unusual circumstances and for good cause the Commissioner may grant a waiver of the above requirements.

The regulations are also being amended to provide that the mobile homes must be certified to be in compliance with either mobile home standard A119.1 as approved by the American National Standards Institute or with applicable state standards governing mobile home construction which are certified by the state as equivalent to or exceeding ANSI A119.1. Current regulations require a certification to the ANSI A119.1 requirements.

The Secretary has determined that advance notice and public procedure are unnecessary and that good cause exists for making these amendments effective on January 29, 1975, as an interim rule.

Interested persons may submit written comments during the next 30 days addressed to the Rules Docket Clerk, Office of General Counsel, Room 10256, Department of Housing and Urban Development, 451 Seventh Street SW., Washington, D.C. 20410. A copy of each communication will be available for public inspection during regular business hours at the above address. Such comments will be considered prior to the publication of the final rule.

1. Accordingly § 201.520(b) is revised to read as follows:

§ 201.520 Structural design and standards.

* * * * *

(b) *Criteria.* The requirement of paragraph (a) of this section may be satisfied by compliance with the specifications in effect at the time the home is manufactured which are (1) prescribed in mobile home standard No. A119.1, as approved by the American National Standards Institute, hereinafter referred to as "ANSI" or (2) contained in applicable state standards which the state certifies are substantially equivalent to, or exceed the ANSI A119.1 requirements. A certification shall be obtained from the manufacturer stating that the mobile home was constructed in accordance with the ANSI requirements or applicable state requirements that have been certified by the state as equivalent to or exceeding the ANSI A119.1 standard. In addition, in those states where the Commissioner has made a finding that the state in which the home is manufactured has adequate provisions governing the manufacture and inspection of mobile homes, a label or tag of a state agency or private inspection organization or agency, certifying that the mobile home was construced in accordance with ANSI standards or with state requirements that have been certified by the state as equivalent to or exceeding the ANSI A119.1 standard, shall be permanently affixed to each mobile home.

* * * * *

2. Section 201.521 is amended to read as follows:

§ 201.521 Factory inspection.

In states where the Commissioner has made a finding that the state in which the home is manufactured has adequate provisions governing the manufacture and inspection of mobile homes, each mobile home manufactured after the applicable date shall display a seal certifying that it has been subject to representative inspections in accordance with a quality control program approved by the Commissioner and is in compliance with the requirements of § 201.520. Inspections shall be made by a state agency and/or a private inspection agency or organization approved by the Commissioner. This provision shall be applicable 30 days after a state has been notified of a satisfactory finding by the Commissioner as to the state program, but in no event later than April 30, 1975, unless the Commissioner has granted a waiver of the requirements of this paragraph.

(Sec. 7(d) 79 Stat. 670 (42 U.S.C. 3535(d); Sec. 2, 48 Stat. 1246 (12 U.S.C. 1701))

Effective date. This amendment is effective January 29, 1975.

DAVID M. DEWILDE,
Acting Assistant Secretary for Housing Production and Mortgage Credit, FHA Commissioner.

[FR Doc.75-3304 Filed 2-4-75;8:45 am]

CHAPTER V—OFFICE OF ASSISTANT SECRETARY FOR COMMUNITY PLANNING AND DEVELOPMENT, DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. R-75-292]

PART 570—COMMUNITY DEVELOPMENT BLOCK GRANTS

Deadline for Submission of Applications

The Department is amending § 570.300 (a) of Title 24 of the Code of Federal Regulations which governs the deadlines for submission of applications for community development block grants under Title I of the Housing and Community Development Act of 1974, Pub. Law 93-383. The Part 570 regulation was published Nov. 13, 1974 (39 FR 40136). The purpose of this amendment is to allow the Secretary discretion to extend the deadline for particular cases in certain narrow circumstances. It is necessary that this amendment take effect at the earliest possible date in order that potential applicants can better evaluate their positions with respect to this program which goes into effect on January 1, 1975. Accordingly, the Assistant Secretary for Community Planning and Development finds good cause for foregoing the usual public comment and notice procedure, and he finds further good cause that this amendment to the regulations should take effect on February 5, 1975.

The section is amended as follows:

In Subpart D of Part 570, § 570.300 is amended to read as follows:

§ 570.300 Pre-submissions.

(a) *Timing of submission of applications.* The Secretary will establish from time to time the earliest and latest dates for submission of an application for each fiscal year. Applications, or draft materials relating to applications, received before the earliest date will be returned

to the applicant without review. For fiscal year 1975, the earliest date for submission of an application shall be December 1, 1974; the latest date shall be April 15, 1975: *Provided, however,* That the Secretary may extend the April 15, 1975, deadline for submission of an application in particular cases in which, in his judgment, procedures mandated by state statute or regulation render submission of the application by April 15, 1975, impracticable, but in no event will submission of an application be accepted after May 30, 1975. Applicants wishing to request an extension of the April 15, 1975, headline pursuant to this paragraph shall inform the appropriate HUD Area Office by March 1, 1975, giving the basis for the applicant's inability to file an application by April 15, 1975. No extension will be granted if the request for extension and the reasons therefor have not been received by HUD by March 1, 1975. Prior to the earliest date for submission of an application for each fiscal year, HUD will provide all applicants with forms and instructions, including the actual or estimated entitlement amount. Entitlement applicants wishing to apply for discretionary grants shall follow the procedures described in Subpart E, Applications and Criteria for Discretionary Grants.

* * * * *

(Sec. 7(d), Department of HUD Act (42 U.S.C. 3535(d)))

Effective date. This amendment shall be effective on February 5, 1975.

DAVID O. MEEKER, Jr.,
Assistant Secretary for Community Planning and Development.

[FR Doc.75-3303 Filed 2-4-75;8:45 am]

Title 28—Judicial Administration

CHAPTER I—DEPARTMENT OF JUSTICE

PART 2—PAROLE, RELEASE, SUPERVISION, AND RECOMMITMENT OF PRISONERS, YOUTH OFFENDERS, AND JUVENILE DELINQUENTS

Miscellaneous Amendments

At the January 1975 quarterly meeting of the Board of Parole, several amendments were made to the Board's regulations. The Board welcomes any public comment on these amendments and its regulations generally, pursuant to the notice of proposed rulemaking published at 39 FR 45296. However, because of the immediate need to clarify certain regulations and to eliminate delays in processing cases, the Board finds under 5 U.S.C. 553(b)(3)(B) that notice and public procedure are impracticable for these regulations.

quents.

Section 2.4 is amended to reflect the 1974 change in the statutory criteria for parole decision making for juvenile delin-

The last two sentences of the former § 2.11(c) are deleted as superfluous and possibly misleading.

The procedure for considering original jurisdiction cases under § 2.17(a) is amended to minimize delays in processing cases by providing for consideration by the National Directors in Washington rather than at the quarterly meetings of the Regional Directors. The appeal procedure for original jurisdiction cases in § 2.27 has been revised to provide an appeal as of right to the entire Board. Section 2.28 has been amended to provide a more streamlined procedure for reopening original jurisdiction cases by authorizing the same Board Members who reopen a case to order the substantive action deemed appropriate.

The paroling policy guidelines set out in § 2.20 have been amended to clarify the appropriate severity categories for offenses involving "soft drugs."

The provisions for rescission of parole have been moved from § 2.30 to § 2.37, and the release date policy set out in the former § 2.37 has been moved to § 2.30. Section 2.30 has also been revised to indicate that a parole grant is not effective until the parole certificate is delivered to the prisoner. There was also added a provision that a parole grant may be retarded for up to one hundred and twenty days for development and approval of release plans.

Section 2.31 has been amended to provide for a hearing and to eliminate the necessity for an original jurisdiction decision in order to rescind or revoke a parole because of false or withheld information.

Section 2.37 has been amended to set out in detail the procedures to be followed for rescission of parole.

The criteria for designating original jurisdiction cases under § 2.17(b) have been changed to delete "organized crime" as a basis for such designation. Traditionally, certain cases involving national security, unusual public interest, major violence, or organized crime have been designated for consideration by a larger quorum of Board Members than that required for other cases. Increased voting quorum requirement for these cases is designed to protect the public's confidence in the integrity of Parole Board decisions by providing a broadly based consensus of Board Members in cases where there is more likely to be public interest in the grant or denial of parole.

However, in certain cases in the organized crime category association of the subject in organized crime has appeared open to question. To eliminate such uncertainties in designations of cases for original jurisdiction the Board has deleted the organized crime category as a basis for such designation. With elimination of organized crime as a criterion, the Board has adopted a new category for original jurisdiction designation based on the circumstances of the offense behavior. This category consists of crimes involving an unusual degree of sophistication or planning or crimes which were part of a large scale criminal conspiracy or a continuing criminal enterprise. The criteria thus adopted do not depend upon a prisoner's alleged association with a criminal organization. While cases involving these offense factors will often contain allegations of organized crime involvement, use of these criteria without relation to the organized crime allegations will, in the Board's judgment, furnish a more objective method for designating cases for original jurisdiction consideration.

Under the authority of 28 CFR Chapter 1, Part 0, Subpart V and 18 U.S.C. 4201–4210 and 5010–5037, 28 CFR Chapter 1, Part 2 is amended, effective on February 5, 1975, as follows:

Section 2.4 is amended to read as follows:

§ 2.4 Same; juvenile delinquents.

The Board of Parole shall release from custody, on such conditions as it deems necessary, each juvenile delinquent who has been committed, as soon as the Board is satisfied that he is likely to remain at liberty without violating the law and when such release would be in the interest of justice (18 U.S.C. 5041).

Section 2.11(c) is revised to read as follows:

§ 2.11 Application for parole.

* * * * *

(c) Prisoners committed under the Federal Juvenile Delinquency Act, The Youth Correction Act, and the Narcotic Addict Rehabilitation Act shall be considered for parole without application and may not waive parole consideration.

Section 2.17 is revised to read as follows:

§ 2.17 Original jurisdiction cases.

(a) A Regional Director may designate certain cases as original jurisdiction cases. The Regional Director shall then forward the case with his vote, and any additional comments he may deem germane, to the National Directors for decision. Decisions shall be based upon the concurrence of three votes with the appropriate Regional Director and each National Director having one vote. Additional votes, if required, shall be cast by the other Regional Directors on a rotating basis as established by the Chairman of the Board.

(b) The following criteria will be used in designating cases as original jurisdiction cases:

(1) Prisoners who have committed serious crimes against the security of the Nation, e.g., espionage or aggravated subversive activity.

(2) Prisoners whose offense behavior (A) involved an unusual degree of sophistication or planning or (B) was part of a large scale criminal conspiracy or a continuing criminal enterprise.

(3) Prisoners who have received national or unusual attention because of the nature of the crime, arrest, trial, or prisoner status, or because of the community status of the offender or his victim.

(4) Prisoners sentenced to a maximum term of forty-five years (or more) or prisoners serving life sentences.

Section 2.20 is revised to read as follows:

§ 2.20 Paroling policy guidelines; statement of general policy.

(a) To establish a national paroling policy, promote a more consistent exercise of discretion, and enable fairer and more equitable decision-making without removing individual case consideration, the United States Board of Parole has adopted guidelines for parole release consideration.

(b) These guidelines indicate the customary range of time to be served before release for various combinations of offense (severity) and offender (parole prognosis) characteristics. The time ranges specified by the guidelines are established specifically for the cases with good institutional adjustment and program progress.

(c) These time ranges are merely guidelines. Where the circumstances warrant, decisions outside of the guidelines (either above or below) may be rendered. For example, cases with exceptionally good institutional program achievement may be considered for earlier release.

(d) The guidelines contain examples of offense behaviors for each severity level. However, especially mitigating or aggravating circumstances in a particular case may justify a decision or a severity rating different from that listed.

(e) An evaluation sheet containing a "salient factor score" serves as an aid in determining the parole prognosis (potential risk of parole violation). However, where circumstances warrant, clinical evaluation of risk may override this predictive aid.

(f) These guidelines do not apply to parole revocation or reparole considerations. The Board shall review the guidelines periodically and may revise or modify them at any time as deemed appropriate.

ADULT

[Guidelines for decisionmaking, average total time served before release (including jail time)]

Offense characteristics: severity of offense behavior (examples)	Offender characteristics: parole prognosis (salient factor score)			
	Very good (11 to 9)	Good (8 to 6)	Fair (5 to 4)	Poor (3 to 0)
LOW				
Immigration law violations Minor theft (includes larceny and simple possession of stolen property less than $1,000). Walkaway	6 to 10 mo.	8 to 12 mo.	10 to 14 mo.	12 to 16 mo.
LOW MODERATE				
Alcohol law violations Counterfeit currency (passing/possession less than $1,000). Drugs: marihuana, simple possession (less than $500). Firearms Act, possession/purchase/sale (single weapon—not altered or machinegun). Forgery/fraud (less than $1,000) Income tax evasion (less than $10,000) Selective Service Act violations Theft from mail (less than $1,000)	8 to 12 mo.	12 to 16 mo.	16 to 20 mo.	20 to 25 mo.
MODERATE				
Bribery of public officials Counterfeit currency (passing/possession $1,000 to $19,999). Drugs: "Hard drugs", possession by drug user (less than $500). Marihuana, possession with intent to distribute/sale (less than $5,000). "Soft drugs", possession (less than $5,000) "Soft drugs", sale (less than $500) Embezzlement (less than $20,000) Explosives, possession/transportation Firearms Act, possession/purchase/sale (altered weapon(s), machinegun(s), or multiple weapons). Income tax evasion ($10,000 to $50,000) Interstate transportation of stolen/forged securities (less than $20,000). Mailing threatening communications Misprision of felony Receiving stolen property with intent to resell (less than $20,000). Smuggler of aliens Theft/forgery/fraud ($1,000 to $19,999) Theft of motor vehicle (not multiple theft or for resale).	12 to 16 mo.	16 to 20 mo.	20 to 24 mo.	24 to 30 mo.
HIGH				
Burglary or larceny (other than embezzlement) from bank or post office. Counterfeit currency (passing/possession $20,000 or more). Counterfeiting (manufacturing) Drugs: "Hard drugs" (possession with intent to distribute/sale) by drug user to support own habit only. Marihuana, possession with intent to distribute/sale ($5,000 or more). "Soft drugs", possession with intent to distribute/sale($500 to $5,000) Embezzlement ($20,000 to $100,000) Interstate transportation of stolen/forged securities ($20,000 to $100,000). Mann Act (no force—commercial purposes) Organized vehicle theft Receiving stolen property ($20,000 to $100,000) Theft/forgery/fraud ($20,000 to $100,000)	16 to 20 mo.	20 to 26 mo.	26 to 32 mo.	32 to 38 mo.
VERY HIGH				
Robbery (weapon or threat) Drugs: "Hard drugs" (possession with intent to distribute/sale) for profit [no prior conviction for sale of "hard drugs"]. "Soft drugs", possession with intent to distribute/sale (over $5,000) Extortion Mann Act (force) Sexual act (force)	26 to 36 mo.	36 to 45 mo.	45 to 55 mo.	55 to 65 mo.
GREATEST				
Aggravated felony (e.g. robbery, sexual act, aggravated assault)—weapon fired or personal injury. Aircraft hijacking Drugs: "Hard drugs" (possession with intent to distribute/sale) for profit [prior conviction(s) for sale of "hard drugs"]. Espionage Explosives (detonation) Kidnapping Willful homicide	(Greater than above—however, specific ranges are not given due to the limited number of cases and the extreme variations in severity possible within the category.)			

NOTES

[1] These guidelines are predicated upon good institutions' conduct and program performance.

[2] If an offense behavior is not listed above, the proper category may be obtained by comparing the severity of the offense behavior with those of similar offense behaviors listed.

[3] If an offense behavior can be classified under more than one category, the most serious applicable category is to be used.

[4] If an offense behavior involved multiple separate offenses, the severity level may be increased.

[5] If a continuance is to be given, allow 30 d (1 mo) for release program provision.

[6] "Hard drugs" include heroin, cocaine, morphine, or opiate derivatives, and synthetic opiate substitutes.

YOUTH

[Guidelines for decisionmaking, average total time served before release (including jail time)]

Offense characteristics: severity of offense behavior (examples)	Offender characteristics: parole prognosis (salient factor score)			
	Very good (11 to 9)	Good (8 to 6)	Fair (5 to 4)	Poor (3 to 0)
LOW				
Immigration law violations Minor theft (includes larceny and simple possession of stolen property less than $1,000). Walkaway	6 to 10 mo.	8 to 12 mo.	10 to 14 mo.	12 to 16 mo.
LOW MODERATE				
Alcohol law violations Counterfeit currency (passing/possession less than $1,000). Drugs: marihuana, simple possession (less than $500). Firearms Act, possession/purchase/sale (single weapon—not altered or machinegun). Forgery/fraud (less than $1,000) Income tax evasion (less than $10,000) Selective Service Act violations Theft from mail (less than $1,000)	8 to 12 mo.	12 to 16 mo.	16 to 20 mo.	20 to 25 mo.
MODERATE				
Bribery of public officials Counterfeit currency (passing/possession $1,000 to $19,999). Drugs: "Hard drugs", possession by drug user (less than $500). Marihuana, possession with intent to distribute/sale (less than $5,000). "Soft drugs", possession (less than $5,000) "Soft drugs", sale (less than $500) Embezzlement (less than $20,000) Explosives, possession/transportation Firearms Act, possession/purchase/sale (altered weapon(s), machinegun(s), or multiple weapons). Income tax evasion ($10,000 to $50,000) Interstate transportation of stolen/forged securities (less than $20,000). Mailing threatening communications Misprision of felony Receiving stolen property with intent to resell (less than $20,000). Smuggler of aliens Theft/forgery/fraud ($1,000 to $19,999) Theft of motor vehicle (not multiple theft or for resale).	10 to 13 mo.	13 to 17 mo.	17 to 21 mo.	21 to 26 mo.
HIGH				
Burglary or larceny (other than embezzlement) from bank or post office. Counterfeit currency (passing/possession $20,000 or more). Counterfeiting (manufacturing) Drugs: "Hard drugs" (possession with intent to distribute/sale) by drug user to support own habit only. Marihuana, possession with intent to distribute/sale ($5,000 or more). "Soft drugs", possession with intent to distribute/sale ($500 to $5,000) Embezzlement ($20,000 to $100,000) Interstate transportation of stolen/forged securities ($20,000 to $100,000). Mann Act (no force—commercial purposes) Organized vehicle theft Receiving stolen property ($20,000 to $100,000) Theft/forgery/fraud ($20,000 to $100,000)	12 to 16 mo.	16 to 20 mo.	20 to 24 mo.	24 to 28 mo.
VERY HIGH				
Robbery (weapon or threat) Drugs: "Hard drugs" (possession with intent to distribute/sale) for profit (no prior conviction for sale of "hard drugs"). "Soft drugs", possession with intent to distribute/sale (over $5,000) Extortion Mann Act (force) Sexual act (force)	20 to 27 mo.	27 to 32 mo.	32 to 36 mo.	36 to 42 mo.
GREATEST				
Aggravated felony (e.g. robbery, sexual act, aggravated assault)—weapon fired or personal injury. Aircraft hijacking Drugs: "Hard drugs" (possession with intent to distribute/sale) for profit (prior conviction(s) for sale of "hard drugs"). Espionage Explosives (detonation) Kidnaping Willful homicide	(Greater than above—however, specific ranges are not given due to the limited number of cases and the extreme variations in severity possible within the category.)			

NOTES

[1] These guidelines are predicated upon good institutional conduct and program performance.
[2] If an offense behavior is not listed above, the proper category may be obtained by comparing the severity of the offense behavior with those of similar offense behaviors listed.
[3] If an offense behavior can be classified under more than one category, the most serious applicable category is to be used.
[4] If an offense behavior involved multiple separate offenses, the severity level may be increased.
[5] If a continuance is to be given, allow 30 d (1 mo) for release program provision.
[6] "Hard drugs" include heroin, cocaine, morphine, or opiate derivatives, and synthetic opiate substitutes.

NARA

[Guidelines for decisionmaking, average total time served before release (including jail time)]

Offense characteristics: Severity of offense behavior (examples)	Offender characteristics: Parole prognosis (salient factor score)			
	Very good (11 to 9)	Good (8 to 6)	Fair (5 to 4)	Poor (3 to 0)
LOW				
Immigration law violations Minor theft (includes larceny and simple possession of stolen property less than $1,000). Walkaway	6 to 12 mos.		12 to 18 mos.	
LOW MODERATE				
Alcohol law violations Counterfeit currency (passing/possession less than $1,000). Drugs: Marihuana, simple possession (less than $500) Firearms Act, possession/purchase/sale (single weapon—not altered or machinegun). Forgery/fraud (less than $1,000) Income tax evasion (less than $10,000) Selective Service Act violations Theft from mail (less than $1,000)	6 to 12 mos.		12 to 18 mos.	
MODERATE				
Bribery of public officials Counterfeit currency (passing/possession $1,000 to $19,999). Drugs: "Hard drugs", possession by drug user (less than $500). Marihuana, possession with intent to distribute/sale (less than $5,000). "Soft drugs", possession (less than $5,000) "Soft drugs", sale (less than $500) Embezzlement (less than $20,000) Explosives, possession/transportation Firearms Act, possession/purchase/sale (altered weapon(s), machinegun(s), or multiple weapons). Income tax evasion ($10,000 to $50,000) Interstate transportation of stolen/forged securities (less than $20,000). Mailing threatening communications Misprision of felony Receiving stolen property with intent to resell (less than $20,000). Smuggler of aliens Theft/forgery/fraud ($1,000 to $19,999) Theft of motor vehicle (not multiple theft or for resale).	12 to 18 mos.		18 to 24 mos.	
HIGH				
Burglary or larceny (other than embezzlement) from bank or post office. Counterfeit currency (passing/possession $20,000 or more). Counterfeiting (manufacturing) Drugs: "Hard drugs" (possession with intent to distribute/sale) by drug user to support own habit only. Marihuana, possession with intent to distribute/sale ($5,000 or more). "Soft drugs", possession with intent to distribute/sale ($500 to $5,000) Embezzlement ($20,000 to $100,000) Interstate transportation of stolen/forged securities ($20,000 to $100,000). Mann Act (no force—commercial purposes) Organized vehicle theft Receiving stolen property ($20,000 to $100,000) Theft/forgery/fraud ($20,000 to $100,000)	12 to 18 mos.		18 to 24 mos.	
VERY HIGH				
Robbery (weapon or threat) Drugs: "Hard drugs" (possession with intent to distribute/sale) for profit (no prior conviction for sale of "hard drugs"). "Soft drugs", possession with intent to distribute/sale (over $5,000) Extortion Mann Act (force) Sexual act (force)	20 to 26 mos.		26 to 32 mos.	
GREATEST				
Aggravated felony (e.g. robbery, sexual act, aggravated assault)—weapon fired or personal injury. Aircraft hijacking Drugs: "Hard drugs" (possession with intent to distribute/sale) for profit (prior conviction(s) for sale of "hard drugs"). Espionage Explosives (detonation) Kidnapping Willful homicide	(Greater than above—however, specific ranges are not given due to the limited number of cases and the extreme variations in severity possible within the category.)			

NOTES

1. These guidelines are predicated upon good institutional conduct and program performance.
2. If an offense behavior is not listed above, the proper category may be obtained by comparing the severity of the offense behavior with those of similar offense behaviors listed.
3. If an offense behavior can be classified under more than one category, the most serious applicable category is to be used.
4. If an offense behavior involved multiple separate offenses, the severity level may be increased.
5. If a continuance is to be given, allow 30 d (1 mo.) for release program provision.
6. "Hard drugs" include heroin, cocaine, morphine, or opiate derivatives, and synthetic opiate substitutes.

SALIENT FACTOR SCORE

Case name_____ Register No_____

Item A_____ ☐
No prior convictions (adult or juvenile) =2
One or two prior convictions=1
Three or more prior convictions=0

Item B_____ ☐
No prior incarcerations (adult or juvenile) =2
One or two prior incarcerations=1
Three or more prior incarcerations=0

Item C_____ ☐
Age at first commitment (adult or juvenile) 18 years or older=1
Otherwise=0

Item D_____ ☐
Commitment offense did not involve auto theft=1
Otherwise=0

Item E_____ ☐
Never had parole revoked or been committed for a new offense while on parole=1
Otherwise=0

Item F_____ ☐
No history of heroin, cocaine, or barbiturate dependence=1
Otherwise=0

Item G_____ ☐
Has completed 12th grade or received GED=1
Otherwise=0

Item H_____ ☐
Verified employment (or full-time school attendance) for a total of at least 6 months during the last 2 years in the community=1
Otherwise=0

Item I_____ ☐
Release plan to live with spouse and/or children=1
Otherwise=0

Total score_____ ☐

Section 2.27 is revised to read as follows:

§ 2.27 Appeal of original jurisdiction cases.

(a) Cases decided under the procedure specified in § 2.17 may be appealed within thirty days of the entry of the decision on a form provided for this purpose. Attorneys, relatives, and other interested parties who wish to submit written information in support of a prisoner's appeal should send such information to the National Appellate Board Executive, United States Board of Parole, 320 First Street NW., Washington, D.C. 20537. Appeals of original jurisdiction cases shall be reviewed by the entire Board at its next quarterly meeting. A quorum of five members shall be required and all decisions shall be by majority vote. The Chairman shall vote on the decision only in the absence of a member. This appellate decision shall be final.

(b) Attorneys, relatives, or other interested parties who wish to speak for or against parole at such consideration must submit a written request to the Chairman of the Board stating their relationship to the prisoner and the general nature of the material they wish to present. The Chairman shall determine if the requested apperances will be permitted.

(c) If no appeal is filed within thirty days of the entry of the decision under § 2.17, this decision shall stand as the final decision of the Board.

(d) The bases for this appeal shall be the same as for a regional appeal as set forth in § 2.25(d).

Section 2.28 is revised to read as follows:

§ 2.28 Reopening of cases.

Notwithstanding the appeal procedure of § 2.25 and § 2.26, the appropriate Regional Director may on his own motion reopen a case at any time upon the receipt of new information of substantial significance and may then take any action authorized under the provisions and procedures of § 2.25. Original jurisdiction cases may be reopened upon the motion of the appropriate Regional Director under the procedures of § 2.17.

Section 2.30 is revised to read as follows:

§ 2.30 Release on parole.

(a) A grant of parole shall not be deemed to be effective until a certificate of parole has been delivered to the prisoner.

(b) Parole release dates generally will not be set more than six months from the date of the parole hearing. Exceptions may be made in extraordinary situations or when necessary to permit an adequate period of residence in a Community Treatment Center. Such residence in a Community Treatment Center shall not generally exceed one hundred and twenty days. An effective date of parole shall not be set for a Saturday, Sunday, or a legal holiday.

(c) When an effective date of parole has been set by the Board, release on that date shall be conditioned upon continued good conduct by the prisoner and the completion of a satisfactory plan for parole supervision. The appropriate Regional Director may, on his own motion, reconsider any case prior to release and may reopen and advance or retard a parole date. A parole grant may be retarded for up to one hundred and twenty days without a hearing for development and approval of release plans.

Section 2.31 is revised to read as follows:

§ 2.31 False or withheld information.

All paroles are ordered on the assumption that information from the prisoner has not been fraudulently given or withheld from the Board. If evidence comes to the attention of the Board that a prisoner willfully concealed or misrepresented information deemed significant, the Regional Director may schedule a hearing to determine whether parole should be revoked or rescinded. Such a hearing shall be conducted in accordance with the procedure set out in § 2.37 (b)(2).

Section 2.37 is revised to read as follows:

§ 2.37 Rescission of parole.

(a) When an effective date of parole has been set by the Board, release on that date shall be conditioned upon continued good conduct by the prisoner. If a prisoner has been granted parole and has subsequently been charged with institutional misconduct sufficient to become a matter of record, the Regional Director shall be advised promptly of such misconduct. The prisoner shall not be released until the institution has been notified that no change has been made in the Board's order to parole.

(1) Upon receipt of information that a prisoner has violated the rules of the institution, the Regional Director may retard the parole grant for up to sixty days without a hearing or may retard the parole grant and schedule the case for a rescission hearing. If the prisoner was confined in a federal prison at the time of the order retarding parole, the rescission hearing shall be scheduled for the next docket of parole hearings at the institution. If the prisoner was residing in a federal community treatment center or a state or local halfway house, the rescission hearing shall be scheduled for the first docket of parole hearings after return to a federal institution. When the prisoner is given written notice of the Board action regarding parole, he shall be given notice of the charges of misconduct to be considered at the rescission hearing. The purpose of the rescission hearing shall be to determine whether rescission of the parole grant is warranted. At the rescission hearing the prisoner may be represented by a person of his choice and may present documentary evidence.

(2) An institution discipline committee hearing conducted by the institution resulting in a finding that the prisoner has violated the rules of his confinement, may be relied upon by the Board as conclusive evidence of institutional misconduct.

(3) If the parole grant is rescinded, the prisoner shall be furnished a written statement of the findings of misconduct and the evidence relied upon.

(b)(1) Upon receipt of new information adverse to the prisoner regarding

matters other than institutional misconduct, the Board acting upon the procedures of § 2.17 may retard a previously granted parole and schedule the case for an institutional review hearing on the next docket of parole hearings or at the first docket of parole hearings following return to a federal institution.

(2) The prisoner shall be given notice of the nature of the new adverse information upon which the rescission consideration is to be based. The hearing shall be conducted in accordance with the procedures set out in §§ 2.12 and 2.13. The purpose of the hearing shall be to determine if the parole grant should be rescinded or if a new parole date should be established.

Dated: January 24, 1975.

MAURICE H. SIGLER,
Chairman,
United States Board of Parole.

[FR Doc.75-3233 Filed 2-4-75;8:45 am]

Title 32—National Defense

CHAPTER VII—DEPARTMENT OF THE AIR FORCE

SUBCHAPTER I—MILITARY PERSONNEL

PART 881—APPOINTMENT IN COMMISSIONED GRADES—RESERVE OF THE AIR FORCE AND UNITED STATES AIR FORCE (TEMPORARY)

Miscellaneous Amendments

The purpose of this amendment to Part 881 is to substitute DOD Form 398 for DOD Form 98; to adopt the title Officer Training School, USAF (OTS) in place of School of Military Sciences, Officer (SMSO); to add guidance in regard to noncitizen physician applicants; to clarify requirements for appointment of nurses and other applicants; and to make other minor changes to update the Part.

Part 881, Subchapter I of Chapter VII of title 32 of the Code of Federal Regulations is amended as follows: 1. Part 881 Table of Contents is amended by revising the titles of §§ 881.16 and 881.61 as follows:

Sec.
881.16 Officer Training School, USAF (OTS), and AFROTC graduates.
881.61 [Reserved]

2. Section 881.11(h) is amended by revising to read as follows:

§ 881.11 Persons ineligible for appointment.

* * * * *

(h) A person who intentionally fails or refuses to accomplish DD Form 398, Statement of Personal History, in its entirety. A person who refuses to complete or sign a completed DD Form 398 or enters a "yes" in item 17 thereof will be processed for a preappointment investigation according to AFR 35-62, Security Program.

* * * * *

3. Section 881.16 is amended by revising to read as follows:

§ 881.16 Officer Training School, USAF (OTS), and AFROTC graduates.

(a) *OTS graduates.* Applicants must have successfully completed the prescribed course and be recommended for appointment by a faculty board.

(b) *AFROTC graduates.* Applicants must have successfully completed the prescribed academic and military training requirements.

4. Section 881.22(b) is amended by revising to read as follows:

§ 881.22 Eligibility requirements.

* * * * *

(b) *Citizenship requirements.* A person, other than a physician, appointed as a Reserve of the Air Force under this part must at the time of appointment be a citizen of the United States. An individual who is not a citizen by birth must submit the statement in paragraph (b)(1) of this section, signed by an officer, notary public, or other person authorized by law to administer oaths. In no circumstances will facsimiles or copies (photographic or otherwise) of naturalization certificates, declarations of intention, certificates of citizenship, or alien registration receipt cards be made. Title 18 U.S.C. 1426(h) provides that "whoever, without lawful authority, prints, photographs, makes or executes a print or impression in the likeness of a certificate of arrival, declaration of intention to become a citizen, or certificate of naturalization or citizenship, or any part thereof, shall be fined not more than $5,000 or imprisoned not more than five years, or both." Submission of the document in paragraph (b)(2) of this section is acceptable as proof of citizenship for persons born of American parent(s) outside the United States. Noncitizen physician applicants must submit the statement in paragraph (b)(3) of this section.

(1) For persons who are not citizens by birth:

I certify that I have this date seen the original certificate of citizenship No. ------ (or certified copy of the court order establishing citizenship) stating that ---------- ------ was admitted to United States citizenship by the court of ----------
(district or country)
at ----------, on ----------
(city and state) (date)

(signature) (date)

(2) For persons born of American parent(s) outside the United States. Authenticated copy of Department of State Form FS-240, Report of Birth Abroad of a Citizen of the United States of America. This form is referred to as the Consular Report of Birth and may be obtained from the Authentication Officer, Department of State, Washington, D.C. 20520.

(3) Noncitizen physician applicants must possess a valid INS Form I-151, Immigration and Naturalization Service (INS) Alien Registration Receipt Card (which may be obtained from the local Immigration and Naturalization Office), as evidence of lawful entry into the United States for permanent residence. Since reproduction of this form is prohibited, the applicant must submit the following statement signed by an officer, notary public, or other person authorized to administer oaths:

I certify that I have this date seen INS Form I-151 issued to ---------- indicating lawful entry into the United States for permanent residence on ----------
(name of applicant)
(date)

(signature) (date)

NOTE: Burden of proof is upon the applicant.

§ 881.23 [Amended]

* * * * *

5. Section 881.23(a) is amended by adding at the end of the paragraph the sentence, "Constructive service credit does not apply to persons commissioned through officer commissioning programs such as OTS and AFROTC."

6. Section 881.34 is amended by revising to read as follows:

§ 881.34 Personnel security investigations.

Rule	A If an applicant	B then he may not be tendered an appointment until (note 1)
1	[Reserved]	
2	has a father, mother, sisters, brothers, spouse, or children residing in one of the countries listed in AFR 205-32, atch 7, para 2k.	a report of a BI under AFR 205-32 has been completed and a favorable report rendered.
3	is a U.S. citizen and has resided or traveled in a country listed in AFR 205-32, atch 7, para 2k, for 30 or more continuous days after dates indicated (note 2).	
4	enters a "yes" in Item 17, DD Form 398 or makes other entries that provide reasons for belief that the appointment may not be clearly consistent with the interest of National security.	
5	is not listed in rules 1 thru 4	a NAC has been completed and a favorable decision rendered.
6	is an Air Force member under consideration for appointment with a LNAC.	
7	has a break in service or employment after a prior investigation under AFR 205-32.	a NAC has been completed and a favorable decision rendered if the break in service or employment exceeded one year.

NOTES: 1. Individuals applying for appointment in any of the corps of the medical services for assignment to Ready Reserve units (USAFR and ANGUS) may be appointed prior to completion of the appropriate personnel security investigation provided the following Certificate of Understanding is submitted with the application:

I understand that my appointment as a commissioned officer in the Reserve of the Air Force is being accomplished prior to completion of the required security investigation. I further understand that if as a result of completion of the postcommissioning investigative procedures I am determined unacceptable for appointment as a commissioned officer, I will be discharged from the United States Air Force and that I will receive an Honorable Discharge Certificate.

2. Travel or residence in these countries under the auspices of the U.S. Government will not be considered.

§ 881.53 [Amended]

7. Section 881.53(c)(1) is amended by changing "AFM 35-3, chapter 31" to read "AFR 35-41, chapter 18."

8. Section 881.61 is amended by deleting the content and reserving the section as follows:

§ 881.61 [Reserved]

9. Section 881.67(a)(1)(iii) is amended by revising to read as follows:

§ 881.67 Appointment of nurses.

(a) * * *

(1) * * *

(iii) Have at least six months appropriate full-time professional experience or be pursuing additional education in nursing within the 12-month period prior to submitting an application for an appointment. New graduates must be actively engaged in the practice of nursing within six months from date of graduation from basic nursing program; or be a graduate of an AFROTC program pursuing successful completion of the State Board Test Pool Examination in nursing.

* * * * *

10. Section 881.72(b) is amended by revising to read as follows:

§ 881.72 Other applicants.

* * * * *

(b) May be made under paragraph (a) (1) and (3) of this section only in the grade of second lieutenant and under paragraph (a)(2) of this section in grades not to exceed captain. Qualification for a grade higher than second lieutenant is based on prior commissioned service.

The grade for participants under paragraph (a)(4) of this section is determined according to AFR 36-17, Air Force Health Professions Scholarship Program.

* * * * *

(10 U.S.C., sections 591, 593, 1211, 8067, 8353, 8358, 8359, 8444, and 9411 and chapter 103)

By order of the Secretary of the Air Force.

STANLEY L. ROBERTS,
Colonel, USAF, Chief, Legislative Division, Office of The Judge Advocate General.

[FR Doc.75-2984 Filed 2-4-75;8:45 am]

Title 40—Protection of Environment

CHAPTER I—ENVIRONMENTAL PROTECTION AGENCY

SUBCHAPTER B—GRANTS

[FRL 330-7]

PART 35—STATE AND LOCAL ASSISTANCE

Amendment to Final Construction Grant Regulations

Notice is hereby given that the Environmental Protection Agency is amending regulations published February 11, 1974 (39 FR 5252) for the program of construction grants for waste treatment works to include an allotment of sums among the States for Fiscal Year 1976 for construction grants.

Sections 35.910-3 and 35.910-4 of the regulations, as amended, set forth the bases for and amounts of construction grant sums allotted among the States for Fiscal Years 1973, 1974, and 1975. The amendment below adds a § 35.910-5 setting forth similar information concerning allotments for Fiscal Year 1976.

By letter dated January 24, 1975, the President directed the Administrator of the Environmental Protection Agency to allot among the States $4 billion for Fiscal Year 1976. This amount represents a substantial portion of funds which, pursuant to earlier Presidential direction, had been withheld from the previous allotment of sums for Fiscal Years 1973 and 1974. Therefore, the funds are allotted on the basis of Table III of House Public Works Committee Print No. 92-50, which was used as the basis for the Fiscal Year 1973 and 1974 allotments.

The President stated in his letter that a decision on the disposition of the remaining $2 billion of Fiscal Year 1974 authority and $3 billion of Fiscal Year 1975 authority would be made at a later time. The disposition of these funds remains the subject of pending litigation, and a decision by the U.S. Supreme Court is expected in the near future.

The Fiscal Year 1976 allotments are available for obligation immediately and will remain available to each State through June 30, 1977, in order to make them available for approximately the same period of time originally contemplated by the statute. Funds remaining unobligated at the end of this allotment period will be reallotted by the Administrator pursuant to Section 35.910-2 of the regulations. Projects initially funded from this Fiscal Year 1976 allotment will be subject to requirements for study of alternative waste management techniques and application of best practicable waste treatment technology and, as appropriate, provision for reclamation or recycling, consistent with the intent of section 201(g)(2).

This amendment also reflects the fact that no reallotment of Fiscal Year 1973 funds was necessary after June 30, 1974, inasmuch as each State fully exhausted its Fiscal Year 1973 allotment on or before that date.

Effective date. This amendment shall be effective February 5, 1975, in order to permit those states and grantees which have been anxiously expecting this allocation to timely prepare revised or amended project priority lists pursuant to 40 CFR 30.55 and 35.915 and to hold public hearings, to the extent appropriate and necessary, prior to obligation of these funds. This will accomplish the requirement of section 205(a) of the Act (33 U.S.C. 1285(a)) and also permit accelerated accomplishment of other statutory objectives and deadlines relating to water pollution control.

Dated: February 3, 1975.

RUSSELL E. TRAIN,
Administrator.

Part 35 is amended as follows:

§ 35.910 [Amended]

Section 35.910-3 is amended by adding the following new paragraph (d):

(d) No reallotment of sums allotted for Fiscal Year 1973 was made after June 30, 1974, inasmuch as each State had fully exhausted its Fiscal Year 1973 allotment on or before June 30, 1974, in accordance with Section 205(b) of the Act.

Add the following new § 35.910-5:

§ 35.910-5 Fiscal year 1976 allotments.

(a) For the Fiscal Year ending June 30, 1976, a sum of $4 billion is allotted on the basis of Table III of House Public Works Committee Print No. 92-50. These allotments shall be available through June 30, 1977.

(b) The percentages used in computing the State allotments set forth in paragraph (c) of this section for Fiscal Year 1976 are as follows:

State:	*Percentage*
Alabama	.3612
Alaska	.2252
Arizona	.1346
Arkansas	.3536
California	9.8176
Colorado	.3166
Connecticut	1.6810
Delaware	.6565
District of Columbia	.7114
Florida	3.6264
Georgia	.9730
Hawaii	.3303
Idaho	.2177
Illinois	6.2489
Indiana	3.3662
Iowa	1.1557
Kansas	.3742
Kentucky	.6599
Louisiana	.9428
Maine	.9675
Maryland	4.2582
Massachusetts	3.7576
Michigan	7.9814
Minnesota	2.0319
Mississippi	.3935
Missouri	1.6556
Montana	.1662
Nebraska	.3708
Nevada	.2877
New Hampshire	.8309
New Jersey	7.7040
New Mexico	.2108
New York	11.0578
North Carolina	.9229
North Dakota	.0467
Ohio	5.7737
Oklahoma	.4608
Oregon	.8494
Pennsylvania	5.4214
Rhode Island	.4889
South Carolina	.6455
South Dakota	.0948
Tennessee	1.1605
Texas	2.7694
Utah	.1408
Vermont	.2218
Virginia	2.9143
Washington	.8906
West Virginia	.4999
Wisconsin	1.7415

State:	Percentage
Wyoming	.0268
Guam	.0872
Puerto Rico	.8845
Virgin Islands	.0893
American Samoa	.0048
Trust Territory of Pacific	.0378
Total	100.0000

(c) Based upon the percentages set forth in paragraph (b) of this section, the sums allotted to the States for Fiscal Year 1976 are as follows:

Alabama	$14,448,000
Alaska	9,008,000
Arizona	5,384,000
Arkansas	14,144,000
California	392,704,000
Colorado	12,664,000
Connecticut	67,240,000
Delaware	26,260,000
District of Columbia	28,456,000
Florida	145,056,000
Georgia	38,920,000
Hawaii	13,212,000
Idaho	8,708,000
Illinois	249,956,000
Indiana	134,648,000
Iowa	46,228,000
Kansas	14,968,000
Kentucky	26,396,000
Louisiana	37,712,000
Maine	38,700,000
Maryland	170,328,000
Massachusetts	150,304,000
Michigan	319,256,000
Minnesota	81,276,000
Mississippi	15,740,000
Missouri	66,224,000
Montana	6,648,000
Nebraska	14, 832, 000
Nevada	11, 508, 000
New Hampshire	33, 236, 000
New Jersey	308, 160, 000
New Mexico	8, 432, 000
New York	442, 312, 000
North Carolina	36, 916, 000
North Dakota	1, 868, 000
Ohio	230, 948, 000
Oklahoma	18, 432, 000
Oregon	33, 976, 000
Pennsylvania	216, 856, 000
Rhode Island	19, 556, 000
South Carolina	25, 820, 000
South Dakota	3, 792, 000
Tennessee	46, 420, 000
Texas	110, 776, 000
Utah	5, 632, 000
Vermont	8, 872, 000
Virginia	116, 572, 000
Washington	35, 624, 000
West Virginia	19, 996, 000
Wisconsin	69, 660, 000
Wyoming	1, 072, 000
Guam	3, 488, 000
Puerto Rico	35, 380, 000
Virgin Islands	3, 572, 000
American Samoa	192, 000
Trust Territory of Pacific Islands	1, 512, 000
Total	4, 000, 000, 000

(d) Projects initially funded from this Fiscal Year 1976 allotment will be subject to requirements for study of alternative waste management techniques and application of best practicable waste treatment technology and, as appropriate, provision for reclamation or recycling, consistent with the intent of section 201(g)(2).

[FR Doc.75-3477 Filed 2-4-75;10:14 am]

Title 41—Public Contracts and Property Management

CHAPTER 9—ENERGY RESEARCH AND DEVELOPMENT ADMINISTRATION

INTERIM REVISION OF CHAPTER 9 TO REFLECT THE ENERGY REORGANIZATION ACT OF 1974

The Energy Research and Development Administration (ERDA) was established by the Energy Reorganization Act of 1974 (Pub. L. 93-438), and the creation of ERDA was made effective on January 19, 1975 by Executive Order 11834 dated January 15, 1975, which Executive Order was published on January 17, 1975 at 40 F.R. 2971.

Pursuant to the authority contained in section 105 of the Energy Reorganization Act of 1974 and 5 U.S.C. 552, all rules and regulations in Chapter 9 of Title 41, Code of Federal Regulations, are adopted by ERDA for all ERDA activities under the Energy Reorganization Act of 1974, the Federal Nonnuclear Energy Research and Development Act of 1974, (Public Law 93-577), and other applicable law, to the extent these rules and regulations are not inconsistent with applicable law, and are redesignated as the Energy Research and Development Administration Procurement Regulations (ERDA-PR), with the following changes:

1. The Title of Chapter 9 of Title 41 is changed to "Energy Research and Development Administration."

2. Pending decisions regarding the total organizational structure, functions, roles, responsibilities, and authorities of of ERDA organizational entities, the following references to organizational entities and titles in the ERDA-PR are changed to read as follows (pen and ink changes are authorized):

(a) "U.S. Atomic Energy Commission" or "AEC" shall be the "Energy Research and Development Administration" or "ERDA," as appropriate.

(b) "The Commission" or "the General Manager" shall be "the Administrator or his designee."

(c) "Director, Division of Contracts," shall be the "Director of Procurement."

(d) "Division of Contracts" shall be the "Division of Procurement."

The decision to apply the AECPR to all ERDA activities involves consideration of the applicability of AECPR 9-15.50, Cost Principles and Procedures, to contract activities under the Assistant Administrators for Fossil Energy; Solar, Geothermal and Advanced Energy Systems; and Conservation. Prior to activation of ERDA, such activities conducted in commercial facilities were subject to the cost principles and procedures of FPR 1-15. An assessment is underway to determine the cost principles and procedures which will apply to all ERDA activities. Pending the conclusion of this assessment, the Assistant Administrators for Fossil Energy; Solar, Geothermal and Advanced Energy Systems; and Conservation will continue to apply FPR 1-15, Cost Principles and Procedures, to nonnuclear activities conducted in commercial facilities.

Subsequent ERDA-PRs will be published in the daily issues of the FEDERAL REGISTER over the signature of the Director of Procurement, ERDA, and will appear in the Code of Federal Regulations as Chapter 9 of Title 41, Public Contracts and Property Management.

Questions or comments concerning this Notice may be directed to the Director of Procurement, ERDA.

(Sec. 105, Energy Reorganization Act of 1974 (P.L. 93-438)).

Effective date. This notice is effective immediately.

Dated at Washington, D.C., this 29th day of January 1975.

ROBERT C. SEAMANS, Jr.,
Administrator.

[FR Doc.75-3296 Filed 2-4-75;8:45 am]

CHAPTER 109—ENERGY RESEARCH AND DEVELOPMENT ADMINISTRATION

INTERIM REVISION OF CHAPTER 109 TO REFLECT THE ENERGY REORGANIZATION ACT OF 1974

The Energy Research and Development Administration (ERDA) was established by the Energy Reorganization Act of 1974 (Pub. L. 93-438), and the creation of ERDA was made effective on January 19, 1975 by Executive Order 11834 dated January 15, 1975, which Executive Order was published on January 17, 1975 at 40 FR 2971.

Pursuant to the authority contained in Section 105 of the Energy Reorganization Act of 1974 and 5 U.S.C. 552, all rules and regulations in Chapter 109 of Title 41, Code of Federal Regulations, are adopted by ERDA for all ERDA activities under the Energy Reorganization Act of 1974, the Federal Nonnuclear Energy Research and Development Act of 1974 (Public Law 93-577), and other applicable law, to the extent these rules and regulations are not inconsistent with applicable law, and are redesignated as the Energy Research and Development Administration Property Management Regulations (ERDA-PMR), with the following changes:

1. The title of Chapter 109 of Title 41 is changed to "Energy Research and Development Administration."

2. Pending decisions regarding the total organizational structure, functions, roles, responsibilities, and authorities of ERDA organizational entities, the following references to organizational entities and titles in the ERDA-PMR are changed to read as follows (pen and ink changes are authorized):

(a) "U.S. Atomic Energy Commission," "Atomic Energy Commission," or "AEC" shall be the "Energy Research and Development Administration" or "ERDA," as appropriate.

(b) "The General Manager" shall be "the Administrator or his designee."

(c) "Division of Contracts" shall be the "Division of Procurement."

Subsequent ERDA-PMRs will be published in the daily issues of the FEDERAL REGISTER and will appear in the Code of Federal Regulations as Chapter 109 of Title 41, Public Contracts and Property Management.

Questions or comments concerning this Notice may be directed to the Director of Procurement, ERDA.

(Sec. 105, Energy Reorganization Act of 1974 (P.L. 93-438))

Effective date: This notice is effective immediately.

Dated at Washington, D.C., this 29th day of January 1975.

ROBERT C. SEAMANS, Jr.,
Administrator.

[FR Doc.75-3295 Filed 2-4-75;8:45 am]

Title 43—Public Lands: Interior

CHAPTER II—BUREAU OF LAND MANAGEMENT, DEPARTMENT OF THE INTERIOR

APPENDIX—PUBLIC LAND ORDERS

[Public Land Order 5463]

VIRGIN ISLANDS

Reservation of Lands

1. Pursuant to the authority vested in me by section 3 of the Act of October 5, 1974, 88 Stat. 1210, the following described lands are hereby reserved from conveyance to the Government of the Virgin Islands:

All that certain tract or parcel of land lying and being situated in the City of Christiansted, Saint Croix Island, Virgin Islands of the United States, and being more particularly described as follows:

PARCEL A

Beginning at the intersection of the northwest side of Queen Street with Christiansted Harbor; thence in a southwesterly direction following along Queen Street to the intersection with easterly line of Hospital Street; thence in a northwesterly direction following easterly side of Hospital Street, 90 feet, more or less; thence in a southwesterly direction parallel to Queen Street to a point on the Northeast side of Church Street; thence following along the easterly side of Church Street to the intersection with Christiansted Harbor; thence in a southeasterly direction along said Harbor to the point of beginning.

PARCEL B

Beginning at the intersection of the northeasterly side of Queen's Cross Street with the southeasterly side of King Street; thence in a northeasterly direction along the southerly side of King Street, 325 feet, more or less; thence in a southeasterly direction, 125 feet, more or less, to a point on a line parallel to King Street and 310 feet, more or less, from Queen's Cross Street; thence in a southwesterly direction parallel to King Street, 310 feet, more or less, to Queen's Cross Street; thence following along the northeasterly side of Queen's Cross Street to the point of beginning.

2. The lands described in paragraph 1 are reserved in order to preserve the following described buildings and associated properties, identified on map No. NHS-VI-17001 on file in the office of the Secretary of the Interior, as a national historic site pursuant to the Historic Sites Act of 1935, 49 Stat. 666, 16 U.S.C. section 461 *et seq.* (1970):

Government House
Old West India & Guinea Co. Warehouse
Old Danish Customs House (Library)
Old Customs House (Scalehouse)
Fort Christiansvaern
Steeple Building
Hamilton Jackson Park

3. The lands described in paragraph 1 are to be administered as a national historic site by the National Park Service pursuant to the Historic Sites Act of 1935, 49 Stat. 666, 16 U.S.C. section 461 *et seq.* (1970) and the Act of August 25, 1916, 39 Stat. 535, as amended and supplemented, 16 U.S.C. section 1 *et seq.* (1970).

Dated: January 30, 1975.

ROGERS C. B. MORTON,
Secretary of the Interior.

[FR Doc.75-3120 Filed 2-4-75;8:45 am]

Title 47—Telecommunication

CHAPTER I—FEDERAL COMMUNICATIONS COMMISSION

[FCC 75-88]

ALIENS AND ALIEN-AFFILIATED ENTITIES

Licensing in the Safety and Special Radio Services and Experimental Radio Services

In the matter of amendments of Parts 1, 5, 13, 81, 83, 87, 89, 91, 93, 95, and 97 of the Commission's rules to remove the prohibitions against licensing aliens and alien-affiliated entities in the Safety and Special Radio Services and Experimental Radio Services except for aeronautical enroute, aeronautical fixed, and public coast stations, and foreign governments and representatives thereof.

1. On November 30, 1974, the enactment of Pub. L. 93-505, 88 Stat. 1576, removed prohibitions in the Communications Act of 1934, as amended, against licensing aliens and alien-affiliated entities in order to permit the Commission to issue, except for aeronautical fixed and aeronautical enroute stations, and common carrier stations in the Safety and Special Radio Services, namely, public coast and Alaska-public fixed stations, radio station licenses and operator licenses to the holders thereof in the Safety and Special and the Experimental Radio Services directly to aliens, representatives of aliens, foreign corporations, or domestic corporations with alien officers, directors, or stockholders. The legislation maintained in force the restrictions concerning aliens in the case of aeronautical fixed, aeronautical enroute and common carrier stations in the Safety and Special Radio Services, namely, public coast and Alaska-public fixed stations. Also unchanged are the prohibitions concerning foreign governments and their representatives thereof.

2. The Commission adopted its prohibitory rules concerning aliens because of the statutory prohibitions concerning aliens. However, as a result of its experience in administering those rules, the Commission has, for the past several sessions of the Congress, included as part of the Commission's legislative program a proposal to amend the Act to remove those prohibitions in the Safety and Special and the Experimental Radio Services. Pub. L. 93-505 originated in those legislative proposals. The Commission is, therefore, desirous of implementing the legislation by the removal of whatever prohibitions are possible under Pub. L. 93-505 as soon as possible. Notwithstanding the permissive legislation, the prohibitory rules adopted by the Commission would remain in effect and unchanged until the Commission takes some action with respect to them. Accordingly, the Commission deems it expedient to act quickly in order to implement the will of Congress.

3. In view of the foregoing, the Commission concludes that the public policy will be served by amending the captioned rules parts to delete the aforesaid prohibitions where permitted by Pub. L. 93-505 and by revising the appropriate application forms. In order to expedite the conduct of official correspondence by the Commission with the anticipated alien applicants, the Commission is hereby adopting rules to require each applicant and licensee to furnish an address within the United States to be used by the Commission in serving documents or directing correspondence to that licensee.

4. For the foregoing good cause, the Commission finds that the prior notice, procedure, and effective date provisions of 5 U.S.C. 553 are not applicable to the amendments adopted therein.

5. *Accordingly it is ordered*, Pursuant to the authority contained in section 4(i) of the Communications Act of 1934, as amended, that the captioned parts of the Commission's Rules are amended effective February 5, 1975, as set forth below.

Adopted: January 22, 1975.

Released: February 5, 1975.

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

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

Parts 1, 5, 13, 81, 83, 87, 89, 91, 93, 95, and 97 of Chapter 1, 47 CFR, are amended as follows:

PART 1—PRACTICE AND PROCEDURE

1. Section 1.83(a)(1)(ii) is revised as follows:

§ 1.83 Application for radio operator license.

(a) * * *
(1) * * *

(ii) Applications for Restricted Radiotelephone Operator Permits filed by aliens shall be on FCC Form 755 entitled "Application for Restricted Radiotelephone Operator Permit (By an Alien)".

§ 1.911 [Amended]

2. § 1.911(f) is deleted.

§ 1.922 [Amended]

3. In the table of forms in § 1.922, the entry for FCC Form 610–C is deleted.

4. Section 1.958(b)(1) is revised to read as follows:

§ 1.958 Defective applications.

(b) • • •

(1) Statutory disqualification of applicant.

PART 5—EXPERIMENTAL RADIO SERVICES (OTHER THAN BROADCAST)

5. In § 5.4 paragraphs (a), (b), (c), (d), (e), (f), and (g) are deleted. The revised text reads as follows:

§ 5.4 General citizenship requirements.

A station license shall not be granted to or held by a foreign government or a representative thereof.

PART 13—COMMERCIAL RADIO OPERATORS

6. Section 13.3(a) is amended and paragraph (c) added to read as follows:

§ 13.3 Dual holding of licenses.

(a) A person may not hold more than one radiotelegraph operator license or permit and one radiotelephone operator license or permit at the same time except as provided by paragraphs (b) and (c) of this section.

• • • • •

(c) An alien at the same time may hold two restricted radiotelephone operator permits, each conveying different operating authority.

7. Section 13.4(c) is revised as follows:

§ 13.4 Term of licenses.

• • • • •

(c) A commercial operator license or permit granted to an alien aircraft pilot under a waiver of the United States nationality provisions of Section 303(l) of the Communications Act will normally be issued for a term of five (5) years from the date of issuance. An operator license or permit issued to an alien aircraft pilot shall be valid only if the operator continues to hold a valid aircraft pilot certificate issued by the Federal Aviation Administration or one of its predecessor agencies.

8. Section 13.5(a) is amended as follows:

§ 13.5 Eligibility for new license.

(a) Commercial operator licenses are issued to

(1) United States citizens.

(2) United States nationals.

(3) Citizens of the Trust Territory of the Pacific Islands presenting valid identity certificates issued by the High Commissioner of the Trust Territory.

(4) Aliens holding Federal Aviation Administration pilot certificates.

(5) Aliens holding Federal Communications Commission station licenses, but the operator license will be valid only for operating the station licensed in the name of the alien.

9. Section 13.11(b) is revised as follows:

§ 13.11 Procedure.

• • • • •

(b) *Place of filing.* (1) Applications for Restricted Radiotelephone Operator Permits shall be filed as follows:

(i) United States citizens, United States nationals, citizens of the Trust Territory of the Pacific Islands—File application FCC Form 753:

(*a*) When there is an immediate need for the permit for safety purposes, submit the application in person or by an agent to the nearest field office of the Field Operations Bureau—Federal Communications Commission. The application must be accompanied by a written showing by the applicant that he has an immediate need for the permit for safety purposes.

(*b*) When the applicant is located in Alaska, Hawaii, Puerto Rico, or the Virgin Islands of the United States, submit the application in person or by mail to the nearest field office of the Field Operations Bureau—Federal Communications Commission.

(*c*) All other cases—mail the application to the Federal Communications Commission, Gettysburg, Pennsylvania 17325.

(ii) Aliens holding a station license—File application FCC Form 755:

(*a*) When there is an immediate need for the permit for safety purposes, submit the application in person or by an agent to the nearest field office of the Field Operations Bureau—Federal Communications Commission. The application must be accompanied by a written showing by the applicant that he has an immediate need for the permit for safety purposes.

(*b*) When the applicant is located in Alaska, Hawaii, Puerto Rico, or the Virgin Islands of the United States, submit the application in person or by mail to the nearest field office of the Field Operations Bureau—Federal Communications Commission.

(*c*) All other cases—mail application to the Federal Communications Commission, Washington, D.C. 20554.

(iii) Alien aircraft pilots holding Federal Aviation Administration pilot certificates—Submit the application FCC Form 755 either in person or by mail to the Federal Communications Commission, Washington, D.C. 20554 (see § 13.4 (c)).

• • • • •

PART 81—STATIONS ON LAND IN THE MARITIME SERVICES AND ALASKA-PUBLIC FIXED STATIONS

10. Section 81.20 is added to read as follows:

§ 81.20 Mailing address furnished by licensee.

Each application shall set forth and each licensee shall furnish the Commission with an address in the United States to be used by the Commission in serving documents or directing correspondence to that licensee. Unless any licensee advises the Commission to the contrary, the address contained in the licensee's most recent application will be used by the Commission for this purpose.

11. Section 81.23 is amended to read as follows:

§ 81.23 Statutory eligibility for station license.

(a) A station license shall not be granted to or held by a foreign government or a representative thereof.

(b) A station license for a public coast station or a common carrier fixed station in the Alaska-Public Fixed Service shall not be granted to or held by:

(1) Any alien or the representative of any alien;

(2) Any foreign government or the representative thereof;

(3) Any corporation organized under the laws of any foreign government;

(4) Any corporation of which any officer or director is an alien;

(5) Any corporation of which more than one-fifth of the capital stock is owned of record or voted by aliens or their representatives or by a foreign government or representative thereof, or by a corporation organized under the laws of a foreign country;

(6) Any corporation directly or indirectly controlled by any other corporation of which any officer or more than one-fourth of the directors are aliens, if the Commission finds that the public interest will be served by the refusal or revocation of such license; or

(7) Any corporation directly or indirectly controlled by any other corporation of which more than one-fourth of the capital stock is owned of record or voted by aliens, their representatives, or by a foreign government or representatives thereof, or by any corporation organized under the laws of a foreign country, if the Commission finds that the public interest will be served by the refusal or revocation of such license.

PART 83—STATIONS ON SHIPBOARD IN THE MARITIME SERVICES

12. Section 83.20 is added to read as follows:

§ 83.20 Mailing address furnished by licensee.

Each application shall set forth and each licensee shall furnish the Commission with an address in the United States to be used by the Commission in serving documents or directing correspondence to that licensee. Unless any licensee advises the Commission to the contrary, the address contained in the licensee's most recent application will be used by the Commission for this purpose.

13. Section 83.23 is revised to read as follows:

§ 83.23 Statutory eligibility for station license.

A station license shall not be granted to or held by a foreign government or a representative thereof.

PART 87—AVIATION SERVICES

14. Section 87.3 is revised to read as follows:

§ 87.3 General citizenship restrictions.

(a) A station license shall not be granted to or held by a foreign government or a representative thereof.

(b) A license for an aeronautical en route or an aeronautical fixed station shall not be granted to or held by:

(1) Any alien or the representative of any alien;

(2) Any foreign government or the representative thereof;

(3) Any corporation organized under the laws of any foreign government;

(4) Any corporation of which any officer or director is an alien;

(5) Any corporation of which more than one-fifth of the capital stock is owned of record or voted by aliens or their representatives or by a foreign government or representative thereof, or by any corporation organized under the laws of a foreign country;

(6) Any corporation directly or indirectly controlled by any other corporation of which any officer or more than one-fourth of the directors are aliens, if the Commission finds that the public interest will be served by the refusal or revocation of such license; or

(7) Any corporation directly or indirectly controlled by any other corporation of which more than one-fourth of the capital stock is owned of record or voted by aliens, their representatives, or by a foreign government or representatives thereof, or by any corporation organized under the laws of a foreign country, if the Commission finds that the public interest will be served by the refusal or revocation of such license.

15. Section 87.20 is added to read as follows:

§ 87.20 Mailing address furnished by licensee.

Each application shall set forth and each licensee shall furnish the Commission with an address in the United States to be used by the Commission in serving documents or directing correspondence to that licensee. Unless any licensee advises the Commission to the contrary, the address contained in the licensee's most recent application will be used by the Commission for this purpose.

PART 89—PUBLIC SAFETY RADIO SERVICES

16. Section 89.9 is revised to read as follows:

§ 89.9 General citizenship restrictions.

A station license shall not be granted to or held by a foreign government or a representative thereof.

17. Section 89.56 is added to read as follows:

§ 89.56 Mailing address furnished by licensee.

Each application shall set forth and each licensee shall furnish the Commission with an address in the United States to be used by the Commission in serving documents or directing correspondence to that licensee. Unless any licensee advises the Commission to the contrary, the address contained in the licensee's most recent application will be used by the Commission for this purpose.

PART 91—INDUSTRIAL RADIO SERVICES

18. Section 91.4 is revised to read as follows:

§ 91.4 General citizenship requirements.

A station license shall not be granted or held by a foreign government or representative thereof.

19. Section 91.50 is revised to read as follows:

§ 91.50 Mailing address furnished by licensee.

Each application shall set forth and each licensee shall furnish the Commission with an address in the United States to be used by the Commission in serving documents or directing correspondence to that licensee. Unless any licensee advises the Commission to the contrary, the address contained in the licensee's most recent application will be used by the Commission for this purpose.

PART 93—LAND TRANSPORTATION RADIO SERVICES

20. Section 93.5 is revised to read as follows:

§ 93.5 General citizenship restrictions.

A station license shall not be granted to or held by a foreign government or a representative thereof.

21. Section 93.50 is added to read as follows:

§ 93.50 Mailing address furnished by licensee.

Each application shall set forth and each licensee shall furnish the Commission with an address in the United States to be used by the Commission in serving documents or directing correspondence to that licensee. Unless any licensee advises the Commission to the contrary, the address contained in the licensee's most recent application will be used by the Commission for this purpose.

PART 95—CITIZENS RADIO SERVICE

22. Section 95.7 is revised to read as follows:

§ 95.7 General citizenship requirements.

A station license shall not be granted to or held by a foreign government or a representative thereof.

23. Section 95.14 is added to read as follows:

§ 95.14 Mailing address furnished by licensee.

Each application shall set forth and each licensee shall furnish the Commission with an address in the United States to be used by the Commission in serving documents or directing correspondence to that licensee. Unless any licensee advises the Commission to the contrary, the address contained in the licensee's most recent application will be used by the Commission for this purpose.

PART 97—AMATEUR RADIO SERVICE

24. Section 97.9 is amended to read as follows:

§ 97.9 Eligibility for new operator license.

Persons are eligible to apply for the various classes of amateur operator licenses as follows:

(a) *Amateur extra class.* Anyone except a representative of a foreign government, who either (1) any time prior to receipt of his application by the Commission has held for at least 1 year an amateur operator license of other than the novice or technician class, issued by any agency of the U.S. Government, or submits proof that he held for a period of 1 year an amateur operator license at least equivalent to a general class license issued by a foreign government, or (2) submits evidence of having held a valid amateur radio station or operator license issued by any agency of the U.S. Government during or prior to April 1917.

(b) *Advanced class.* Anyone except a representative of a foreign government.

(c) *General class.* Anyone except a representative of a foreign government.

(d) *Conditional class.* Except for the representative of a foreign government, anyone:

(1) Whose actual residence and amateur station location are more than 175 miles airline distance from the nearest location at which examinations are held at intervals of not more than 6 months for General Class amateur operator licenses.

(2) Who is shown by physician's certificate to be unable to appear for examination because of protracted disability.

(3) Who is shown by certificate of the commanding officer to be in the armed forces of the United States at any Army, Navy, Air Force, or Coast Guard station and, for that reason, to be unable to appear for examination at the time and place designated by the Commission.

(4) Who furnishes sufficient evidence, at the time of the filing, of temporary residence for a continuous period of at least 12 months outside the continental limits of the United States, its territories or possessions, irrespective of other provisions of this paragraph.

(e) *Technician class.* Anyone except a representative of a foreign government.

(f) *Novice class.* Anyone except a representative of a foreign government or a person who holds, or who has held within the 12-month period prior to the date of receipt of his application, a Commission-issued amateur radio license. The Novice Class license may not be concurrently held with any other class of amateur radio license.

25. Section 97.37 is amended to read as follows:

§ 97.37 General eligibility for station license.

An amateur radio station license will be issued only to a licensed amateur radio operator, except that a military recreation station license may also be issued to an individual not licensed as an amateur radio operator (other than a

representative of a foreign government), who is in charge of a proposed military recreation station not operated by the U.S. Government but which is to be located in approved public quarters.

26. Section 97.42 is added to read as follows:

§ 97.42 Mailing address furnished by licensee.

Each application shall set forth and each licensee shall furnish the Commission with an address in the United States to be used by the Commission in serving documents or directing correspondence to that licensee. Unless any licensee advises the Commission to the contrary, the address contained in the licensee's most recent application will be used by the Commission for this purpose.

Subpart G—Operation of Amateur Radio Stations in the United States by Aliens Pursuant to Reciprocal Agreements

27. In Subpart G of Part 97 the title is revised to read as set forth above and § 97.301(a) is revised to read as follows:

§ 97.301 Basis, purpose, and scope.

(a) The rules in this subpart are based on, and are applicable solely to, alien amateur operations pursuant to section 303(1)(3) and 310(c) of the Communications Act of 1934, as amended. (See Pub. L. 93-505, 88 Stat. 1576.)

* * * * *

Subpart H—[Removed]

28. Subpart H of Part 97 is deleted.

[FR Doc.75-3124 Filed 2-4-75;8:45 am]

Title 49—Transportation

CHAPTER II—FEDERAL RAILROAD ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

[Docket No. RAR-2]

PART 225—RAILROAD ACCIDENTS/INCIDENTS; REPORTS CLASSIFICATION, AND INVESTIGATIONS

Report and Recordkeeping; Denial of Petition for Reconsideration

On December 9, 1974 (39 FR 43222, December 11, 1974), the Federal Railroad Administration (FRA) issued a revision to Part 225 of the Code of Federal Regulations under Docket No. RAR-2. The revision provides a nationally uniform reporting requirement of accidents/incidents by railroads.

On December 20, 1974, the National Association of Regulatory Utility Commissioners (NARUC) and the Pennsylvania Public Utility Commission filed a joint Petition for Reconsideration, together with a request for a stay of the January 1, 1975 effective date of the revision. By letter dated January 6, 1975, FRA denied the request for a stay of the effective date and also requested additional information and facts from the parties of record in order to rule on the Petition for Reconsideration. A conference on the record was held in Washington, D.C. on January 27, 1975, in order to develop the facts concerning the Petition for Reconsideration. In the Petition, NARUC stated three reasons for reconsideration which are discussed separately.

(1) *The FRA is not authorized to preempt states from prescribing accident/incident reporting requirements.* Section 225.1 of the reporting regulations contains a statement that promulgation of these regulations by FRA would preempt state reporting requirements. This statement merely restates the provision contained in section 205 of the Federal Railroad Safety Act of 1970, (the Act), 84 Stat. 972, 45 U.S.C. 434. It is this provision of the Act, and the fact that FRA has adopted comprehensive Federal regulations of the subject matter, that create preemption of state regulations. The Act clearly states an intent to establish uniform, national railroad safety standards to the extent possible, and this policy prohibits fifty different state reporting requirements. It is section 205 of the Act that provides for the preemption: once there is Federal regulation of a subject matter, additional or more stringent state regulation is lawful only when it (1) is necessary to eliminate or reduce an essentially local safety hazard; (2) is not incompatible with the Federal regulation; and (3) does not put an undue burden upon interstate commerce. Burdening the railroads with numerous different state report requirements, forms, compliance dates and procedures of accident reporting would interfere with the Federal program designed to expedite full accident reporting, and frustrate the Congressional purpose as expressed in the Act.

The arguments of NARUC are based on a misconception of the results of the preemption specified in section 205 of the Act. Preemption here does not mean withholding of information from the states. In § 225.1, FRA has provided a procedure for the states to receive the same complete information FRA receives at the same time. The single uniform accident reporting system will provide the states with more complete accident information than they now receive. The uniform national system should upgrade the quality of the accident data, and the regularity of the flow of information. By making this information available to the states, FRA is providing for a cooperative effort for the receipt of accident data. FRA has established the requirement for a comprehensive accident reporting system. A State may adopt and enforce a requirement to receive this same data.

This is not unlike the situation before January 1, 1975 where many states adopted the Federal reporting requirements. One commentator at the conference of January 27, 1975 provided copies of the reporting forms of 35 states. Out of this group of 35 state reports, a total of 23 states accepted the report form or required basically the same information as required by FRA under the previous Part 225. Some states, however, required the railroads to utilize different forms than those supplied to FRA by the carriers in those states. These differing forms required additional information than the FRA forms in some instances and less information in others. However, the revision to Part 225 provides substantially all of the statistics desired by these states.

The revision to Part 225 adopted by FRA provides for the most comprehensive reporting requirements of any of the transportation modes. Part 225 now requires total industry reporting of all personal injuries and occupational illness as well as a report of all train accidents above an established threshhold level.

The revised reporting system was developed as a result of the new and expanded responsibilities of FRA under the Act. Studies were conducted to analyze the current accident reporting system, to identify deficiencies and recommend system improvements. The investigation included a survey of railroads, states and labor organizations and several discussions and conferences with the Occupational Safety and Health Administration (OSHA) for the purpose of analyzing user requirements. The studies culminated in recommendations for improving the accident report forms and procedures in use at that time, as well as other aspects of the information system. Additionally, FRA met with interested persons and groups to discuss the new reporting forms and instructions. Four monthly reporting forms and two annual reporting forms were developed to provide FRA comprehensive rail safety data necessary in the discharge of its responsibilities. While the new forms are similar to the older forms, they were expanded to provide additional information necessary to the exercise of the FRA's functions. There has been a substantial increase in the information to be reported by the carriers to FRA. Therefore, more information will now be available to the States should they desire to obtain copies of the reports filed with FRA, as provided in 49 CFR 225.1.

(2) *Section 225.1, which provides that a state may require copies of accident reports filed with FRA, is an insufficient response to the states' need for accident reports pursuant to their own police powers.* As provided in the response to the first contention by NARUC, FRA disagrees with the above statement with respect to monthly reporting of accidents/incidents. However, as developed at the conference on January 27, 1975, it became apparent that NARUC was also concerned with rapid notification to the appropriate state agency of an accident occurring in that state for the purpose of accident investigations. FRA feels that this issue is not one involving the collection of accident data and periodic reporting requirements of Part 225. The rapid notification of railroad related accidents to the proper state agency is an aid to immediate investigation of accidents and for other responses by local authorities to an accident. The revision to Part 225 as promulgated by FRA deals with the monthly and yearly reporting and classification of accidents/incidents on a nationwide basis. Thus, the revision of Part 225 does not preempt a state requirement

which requires immediate notification of the fact of an accident in that state which is not in the form or nature of the monthly report of accidents required by revised Part 225. If the state has the authority to engage in the investigation of accidents in that state, it may request immediate notification of the accident in accordance with the provisions of the state statutes.

(3) *The change in the reporting threshold from $750 to $1,750 is unreasonable and arbitrary, for it will result in an obfuscation of rail safety trends.* Additional arguments presented at the January 27, 1975, conference merely restated arguments presented by previous commentators that the raising of the reporting threshold from $750 to $1,750 is in error. FRA has carefully considered this matter in the final revision of Part 225. The record in this docket show clearly that a change in the threshold reporting level is necessary. Inflation costs have seriously distorted accident statistics compiled since 1957. Several commentators alleged again that by raising the reporting threshold figure in one year from $750 to $1,750 it will not be possible to make any type of comparison with past accident statistics. The new threshold figure of $1,750 need not result in the loss of comparability of 1975 statistics with those of past years if similar escalation factors were applied to historical data. FRA feels that it is essential that corrective action be taken now. Perpetuation of the $750 threshold would only result in further distortion of accident/incident data. Moreover, statistics generated under the new $1,750 threshold may be compared with a reasonable degree of accuracy to those compiled previously and FRA intends to do this when publishing 1975 statistics.

FRA has carefully reviewed and considered the Petition for Reconsideration and information submitted thereon. Based upon this review, the FRA has determined that the information submitted does not justify reconsideration. Therefore, the Petition for Reconsideration is hereby denied.

Issued in Washington, D.C. on January 31, 1975.

ASAPH H. HALL,
Deputy Administrator.

[FR Doc.75-3285 Filed 2-4-75;8:45 am]

CHAPTER X—INTERSTATE COMMERCE COMMISSION

SUBCHAPTER A—GENERAL RULES AND REGULATIONS

[Second Rev. S.O. 1193]

PART 1033—CAR SERVICE

Distribution of Boxcars

At a session of the Interstate Commerce Commission, Railroad Service Board, held in Washington, D.C., on the 30th day of January 1975.

It appearing, that an acute shortage of plain boxcars exists on the Maine Central Railroad Company; that shippers located on lines of this carrier are being deprived of such cars required for loading, resulting in a severe emergency; that present rules, regulations, and practices with respect to the use, supply, control, movement, distribution, exchange, interchange, and return of boxcars owned by this railroad are ineffective. It is the opinion of the Commission that an emergency exists requiring immediate action to promote car service in the interest of the public and the commerce of the people. Accordingly, the Commission finds that notice and public procedure are impracticable and contrary to the public interest, and that good cause exists for making this order effective upon less than thirty days' notice.

It is ordered, That:

§ 1033.1193 Service Order No. 1193.

(a) *Distribution of boxcars.* Each common carrier by railroad subject to the Interstate Commerce Act shall observe, enforce, and obey the following rules, regulations, and practices with respect to its car service:

(1) Return to owner empty, except as otherwise authorized in paragraphs (3), (4), and (6) herein, all plain boxcars which are listed in the Official Railway Equipment Register, I.C.C. R.E.R. 394, issued by W. J. Trezise, or reissues thereof, as having mechanical designation XM, bearing reporting marks issued to the Maine Central Railroad Company,[1] and having inside length of forty-six feet and less.

(2) Plain boxcars described in paragraph (1) include both plain boxcars in general service and plain boxcars assigned to the exclusive use of a specified shipper.

(3) Boxcars described in paragraph (1) herein, may be loaded only to stations on the lines of the car owner or to any station which is a junction with the car owner. After unloading at a junction with the car owner, such cars shall be delivered to the car owner at that junction, either loaded or empty.

(4) Boxcars described in paragraph (1) herein located at a point other than a junction with the car owner shall not be back-hauled empty, except for the purpose of loading to a junction with the car owner or to a station on the lines of the car owner.

(5) Boxcars described in paragraph (1) herein shall not be back-hauled empty from a junction with the car owner.

(6) Exception. To alleviate hardships or inequities, exceptions to this order may be authorized to the carrier by the Railroad Service Board, Interstate Commerce Commission, Washington, D.C. Requests for such exceptions may be made only by carriers and shall be sent to W. H. Van Slyke, Chairman, Car Service Division, Association of American Railroads, Washington, D.C., for recording and submission to the Railroad Service Board, Interstate Commerce Commission, for consideration.

(7) The return to the owner of a boxcar described in paragraph (1) herein shall be accomplished when it is delivered to the car owner, either empty or loaded.

(8) Junction points with the car owner shall be those listed by the car owner in its specific registration in the Official Railway Equipment Register, I.C.C. R.E.R. No. 394, issued by W. J. Trezise, or successive issues thereof, under the heading "Freight Connections and Junction Points".

(9) No common carrier by railroad subject to the Interstate Commerce Act shall accept from shipper any loaded boxcar for movements contrary to the provisions of paragraphs (3), (4), or (6), of this section.

(b) *Application.* The provisions of this order shall apply to intrastate, interstate, and foreign commerce.

(c) *Effective date.* This order shall become effective at 11:59 p.m., January 31, 1975.

(d) *Expiration date.* This order shall expire at 11:59 p.m., March 15, 1975, unless otherwise modified, changed, or suspended by order of this Commission.

(Secs. 1, 12, 15, and 17(2), 24 Stat. 379, 383, 384, as amended; 49 U.S.C. 1, 12, 15, and 17(2). Interprets or applies Secs. 1(10-17), 15(4), and 17(2), 40 Stat. 101, as amended, 54 Stat. 911; 49 U.S.C. 1(10-17), 15(4), and 17(2))

It is further ordered, That a copy of this order and direction 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 notice of this order be given to the general public by depositing a copy in the Office of the Secretary of the Commission at Washington, D.C., and by filing it with the Director, Office of the Federal Register.

By the Commission, Railroad Service Board.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.75-3316 Filed 2-4-75;8:45 am]

[1] Cars in excess of forty-six feet eliminated.

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

Office of the Secretary

[31 CFR Part 51]

FISCAL ASSISTANCE TO STATE AND LOCAL GOVERNMENTS

Discrimination; Compliance Procedures

Notice is hereby given that, pursuant to the authority vested in the Secretary of the Treasury by the State and Local Fiscal Assistance Act of 1972 (the Revenue Sharing Act), approved October 20, 1972, the Department of the Treasury proposes to amend § 51.32(f) of the regulations in Part 51 of Subtitle B of Title 31, Code of Federal Regulations, which became effective April 5, 1973 (38 FR 9132) for entitlement periods beginning on or after January 1, 1973. Section 51.32 (f) pertains to procedures available to effect compliance with the nondiscrimination provision.

This proposed amendment has two purposes. First, to clarify § 51.32(f) by reorganizing subparagraphs (1), (2) and (3) into a new subparagraph (1). Second, to provide in proposed subparagraphs (2) and (3) that the Secretary may initiate administrative action in conjunction with litigation based on the nondiscrimination provision of the Act or regulations.

Paragraph (2) of § 51.32(f) would provide that the Secretary may withhold revenue sharing funds from a recipient government if a Federal court finds that it has violated the nondiscrimination provision. In order for this withholding to occur it is necessary that an allegation of a violation of the nondiscrimination provision be made to the court in a judicial complaint. However, such an allegation need not be raised by the United States but may be raised by any party.

Subparagraph (3) would make clear that if the Attorney General has initiated a civil action against a recipient government under section 122(c) of the Revenue Sharing Act, it is not required that the Secretary also initiate an administrative enforcement action. This policy is necessary in order to avoid duplication of effort in resolving complaints of discrimination, and to avoid unnecessary use of limited enforcement resources.

Before adoption of this proposed amendment, consideration will be given to any written comments or suggestions which are received, in triplicate, on or before March 17, 1975. Written comments should be directed to the Director, Office of Revenue Sharing (Symbols CC), Department of the Treasury, Washington, D.C. 20226. In accordance with 31 CFR 1.4(h), written comments submitted in response to this solicitation will be available to the public upon request therefor, unless confidential status of the submission has been requested in writing and approved.

This proposed regulation is issued under the authority of the State and Local Fiscal Assistance Act of 1972, as amended, Title 1, Pub. L. 92-512 (31 U.S.C. Supp. III, 1221-1263) and Treasury Department Order No. 224, dated January 26, 1973 (38 FR 3342).

Dated: January 31, 1975.

[SEAL] GRAHAM W. WATT,
Director,
Office of Revenue Sharing.

Approved:

EDWARD C. SCHMULTS,
Under Secretary of
the Treasury.

§ 51.32 Discrimination.

* * * * *

(f) *Procedure for effecting compliance.* (1) Whenever the Secretary determines that a recipient government has failed to comply with this section, he will notify the chief executive officer of the recipient government and the Governor of the State in which the government is located of the noncompliance and will request the Governor to secure compliance. If, within a reasonable time, not to exceed 60 days, the Governor fails or refuses to secure compliance, the Secretary is authorized by the Act to take one of the following remedial measures:

(i) To refer the matter to the Attorney General of the United States with a recommendation that an appropriate civil action be instituted;

(ii) To initiate an administrative hearing pursuant to the powers and functions provided by Title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d). An order of an administrative law judge to withhold temporarily, to repay, or to forfeit entitlement funds, will not become effective until:

(A) There has been an express finding on the record, after notice and opportunity for hearing, of a failure by the recipient government to comply with a requirement of this section.

(B) At least 10 days have elapsed from the date of the order of the administrative law judge. During this period, additional efforts will be made to assist the recipient government in complying with this regulation and in taking appropriate corrective action.

(C) Thirty days have elapsed after the Secretary has filed with the Committee on Government Operations of the House of Representatives and the Committee on Finance of the Senate a full written report of the circumstances and the grounds for such action. The time limitations of subparagraphs (B) and (C) can run concurrently.

(D) The Secretary has notified the recipient government that, in addition to whatever sanctions have been imposed by the administrative law judge, the Office of Revenue Sharing will withhold payment of all entitlement funds until such time as the recipient government complies with the order of the administrative law judge.

Further, the amount of the forfeiture or payment of entitlement funds, if any, will be limited to the program or activity in which the noncompliance has been found. Such funds shall be collected by a downward adjustment to future entitlement payments and will be deposited in the general fund of the Treasury. If the Secretary determines that adjustment to future entitlement payments is impracticable, he may refer the matter to the Attorney General for appropriate civil action to require repayment of such amount to the United States.

(2) The Secretary may immediately defer the payment of entitlement funds to a recipient government pending the entry of an affirmative action order by a Federal court if:

(i) A violation of the nondiscrimination provision of this section or the Act (section 122) was alleged in the complaint before the court;

(ii) The court finds that the recipient government has violated the nondiscrimination of this section or the Act; and

(iii) The question of deferral has not been considered by the court.

(3) Nothing in these regulations is intended to preclude the United States, in a civil action initiated by the Attorney General of the United States pursuant to section 122(c) of the Act, from seeking or a court from granting an order to require the repayment of funds previously paid under this Act, or ordering that the payment of funds under this Act be terminated or deferred. In addition, the Secretary may initiate the procedure provided for in paragraph (f)(1)(ii) of this section against a recipient government which has been named as a defendant in such a civil action if it is the Secretary's judgment, after consultation with the Attorney General, that an administrative withholding of entitlement funds is an appropriate measure to ensure compliance with this section.

* * * * *

[FR Doc.75-3289 Filed 2-4-75;8:45 am]

CIVIL AERONAUTICS BOARD

[14 CFR Parts 207, 208, 212, 214]

[EDR-237E; Docket No. 24908]

ONE STOP INCLUSIVE TOUR CHARTER

Extension of Time to Comment on Proposed Rulemaking

JANUARY 30, 1975.

By notice of proposed rule making, EDR-237C, October 30, 1974 (39 FR 39289), the Board instituted a rule making proceeding to consider termination of the "prior affinity" charter rules, by appropriate amendments of Parts 207, 208, 212 and 214 of the Board's Economic Regulations, as well as various technical amendments to other parts of the Board's regulations related to such charters. Contemporaneously therewith we also issued a Notice of Proposed Rule Making, EDR-281/SPDR-38/ODR-9 (39 FR 39572), to consider adoption of a rule authorizing a new type of charter, "One-stop-inclusive Tour Charter" (OTC).

The Board has determined that additional time is required to consider the numerous comments filed concerning the authorization of OTC's and the termination of affinity charters. Accordingly, the Board has decided that it will not terminate the sale of affinity charters on March 31, 1975, as previously proposed, or anytime during the year 1975.

By the Civil Aeronautics Board.

[SEAL] EDWIN Z. HOLLAND, *Secretary.*

[FR Doc.75-3308 Filed 2-4-75;8:45 am]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 76]

[Docket No. 19417]

CABLE TELEVISION

Sports Programs; Extension of Time

In the matter of amendment of Part 76 of the Commission's rules and regulations Relative to Cable Television Systems and the Carriage of Sports Programs on Cable Television Systems (39 FR 45300, December 31, 1975).

1. On January 21, 1975, Colony Communications, Inc., Cox Cable Communications, Inc., New Channels Corporation, Sammons Communications, Inc., The TM Communications Co., and Jerrold Electronics Corporation jointly filed a petition requesting that the time for filing comments in the captioned proceeding be extended from January 31, 1975, for a period of thirty days or in the alternative, at least three weeks from the date on which the Commission responds to a request by the National Cable Television Association for materials pursuant to the Freedom of Information Act (5 U.S.C. 522) and § 0.461(a) of the Commission's rules. On January 22, 1975, Counsel for Daniels Properties Inc., UA-Columbia Cablevision, Inc., and United Cable Television Corporation, Community Tele-Communications, Inc., Tele-Cable Corporation, and Warner Cable Corporation have filed similar motions for extension of time. Daniels Properties et al., request that comments be due March 3, 1975, Colony et al.'s request is opposed by the National Hockey League and the Commissioner of Baseball.

2. In support of their request, petitioners state that the Commission has not yet responded to National Cable Television Association's referenced "Freedom of Information" request. The material requested therein is allegedly "essential to the preparation of meaningful comments in this most important proceeding * * *." Petitioners believe that fairness requires a short extension of time within which to prepare these comments. The National Hockey League and the Commissioner of Baseball object to a grant of any extension of time alleging that "further delay as more (cable television) systems become established will simply make it more difficult for the Commission to deal with the question fairly and even-handedly." Objectors further suggest, after reviewing the Commission's Calendar of Meetings through March 31, 1975 (Mimeo No. 34109, December 12, 1974), that a grant of the requested extension would delay Commission consideration, perhaps, for many months and, in any case, that the issues are susceptible of resolution without additional time. Objectors propose, in the alternative, that should an extension of time be granted, that the Commission halt the grants of certificates of compliance during the interim period until a final resolution of the Docket.

3. Because the National Cable Television Association's request under the Freedom of Information Act for material which they hope to use in filing comments in this proceeding has not yet been answered, it appears that good cause exists for the requested 30-day extension of time. This should provide an appropriate period of time after the information request has been answered to prepare comments. We are not persuaded by the comments in opposition that this extension is not appropriate in the circumstances and in view of complexity of this proceeding.

Accordingly, it is ordered, That the motion for extension of time to file comments filed January 21, and 22, 1975, by the parties listed in paragraph 1, *supra,* are granted and the date for filing comments and reply comments in the captioned proceeding are extended until March 3, 1975, and March 17, 1975, respectively.

Adopted: January 28, 1975.

Released: January 30, 1975.

[SEAL] DAVID D. KINLEY, *Chief, Cable Television Bureau.*

[FR Doc.75-3228 Filed 2-4-75;8:45 am]

[47 CFR Part 76]

[Docket No. 20272]

CABLE TELEVISION

Duplication and Over-Regulation; Extension of Time

In the matter of amendment of Part 76 of the Commission's rules and regulations Relative to an Inquiry on the Need for Additional Rules in the Area of Duplicative and Excessive Over-Regulation of Cable Television (39 FR 43850, December 19, 1974).

1. On January 16, 1975, the Citizens for Cable Awareness in Pennsylvania and the Philadelphia Community Cable Coalition filed a petition requesting that the captioned proceeding be held in abeyance until other outstanding rule makings have been decided or, in the alternative, for an extension of time to file comments for a period of 45 days from the initially announced due date of Fabruary 17, 1975.

2. In support of their request, petitioners argue that, since this Commission has several rule makings outstanding in the area of Federal/State-Local relationships, particularly relating to transfers (Docket 20023), franchisee selection (Docket 20019), and expiration, cancellation, and continuation of service (Docket 20022), and since the Commission has a reregulation study underway, decisions on duplicative regulation should not be made until the completion of these other matters. Petitioners also mention potential Congressional action as another reason to delay. In the alternative, petitioners mention the need to respond to other rule making petitions in this area as well as potential requests for reconsideration of recent actions taken by this Commission as grounds for an extension of the filing deadline.

3. We do not believe that it would be in the public interest to indefinitely delay this proceeding. While it is true that the potential effects of the outstanding rule makings mentioned interrelate with the Docket at issue here, the same could be stated in the reverse. The subjects are not dependent, rather they are ancillary. The Commission has clearly expressed a desire to deal specifically with the issues involved in this Docket (see Concurring Statement to Docket 20272 of Chairman Richard E. Wiley joined by Commissioners Reid and Robinson). Hence we are not persuaded that holding this Docket in abeyance would serve any overriding interest.

4. Petitioners request for an extension of time to file comments, however, does appear to have some merit. This Commission has recently completed three rule makings relating to Federal/State-Local relationships in response to the FSLAC report, (Docket 20024—Subscriber Complaints, Docket 20021—Duration, Docket 20020—Line Extension). As petitioner mentions, it is reasonable to assume that parties interested in responding to the present docket would also

be the same ones put under time constraints by the issuance of these other actions thus restricting their ability to adequately respond to all. Further, the Commission acknowledged the extreme complexity of the issues involved in excessive and/or duplicative regulation. For these reasons, good cause can be shown for an extension of time for filing comments in this proceeding. Petitioner requests 45 days, however no basis for that time period is given. Since we are vitally interested in reaching the issues outlined in this proceeding, we believe a 30 day extension will be sufficient to meet the needs of petitioners and at the same time not unduly delay the proceeding.

Accordingly, pursuant to authority delegated by § 0.289(c)(4) of the Commission's rules, it is ordered, that, to the extent stated above, the motion for extension of time filed by the parties listed in paragraph 1, *supra*, is granted and the dates for all interested parties filing comments and reply comments in the captioned proceeding are extended until March 19, 1975, and April 8, 1975, respectively.

Adopted: January 29, 1975.

Released: January 30, 1975.

[SEAL] DAVID D. KINLEY,
Chief, Cable Television Bureau.

[FR Doc.75-3227 Filed 2-4-75;8:45 am]

SECURITIES AND EXCHANGE COMMISSION

[17 CFR Parts 250, 257]

[Release No. 35-18782; File No. S7-548]

PUBLIC UTILITY HOLDING COMPANIES

Uniform System of Accounts

The Securities and Exchange Commission is considering a proposal to rescind its Uniform System of Accounts for Public Utility Holding Companies ("System of Accounts") under the Public Utility Holding Company Act of 1935 ("Act") and to provide a procedure for regulating holding company accounts more adaptable to developing accounting standards.

The System of Accounts was adopted August 8, 1936, and it is prescribed by Rule 26 (17 CFR 250.26) promulgated under the Act for all registered holding companies and every subsidiary company thereof which is not an operating company but which has a public utility or other subsidiary. Since the adoption of the System of Accounts the number of holding companies subject to the Act has been greatly reduced and the structure of the surviving systems simplified. In addition, there have been major and continuing improvements in generally accepted accounting principles which, in some respects, have developed in a manner different from those embodied in the System of Accounts.

The present System of Accounts, including the Appendix promulgated November 24, 1959, Public Utility Holding Company Act Release No. 14093 [17 CFR 257] should be rescinded, but there is no need for a new or revised System of Accounts to replace it. The requirements contained in the Commission's Regulation S-X, which has been promulgated under authority in the statutes administered by this Commission, including the 1935 Act, should be the primary source of accounting regulation for matters under this Commission's jurisdiction.

Regulation S-X is directed to the form and content of financial statements; it does not directly govern the underlying accounts and records. A revised Rule 26 under the authority of Section 15 of the Act is, therefore, needed to state the particular responsibilities of registered holding companies thereunder and to limit, in necessary respects, the scope of the alternatives generally available under Regulation S-X.

The rescission of the System of Accounts will authorize registered holding companies and subsidiary companies to adjust their accounting systems to generally prevailing standards of financial reporting as provided in Regulation S-X. The principal effect of rescinding the System of Accounts is that investments in subsidiaries will be accounted for by the equity method in accordance with Regulation S-X. Under revised Rule 26, however, undistributed earnings, etc., of subsidiaries will be restricted against the payment of dividends or other distributions by the holding company. Another significant effect is that extraordinary gains or losses realized by the holding company will be accounted for through the all-inclusive income statement rather than through its surplus account. The effect and application of these two matters are discussed in detail in Accounting Principles Board Opinions No. 18, "The Equity Method of Accounting for Investments in Common Stock," and No. 30, "Reporting the Results of Operations."

Rule 26, as revised, also prescribes the keeping and retention of records and permits disposition of bulky records of transitory significance. It does not affect the jurisdiction of any other regulatory agency.

The changes will become effective following the adoption of revised Rule 26 by the Commission as proposed or as it may be changed in response to comments. To avoid the inconvenience of an accounting change in mid-year, the rule shall be applied as of January 1, 1975, or January 1, 1976, as the company may elect. Pursuant to Rule 28, the Commission announces that financial statements in accordance with the principles herein proposed may be published with respect to the calendar year 1974.

The terms "company" and "subsidiary company," as used under the Act and in the proposed revised Rule 26, include any joint ventures, whether or not in corporate form, in which an interest of 10% or more with power to vote is owned directly or indirectly. The corporate joint ventures referred to in APB No. 18 are, for the most part, subsidiaries under the proposed rule. The use of equity accounting for other corporate joint ventures, if any, is not prohibited by the rule, but should be governed by the applicable accounting standards.

As of the effective date, accounts reflecting investment in subsidiaries shall be adjusted to reflect the proportionate share of accumulated undistributed earnings since date of acquisition and, correspondingly, a subaccount to retained earnings shall be established reflecting the accumulated amount of undistributed retained earnings.

COMMISSION ACTION

Pursuant to authority in section 15(a) of the Public Utility Holding Company Act of 1935, the Securities and Exchange Commission proposes to revise § 250.26 in Chapter II of Title 17 of the Code of Federal Regulations to read as follows:

§ 250.26 Financial statement and record keeping requirements for certain holding companies and subsidiaries.

(a) Every registered holding company and every subsidiary thereof shall conform to the requirements as to form and content of financial statements in Regulation S-X.

(b) Every registered holding company and every subsidiary thereof shall hereafter follow the equity method of accounting for investments in any subsidiary.

(1) Each investment shall be recorded at its carrying value heretofore established and the actual cost of investments hereafter made. The investments shall be periodically adjusted for the proportionate share of earnings or losses or capital changes of the subsidiary since its acquisition, crediting any dividends received from such subsidiary.

(2) Every company subject to this rule shall maintain a subaccount to its retained earnings account which shall be periodically debited or credited with its proportionate share of undistributed retained earnings of subsidiaries. The balance of such subaccount shall be stated separately on each balance sheet.

(3) No company subject to this rule shall declare or pay any dividends or reacquire any of its own securities from or on the basis of any balances recorded in the subaccount referred to in paragraph (2) above, except pursuant to a declaration under Section 12(c) of the Act which has become effective in accordance with the procedure specified in Rule 23 (§ 250.23).

(4) Every company subject to this rule shall make and keep current accounts, books and other records of all of its transactions in sufficient detail to permit examination, audit and verification of the financial statements, schedules and reports it is required to file with the Commission, or which it issues to stockholders. Such accounts, books and other records shall be maintained in appropriate form and in sufficient detail to provide all of the information with respect to the business of the company specified by such Commission filing requirements as are in effect when the transactions recorded occur.

(5) Every company subject to this rule shall include a copy of the chart of accounts it proposes to use under this rule

in its Form U5S for the year in which use of such accounts is to begin; and shall file, at least 30 days prior to any modification of such chart of accounts, an appropriate amendment to its Form U5S describing the nature, purpose, and effect of the proposed modification. Unless the Commission, by order, directs otherwise, the chart of accounts and modifications thereof, if any, so filed shall thenceforth be used by the company.

(c) No company subject to this rule shall dispose, without authorization from the Commission, of any accounts, books and other records including any documents relating to the acquisition or disposition of any asset or the issuance or sale of any securities or the negotiations with respect thereto, except that a company may:

(1) After any of such records or documents have aged four years, substitute microfilm or other forms of reduced reproduction;

(2) With respect to records of ownership and transfer of the company's securities, dispose of such records after they have aged ten years—provided, that a permanent record shall be kept of the holders of record of one percent or more of each class of voting securities at any time outstanding and, to the extent that information is available, of the beneficial owners of one percent or more of each such class; and,

(3) Dispose of any records relating to items reflected in its income and expense accounts, or in its dividend accounts, upon the expiration of four years from the end of the year in which such items originated. Records with respect to tangible depreciable assets may be disposed of four years after retirement of such assets, but records with respect to the acquisition or disposition of intangible assets shall be preserved even though such intangibles are amortized through the income accounts.

(d) This rule shall not modify or revoke any order of the Commission heretofore entered as to the accounting by any company subject to this rule including any continuing provision as to amortization or other disposition of any item governed thereby.

(e) Nothing in this rule shall relieve any company subject thereto from compliance with the requirements as to record keeping and retention that may be prescribed by any other regulatory agency.

(f) Any references in other rules or forms under the Act to the System of Accounts shall be hereafter deemed to refer to this rule.

All interested persons are invited to submit their views and comments in writing on the proposed rescission of the System of Accounts and the proposed revised Rule 26 to the Secretary, Securities and Exchange Commission, Washington, D.C. 20549, designating File No. S7-548, on or before March 4, 1975. All comments will be available for public inspection.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS, *Secretary.*

JANUARY 23, 1975.

[FR Doc.75-3257 Filed 2-4-75;8:45 am]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Parts 1004, 1001, 1002, 1006, 1007, 1011, 1012, 1013, 1015, 1030, 1032, 1033, 1036, 1040, 1044, 1046, 1049, 1050, 1060, 1061, 1062, 1063, 1064, 1065, 1068, 1069, 1070, 1071, 1073, 1075, 1076, 1078, 1079, 1090, 1094, 1096, 1097, 1098, 1099, 1101, 1102, 1104, 1106, 1108, 1120, 1121, 1124, 1125, 1126, 1127, 1128, 1129, 1130, 1131, 1132, 1133, 1134, 1136, 1137, 1138, and 1139]

[Docket Nos. AO-160-A50-RO1, et al.]

MILK IN THE MIDDLE ATLANTIC, AND CERTAIN OTHER MARKETING AREAS

Emergency Decision on Proposed Amendments to Marketing Agreements and to Orders

Correction

7 CFR Part	Marketing area	Docket No.
1004	Middle Atlantic	AO-160-A50-R01.
1001	Boston Regional	AO-14-A55-R01.
1002	New York-New Jersey	AO-71-A67-R01.
1006	Upper Florida	AO-356-A13.
1007	Georgia	AO-366-A13.
1011	Appalachian	AO-251-A18.
1012	Tampa Bay	AO-347-A17.
1013	Southeastern Florida	AO-286-A25.
1015	Connecticut	AO-305-A33-R01.
1030	Chicago Regional	AO-361-A13.
1032	Southern Illinois	AO-313-A27.
1033	Ohio Valley	AO-166-A47.
1036	Eastern Ohio-Western Pennsylvania.	AO-179-A41.
1040	Southern Michigan	AO-225-A30.
1044	Michigan Upper Peninsula	AO-299-A22.
1046	Louisville-Lexington-Evansville.	AO-123-A43.
1049	Indiana	AO-319-A25.
1050	Central Illinois	AO-355-A18.
1060	Minnesota-North Dakota	AO-360-A10-R01.
1061	Southeastern Minnesota-Northern Iowa (Dairyland).	AO-367-A9-R01.
1062	St. Louis-Ozarks	AO-10-A49.
1063	Quad Cities-Dubuque	AO-105-A41.
1064	Greater Kansas City	AO-23-A48.
1065	Nebraska-Western Iowa	AO-86-A34.
1068	Minneapolis-St. Paul Minn	AO-178-A33-R01.
1069	Duluth-Superior	AO-153-A22-R01.
1070	Cedar Rapids-Iowa City	AO-229-A30.
1071	Neosho Valley	AO-227-A31.
1073	Wichita	AO-173-A32.
1075	Black Hills, S. Dak	AO-248-A17.
1076	Eastern South Dakota	AO-260-A21-R01.
1078	North Central Iowa	AO-272-A25.
1079	Des Moines, Iowa	AO-295-A30.
1090	Chattanooga, Tenn	AO-266-A20.
1094	New Orleans, La	AO-103-A37.
1096	Northern Louisiana	AO-257-A25.
1097	Memphis, Tenn	AO-219-A31.
1098	Nashville, Tenn	AO-184-A38.
1099	Paducah, Ky	AO-183-A31.
1101	Knoxville, Tenn	AO-195-A24.
1102	Fort Smith, Ark	AO-237-A25.
1104	Red River Valley	AO-288-A25.
1106	Oklahoma Metropolitan	AO-210-A38.
1108	Central Arkansas	AO-243-A29.
1120	Lubbock-Plainview, Tex	AO-328-A18.
1121	South Texas	AO-364-A8-R01.
1124	Oregon-Washington	AO-368-A8.
1125	Puget Sound, Wash	AO-226-A28.
1126	North Texas	AO-231-A41-R01.
1127	San Antonio, Tex	AO-232-A27-R01.
1128	Central West Texas	AO-238-A30-R01.
1129	Austin-Waco, Tex	AO-256-A23-R01.
1130	Corpus Christi, Tex	AO-259-A27-R01.
1131	Central Arizona	AO-271-A19.
1132	Texas Panhandle	AO-262-A27.
1133	Inland Empire	AO-275-A28.
1134	Western Colorado	AO-301-A16.
1136	Great Basin	AO-309-A22.
1137	Eastern Colorado	AO-326-A20.
1138	Rio Grande Valley	AO-335-A23.
1139	Lake Mead, Nev	AO-374-A4.

1. FR Doc. 75-2903 appearing at page 4634 in the issue for Friday, January 31, 1975, was published in error in the Rules and Regulations section of the FEDERAL REGISTER. It should have been published in the Proposed Rules section with headings reading as set forth above.

2. In this same FR Doc. 75-2903, on page 4635 in the third column, the second sentence of the fourth paragraph which reads: "The continued orderly marketing of milk in the respective areas requires that the attached order be made effective on January 31, 1975." should be corrected to read: "The continued orderly marketing of milk in the respective areas requires that the attached order be made effective upon publication in the FEDERAL REGISTER."

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR Part 71]

[Airspace Docket No. 75-SO-7]

REDESIGNATION AND ALTERATION OF TRANSITION AREAS

Notice of Proposed Rulemaking

The Federal Aviation Administration is considering an amendment to Part 71 of the Federal Aviation Regulations that would redesignate and alter the Meridian, Miss. (Key Field) and (NAS Meridian), transition areas.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Federal Aviation Administration, Southern Region, Air Traffic Division, P.O. Box 20636, Atlanta, Ga. 30320. All communications received within 30 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Chief, Airspace and Procedures Branch. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in light of comments received.

The official docket will be available for examination by interested persons at the Federal Aviation Administraton, Southern Region, Room 645, 3400 Whipple Street, East Point, Ga.

The Meridian (Key Field) and (NAS Meridian), transition areas, described in § 71.181 (40 F.R. 441), would be amended to read:

MERIDIAN, MISS.

That airspace extending upward from 700 feet above the surface within an 11-mile radius of Key Field (Lat. 32°19'58" N., Long. 88°45'05" W); within 3 miles each side of the ILS localizer south course, extending from the 11-mile radius area to 8.5 miles south of the RBN; within 3 miles each side of the 191° bearing from Meridian RBN, extending from the 11-mile radius area to 8.5 miles south of the RBN; within 5 miles each side of Meridian VORTAC 315° radial, extending from the 11-mile radius area to 11.5 miles northwest

of the VORTAC; within a 10-mile radius of NAS Meridian (Lat. 32°33'27" N., Long. 88°33'33" W); within 3.5 miles each side of the 021° bearing from NAS Meridian UHF RBN, extending from the 10-mile radius area to 11.5 miles north of the RBN; and the airspace east, bounded on the north by the arc of a 10-mile radius circle centered on NAS Meridian, on the east by the Kewanee VORTAC 005° and 179° radials, on the south by Meridian VORTAC 110° radial, and on the west by the arc of an 11-mile radius circle centered on Key Field.

The proposed redesignation is required for simplicity of charting and description. The proposed alteraton is required to provide controlled airspace protection for IFR aircraft executing a Ground Controlled Approach (GCA) to NAS Meridian.

This amendment is proposed under the authority of Sec. 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348(a)) and of Sec. 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in East Point, Ga., on January 28, 1975.

PHILLIP M. SWATEK,
Director, Southern Region.

[FR Doc.75-3192 Filed 2-4-75;8:45 am]

INTERSTATE COMMERCE COMMISSION

[49 CFR Parts 1102, 1104]

[Ex Parte No. 311]

OPERATIONS OF INTERSTATE CARRIERS

Energy Conservation Measures

The Interstate Commerce Commission is charged with the responsibility "to provide for fair and impartial regulation of all modes of transportation [subject to its jurisdiction] * * * to promote safe, adequate, economical, and efficient service and foster sound economic conditions in transportation * * * to encourage the establishment and maintenance of reasonable charges for transportation services * * * all to the end of developing, coordinating, and preserving a national transportation system by water, highway, and rail, as well as other means, adequate to meet the needs of the commerce of the United States, of the Postal Service, and of the national defense." The Commission is concerned that unless existing regulations governing the filing of tariff schedules are amended, the effects of Proclamation No. 3279, as amended on January 23, 1975, increasing the fee on imported crude oil and other energy conservation measures being considered by Congress will be adverse to the needs of commerce of the United States.

Fair and impartial regulation requires that increased cost of operation by the regulated carrier industry, not offset by other factors,[1] be reflected in the rate structure as quickly as possible in order to assure the continued existence of a viable surface carrier industry. Existing regulations requiring the submission of a detailed evidentiary case in support of general increases and preventing increases from becoming effective before the elapse of a 30-day period may not be adequate in the present circumstances to offset anticipated increases in fuel prices. Accordingly, it is proposed that on an interim basis an expedited procedure be established to permit the recovery of increases in fuel directly attributable to the increase in the fee on imported fuel. Views on this proposal are earnestly solicited.

The interim procedure proposed for consideration by interested persons would require the submission of information of the type set forth in Appendix A hereto by individual carriers or rate bureaus in justification of a proposed increase in rates of a stated percent or amount. Alternatively, if sufficient data is available from the Federal Energy Administration and other Federal agencies, the Commission proposes to develop (in lieu of the type of computation set forth in Appendix A) a formula for a uniform percentage increase which would be applied either (1) nationally or (2) regionally so as to take into consideration variations in prices of fuel experienced by different sections of the Nation such as New England. Interested persons are requested to submit their views with respect to the proposed evidentiary requirements in Appendix A and the alternative proposal discussed above in this paragraph. In addition, parties commenting are requested to discuss actions which could be taken to deter fuel consumption such as possible limitation of any fuel-related increase.

Oral hearing does not appear necessary at this time and none is contemplated. Anyone wishing to present views and evidence either in support of or in opposition to the action proposed in this notice may do so by the submission of written data, views or arguments. An original (and 15 copies whenever possible) of such data, views or arguments shall be filed with this Commission, Room 5342, on or before February 19, 1975. This relatively short comment period is necessitated by the need for action as soon as possible after February 1, 1975.

All written submissions will be available for public inspection during regular business hours at the Office of the Interstate Commerce Commission, 12th Street and Constitution Avenue, NW., Washington, D.C. 20423.

Issued in Washington, D.C., this 31st day of January 1975.

[SEAL] ROBERT L. OSWALD,
Secretary.

[1] Other factors might include, but are not limited to, increased productivity or tax credits.

[Ex Parte No. 311]

EFFECT OF MODIFYING PROCLAMATION NO. 3279 AND OTHER ANTICIPATED ENERGY CONSERVATION MEASURES ON THE OPERATIONS OF CARRIERS SUBJECT TO THE INTERSTATE COMMERCE ACT

Order. At a general session of the Interstate Commerce Commission, held at its office in Washington, D.C., on the 31st day of January 1975.

It is ordered, That based on the reasons set forth in the attached notice, a proceeding be, and it is hereby, instituted pursuant to 5 U.S.C. 552, 553 and 559 (the Administrative Procedure Act), to the National Transportation Policy preceding title 49, Sections 1, 301, 901, and 1001 of the Interstate Commerce Act, and to the provisions of the Interstate Commerce Act including 49 U.S.C. 6, 15, 15a, 316, 317, 318, 906, 907, 1005, and 1006;

It is further ordered, That the attached notice be, and it is hereby, adopted and is incorporated by reference into this order,

And it is further ordered, That notice of the institution of this proceeding shall be given to the general public by depositing a copy of this order and the attached notice in the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., for public inspection, and by delivering a copy of the notice to the Director, Office of the Federal Register, for publication in the FEDERAL REGISTER as notice to interested persons.

By the Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.

APPENDIX A

VERIFIED STATEMENT OF FUEL EXPENSES AND RELATED DATA IN SUPPORT OF REQUESTED FUEL RATE INCREASE

Submitted by (Rate bureau, other): _____
Address: _____
_____

Line No.	Item (a)	Ratemaking Carrier 1/ (b)	Owner-Operator (if applicable) 1/ (c)
1.	Requested fuel rate increase (percent)---------- Effective date: _____		xxx
	I. BASE PERIOD - 4th QUARTER 1974		
2.	Fuel expenses 2/----------	$	xxx
3.	Fuel taxes 3/ ----------	$	xxx
4.	Total (L. 2 + L.3) 4/ ----------	$	$
5.	Number of gallons consumed ----------		
6.	Cost per gallon of fuel consumed (Cents to 2 dec.) (L. 4 ÷ L. 5)----------	¢	¢
	II. CURRENT PERIOD: SPECIFY MONTH/YEAR		
7.	Average cost per gallon of fuel, including taxes, during month ----------	¢	¢
8.	Number of gallons consumed ----------		
9.	Increase in cost per gallon of fuel, including taxes, (L. 7 - L. 6) ----------	¢	¢
10.	Increase in fuel costs, including taxes (L. 8 x L. 9) ----------	$	$
11.	Ratemaking carriers' revenues		
	a. Total operating revenues ----------	$	xxx
	b. Ratemaking carriers' portion of revenues when transportation is performed by owner-operators ----------	$	xxx
	c. Balance of operating revenues L. 11 a- L.11 b ----------	$	xxx
12.	Owner-operators' revenues (Revenues accruing to owner-operators from transportation associated with L. 11b) --------	xxx	$
13.	Percent of increased fuel costs, including taxes, to operating revenues		
	a. Ratemaking carrier (L. 10, col.(b) ÷ L.11c) ----------	%	xxx
	b. Owner-operators (L. 10, col.(c) ÷ L.12) ----------	xxx	%
	c. (L. 10, col. (c)) ÷ (L. 11b, col.(b) + L.12, col.(c)) ----------	%	xxx
	d. (L.10, cols.(b) + (c)) ÷ (Ls.11b,11c,col.(b) plus L. 12, col. (c))	%	xxx

Sheet 2 of 5

Line No	Item (a)	Ratemaking Carrier (b)	Owner-Operator (if applicable) (c)
	III. DATA FOR LAST PREVIOUSLY GRANTED FUEL RATE INCREASE UNDER THIS PROCEEDING		
14.	(a) Pct. granted ___ (b) Eff. date _____		
15.	Average cost per gallon of fuel, including taxes, for month relied on to support last previously granted fuel rate increase. (Cents to 2 dec.) ------ Month and year relied on: _____	¢	¢
16.	Increase per gallon of fuel, including taxes since last previously granted fuel rate increase. (L.7 - L. 15) ----------	¢	¢
17.	Increase in fuel costs, including taxes, since last previously granted fuel rate increase. (L. 8 x L. 16) ----------	$	$
18.	Percent of increased fuel costs, including taxes, since last previously granted fuel rate increase to operating revenues. (Cents to 2 dec.)		
	a. Ratemaking carrier (L. 17 ÷ L. 11c) ----------	%	XXX
	b. Owner-operators (L. 17 ÷ L. 12) ----------	XXX	%
	c. (L. 17, col. (c)) ÷ (L. 11b, col. (b) + L. 12, col. (c)) ----------	%	XXX
	d. (L. 17, cols. (b) + (c)) ÷ (Ls.11b,11c, col.(b) plus L. 12, col. (c)) ----------	%	XXX

IV. COMPARISON OF REQUESTED FUEL RATE INCREASE (LINE 1) WITH COMPUTED FUEL RATE INCREASE

A. Initially Requested Fuel Rate Increase Under This Proceeding

19. Computed fuel rate increase (Line 13d) ---------- _____ %

20. Requested fuel rate increase (Line 1) (Not to exceed line 19) ---------- _____ %

B. Subsequent to Previously Granted Fuel Rate Increase Under This Proceeding

21. Computed fuel rate increase (Line 18d) ---------- _____ %

22. Requested fuel rate increase (Line 1) (Not to exceed line 21)---------- _____ %

VERIFICATION

_____ (State)
_____ (County) } ss:

_____, being duly sworn, deposes and says that he has read the foregoing statement, knows the contents thereof, and that the same are true as stated.

_____ (Signature)

Subscribed to and sworn before me, a Notary Public, this _____ day of _____, _____ (Month) (Year)

_____ (Notary Public)

My Commission expires _____

EXPLANATORY

Purpose. The purpose of this verified statement is to develop factual data for the justification of proposed fuel rate increases filed by various rate bureaus on behalf of their members and other carriers subject to regulation under the Interstate Commerce Act. The statement is designed for use by all modes.

Although this statement may be used by individual carriers, these carriers are encouraged to become participating parties to proposed fuel rate increases filed by the rate bureaus in order to avoid possible delay in processing and adjudicating the proposed fuel rate increases.

The data to be provided in this statement represent the minimum data required to be filed. If additional data are filed, appropriate explanation should be provided.

This statement is developed for use not only for any initially proposed fuel rate increase but also for use in a proposed fuel rate increase subsequent to the initial request. Thus, even though the base period (4th quarter, 1974) is not used in computing data subsequent to the first proposed fuel rate increase under this proceeding, the base period data are required.

Study Carriers. For the purpose of this statement motor carrier rate bureaus filing under the provisions of MC-82, *New Procedures in Motor Carrier Revenue Proceedings* (340 I.C.C. 1) may use, as a study group, those study carriers used in their last general rate increase. All other motor carrier rate bureaus may base their statement data on those study carriers which they believe to be representative of the traffic at issue. However, supporting data and explanation for this selection of representative carriers should be provided. In the case of railroads, water carriers and freight forwarders, tariff bureaus filing on behalf of these carriers should include *all* those carriers participating in its tariffs, and any differences should be explained. A list of the study carriers should be furnished.

Filing Date. This statement shall be filed at least 10 days prior to the effective date of the proposed fuel rate increase shown on line 1.

Dollar Amounts and Percents. All dollar amounts shall be rounded off to the nearest one-thousand, and all percents shall be expressed to 2 decimals.

FOOTNOTES

[1] A ratemaking carrier means any ICC-certificated carrier, i.e., one having the authority to publish rates, fares, charges, etc., in accordance with its certificate or permit. An owner-operator is an independent contractor which performs a transportation service for, and on behalf of, an ICC-certificated carrier and in compliance with the terms and conditions of its contractual arrangements.

[2] For motor general commodity carriers, use quarterly data comparable to annual report account 4510; for other modes, use comparable account.

[3] For motor general commodity carriers, use quarterly data comparable to annual report accounts 4710 and 4760; for other modes, use comparable accounts.

[4] For owner-operators, only the total of fuel expenses and taxes need be reported in line 4, column (c). This total should be based on the owner-operators' or the ratemaking carriers' records. If estimates are used for owner-operators, an explanation of the procedures used shall be provided.

[FR Doc.75-3313 Filed 2-4-75;8:45 am]

notices

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF STATE

[Public Notice CM-5/11]

NATIONAL REVIEW BOARD FOR THE CENTER FOR CULTURAL AND TECHNICAL INTERCHANGE BETWEEN EAST AND WEST

Notice of Meeting

The National Review Board for the Center for Cultural and Technical Interchange Between East and West (East-West Center) will meet in open session at the East-West Center, 1777 East-West Road, Honolulu, Hawaii on March 17 and 18, 1975. The meeting will be held in the Asia Room from 9 a.m. to 4:30 p.m. each day.

The Board will discuss:

1. Plans for implementing the incorporation of the East-West Center
2. The Center's future program directions and,
3. The status of women at the Center.

Dated: January 28, 1975.

CAROL M. OWENS,
Executive Secretary.

[FR Doc.75-3220 Filed 2-4-75;8:45 am]

DEPARTMENT OF THE TREASURY

Customs Service

CERTAIN CONSUMER ELECTRONIC PRODUCTS FROM JAPAN

Notice of Preliminary Determination

In the FEDERAL REGISTER of May 19, 1972 (37 FR 10087), there was published a "notice of countervailing duty proceedings" in which the Commissioner of Customs announced that information had ben received pursuant to the provisions of § 16.24(b) of the Customs Regulations (currently 19 CFR 159.47(b), Customs Regulations) which raised a question as to whether certain payments, bestowals, rebates, or refunds granted by the Government of Japan upon the manufacture, production, or exportation of certain consumer electronic products constituted the payment or bestowal of a bounty or grant, directly or indirectly, within the meaning of section 303 of the Tariff Act of 1930 (19 U.S.C. 1303) (referred to in this notice as "the Act"), upon the manufacture, production, or exportation of the merchandise to which the payments, bestowals, rebates or refunds applied. This notice was amended by a second notice which was published in the FEDERAL REGISTER of June 8, 1972 (37 FR 11487). The notices enumerated specific consumer electronic products under consideration which are set forth in Appendix A below. In accordance with the provisions of the second notice dated June 8, a time period of 60 days was provided from the date of the original notice for the receipt of relevant data, views, or arguments with respect to the existence or nonexistence, and the net amount, of any bounty or grant within the meaning of section 303 of the Act.

On the basis of an investigation conducted pursuant to § 159.47(c), Customs Regulations (19 CFR 159.47(c)), it has been determined that benefits have been received under three programs which constitute bounties or grants within the meaning of section 303 of the Act. These programs include preferential interest rate loans from the Japanese Development Bank, promotional assistance from the Japan External Trade Organization (JETRO), and tax deferrals under the Overseas Market Development Reserve.

In the first two programs, the benefits bestowed on exporters involve an amount considered to be *de minimis*. In the case of the Overseas Market Development Program, the aggregate data available indicates that the pro rated benefits to exporters of the consumer electronic products in question are also *de minimis*, and that, when considered in this light in the aggregate, all three programs combined are also considered *de minimis*. Since the Overseas Market Development Program is available only to firms which are capitalized at less than one billion yen, however, significant benefits could conceivably be concentrated in a few smaller firms exporting these products to the United States. In order to ensure that significant bounties or grants are not being paid or bestowed under this program, the Commissioner of Customs will require reports from Japanese firms eligible for tax deferrals under the Overseas Market Development Program and exporting the consumer electronic products in question to the United States to ascertain whether and to what extent they benefit from the program.

If it is determined that no Japanese firm benefits from the Overseas Market Development Program in an amount more than *de minimis* in relation to the quantity of exports involved a final negative determination will be issued. If it is determined that any Japanese firms do benefit from this program by an amount that is more than *de minimis* in relation to the quantity of exports involved an affirmative determination will be issued as to such firms, and, additionally, suspension of liquidation will be ordered as to entries of the subject merchandise manufactured or exported by any firm which is eligible for benefits under the program but has not submitted the required report. Such suspension of liquidation would remain in effect until the report was received and a determination made as to whether a bounty or grant were being paid or bestowed.

Before a final determination is made, consideration will be given to any relevant data, views or arguments, in addition to the required reports described above, submitted in writing with respect to the preliminary determination. Submissions should be addressed to the Commissioner of Customs, 2100 K Street, NW., Washington, D.C. 20229, in time to be received by his office on or before March 7, 1975. This preliminary determination is published pursuant to section 303(a) of the Tariff Act of 1930 (19 U.S.C. 1303(a)).

VERNON D. ACREE,
Commissioner of Customs.

Approved: January 30, 1975.

DAVID R. MACDONALD,
Assistant Secretary of the Treasury.

APPENDIX A

Television receivers.
Parts of television receivers: Color television picture tubes, resistors, transformers (deflection components), and tuners for receivers with integrated circuits.
Radio receivers.
Radio—Phonograph combinations.
Radio—Television-Phonograph combinations.
Radio/tape recorder combinations.
Tape players.
Record players and phonographs complete with amplifiers and speakers.
Tape recorders.

[FR Doc.75-3160 Filed 2-4-75;8:45 am]

DEPARTMENT OF DEFENSE

Department of the Army

ARMY CONTRACT ADJUSTMENT BOARD

Rules of Procedure

JANUARY 22, 1975.

In accordance with Memorandum, Assistant Secretary of the Army (Installations & Logistics), Subject: Re-establishment of the Army Contrcat Adjustment Board, dated January 22, 1975, the following rules of procedure for the conduct of the Board are adopted:

RULE I—COMMUNICATIONS

1. *Address of Board.* All correspondence with the Board shall be addressed "Army Contract Adjustment Board, Office, Assistant Secretary of the Army (Installations & Logistics), Washington, D.C. 20310."

2. *Direct Communication Authorized.* The Chairman of the Board, any member thereof, the Recorder, and any Assistant to the Board may communicate directly with any person within or outside the Army Establishment, with

respect to any matter pertaining to the business of the Board.

RULE II—ORGANIZATION AND OPERATION OF THE BOARD

1. *Organization.* The Board will be organized as a unit, and four or more members, one of whom shall be the Chairman or a member designated by him temporarily as Acting Chairman, and one of whom shall be an attorney, shall constitute a quorum. The Chairman shall designate a civilian or military member of the Department to serve as Recorder of the Board, without vote. The Recorder shall perform such administrative and other duties for the Board as may be assigned to him by the Chairman, including arranging for the presence at hearings of individuals having knowledge of the facts involved. There shall be such assistants to the Board, but not members thereof, as shall from time to time be found to be desirable. Among such assistants shall be:

a. *A Counsel to the Board.* The Counsel shall be designated by The General Counsel, Department of the Army, and shall prepare and present cases to the Board, assist at hearings, and render such legal services as may be requested by the Board. The positions of Counsel to the Board and Recorder may be held by the same individual.

b. *An Audit Consultant.* The Audit Consultant shall be designated by the Chairman and shall render such financial advice and audit assistance as may be requested by the Board.

2. *Operation.* There shall be no inflexible procedure for the consideration of matters referred to the Board for disposition. Normally, any such matter will be assigned by the Chairman to the Recorder or another member of the Board, or to the Counsel, for preliminary analysis. After such analysis, the designated individual will present the matter to the Board with a statement summarizing the facts and issues involved. In the discretion of the Chairman, or a member designated by him, a hearing may be held with respect to any matter before the Board. The concurrence of at least four members shall be required in any decision of the Board. Matters of administration affecting the Board may be disposed of by the Chairman without referral to the Board.

RULE III—RECORDS

1. *Register.* There will be maintained a register in which there will be entered, with respect to each request for contractual adjustment considered by the Board, information believed by the Chairman to be essential, such as the following (more completely defined in ASPR 17-401 and 17-402):

a. Number assigned to the case.
b. Name and address of contractor and small business status.
c. Date of contractor's request.
d. Date received by Government.
e. Date received by Board.
f. Name and address of contractor's representative, if any.
g. Cognizant contracting officer or office.
h. Procuring activity.
i. Property or service.
j. Extent of performance as of date of request.
k. Contract number and date.
l. Advertised or negotiated.
m. Firm FP, FP Redet, or cost.
n. Category of case.
o. Amount or description of request.
p. Action below Secretarial level and date.
q. Date of hearing by Board, if any.
r. Action taken by Board and date.
s. Implementation and date.

2. *Docketing.* Cases will be entered in the Board's Register in the order of receipt.

3. *Retained Records.* A record will be made of all meetings and hearings of the Board, which will show the date and place thereof, the names of the persons participating, and will contain a brief synopsis of the matters considered. A copy of the Board's Memorandum of Decision in each case, and such papers relative thereto as the Chairman may deem appropriate, will be retained in the files of the Board.

RULE IV—ORDER OF BUSINESS

Requests for contractual adjustment will ordinarily be considered in the order of docketing. The Chairman may in his discretion assign special priorities of consideration to particular cases.

RULE V—HEARINGS

1. *Notice.* If the Chairman or his designee determines that a hearing should be held, the applicant will be notified of the time and place thereof.

2. *Time and Place.* Hearings will be held at the office of the Board, The Pentagon, Washington, D.C., or at such other place as the Chairman may direct.

3. *Representation by Counsel.* An applicant for contractual adjustment may be represented by counsel. Counsel desiring to appear before the Board may be required to file a Notice of Appearance Before a Command or Agency of the Army Establishment (DA Form 1627), and otherwise to establish his eligibility to act in such capacity.

4. *Presentation of Evidence.* Both the Government and the applicant may present such matters at hearings as they believe pertinent and as the Chairman in his discretion considers to be relevant, not limited by formal rules of evidence.

5. *Absence of Applicant.* Absence of an applicant or his counsel after notice of hearing shall not be a basis for a postponement of the hearing, except that the Board, in its discretion, may grant a reasonable postponement.

6. *Conduct of Hearing.* Hearings will be conducted by the Chairman or, in his absence, by the Acting Chairman.

RULE VI—DECISIONS

1. *Memorandum of Decision.* After considering the merits of each case the Board will arrive at a final decision which shall be reduced to writing in a Memorandum of Decision signed by the Chairman or the Acting Chairman. If the action of the Board is favorable to the applicant in whole or in part, the Memorandum of Decision will contain a statement that the action taken will facilitate the national defense. The Memorandum of Decision of the Board shall contain the following information in all cases:

a. Name of the contractor.
b. Actual cost or estimated potential cost involved.
c. Description of the property or services involved.
d. Circumstances justifying the action of the Board.

2. *Finality of the Board's Action.* The Board's action in all matters properly before it constitutes final action of the Department of the Army with respect thereto, except that the Board may, on its own motion or on proper showing, reconsider such action.

3. *Notification.* The Memorandum of Decision will be transmitted to the Head of the Procuring Activity or other authority from whom the case was received, with instructions to take the action necessary to implement the decision and to notify the applicant accordingly.

Approved this 22nd day of January 1975.

For the Army Contract Adjustment Board.

LOUIS RACHMELER,
Chairman,
Major General, USA.

HAROLD L. BROWNMAN,
Assistant Secretary of the Army,
(Installations and Logistics).

[FR Doc.75-3271 Filed 2-4-75;8:45 am]

Office of the Secretary

DEFENSE SCIENCE BOARD TASK FORCE ON ACCURACY

Advisory Committee Meeting

The Defense Science Board Task Force on Accuracy will meet in closed session on 20 and 21 February at the Rand Corporation (1700 Main Street, Santa Monica, California).

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 undertake a review of the accuracy of U.S. and Soviet strategic offensive systems to determine the confidence that can be placed in our present estimates of accuracy and it will recommend an R&D program which can lead to improved accuracy.

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 31, 1975.

[FR Doc. 75-3195 Filed 2-4-75;8:45 am]

DEPARTMENT OF JUSTICE

Immigration and Naturalization Service

NONIMMIGRANT STUDENT SUMMER EMPLOYMENT

Policy Statement

Reference is made to the notice published in the FEDERAL REGISTER of November 15, 1974 (39 FR 40311) of the intention of the Service to terminate its policy of annually making a determination whether to authorize school officials to permit nonimmigrant students as defined in section 101(a)(15)(F) of the Immigration and Nationality Act (66 Stat. 166; 8 U.S.C. 1101(a)(15)(F)) to engage in employment during the summer vacation period.

In accordance with the spirit of the provisions of section 553 of Title 5 of the United States Code (80 Stat. 383), interested persons were afforded until December 14, 1974 within which to submit representations. All relevant material received in response to the notice of November 15, 1974, has been accorded very careful consideration.

The matter has been reconsidered in this office in the light of the representations received; however, it has been concluded that no change should be made in the proposal. While the great majority of the representations were in opposition to the proposal, none responded directly to nor presented any overriding arguments against the basic premise set forth in the notice of November 15, 1974, namely, that the authority of the Attorney General under section 214(a) of the Immigration and Nationality Act (66 Stat. 189; 8 U.S.C. 1184(a)) to regulate the conditions of admission of nonimmigrants, should not properly be redelegated outside the Service. Accordingly, notice is hereby given of the discontinuance of the Service policy under which school officials in the past have been authorized to permit nonimmigrant students to engage in summer employment.

It is desired to again emphasize that current regulations, 8 CFR 214.2(f), which prescribe the conditions for admission and employment of nonimmigrant students, provide that a nonimmigrant student may apply to the Service for and may be granted permission to engage in part-time off-campus employment necessitated by unforeseen circumstances arising subsequent to entry into the United States, and may apply for and may be granted permission to engage in employment for practical training in a field related to the student's course of study. This present policy change does not in any manner whatsoever affect the existing rights of the nonimmigeant student to apply for or be granted permission to engage in employment in accordance with current regulations.

Dated: January 30, 1975.

L. F. CHAPMAN, Jr.,
Commissioner of Immigration and Naturalization.

[FR Doc.75-3193 Filed 2-4-75;8:45 am]

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

ATTU, ALASKA

Ineligibility of Unlisted Village

This decision is published in exercise of authority delegated by the Secretary of the Interior to the Director, Juneau Area Office, Bureau of Indian Affairs, by § 2651.2(a) (6), (8), (9) and (10) of Subchapter B of Chapter II of Title 43 of the Code of Federal Regulations published on page 14223 of the May 30, 1973 issue of the FEDERAL REGISTER.

The Alaska Native Claims Settlement Act of December 18, 1971 (Pub. L. 92-203, 92d Congress; 85 Stat. 688-716), provides for the settlement of certain land claims of Alaska Natives and for other purposes.

Accordingly, the Director, Juneau Area Office, Bureau of Indian Affairs, pursuant to the authority delegated him in the regulations in 43 CFR Part 2650, authorizing him to make final decisions on behalf of the Secretary of the Interior on the eligibility of Native villages for benefits under the Alaska Native Claims Settlement Act, subject to appeal to the Ad Hoc Board, published on February 21, 1974, his Final Decision determining the eligibility of the unlisted Native village of Attu, said decision appearing in 39 FR 2366 (1974).

The decision was appealed by the Aleut Corporation, a Regional Corporation formed pursuant to the Alaska Native Claims Settlement Act of December 18, 1971.

Upon agreement at a conference held September 3, 1974, the appellants failure to respond to the "Notice to Show Cause" within five (5) days after October 25, 1974, and no other appeals being submitted, the Ad Hoc Board thereby issued a "Final Order Dismissing" the appeals of the Native village of Attu.

The Ad Hoc Board, also known as the Alaska Native Claims Appeal Board, then notified the Director, Juneau Area Office, Bureau of Indian Affairs, that his Final Decision certifying the unlisted Native village of Attu as ineligible for benefits shall become final and be properly published in the FEDERAL REGISTER upon the personal approval of the Secretary of the Interior.

In accordance with the Ad Hoc Board's decision, approved on December 17, 1974 by the Secretary of the Interior, Rogers C. B. Morton, and by telegram dated September 16, 1974 from Assistant Secretary of the Interior, Royston C. Hughes, authorized the Director, Juneau Area Office, Bureau of Indian Affairs to certify the unlisted Native village of Attu as ineligible for benefits under the Alaska Native Claims Settlement Act, said Director, hereby certifies the unlisted Native village of Attu to be ineligible for benefits under said Act, said decision being not further appealable, therefore issues to the unlisted Native village of Attu a Certification of Ineligibility.

CLARENCE ANTIOQUIA,
Director.

[FR Doc.75-3221 Filed 2-4-75;8:45 am]

Fish and Wildlife Service

ENDANGERED SPECIES PERMITS

Notice of Official Action

Notice is hereby given that the U.S. Fish and Wildlife Service has taken the following action with regard to permit applications received under section 10 of the Endangered Species Act of 1973, 16 U.S.C. 1539. Each permit was issued only after it was determined that it was applied for in good faith; that by granting the permit it will not be to the disadvantage of the endangered species; and that it will be consistent with the purposes and policy set forth in the Endangered Species Act of 1973.

Applicant. Western Game Breeders Society, Mr. Gerald D. Perkins, Secretary-Treasurer, 1535 Adobe Drive, Pacifica, California 94044.

Notice of application published in FEDERAL REGISTER June 7, 1974 (39 FR 20219).

Official action. Issued permit August 28, 1974, authorizing importation at New York, N.Y., of one pair of White-eared Pheasants (*Crossoptilon-crossoptilon*), from the Jersey Wildlife Preservation Trust, England, and transport to Fallon, Nevada.

Applicant. ABC Scenic & Wildlife Attractions, Inc., Operating The Wildlife Preserve, 13710 Central Avenue, Largo, Maryland 20870.

Notice of application published in FEDERAL REGISTER July 12, 1974 (39 FR 25672).

Official action. Issued permit September 10, 1974, authorizing transport in interstate commerce from Florida to Maryland of three (3) Brazilian Tapirs (*Tapirus terrestris*), and—twenty (20) American Alligators (*Alligator mississipiensis*).

Applicant. Lion Country Safari, Inc., 8800 Moulton Parkway, Laguna Hills, California 92653.

Notice of application published in FEDERAL REGISTER June 19, 1974 (39 FR 21173).

Official action. Issued permit September 12, 1974, authorizing the transfer of six (6) Tigers (*Panthera tigris*), one male/five female, from Lion Country Safari, Laguna Hills, California, to—Lion Country Safari, West Palm Beach, Florida.

Applicant. Lion Country Safari, Inc., 8800 Moulton Parkway, Laguna Hills, California 92653.

Notice of application published in FEDERAL REGISTER September 16, 1974 (39 FR 33246).

Official action. Issued permit November 8, 1974, authorizing transfer/transport of six (6) American Alligators

(*Alligator mississiviensis*) from Lion Country Safari, West Palm Beach, Florida, to—Lion Country Safari, Laguna Hills, California.

Applicant. Mr. Charles A. Ross, Research Associate in Herpetology, New York Zoological Society, c/o Division of Amphibians and Reptiles, National Museum of Natural History, Washington, D.C. 20560.

Notice of application published in FEDERAL REGISTER August 8, 1974 (39 FR 28544—45).

Official action. Issued permit September 13, 1974, authorizing scientific research of the American alligator (*Alligator mississipiensis*).

Applicant. Columbia Zoological Park, Riverbanks Park Commission, Columbia, South Carolina 29202.

Notice of application published in FEDERAL REGISTER July 17, 1974 (39 FR 26178—80).

Official action. Issued permit September 24, 1974, authorizing permittee to acquire one Baird's Tapir (*Tapirus bairdii*), presently on loan from the Charles P. Chase Company of Miami, Florida.

Applicant. Columbia Zoological Park, Riverbanks Park Commission, Columbia, South Carolina 29202.

Notice of application published in FEDERAL REGISTER July 5, 1974 (39 FR 24677).

Official action. Issued permit September 25, 1974, authorizing shipment of two (2) male African Cheetah (*Acinonyx jubatus*), interstate from Texas to South Carolina.

Applicant. California Alligator Farm, 7671 La Palma Avenue, Post Office Box 236, Buena Park, California 90620.

Notice of application published in FEDERAL REGISTER July 5, 1974 (39 FR 24676).

Official action. Issued permit September 25, 1974, authorizing importation of one female Tuatara (*Sphenodon punctatus*) from New Zealand.

Applicant. El Paso Zoological Park, Evergreen and Paisano, El Paso, Texas 79905.

Notice of application published in FEDERAL REGISTER July 30, 1974 (39 FR 27595).

Official action. Issued permit October 8, 1974, authorizing possession/transport of four (4) American Alligators (*Alligator mississipiensis*), from the Western Zoological Supply Company, Monrovia, California, to El Paso, Texas.

Applicant. Dr. Leslie W. Knapp, Oceanographic Sorting Center, Smithsonian Institution, Washington, D.C. 20560.

Notice of application published in FEDERAL REGISTER September 4, 1974 (39 FR 32041–42).

Official action. Issued permit October 16, 1974, authorizing a survey of the Maryland Darter population (*Etheostoma sellare*).

Applicant. Dr. Howard W. Campbell, Gainesville Substation, National Fish & Wildlife Laboratory, U.S. Fish and Wildlife Service, Gainesville, Florida 32601.

Notice of application published in FEDERAL REGISTER August 26, 1974 (39 FR 30848–49).

Official action. Issued permit October 22, 1974, authorizing salvage of up to thirty (30) dead Manatees (*Trichechus manatus latirostris*), for scientific purposes. (Upon completion of scientific tests and data collections, the remaining parts are to be preserved and deposited in the U.S. National Museum).

Applicant. Dr. Howard W. Campbell, National Fish & Wildlife, Laboratory, Gainesville, Florida 32601.

Notice of application published in FEDERAL REGISTER October 18, 1974 (39 FR 37222–23).

Official action. Issued permit December 10, 1974, authorizing scientific research on American alligators (*Alligator mississipiensis*), found dead.

Applicant. Todd L. Vogel, U.S. Fish & Wildlife Service, 601 E. 12th Street, Kansas City, Missouri 64106.

Notice of application published in FEDERAL REGISTER October 2, 1974 (39 FR 35582).

Official action. Issued permit November 11, 1974, authorizing capture for purposes of identification and release of not more than twenty-five (25) Indiana bats (*Myotis sodalis*).

Applicant. Okefenokee National Wildlife Refuge, Post Office Box 117, Waycross, Georgia 31501; John R. Eadie, Refuge Manager.

Notice of application published in FEDERAL REGISTER October 4, 1974 (39 FR 35824–25).

Official action. Issued permit November 21, 1974, authorizing scientific research of the American Alligator (*Alligator mississipiensis*), and to take, mark, release, and subsequently recapture tagged individuals, not to exceed 300 during the tenure of the permit, 75 per year.

Applicant. Dr. James C. Kroll, Assistant Professor of Wildlife Management, School of Forestry, Stephen F. Austin State University, Nacogdoches, Texas 75961.

Notice of application published in FEDERAL REGISTER September 10, 1974 (39 FR 32634–35).

Official action. Issued permit November 22, 1974, to take twenty (20) released captive-reared American Alligators (*Alligator mississipiensis*), in East Texas, in the course of conducting radiotelemetry studies and research.

Applicant. L. David Mech, Wildlife Research Biologist, Minnesota Field Station, Patuxent Wildlife Research Center, (North Central Forest Experiment Station), Folwell Avenue, St. Paul, Minnesota 55101.

Notice of application published in FEDERAL REGISTER October 11, 1974 (39 FR 36612).

Official action. Issued permit November 22, 1974, authorizing scientific research on live Eastern timber wolves (*Canis lupus lycaon*).

Applicant. Dr. F. Prescott Ward, Chief, Ecological Research Group, Biomedical Laboratory Department of the Army, Headquarters, Edgewood Arsenal, Aberdeen Proving Ground, Maryland 21010.

Notice of application published in FEDERAL REGISTER October 4, 1974 (39 FR 35823).

Official action. Issued permit November 25, 1974, authorizing capture, for the purpose of attaching aluminum and plastic leg bands, and release, of nestling and migrant Peregrine Falcons, (*Falco peregrinus tundrius*).

Applicant. Walter O. Stieglitz, Refuge Manager, Department of the Interior, U.S. Fish and Wildlife Service, San Francisco Bay National Wildlife Refuge, Fremont, California 94536.

Notice of application published in FEDERAL REGISTER October 11, 1974 (39 FR 36612–13–14).

Official action. Issued permit December 3, 1974, to take, by live trap, mark, and release to the wild, Salt marsh harvest mice (*Reithrodontomys raviventris*), for scientific purposes.

Applicant. W. O. Nelson, Jr., Regional Director, U.S. Fish & Wildlife Service, Albuquerque, New Mexico 87103.

Notice of application published in FEDERAL REGISTER October 18, 1974 (39 FR 37225).

Official action. Issued permit December 17, 1974, authorizing scientific research on the Texas Red Wolf (*Canis rufus gregoryi*).

Applicant. Dr. Carl Gans, Department of Zoology, The University of Michigan, Ann Arbor, Michigan 48104.

Notice of application published in FEDERAL REGISTER October 18, 1974 (39 FR 37224–25).

Official action. Issued permit December 17, 1974, authorizing importation of four (4) live Tuataras (*Sphenodon punctatus*), for scientific investigation.

Applicant. National Zoological Park, Theodore H. Reed, D.V.M., Director, Smithsonian Institution, Washington, D.C. 20009.

Notice of application published in FEDERAL REGISTER October 2, 1974 (39 FR 35581–82).

Official action. Issued permit December 17, 1974, to take: twenty-four (24) Utah prairie dogs (*Cynomys parvidens*), in Utah, and transport to the National Zoological Park Conservation Center, Front Royal, Virginia, or to the National Zoological Park, Washington, D.C., to establish a breeding program for the species.

Applicant. Dr. Thomas J. Cade, Section of Ecology & Systematics, Langmuir Laboratory, Cornell University, Ithaca, New York 14850.

Notice of application published in FEDERAL REGISTER August 8, 1974 (39 FR 28544).

Official action. Issued permit December 20, 1974, to transport/ship two (2) Peregrine falcons (*Falco peregrinus*)—each—to New Mexico and Illinois, for propagation purposes.

Applicant. Dr. Ralph M. Wetzel, Systematic & Evolutionary Biology, University of Connecticut, Storrs, Connecticut 06268.

Notice of application published in FEDERAL REGISTER October 18, 1974 (39 FR 37223–24).

Official action. Issued permit December 20, 1974, to import from Paraguay, six (6) skulls of the Brazilian tapir (*Tapirus terrestris*), and—three (3) skulls of the Ocelot (*Felis pardalis*).

Applicant. Robert Allen Thomas, Texas A&M University, College Station, Texas 77843.

Notice of application published in FEDERAL REGISTER October 18, 1974 (39 FR 37224).

Official action. Issued permit December 20, 1974, to photograph, record calls, and estimate population status of the Houston Toad (*Bufo houstonensis*).

Applicant. Dr. Wayne C. Hanson, Los Alamos Scientific Laboratory, Los Alamos, New Mexico 87544.

Notice of application published in FEDERAL REGISTER November 1, 1974 (39 FR 38682–83).

Official action. Issued permit December 20, 1974, to take, possess, and transport eggshell fragments and nonviable eggs of American Peregrine Falcons (*Falco peregrinus anatum*), for scientific study.

Each permit is available for public inspection during normal business hours at the U.S. Fish and Wildlife Service's office in Suite 600, 1612 K Street NW., Washington, D.C.

Dated: January 30, 1975.

C. R. BAVIN,
Chief,
Division of Law Enforcement.

[FR Doc.75-3528 Filed 2-4-75;8:45 am]

Geological Survey

[Power Site Modification 455]

ILLINOIS RIVER BASIN, OREGON

Power Site Modification

Pursuant to authority under the Act of March 3, 1879 (20 Stat. 394; 43 U.S.C. 31), and 220 Departmental Manual 6.1, Power Site Classification 123, of January 7, 1926, is hereby modified to the extent necessary to permit the grant of a right-of-way under Revised Statute 2477 (43 U.S.C. 932) to Josephine County, Oregon, for the realignment of a county road as shown on a map on file with the Bureau of Land Management under Oregon 10951. The right-of-way will affect the following described lands.

WILLAMETTE MERIDIAN, OREGON
T. 40 S., R. 8 W.,
Sec. 5, lot 6.

This power site modification is subject to the condition that should the land traversed by the right-of-way be required for reservoir or power purposes, any improvements or structures thereon, when found by the Secretary of the Interior to interfere with reservoir or power development, shall be removed or relocated to eliminate interference with such development at no cost to the United States, its permittees or licensees.

W. A. RADLINSKI,
Acting Director.

JANUARY 16, 1975.

[FR Doc.75-3279 Filed 2-4-75;8:45 am]

DEPARTMENT OF AGRICULTURE

Forest Service

SOUTH FORK PAYETTE RIVER PLANNING UNIT

Availability of Draft Environmental Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, the Forest Service, Department of Agriculture, has prepared a draft environmental statement for the South Fork Payette River Planning Unit, Boise National Forest, Idaho. The Forest Service report number is USDA–FS–DES (Adm) R4–75–12.

The environmental statement identifies and evaluates the probable effects of the land use plan for the South Fork Payette River Planning Unit on the Boise National Forest in south-central Idaho. The purpose of the plan is to allocate National Forest lands within the unit to specific resource uses and activities; establish management objectives; document management direction, decisions, and necessary coordination between resource uses and activities; and provide for the protection, use, and development of the various resources within the planning unit. The plan provides for minimization of adverse effects. Minor adverse effects from some development activities will be temporary stream sedimentation and short periods of air pollution. Major resource activities will be monitored so that tolerable levels of sedimentation will not be exceeded in the South Fork Payette River.

The plan provides for a moderate level of consumption resource uses with significant areas remaining undeveloped with options for future management remaining open.

This draft environmental statement was transmitted to CEQ on January 27, 1975.

Copies are available for inspection during regular working hours at the following locations:

USDA, Forest Service,
South Agriculture Bldg., Room 3230,
12th St. and Independence Ave., SW.,
Washington, D.C. 20250.

Regional Planning Office,
USDA, Forest Service,
Federal Building, Room 4403,
Ogden, Utah 84401.

Forest Supervisor,
Boise National Forest,
1075 Park Boulevard,
Boise, Idaho 83706.

District Forest Ranger,
Lowman Ranger District,
Idaho Building, Room 517,
Boise, Idaho 83702.

A limited number of single copies are available upon request to Forest Supervisor Edward C. Maw, Boise National Forest, 1075 Park Boulevard, Boise, Idaho 83706.

Copies of the environmental statement have been sent to various Federal, State, and local agencies as outlined in the CEQ Guidelines.

Comments are invited from the public, and from State and local agencies which are authorized to develop and enforce environmental standards, and from Federal agencies having jurisdiction by law or special expertise with respect to any environmental impact involved for which comments have not been requested specifically.

Comments concerning the proposed action and requests for additional information should be addressed to Forest Supervisor Edward C. Maw, Boise National Forest, 1075 Park Boulevard, Boise, Idaho 83706. Comments must be received by March 28, 1975, in order to be considered in the preparation of the final environmental statement.

Dated: January 27, 1975.

JEFF M. SIRMON,
Acting Regional Forester.

[FR Doc.75-3226 Filed 2-4-75;8:45 am]

Office of the Secretary

GRAZING ADVISORY BOARDS

Intent To Establish

Notice is hereby given that the Department of Agriculture proposes to establish its Forest Service grazing advisory boards for a period of 2 years.

The purpose of these boards is to provide National Forest System grazing permittees within a designated grazing area a means for expressing their recommendations concerning the management and administration of National Forest System grazing lands.

Forest Service grazing advisory boards were originally established under the Granger-Thye Act (16 USC 580k) and terminated as statutory committees on January 5, 1975, pursuant to section 14 (a)(1)(B) of the Federal Advisory Committee Act (Pub. L. 92–463). Since it is more effective and efficient for the Forest Service to deal with elected grazing advisory boards rather than with up to 400 permittees from within the designated grazing area which the board represents, the Secretary of Agriculture has determined that establishment of the boards under his own authority is necessary and in the public interest in connection with duties imposed on the Department by law. The boards will have the same duties and responsibilities they previously had. The 54 boards to be established are listed hereafter.

Comments of interested persons concerning establishment of these boards may be submitted to the Forest Service, Range Management Staff, Rosslyn Plaza E Building, Room 610C, 1621 N. Kent Street, Arlington, Virginia 22209, on or before February 22, 1975.

All written submissions made pursuant to this notice will be available for public inspection in the Range Management Staff office during regular business hours (7 CFR 1.27(b)).

Dated: January 31, 1975.

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

FOREST SERVICE GRAZING ADVISORY BOARD

Apache National Forest Grazing Advisory Board
Bighorn National Forest Grazing Advisory Board

Boise National Forest Livestock Advisory Board
Caribou National Forest Grazing Advisory Board
Carrizo Grazing Advisory Board
Challis National Forest Livestock Advisory Board
Cibola National Forest Grazing Advisory Board
Coconino National Forest Grazing Advisory Board
Coronado National Forest Grazing Advisory Board
Descanso District Grazing Advisory Board
Deschutes National Forest Cattlemen's and Wool Growers' Grazing Advisory Board
Fremont National Forest Grazing Advisory Board
Gila National Forest Grazing Advisory Board
Grand Mesa National Forest Grazing Advisory Board
Gunnison Valley Forest Grazing Advisory Board
Humboldt National Forest Advisory Board
Klamath National Forest Grazing Advisory Board
Lincoln National Forest Grazing Advisory Board
Lyndon B. Johnson National Grasslands Advisory Board
Malheur National Forest Grazing Advisory Board
Manti-LaSal National Forest—Manti Division Advisory Board
Medicine Bow National Forest Grazing Advisory Board
Miguel District Grazing Advisory Board
Modoc National Forest Grazing Advisory Board
Montezuma Section, San Juan Grazing Advisory Board
Nebraska National Forest Grazing Advisory Board
North End District Grazing Advisory Board
North Kaibab Grazing Advisory Board
Norwood District Grazing Advisory Board
Okanogan National Forest Grazing Advisory Board
Ouray District Grazing Advisory Board
Paonia Area Forest Grazing Advisory Board
Prescott National Forest Grazing Advisory Board
Rio Grande National Forest Grazing Advisory Board
Rogue River National Forest Grazing Advisory Board
Roosevelt National Forest Grazing Advisory Board
Routt National Forest Grazing Advisory Board
San Isabel NF Grazing Advisory Board
San Juan Section, San Juan Grazing Adsory Board
Santa Fe National Forest Grazing Livestock Advisory Board
Sawtooth National Forest Grazing Advisory Board
Shoshone National Forest Livestock Advisory Board
Sitgreaves National Forest Grazing Advisory Board
South Kaibab Grazing Advisory Board
Spearfish District Grazing Advisory Board
Stanislaus Forest-wide Livestock Advisory Board
Taos-Penasco-Questa Division Grazing Advisory Board
Timpas Unit Grazing Advisory Board
Tonto National Forest Grazing Advisory Board
Umatilla National Forest Grazing Advisory Board
Union County Grazing Advisory Board
Uinta National Forest Grazing Advisory Board
Wallowa-Whitman National Forest Grazing Advisory Board
Winema National Forest Grazing Advisory Board

[FR Doc.75-3312 Filed 2-4-75;8:45 am]

DEPARTMENT OF COMMERCE

Domestic and International Business Administration

EVANSTON HOSPITAL, et al.

Applications for Duty-Free Entry of Scientific Articles: Correction

In the notice of applications for Duty-Free Entry of Scientific Articles appearing at page 4171 in the FEDERAL REGISTER of Tuesday, January 28, 1975 the following corrections should be made:

1. Docket Number: 75-00296-75-77000 should be corrected to read: Docket Number: 75-00296-75-77000. Applicant: Battelle Memorial Institute, Pacific Northwest Laboratories, P.O. Box 999, Richland, WA 99352. Article: Fast Neutron Spectrometer, Model LC-7 and Preamplified Ortec Model 120-3F and accessories. Manufacturer: Technion Research & Development Foundation, Ltd., Israel. Intended use of Article: The article is intended to be used to measure the energy spectra of neutrons emitted from certain fission products called delayed-neutron emitters. Application Received by Commissioner of Customs: December 31, 1974.

2. Docket Number: 75-00300-33-46500 should be corrected to read: Docket Number: 75-00300-33-46500. Applicant: University of California at San Diego, Department of Biology, P.O. Box 109, La Jolla, California 92037. Article: Ultramicrotome, Model LKB 8800A. Manufacturer: LKB Produkter AB, Sweden. Intended use of article: The article is intended to be used to carry out experiments on the behavior of plasma membranes and membranes of various organelles in regard to such phenomena as the immune response, pino and phagocytosis, secretion, ion pumping, and the movement of proteins within and across membranes. In addition, the modification of these phenomena under the influence of various chemicals will be studied. Application received by Commissioner of Customs: December 31, 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.75-3264 Filed 2-4-75;8:45 am]

STEEL IMPORTS

Termination of Statistical Series

The Department of Commerce, in conjunction with the Departments of State and the Treasury, announces the scheduled termination of the special statistical information series on importation of steel mill products covered by (1) the May 4, 1972, declaration of the Japan Iron and Steel Exporters' Association of its intention to extend through December 31, 1974, its limitations on exports of steel mill products to the United States, and (2) the May 2, 1972, declaration of the Association of the Steel Producers of the European Coal and Steel Community and the Association of Steel Producers of the United Kingdom of their intention to limit through December 31, 1974, exports of steel mill products to the United States (37 FR 24775).[1]

The termination of the statistical series will be effective upon publication of the May 1975 issue, providing final data on steel shipments from exporting countries in calendar year 1974.

Dated: January 30, 1975.

ALAN POLANSKY,
Acting Deputy Assistant Secretary for Resources and Trade Assistance.

[FR Doc.75-3232 Filed 2-4-75;8:45 am]

National Bureau of Standards

FEDERAL INFORMATION PROCESSING STANDARD ON THE SUBSETS OF THE STANDARD CODE FOR INFORMATION INTERCHANGE (FIPS 15)

Withdrawal of Proposed Amendment

Under the provisions of Pub. L. 89-306 and Executive Order 11717, the Secretary of Commerce is authorized to establish uniform Federal ADP standards. Pursuant to these authorities, a proposed amendment to the Federal Standard on the Subsets of the Standard Code for Information Interchange (FIPS 15) was recommended for Federal use, and published in the FEDERAL REGISTER of August 28, 1974 (39 FR 31353), with a request for comments from interested members of the public, manufacturers, and state and local governments. As a result of the comments received, it has been determined that the particular solution provided in the proposed amendment to FIPS 15 to allow for overpunching digits in punched card applications would create considerable technical and economic problems in equipment and applications conforming to FIPS 15. Accordingly, the problem of accommodating overpunched digits in punched card applications needs to be the subject of further consideration, and the purpose of this notice is to announce the withdrawal from further consideration of the amendment proposed in the notice of August 28, 1974. If other solutions are proposed, another notice to that effect will be issued.

Dated: January 31, 1975.

RICHARD W. ROBERTS,
Director.

[FR Doc.75-3307 Filed 2-4-75;8:45 am]

National Oceanic and Atmospheric Administration

ENVIRONMENTAL RESOURCES TECHNOLOGY SATELLITE (ERTS) PHOTO PRODUCERS

Notice of Price List

Notice is hereby given that ERTS photo products may be purchased by interested parties from the Satellite Data Services

[1] Notice of availability of new information series (37 FR 24775) filed as part of the original document.

Branch (D543), World Weather Building (Room 606), Washington, D.C. 20233 at prices listed below:

	Product	Unit price
1.	70mm B/W Print	$3.00
2.	9.5" x 9.5" B/W Print	4.00
3.	20" x 20" B/W Print	8.00
4.	70mm B/W Positive Transparency	3.00
5.	70mm B/W Negative Transparency	4.00
6.	9.5" x 9.5" B/W Positive Transparency	5.00
7.	9.5" x 9.5" B/W Negative Transparency	6.00
8.	35mm B/W Slide	[1] 3.00
9.	16mm 100 Ft. Roll Film	15.00
10.	Maximum B/W Enlarged Print	15.00
11.	9.5" x 9.5" Color Print	7.00
12.	9.5" x 9.5" Color Positive Transparency	12.00
13.	9.5" x 9.5" Color Negative Transparency	13.00
14.	35mm Color Slide	[1] 3.00
15.	20" x 20" Color Print	20.00
16.	Maximum Color Enlargement	40.00
17.	70mm Color Lantern Slide	5.00
18.	8" x 8" Color Composite Negative	50.00

[1] $1 each additional copy.

R. L. CARNAHAN,
Acting Assistant Administrator for Administration.

[FR Doc.75-3269 Filed 2-4-75;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[DESI 740; Docket No. FDC-D-660; NDA 4-039, etc.]

CERTAIN ESTROGENS FOR ORAL USE

Notice of Withdrawal of Approval of New Drug Applications

A notice was published in the FEDERAL REGISTER of September 26, 1973 (38 FR 26825) extending to the firms named below and any interested person an opportunity for hearing on the proposal of the Commissioner of Food and Drugs to issue an order under section 505(e) of the Federal Food, Drug, and Cosmetic Act to withdraw approval of pertinent parts of the listed new drug applications. The basis of the proposed action was that the drugs in the described strengths are not shonw to be safe for use for their labeled indications.

NDA's 4-039 and 4-041: Those parts of the NDA's providing for Diethylstilbestrol Tablets and Enseals containing 25 mg. diethylstilbestrol; Eli Lilly and Co., Post Office Box 618, Indianapolis, IN 46206.

NDA 6-603: Those parts of the NDA providing for a tablet containing 25 mg. diethylstilbestrol; Rexall Drug Company, 3901 North Kingshighway, St. Louis, MO 63115.

NDA 4-056: Those parts of the NDA providing for tablets containing 25 and 100 mg. diethylstilbestrol; E. R. Squibb and Sons, Lawrenceville-Princeton Road, Post Office Box 4000, Princeton, N.J. 08540.

All identical, related, or similar products, not the subject of an approved new drug application, are covered by the new drug application(s) reviewed and are subject to this notice (21 CFR 310.6). Any person who wishes to determine whether a specific product is covered by this notice should write to the Food and Drug Administration, Bureau of Drugs, Office of Compliance (HFD-300), 5600 Fishers Lane, Rockville, Maryland 20852.

Neither the holders of the applications nor any other person filed a written appearance of election within the 30 days provided by said notice. The failure to file such an appearance constitutes election by such persons not to avail themselves of an opportunity for hearing.

The Director of the Bureau of Drugs, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 505, 52 Stat. 1053, as amended; 21 U.S.C. 355), and under the authority delegated to him (21 CFR 2.121) finds that on the basis of new information before him with respect to the drugs, evaluated together with the evidence available to him at the time of approval of the applications, the drug products are not shown to be safe for use under the conditions of use prescribed, recommended, or suggested in their labeling.

Therefore, pursuant to the foregoing finding, approval of those parts of NDA's 4-039, 4-041, 4-056, and 6-603 providing for the products described above, and all amendments and supplements applying thereto, is withdrawn effective on February 18, 1975.

Shipment in interstate commerce of the above-listed drug products or of any identical, related, or similar product, not the subject of an approved new drug application, will then be unlawful.

Dated: September 16, 1974.

J. RICHARD CROUT,
Director, Bureau of Drugs.

[FR Doc.75-3200 Filed 2-4-75;8:45 am]

SANITARY QUALITY OF DRY MILK PRODUCTS

Memorandum of Understanding Between the United States of America and France

Pursuant to the notice published in the FEDERAL REGISTER of October 3, 1974 (39 FR 35697) that future agreements or memoranda of understanding between the Food and Drug Administration and others would be published in the FEDERAL REGISTER, the Commissioner of Food and Drugs issues the following notice:

A Memorandum of Understanding between the Food and Drug Administration and the Directorate for Veterinary Services of the Ministry of Agriculture of France was executed by signatures of the Commissioner of Food and Drugs and the Director of Veterinary Services on September 9, 1974 and October 15, 1974, respectively. The memorandum was developed and agreed to for the purpose of controlling the sanitary quality of dry milk products exported to the United States of America. The Memorandum of Understanding reads as follows:

MEMORANDUM OF UNDERSTANDING BETWEEN THE FOOD AND DRUG ADMINISTRATION, PUBLIC HEALTH SERVICE, DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE, UNITED STATES OF AMERICA AND THE DIRECTORATE FOR VETERINARY SERVICES OF THE MINISTRY OF AGRICULTURE OF FRANCE EXPORTING DRY MILK PRODUCTS TO THE UNITED STATES OF AMERICA

This Memorandum of Understanding has been developed and agreed to by the Food and Drug Administration of the U.S. and the Directorate for Veterinary Services of Ministry of Agriculture of France to control the sanitary quality of dry milk products exported to the United States of America.

For the purposes of this Memorandum, both parties agree to the definitions following:

Lot. A lot is a quantity of dry milk product produced during a discrete period of time, by one manufacturer, in one continuous process using a single processing line, packaged in identical containers identified by a code or mark traceable to the manufacturer and the other parameters listed above.

Salmonella-negative. The absence of *Salmonella* will be determined by methodology contained in:

a. "Bacteriological Analytical Manual for Foods," Third ed., June 1972, Chap. VIII.[1]

b. "AOAC 11," sec. 41.026(b), et seq.[2]

c. With exceptions as provided in FDA Compliance Program Guidance Manual, October 13, 1972, sec. 3. "The sampled lot is acceptable only if analysis of all the composite units are negative for *Salmonella.*"

Phosphatase activity-negative. The absence of phosphatase activity will be determined by "AOAC 11," sec. 16.081, et seq.

DIRECTORATE FOR VETERINARY SERVICES OF MINISTRY OF AGRICULTURE OF FRANCE

1. We agree to inspect each lot of dry milk product produced in this country and offered for export to the United States of America to assure that it is negative for *Salmonella* based upon examination of 60/100-gram sample units and analyzed by methods prescribed above under "*Salmonella*-negative," and that it contains no phosphatase activity by methods prescribed above under "Phosphatase activity-negative."

2. We agree to issue an export certificate for only those lots which meet the criteria of 1., above. A specimen of certificate is attached to this Memorandum of Understanding. This certificate will be signed and stamped by an official veterinarian.

3. We agree to require all containers of all lots exported to the United States of America to be identified by lot number, and marked "FOR HUMAN USE ONLY! NOT TO BE USED FOR ANIMAL FEED" together with all other information required by the Food, Drug, and Cosmetic Act.

4. We agree to include in the certificate for each lot exported to the United States of America the following information:

a. Lot identification.

b. Number and size of containers in the lot.

c. Analytical results for *Salmonellae* and phosphatase activity.

d. Date.

e. Name and stamp or seal of authorizing official.

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[1] "Bacteriological Analytical Manual for Foods," Pub. No. 1712-00-162, U.S. Government Printing Office, Washington, DC 20402.

[2] "Official Methods of Analysis," 1970, Association of Official Analytical Chemists, Box 540, Benjamin Franklin Station, Washington, DC 20044.

5. We agree to furnish to the Food and Drug Administration a copy of the regulations, and procedures we use to assure that dry milk products are sanitary.

6. We agree to furnish to the Food and Drug Administration a full description of the manufacturing processes and quality controls used to assure the production of sanitary dry milk products.

FOOD AND DRUG ADMINISTRATION

1. The Food and Drug Administration is responsible for the safety and quality of dry milk products imported into this country for human consumption.

2. We will sample products certificated under this program to assure that the exporting country and the exported products comply with specifications set forth in this Memorandum of Understanding and all other requirements of the Food, Drug, and Cosmetic Act.

3. We will share information about our audit sampling with the exporting country.

4. We will share expertise and will provide consultative assistance to the exporting country when necessary to assure the safety of the dry milk products exported to us.

The Directorate for Veterinary Services of Ministry of Agriculture of France and the Food and Drug Administration agree that this Memorandum of Understanding shall become effective on the date it is signed and will apply only to shipments manufactured after one month following the date of signature. It shall remain in effect, and govern all dry milk products exported to the United States of America pending revision or revocation at the request of either agency.

In witness whereof, the agencies have executed this Memorandum of Understanding.

For the Directorate for Veterinary Services of Ministry of Agriculture of France:

E. MATHIEU,
Director of Veterinary Services, Ministry of Agriculture, France.

Date: October 15, 1974.

For the Food and Drug Administration:

A. M. SCHMIDT,
Commissioner of Food and Drugs, United States of America.

Date: September 9, 1974.

A copy of the Memorandum of Understanding, with a copy of the specimen of the Export Certificate mentioned in the memorandum as being attached, may be viewed in the office of Public Records and Documents Center, Rm. 4-62, 5600 Fishers Lane, Rockville, MD 20852, during working hours, Monday through Friday. The certificate is printed in the French language with English translation.

Effective date. This Memorandum of Understanding became effective on October 15, 1974; however, it will apply only to shipments manufactured after one month following that date.

Dated: January 29, 1975.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.75-3198 Filed 2-4-75;8:45 am]

TOXLINE NETWORK

Memorandum of Understanding Between the Food and Drug Administration and the National Library of Medicine

Pursuant to the notice published in the FEDERAL REGISTER of October 3, 1974 (39 FR 35697) that future agreements or memoranda of understanding between the Food and Drug Administration and others would be published in the FEDERAL REGISTER, the Commissioner of Food and Drugs issues the following notice:

A Memorandum of Understanding was approved and accepted by the Food and Drug Administration and the National Library of Medicine on June 13, 1974 and December 6, 1974, respectively, to assure a common understanding of the responsibilities of each party in the TOXLINE Network. This memorandum reads as follows:

MEMORANDUM OF UNDERSTANDING BETWEEN THE NATIONAL LIBRARY OF MEDICINE AND THE FOOD AND DRUG ADMINISTRATION

This agreement between the National Library of Medicine (NLM) and the Food and Drug Administration (FDA) is intended to assure a common understanding of the responsibilities of each party in the TOXLINE Network.

1. NLM agrees to provide:

a. Access to the TOXLINE data base and to other files necessary for its proper exploitation, at times determined by NLM.

b. Training for personnel provided by FDA.

c. Additional technical data and documentation covering modifications made to the system as appropriate.

d. On-call and on-line assistance during normal business hours (8:30 a.m.—5 p.m. ET) to resolve operating problems and difficulties.

2. FDA agrees to provide:

a. Personnel and documentation tools necessary to carry out the services covered by this agreement.

b. Salaries and other expenses for all FDA personnel during training.

c. Suitable terminals and communication facilities to access the NLM computer or communications network.

d. The necessary protection of the system as agreed to between NLM and FDA.

e. Periodic progress reports, statistical reports, evaluative studies, and copies of commercial products and publications derived from the use of the system to NLM.

3. FDA will contract on a separate basis with Tymshare, Inc., to pay for network charges.

4. FDA will be given a minimum notice of ninety (90) days prior to any rate changes becoming effective.

5. Requests for multiple access codes by FDA (it is estimated that FDA will require three) will be subject to review and approval by NLM and subject to the imposition of an additional charge as determined by NLM. Said additional charge shall be by mutual agreement.

6. TOXLINE service provided under this agreement will be for the exclusive use of FDA.

7. The data bases incorporated into TOXLINE include copyrighted materials, ownership of which is retained by the supplier of that section of the data base involved. FDA will not release, without the express consent of the copyright owner, any material that is received by FDA and has been identified as copyrighted material.

8. Both parties will designate project officers responsible for the administration of the agreement.

9. This agreement, when accepted by both parties, covers an indefinite period of time and may be modified by mutual consent of both parties or may be terminated by either party upon a thirty (30) day advance written notice to the other.

Approved and accepted for the Food and Drug Administration by: SAM D. FINE, *Associate Commissioner for Compliance.*

Dated: June 13, 1974.

Approved and accepted for the National Library of Medicine by: HENRY M. KISSMAN, *Associate Director, Specialized Information Services.*

Dated: December 6, 1974.

Effective date. This Memorandum of Understanding became effective on December 6, 1974.

Dated: January 29, 1975.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.75-3197 Filed 2-4-75;8:45 am]

National Library of Medicine

TOXLINE NETWORK

Memorandum of Understanding With the Food and Drug Administration

CROSS REFERENCE: For a document giving notice of a Memorandum of Understanding between the National Library of Medicine and the Food and Drug Administration regarding certain related objectives in carrying out their respective responsibilities in the Toxline Network, see FR Doc. 75-3197, *supra*.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of the Secretary

[Docket No. D-75-305]

ASSISTANT SECRETARY AND DEPUTY ASSISTANT SECRETARY FOR COMMUNITY PLANNING AND DEVELOPMENT

Delegation of Authority

In August of 1974 the President signed into law the Housing and Community Development Act of 1974 (Pub. L. 93-383), title I of which establishes the Community Development Block Grant Program. Accordingly, with certain exceptions the authority to implement this new program is being delegated to the Assistant Secretary and Deputy Assistant Secretary for Community Planning and Development.

SECTION A. *Authority Delegated.* The Assistant Secretary and the Deputy Assistant Secretary for Community Planning and Development each is authorized to exercise the power and authority of the Secretary of Housing and Urban Development with respect to title I of the Housing and Community Development Act of 1974. They are authorized further

to exercise the power and authority of the Secretary of Housing and Urban Development pursuant to the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (42 USC 4601).

SEC. B. *Authority Excepted.* There is excepted from the authority delegated under section A:

1. The power to issue obligations for purchase by the Secretary of the Treasury under section 108(d) of the Housing and Community Development Act of 1974. (42 USC 5308)

2. The power to sue and be sued.

3. The power and authority of the Secretary with respect to discretionary grants from the Secretary's fund under section 107(a)(1) of title I of the Housing and Community Development Act of 1974 in behalf of new communities, under section 107(a)(4) for the purpose of demonstrating innovative community development projects, and under section 107(a)(5) for the purpose of meeting emergency community development needs caused by federally recognized disasters, except that initial proposed and final regulations with respect to such grants shall be issued by the Assistant Secretary for Community Planning and Development. (42 USC 5307)

4. The power and authority of the Secretary with respect to nondiscrimination under section 109 of the Housing and Community Development Act of 1974 (42 USC 5309), with respect to the powers to make audits and reviews under section 104(d) (42 USC 5304), and with respect to remedies for noncompliance under section 111 (42 USC 5311), except that initial proposed and final regulations with respect to such sections shall be issued by the Assistant Secretary for Community Planning and Development, subject, however to revision at such time as the power and authority under these sections may be delegated by the Secretary.

SEC. C. *Authority to Redelegate.* The Assistant Secretary and the Deputy Assistant Secretary for Community Planning and Development each is authorized to redelegate to the employees of the Department any of the authority delegated under section A, and not excepted under section B.

(Sec. 7(d), Department of HUD Act, 42 USC 3535(d)).

Effective Date. This delegation of authority is effective as of August 22, 1974.

JAMES T. LYNN,
Secretary of Housing and Urban Development.

[FR Doc.75-3260. Filed 2-4-75;8:45 am]

[Docket No. D-75-306]

REGIONAL ADMINISTRATORS, ET AL.

Redelegation of Authority

A delegation of authority from the Secretary to the Assistant Secretary for Community Planning and Development with respect to the community development block grant program under title I of the Housing and Community Development Act of 1974 (42 USC 5301) has been published in the FEDERAL REGISTER. Pursuant to that delegation, the Assistant Secretary for Community Planning and Development is redelegating certain authority to implement this program to the Regional Administrators and their subordinate officials.

SECTION A. *Authority redelegated.* 1. Each Regional Administrator, Deputy Regional Administrator, Area Director, Deputy Area Director, and the Director of the Anchorage, Alaska Insuring Office is authorized to exercise the power and authority of the Assistant Secretary for Community Planning and Development with respect to Title I of the Housing and Community Development Act of 1974 except as provided in section B of this redelegation and subject to the limitations set forth in subsections 2 and 3 of this section A.

2. With respect to Regional Administrators and Deputy Regional Administrators for Regions I through VII, IX and X, the powers and duties set forth in subsection 1 of this section A are:

a. Limited to general supervisory direction of subordinate field offices with respect to the program responsibility described in subsection 1 of this section A, but

b. Retained in full, by such Administrators, including final program authority, in the jurisdiction of those subordinate field offices from which the Regional Administrator or Deputy Regional Administrator determines that such authority should be withheld or withdrawn, provided the Regional Administrator or Deputy Regional Administrator shall first publish in the FEDERAL REGISTER such determination specifying the field office or offices affected and indicating approval of that determination by the Assistant Secretary for Community Planning and Development.

3. Area Office Directors, Deputy Area Office Directors and the Director of the Anchorage, Alaska Insuring Office in Regions I through VII, IX and X shall exercise full and exclusive final authority for the block grant program as described in section A.1 unless the Regional Administrator or Deputy Regional Administrator having general supervisory direction over a specific office determines as provided in section A.2 that the community block grant program should be administered by the Regional Office and has published such determination in the FEDERAL REGISTER.

4. Each Regional Administrator and Deputy Regional Administrator is authorized to reallocate pursuant to section 106(e) (42 USC 5306) amounts allocated to metropolitan cities or urban counties within the states in which those metropolitan cities or urban counties are located.

SEC. B. *Authority Excepted.* There is excepted from the authority redelegated under section A the power to:

1. Disapprove applications filed pursuant to section 104 (42 USC 5304).

2. Terminate, reduce or limit the availability of grant payments pursuant to section 111(a) (42 USC 5311).

3. Approve applications under section 107, except section 107(a)(3) (42 USC 5307).

4. Reallocate funds pursuant to section 106 (e) or (f)(2), except that Regional Administrators and Deputy Regional Administrators shall have certain reallocation powers under section 106(e), as indicated in section A(4) of this redelegation of authority (42 USC 5306).

5. Determine basic grant amounts for metropolitan cities and urban counties pursuant to section 106(b) and determine hold-harmless amounts for those localities entitled thereto pursuant to section 106(g) (42 USC 5306).

6. Determine the qualifications of localities for status which would entitle them to special consideration. This includes but is not limited to the determination of qualifications of counties as urban counties pursuant to section 102(a)(6) (42 USC 5302), the determination of what constitutes a city pursuant to section 102(a)(5) (42 USC 5302), the determination of what constitutes a new community for purposes of section 107(a)(1), and the determinations of what entities qualify for joint application pursuant to section 107(a)(2) (42 USC 5307).

7. Determine that an applicant lacks the legal capacity to assume or carry out environmental review responsibilities under 24 CFR 570.603 pursuant to section 104(h) (42 USC 5304).

8. Redelegate any authority delegated under section A, except in Region VIII, where the Regional Administrator shall have the power to redelegate any authorities to the Assistant Regional Administrator for Community Development.

SEC. C. *Effect of Redelegation.* Redelegation of authority made under section A shall not be construed to modify or otherwise affect the administrative and supervisory powers of the Regional Administrator and Deputy Regional Administrator to whom an Area Director or other delegate is responsible or to affect any other program in any way.

(Sec. 7(d), Department of HUD Act, 42 U.S.C. 3535(d))

Effective Date. This redelegation of authority is effective as of January 1, 1975.

DAVID O. MEEKER, JR.,
Assistant Secretary for Community Planning and Development.

[FR Doc.75-3261 Filed 2-4-75;8:45 am]

DEPARTMENT OF TRANSPORTATION

Hazardous Materials Regulations Board

[Docket No. HM-112; Notice No. 73-9]

TRANSPORTATION OF HAZARDOUS MATERIALS ABOARD AIRCRAFT

Notice of Hearing

Notice is hereby given that the Hazardous Materials Regulations Board ("the Board") will hold a public hearing beginning at 9:30 a.m. on February 20,

1975 in Room 310, Federal Office Building 10A (commonly referred to as the FAA Building) located at 800 Independence Avenue, SW., Washington, D.C. to receive comments from interested persons on present regulations pertaining to the operating requirements applicable to carriers by aircraft when they transport hazardous materials and the need for any amendments to those regulations which would improve the protections afforded the traveling public and aircraft crews.

The present operating requirements pertaining to the transportation of hazardous materials aboard aircraft are in Part 103 of Title 14, Code of Federal Regulations. Training requirements pertaining to hazardous materials are in Parts 121 and 135 of the same title. On January 24, 1974, the Board published a notice of proposed rule making (39 FR 3022) under Docket HM-112 proposing among other things a new Part 175 under Title 49, Code of Federal Regulations to replace Part 103 of Title 14. Included in that notice were several proposals pertaining to operating requirements including changes in documentation procedures.

On January 29, 1975, a notice was published in the FEDERAL REGISTER (40 FR 4329) announcing a public hearing to be held on February 10, 1975 at the location stated above. That hearing will focus on the materials presently authorized to be transported aboard aircraft. The hearing announced in this notice will focus on the operating requirements that possibly should be imposed in addition, or as an alternative, to those presently specified or proposed in Docket HM-112; Notice 73-9.

Commenters are also advised that this proceeding does not include those matters pertaining to radioactive materials covered by FAA Dockets Nos. 13668 and 14249.

The notice published on January 29 also discussed a Departmental task force which will prepare a report following consideration of the comments presented at the hearing scheduled for February 10 and the hearing announced herein or submitted in writing in connection with either hearing. The report will be made part of this docket and may serve as the basis for furth r rule making.

In preparation of comments, commenters should consider (1) the training requirements presently specified in 14 CFR, Parts 121 and 135 and the need for modification thereof; (2) the documentation requirements and informational needs of crew members prescribed in 14 CFR 103.25 and proposed under Docket HM-112 (39 FR 3022) for new § 175.35, or the need for modifications thereof; (3) the purpose and benefit of the requirement that all hazardous materials (of the type and quantity authorized aboard cargo only aircraft) be accessible to crew members during flight; (4) the type and quantity of emergency gear and apparatus, such as fire extinguishers, that should be kept aboard aircraft used to transport hazardous materials; (5) the possibility of requiring registration of shippers, carriers and package manufacturers relative to the transportation of hazardous materials via aircraft; (6) the use of the gross weight of a package or the net weight of its contents to determine quantity and stowage limitations aboard aircraft and (7) any other operational factor that should be considered relative to the safety of the passengers, crew, or operation of an aircraft.

The Director of the Office of Hazardous Materials acting as the designated representative of the Board Member for the Federal Aviation Administration in accordance with 49 CFR 170.31(b) will preside at the hearing. Any person who wishes to make an oral statement at the hearing should notify the Director in writing or preferably by telephone or telegram providing his name, address, telephone number, and the approximate time needed for his presentation. The notification should be provided on or before February 18, 1975 and addressed to Director, Office of Hazardous Materials, Department of Transportation, Washington, D.C. 20590. ((202) 426-0656)

Interested persons not desiring to make oral presentations are invited to give their views in writing. Communications should identify the Docket number and be submitted in duplicate to the Director at the above address by February 28, 1975.

A transcript of the hearing will be made and anyone may purchase a copy of the transcript from the reporter. A copy of the transcript and copies of all comments received will be available for examination by interested persons at the Office of the Secretary, Hazardous Materials Regulations Board, Room 6215 Trans Point Building, Second and V Streets, S.W., Washington, D.C., both before and after the closing date for comments.

(Transportation of Explosives Act (18 U.S.C. 831-835) section 6 of the Department of Transportation Act (49 U.S.C. 1655); Title VI and section 902(h) of the Federal Aviation Act of 1958 (49 U.S.C. 1421-1430, 1472(h), and 1655(c)))

Issued in Washington, D.C. on January 31, 1975.

W. J. BURNS,
Director,
Office of Hazardous Materials.

[FR Doc.75-3333 Filed 2-4-75;8:45 am]

National Highway Traffic Safety Administration

[Docket No. EX75-1; Notice 1]

AUTOMOBILI LAMBORGHINI

Petition for Temporary Exemption From Federal Motor Vehicle Safety Standards

Automobile Ferruccio Lamborghini, S.p.A. of Italy has applied for temporary exemption of its Espada model from Motor Vehicle Safety Standard No. 108, *Lamps, Reflective Devices and Associated Equipment*, and from Motor Vehicle Safety Standard No. 212, *Windshield Mounting*. The basis of the petition is that compliance would cause it substantial economic hardship.

Lamborghini manufactured 412 vehicles in the 12-month period before it filed its petition. It requested an exemption until April 30, 1975 from Standard No. 212 and the minimum headlamp mounting height requirement of Standard No. 108. Standard No. 108 requires that headlamps be mounted not less than 24 inches above the ground. Recent front suspension modifications intended to improve roadholding have lowered the vehicle 55 millimeters and created a compliance problem. Lamborghini intends to bring its vehicles into compliance by installation of a device that raises the heights of the headlamps when they are switched on. An immediate changeover, however, would create a loss of $225,977 in parts inventory and downtime. Standard No. 212 requires that a windshield retain not less than 75 per cent of its periphery in a 30 mph frontal barrier crash. The Espada windshield retains only 50 per cent to 55 per cent of its periphery. Denial of the exemption petition for Standard No. 212 would create a loss similar to that resulting from a denial of Standard No. 108. Company financial data for the last three years indicate a net profit after taxes of $125,500 (1971), $128,900 (1972) and $226,000 (1973). It believes an exemption would be in the public interest because of the effect that a denial would have upon individuals selling and servicing Lamborghinis in the United States.

This notice of receipt of a petition for a temporary exemption is published in accordance with the NHTSA regulations on this subject (49 CFR 555.7), and does not represent any agency decision or other exercise of judgment concerning the merits of the petition.

Interested persons are invited to submit comments on the petition for exemption of Automobili Lamborutghini. Comments should refer to the Docket Section, National Highway Traffic Safety Administration, Room 5108, 400 Seventh Street, SW., Washington, D.C. 20590. It is requested but not required that five copies be submitted.

All comments received before the close of business on the comment closing date indicated below will be considered. The application and supporting materials, and all comments received, are available for examination in the docket both before and after the closing date. Comments received after the closing date will also be filed and will be considered to the extent practicable. Notice of final action on the petition will be published in the FEDERAL REGISTER.

Comment closing date: March 6, 1975.

Proposed effective date: Date of issuance of the exemption.

(Sec. 3, Pub. Law 92-543, 86 Stat. 1159 (15 U.S.C. 1410), delegations of authority at 49 CFR 1.51 and 49 CFR 501.8)

Issued on January 30, 1975.

ROBERT L. CARTER,
Associate Administrator,
Motor Vehicle Programs.

[FR Doc.75-3305 Filed 2-4-75;8:45 am]

ACTION

DOMESTIC AND ANTI-POVERTY OPERATIONS, VISTA PROGRAM

Volunteer Supervision and Transportation Support Guidelines

This notice makes several minor changes in the VISTA Volunteer Supervision and Transportation Support Guidelines published in the FEDERAL REGISTER on March 8, 1974 (39 FR 9221). The VISTA program is authorized pursuant to Section 102 of the Domestic Volunteer Service Act of 1973, Pub. L. 93-113, 87 Stat. 396, 42 USC 952. Pursuant to section 105(b) of Pub. L. 93-113, the Director of ACTION shall provide volunteers such transportation and supervision support as may be necessary and shall insure that each volunteer has available such support as will enable the volunteer to carry out his assignment.

The minor substantive changes that have been made to these guidelines are:

(1) Section 6a.(4) allows for funding of less than a full-time supervisor under any one of the following conditions:

1. Volunteers serving in a project are geographically scattered; it is administratively more practical to have them supervised by persons in the area who are employed by the sponsor in other capacities.

2. Supervision required is technical rather than administrative in nature. The term "technical" refers to assistance provided to volunteers in areas related to their job assignment, e.g., legal, architectural, etc.

3. Volunteers are placed under supervisory personnel already on the sponsor's staff. Such a person must spend at least 50 percent of his time supervising the volunteers and up to 50 percent of his salary may be paid for by ACTION.

(2) Section 7(g) now provides that a sponsoring organization in categories (a), (b), and (c) will be eligible for up to 50 percent ACTION funding of its transportation and/or supervision needs during the first year that volunteers are assigned. Such organizations have been previously ineligible for such support beyond six months without the express approval of the Deputy Director for VISTA and Anti-Poverty Operations. The new regulations allow Regional Directors to provide up to 50 percent of the total cost of supervision and transportation. The following categories are affected:

a. State and local government agencies;

b. Very large, well-established organizations, i.e., budgets over $1,000,000;

c. Fully-funded Federal programs.

This change will give sponsoring organizations time to reprogram monies and/or establish new budgetary patterns so that they will be able to assume these costs themselves.

(3) Section 9, entitled, "Elimination or Reduction of VISTA Transportation and Supervisory Support Services," provides that ACTION will continue to maintain the transportation or supervisory support during the term of the agreement between ACTION and the sponsor. It further provides that no reduction will take place during the period such agreements are being renegotiated.

By reason of the fact that the material contained herein is a general statement of agency policy, relevant provisions of the Administrative Procedures Act (5 U.S.C. 553) requiring notice of proposed rule making, opportunity for public participation and delay of effective date are inapplicable. Pursuant to section 420 of Pub. L. 93-113 ACTION guidelines are effective 30 days after publication in the FEDERAL REGISTER.

In accordance with the spirit of the public policy set forth in (5 U.S.C. 553), interested persons may submit written comments, or suggestions to the Director of ACTION, 806 Connecticut Avenue NW, Washington, D.C. 20525, Attention: General Counsel. Material thus submitted will be evaluated and acted upon in the same manner as if this document were a proposal. Until such time as further changes are made, however, this statement as set forth herein shall remain in effect.

1. *Purpose.* Section 105(b) of the Domestic Volunteer Service Act of 1973, Pub. L. 93-113, requires the Director of ACTION to ensure that each Volunteer has available such allowances and support as will enable the Volunteer to carry out the purpose and provisions of the Act and to perform effectively the work to which he has been assigned. In accordance with section 105(b) and these guidelines, ACTION may make a commitment through a contract, agreement, or other arrangement with a sponsor to pay the on-the-job transportation and supervisory support services expenses of VISTA Volunteers.

The purpose of this instruction is to establish the policy and guidelines for determining the following:

(a) In what circumstances contracts or other arrangements for ACTION contributions to the on-the-job transportation expenses of VISTA Volunteers may be negotiated between the Regional Office and sponsor; and

(b) In what circumstances contracts or other arrangements may be made whereby ACTION/VISTA will contribute to the cost of providing supervisory support to VISTA Volunteers.

2. *Scope.* Provisions of this policy and guidelines apply to all VISTA Volunteers under Part A, Title I of Pub. L. 93-113.

3. *Background.* It is ACTION/VISTA policy that, while the Agency must ensure that each Volunteer has available such allowances and support as will enable the Volunteer to perform his work assignment effectively, the provision of adequate on-the-job transportation and supervision for VISTA Volunteers is the primary responsibility of the sponsor.

ACTION/VISTA recognizes, however, that in some instances sponsoring organizations requesting Volunteers for projects that conform to ACTION/VISTA's programming criteria may nonetheless need assistance in providing this support. Regional Offices are provided with a limited obligational authority for the purposes of entering into transportation and supervision arrangements with such organizations.

When a transportation or supervision arrangement is established with a sponsoring organization, it provides for the direct support of the Volunteer. It is not intended to provide for other project support needed to accomplish the goals of the project itself. All other overhead expenses such as supplies, materials, and equipment are the sole responsibility of the sponsoring organization.

The judgement concerning the viability of the project (which includes consideration of constraints and resources) is made by the Regional Office at the time that the project proposal is reviewed and approved; consideration is also given at that time as to whether ACTION/VISTA should contribute any direct support requested (other than living expenses to the Volunteer) and, if so, consideration is also given to the amount and type of support (transportation and/or supervision) that is necessary. These issues, considered in light of the particular project and pertinent regional program and budget priorities, are decided upon at the time of project approval by the Regional Director.

4. *Policy.* ACTION/VISTA will provide funds for on-the-job transportation of Volunteers and/or for the hiring of persons whose responsibility is supervision of the Volunteers, but only in those cases in which such support is deemed by the Regional Director to be necessary to the effective functioning of the Volunteer on the project and to be within the guidelines contained herein. In such cases, the transportation and/or supervision arrangements will provide for a phasing out of such ACTION/VISTA support and the assumption of the same support by the sponsoring organization as soon as this is feasible.

When a supervision and/or transportation arrangement is approved, the nature of the agreement between ACTION/VISTA and the sponsor will be reflected in the Memorandum of Agreement.

Any agreement whereby ACTION/VISTA provides funds for these purposes will include provision to ensure that services are furnished at a reasonable rate; that persons employed by the contractor will be paid no more than comparable federal salary scales; that the rate conforms to the previous salary level of the person hired and local prevailing salary levels; and that any expenses incurred by the sponsoring organization over the agreed amount will be at its own expense.

In developing new projects, the Regional Offices shall take into account the implication of its travel and supervisory requirements. When possible, attempts should be made to develop projects so that a minimum of transportation consistent with the needs of the project is required, and so that supervisory responsibility can be readily absorbed into the existing structure of the organization. In some cases, this will mean developing projects with fewer, or more, Volunteers and with a more concentrated target

area than may have been the practice, or altering job descriptions.

ACTION regions are encouraged to continue to develop projects utilizing Volunteers sponsored by organizations that fall into all of the categories described under paragraph 7 below.

5. *Guidelines for transportation arrangements.* The Regional Director will establish the following before approving provision of ACTION funds to provide on-the-job transportation for VISTA VOLUNTEERS:

a. The inability of the sponsoring organization to provide adequate transportation.

b. The necessity of transportation for Volunteers to achieve the goals of the project as outlined in the project proposal.

c. On-the-job transportation funded by ACTION/VISTA may only be used in order to get a Volunteer to the places where he/she is to perform his/her duties as contained in his/her job description. It is not designed for use to get the Volunteer to and from the Volunteer's regularly assigned post. It is not to be used directly or indirectly as a method of transporting or otherwise providing travel or delivery services for members of the target population.

The Regional Director may need to establish priorities for the distribution of available funds.

6. *Guidelines for superivsion arrangements.* The Regional Director will establish the following before approving the use of ACTION funds to provide on-the-job supervision of VISTA Volunteers:

a. The inability of the sponsor to provide adequate supervision;

b. The need for supervision of the Volunteers. (Ordinarily the more professional the duties to be performed by Volunteers, the less the need for full-time supervision provided by VISTA);

c. The number of Volunteers on the project. A supervisor should ordinarily not be funded by VISTA for a project that is planned to average fewer than eight Volunteers on-site over the life of the supervision arrangement.

d. The funds are to be used to provide for a position whose full-time duties are supervision of the efforts of VISTA Volunteers. However, a less than full-time supervisor may be provided under any one of the following conditions;

1. Volunteers serving in a project are geographically scattered; it is administratively more practical to have them supervised by persons in the area who are employed by the sponsor in other capacities.

2. Supervision required is technical rather than administrative in nature. The term "technical" refers to assistance provided to volunteers in areas related to their job assignment, e.g., legal, architectural, etc.

3. Volunteers are placed under supervisory personnel already on the sponsor's staff. Such a person must spend at least 50 percent of his time supervising the volunteers and up to 50 percent of his salary may be paid for by ACTION.

7. *Procedures for determining conformance of the guidelines.* In order to determine the applicability of the guidelines of both supervision and transportation contracts (paragraph 5 and 6 above), the Regional Director will consider the following:

a. State and local government agencies are not ordinarily eligible for transportation and/or supervision funding from ACTION/VISTA.

b. Very large, well-established organizations are not ordinarily eligible for ACTION/VISTA transportation and/or supervision funding.

c. Fully-funded federal programs are not ordinarily eligible for such support.

d. Medium to large organizations are ordinarily eligible for 50 percent ACTION/VISTA funding of transportation and/or supervision in the first year of the project, with an agreed upon phase-out funding schedule in subsequent years as reflected in the memorandum of agreement.

e. Small to medium organizations are ordinarily eligible for 75 percent ACTION/VISTA funding of transportation and/or supervision in the first year of the project, with an agreed upon phase-out funding schedule in subsequent years as reflected in the memorandum of agreement.

f. Grassroots and small organizations are eligible for 100% ACTION/VISTA funding of transportation and/or supervision needs in at least the first year of the VISTA project, with an agreed upon phase-out funding schedule in subsequent years as reflected in the memorandum of agreement.

g. At the discretion of the Regional Director, a sponsoring organization in categories a, b, and c above will be eligible for up to 50 percent ACTION/VISTA funding of its transportation and/or supervision needs for its VISTA Volunteers only during the first year of its Agreement with VISTA.

8. *Definition of terms.* a. *State and local government agencies.* Any branch, agency or department of any State or of any municipality or other political subdivision of such State and any other entity established by law to carry out functions which are essentially governmental in nature.

b. *Very large, well-established organizations.* Large budget (ordinarily over $1,000,000), with a substantial number of professional and supervisory personnel.

c. *Fully-funded Federal programs.* Programs which are totally or almost totally funded directly by the Federal Government for the purpose of accomplishing their missions.

d. *Medium to large organizations.* Organizations with a medium to large budget (ordinarily $500,000–$1,000,000) and a medium-size supervisory and professional staff.

e. *Small to medium organizations.* Organizations with a small to medium budget (ordinarily $100,000–$500,000) with a small number of supervisory and professional staff members.

f. *Grassroots Organizations.* Organizations that are under the operational policy direction of members of the group that the organization is designed to serve. A grassroots organization has a limited budget (ordinarily under $100,000) and few or no full-time professional and supervisory personnel.

The organization budget levels cited above, however, are not intended to imply that an organization within a given category automatically is eligible for the ACTION/VISTA-funded amount of supervision or transportation indicated. The categories represent upper limits. In all instances, geographic location and area served should also be taken into consideration. In determining eligibility, the Regional Director should weigh regional program and budget considerations and the willingness and/or ability of the organization to contribute more than the applicable percentage cited.

9. *Elimination or reduction of VISTA transportation and supervisory support services.* a. Once ACTION enters into an agreement for transportation and/or supervision support services, it will not, in carrying out its responsibility under section 105(b) of Pub. L. 93–113, during the term of such arrangement, eliminate or reduce support services provided to or for individual Volunteers unless such arrangement:

(1) Is mutually amended by ACTION and the sponsor,

(2) Is terminated by the sponsor for any reason,

(3) Is suspended or terminated in accordance with Subpart A, Part 1206 of Title 45 of the Code of Federal Regulations, 39 FR 1996, January 16, 1974, or

(4) The project on which the Volunteers work materially changes, affecting Volunteer assignments.

b. If such arrangement expires, ACTION will not eliminate or reduce such support services during any period in which such arrangement is being renegotiated, or until the sponsor's rights under Subpart B, Part 1206, Title 45, of the Code of Federal Regulations have been exhausted.

Issued in Washington, D.C. on January 31, 1975.

JOHN GANLEY,
Deputy Director.

[FR Doc.75-3259 Filed 2-4-75;8:45 am]

COMMITTEE FOR PURCHASE FROM THE BLIND AND OTHER SEVERELY HANDICAPPED

PROCUREMENT LIST 1975

Notice of Proposed Addition

Notice is hereby given pursuant to section 2(a)(2) of Pub. L. 92-28; 85 Stat. 79, of the proposed addition of the following commodity to Procurement List 1975, November 12, 1974 (39 FR 39964).

Pencil, Woodcased with imprinting, RAD 599–0395

Comments and views regarding this proposed addition may be filed with the

Committee on or before March 7, 1975. Communications should be addressed to the Executive Director, Committee for Purchase from the Blind and Other Severely Handicapped, 2009 Fourteenth Street, North, Suite 610, Arlington, Virginia 22201.

By the Committee.

C. W. FLETCHER,
Executive Director.

[FR Doc.75-3204 Filed 2-4-75;8:45 am]

PROCUREMENT LIST 1975

Deletion From Procurement List

Notice of proposed deletion from Procurement List 1975, November 12, 1974 (39 FR 39964) was published in the FEDERAL REGISTER on December 13, 1974 (39 FR 43419).

Pursuant to the above notice the following Military Resale Commodities are deleted from the Procurement List.

DESCRIPTION AND ITEM NO.

Brush, grooming, 958; bag, dampening, 968.

By the Committee.

C. W. FLETCHER,
Executive Director.

[FR Doc.75-3205 Filed 2-4-75;8:45 am]

PROCUREMENT LIST 1975

Notice of Proposed Addition

Notice is hereby given pursuant to section 2(a)(2) of Pub. L. 92-28; 85 Stat. 79, of the proposed addition of the following commodities to Procurement List 1975, November 12, 1974 (39 FR 39964).

CLASS 7920

Squeegee, floor cleaning, 7920-00-965-4873; 7920-00-530-5740.

Comments and views regarding these proposed additions may be filed with the Committee on or before March 7, 1975. Communications should be addressed to the Executive Director, Committee for Purchase from the Blind and Other Severely Handicapped, 2009 Fourteenth Street North, Suite 610, Arlington, Virginia 22201.

By the Committee.

C. W. FLETCHER,
Executive Director.

[FR Doc.75-3206 Filed 2-4-75;8:45 am]

CIVIL AERONAUTICS BOARD

[Order 75-1-134; Docket No. 23080-2]

PRIORITY AND NONPRIORITY DOMESTIC SERVICE MAIL RATES—PHASE 2

Order Fixing Temporary Mail Rates

Issued under delegated authority January 30, 1975. By Order 75-1-76, dated January 17, 1975, the Board directed all interested persons, and particularly the Postmaster General and all certificated air carrier parties to this investigation, to show cause why the Board should not amend its temporary rate order [1] so as to reflect the minimum chargeable weight and pickup and delivery charges proposed in the show cause order for LD-9 containers.

The time designated for filing notice of objection has elapsed, and no notice of objection or answer to the order has been filed by any party. All parties have therefore waived the right to a hearing and all other procedural steps short of a final decision by the Board.

Upon consideration of the record, the findings and conclusions set forth in said Order are hereby reaffirmed and adopted.

Accordingly, pursuant to the Federal Aviation Act of 1958, and particularly sections 204(a) and 406 thereof, and the regulations promulgated in 14 CFR, Part 302 and the authority duly delegated by the Board in its Organization Regulations, 14 CFR 385.16(g):

It is ordered, That:

1. Subparagraphs (e) and (g) of ordering paragraph 3 of Order 74-1-89, January 16, 1974, be and they hereby are amended as follows:

(a) In subparagraph (e), insert "LD-9" and "5550" in the columns headed "Container Type" and "Minimum Charge Weight" after "LD-W" and "800", respectively.

(b) In subparagraph (g) change "A-1, A-2, A-3 and LD-7" to "A-1, A-2, A-3, LD-7 and LD-9" in the column headed "Container Type."

2. The temporary service mail rates established herein shall be paid in their entirety by the Postmaster General and shall be subject to retroactive adjustment to March 28, 1973, as may be required by the order establishing final service mail rates in Docket 23080-2.

3. This order shall be served upon Airlift International, Inc., Alaska Airlines, Inc., Allegheny Airlines, Inc., American Airlines, Inc., Braniff Airways, Inc., Continental Air Lines, Inc., Delta Air Lines, Inc., Eastern Air Lines, Inc., The Flying Tiger Line Inc., Frontier Airlines, Inc., Hughes Air Corp., National Airlines, Inc., North Central Airlines, Inc., Northwest Airlines, Inc., Ozark Air Lines, Inc., Pan American World Airways, Inc., Piedmont Aviation, Inc., Seaboard World Airlines, Inc., Southern Airways, Inc., Texas International Airlines, Inc., Trans World Airlines, Inc., United Air Lines, Inc., Western Air Lines, Inc., and the Postmaster General.

Persons entitled to petition the Board for review of this order pursuant to the Board's Regulations, 14 CFR 385.50, may do so within ten days after the date of service of this order.

This order shall be effective and become the action of the Civil Aeronautics Board upon expiration of the above period unless within such period a petition for review thereof is filed, or the Board gives notice that it will review this order on its own motion.

This order shall be published in the FEDERAL REGISTER.

By Frank R. Chabot, Chief, Government Rates Division, Bureau of Economics.

[SEAL] EDWIN Z. HOLLAND,
Secretary.

[FR Doc.75-3309 Filed 2-4-75;8:45 am]

[1] Order 74-1-89, January 16, 1974.

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

CERTAIN COTTON TEXTILE PRODUCTS PRODUCED OR MANUFACTURED IN THAILAND

Entry or Withdrawal From Warehouse for Consumption

JANUARY 31, 1975.

On March 29, 1974, there was published in the FEDERAL REGISTER (39 FR 11622) a letter dated March 25, 1974 from the Chairman, Committee for the Implementation of Textile Agreements, to the Commissioner of Customs, establishing levels of restraint applicable to certain specified categories of cotton textiles and cotton textile products produced or manufactured in Thailand and exported to the United States during the twelve-month period beginning April 1, 1974. As set forth in that letter, the levels of restraint are subject to adjustment pursuant to paragraph 5 of the Bilateral Cotton Textile Agreement of March 16, 1972, between the Governments of the United States and Thailand, which provides that within the aggregate and applicable group limits, limits on certain categories may be exceeded by not more than 5 percent.

Accordingly, there is published below a letter of January 31, 1975 from the Chairman of the Committee for the Implementation of Textile Agreements to the Commissioner of Customs amending the level of restraint applicable to cotton textile products in Category 60, produced or manufactured in Thailand and exported to the United States during the twelve-month period which began on April 1, 1974.

ALAN POLANSKY,
Acting Chairman, Committee for the Implementation of Textile Agreements, and Acting Deputy Assistant Secretary for Resources and Trade Assistance, U.S. Department of Commerce.

January 31, 1975.

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

COMMISSIONER OF CUSTOMS,
Department of the Treasury,
Washington, D.C. 20229.

DEAR MR. COMMISSIONER: On March 25, 1974, the Chairman, Committee for the Implementation of Textile Agreements, directed you to prohibit entry during the twelve-month period beginning April 1, 1974 of cotton textiles and cotton textile products in certain specified categories produced or manufactured in Thailand in excess of designated levels of restraint. The Chairman further advised you that the levels of restraint are subject to adjustment.[1]

Pursuant to paragraph 5 of the Bilateral Cotton Textile Agreement of March 16, 1972

[1] The term "adjustment" refers to those provisions of the Bilateral Cotton Textile Agreement of March 16, 1972 between the Governments of the United States and Thailand which provide, in part, that within the aggregate and applicable group limits, limits on certain categories may be exceeded by not more than 5 percent; for the limited carryover of shortfalls in certain categories to the next agreement year; and for administrative arrangements.

between the Governments of the United States and Thailand, and in accordance with the provisions of Executive Order 11651 of March 3, 1972, you are directed, effective on February 5, 1975, to increase the level of restraint established for cotton textile products in Category 60 to 43,990 dozen * for the twelve-month period which began on April 1, 1974.

The actions taken with respect to the Government of Thailand and with respect to imports of cotton textiles and cotton textile products from Thailand have been determined by the Committee for the Implementation of Textile Agreements to involve foreign affairs functions of the United States. Therefore, the directions to the Commissioner of Customs, being necessary to the implementation of such actions, fall within the foreign affairs exception to the rule-making provisions of 5 U.S.C. 553. This letter will be published in the FEDERAL REGISTER.

Sincerely,

ALAN POLANSKY,
Acting Chairman, Committee for the Implementation of Textile Agreements, and Acting Deputy Assistant Secretary for Resources and Trade Assistance, U.S. Department of Commerce.

[FR Doc.75-3306 Filed 2-4-75;8:45 am]

ENVIRONMENTAL PROTECTION AGENCY

[FRL 330-4; OPP-32000/183 & 184]

RECEIPT OF APPLICATIONS FOR PESTICIDE REGISTRATION

Data To Be Considered in Support of Applications

On November 19, 1973, the Environmental Protection Agency (EPA) published in the FEDERAL REGISTER (38 FR 31862) its interim policy with respect to the administration of section 3(c)(1)(D) of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended. This policy provides that EPA will, upon receipt of every application for registration, publish in the FEDERAL REGISTER a notice containing the information shown below. The labeling furnished by the applicant will be available for examination at the Environmental Protection Agency, Room EB-31, East Tower, 401 M Street, SW., Washington, D.C. 20460.

On or before April 7, 1975, any person who (a) is or has been an applicant, (b) believes that data he developed and submitted to EPA on or after October 21, 1972, is being used to support an application described in this notice, (c) desires to assert a claim for compensation under section 3(c)(1)(D) for such use of his data, and (d) wishes to preserve his right to have the Administrator determine the amount of reasonable compensation to which he is entitled for such use of the data, must notify the Administrator and the applicant named in the notice in the FEDERAL REGISTER of his claim by certified mail. Notification to the Administrator should be addressed to the Information Coordination Section, Technical Services Division (WH-569), Office of Pesticide Programs, 401 M Street, SW., Washington, D.C. 20460. Every such claimant must include, at a minimum, the information listed in the interim policy of November 19, 1973.

Applications submitted under 2(a) or 2(b) of the interim policy will be processed to completion in accordance with existing procedures. Applications submitted under 2(c) of the interim policy cannot be made final until the 60 day period has expired. If no claims are received within the 60 day period, the 2(c) application will be processed according to normal procedure. However, if claims are received within the 60 day period, the applicants against whom the claims are asserted will be advised of the alternatives available under the Act. No claims will be accepted for possible EPA adjudication which are received after April 7, 1975.

Dated: January 30, 1975.

JOHN B. RITCH, Jr.,
Director,
Registration Division.

APPLICATIONS RECEIVED (OPP-32000/183)

EPA File Symbol 34962-R. Dickersons' Ups & Downs, PO Box 216, Bloomingdale MI 49026. DICKERSON'S MOUSE BAIT 2. Active Ingredients: Zinc Phosphide 2%. Method of Support: Application proceeds under 2(c) of interim policy. PM11

EPA File Symbol 34761-A. Ecology Ltd., Industrial Park, Bldg. #5, West Haverstraw NY 10993. ECOLOGY TOTAL RELEASE FOGGER. Active Ingredients: Pyrethrins 0.5%; Piperonyl Butoxide, Technical 4.0%; Petroleum Hydrocarbons 10.5%. Method of Support: Application proceeds under 2(c) of interim policy. PM17

EPA File Symbol 34761-T. Ecology Ltd. ECOLOGY GENERAL PURPOSE SYNTEX SPRAY. Active Ingredients: Tetramethrin (1 - Cyclohexene-1,2-dicarboximidomethyl 2,2-dimethyl-3-(2-methylpropenyl) cyclopropanecarboxylate) 0.250%; related compounds 0.034%; (5-Benzyl-3-furyl) methyl 2,2-dimethyl-3-(2-methylpropenyl) cyclopropanecarboxylate 0.250%; related compounds 0.034%; Petroleum Distillate 8.800%. Method of Support: Application proceeds under 2(c) of interim policy. PM17

EPA File Symbol 34761-U. Ecology Ltd. ECOLOGY DRIONE INSECTICIDE SPRAY. Active Ingredients: Pyrethrins 0.1%; Piperonyl Butoxide, Technical 1.0%; Silica Gel 4.0%; Petroleum Distillate 4.9%. Method of Support: Application proceeds under 2(c) of interim policy. PM17

EPA Reg. No. 4581-206. Pennwalt Corp., Agchem Div., Three Parkway, Philadelphia PA 19106. PENNWALT DES-I-CATE. Active Ingredients: Mono (N,N-dimethylalkylamine) salt of Endothall (7-Oxabicyclo (2, 2,1) heptane-2,3-dicarboxylic acid) 15.9%. Method of Support: Application proceeds under 2(c) of interim policy. PM24

EPA File Symbol 4758-RER. Pet Chem., Inc., PO Box 660656, Miami Springs FL 33166. HOLIDAY HOME FOGGER. Active Ingredients: Petroleum distillates 16.00%; Pyrethrin 0.50%; Technical piperonyl butoxide 1.50%; N-octyl bicycloheptene dicarboximide 1.50%; dichlorovinyl dimethyl phosphate 0.47%; related compounds 0.03%. Method of Support: Application proceeds under 2(c) of interim policy. PM13

EPA File Symbol 602-ELO. Ralston Purina Co., Checkerboard Sq., St. Louis MO 63188. PURINA RAT AND MOUSE CONTROL PELLETS. Active Ingredients: Warfarin (3-(alpha-Acetonylbenzyl) - 4 - hydroxy-coumarin) 0.025%. Method of Support: Application proceeds under 2(c) of interim policy. PM11

EPA File Symbol 10308-L. Sumitomo Chem. Co., Ltd., c/o Eugene Gerberg, 1330 Dillon Hghts. Ave., Baltimore MD 21228. SUMITHION, TECHNICAL. Active Ingredients: O,O-Dimethyl O-(4-nitro-m-tolyl) phosphorothioate 95%. Method of Support: Application proceeds under 2(b) of interim policy. PM14

APPLICATIONS RECEIVED (OPP-32000/184)

EPA File Symbol 12465-EE. Aqua Chem. Corp., 1 Allen St., Springfield MA 01108. AQUAMAID AQUACARE. Active Ingredients: n-Alkyl (60% C14, 30% C16, 5% C12, 5% C18) dimethyl benzyl ammonium chlorides 8.4%; n-Dialkyl (60% C14, 30% C12, 5% C18) methyl benzyl ammonium chlorides 1.6%. Method of Support: Application proceeds under 2(c) of interim policy. PM31

EPA Reg. No. 11525-4. DuBois Chem., 3630 E. Kemper Rd., Sharonville OH 45241. DUBOIS CHEMICALS WATER BASE TROUNCE SYNTHETIC INSECT KILLER. Active Ingredients: (5-Benzyl-3-furyl) methyl 2,2-dimethyl-3-(2-methylpropenyl) cyclopropanecarboxylate 0.200%; Related compounds 0.028% d-trans Allerthrin (allyl homolog of Cinerin I) 0.150%; Related compounds 0.012%; Aromatic petroleum hydrocarbons 0.272%. Method of Support: Application proceeds under 2(c) of interim policy. PM17

EPA File Symbol 36306-R. Hadco East Chem. Corp., 35 Ralph Ave., Copiague NY 11726. LEMON DISINFECTANT. Active Ingredients: n-Alkyl (60% C14, 30% C16, 5% C12, 5% C18) dimethyl benzyl ammonium chlorides 2.25%; n-Alkyl (68% C12, 32% C14) dimethyl ethylbenzyl ammonium chlorides 2.25%; Sodium Carbonate 3.00%; Tetrasodium ethylenediamine tetraacetate 1.00%. Method of Support: Application proceeds under 2(b) of interim policy. PM31

EPA Reg. No. 259-4. Mokan, Missouri Kansas Chem. Co., 1708-16 Campbell St., Kansas City MO 64108. CHEMCIDE. Active Ingredients: Ammonium Chloride 12.5%. Method of Support: Application proceeds under 2(c) of interim policy. PM31

EPA Reg. No. 3624-30. Nova Products, Inc., PO Box 5086, Kansas City KS 66119. NOVA MALATHION 57-WE. Active Ingredients: Malathion (O,O-dimethyl dithiophosphate of diethyl mercaptosuccinate) 57.0%. Method of Support: Application proceeds under 2(c) of interim policy. PM16

EPA File Symbol 36139-R. Petrochemicals Co., Inc., 2001 N. Grove St., Fort Worth TX 76106. PORMULA 114-74-3 GERMICIDAL CLEANER CONCENTRATE. Active Ingredients: O-Benzyl, P-Chloro phenol 7.5%; Ortho phenyl phenol 4.4%; P-tertiary amyl phenol 2.8%; Chloro ortho phenyl phenol 0.5%. Method of Support: Application proceeds under 2(a) of interim policy. PM32

EPA File Symbol 6921-U. Tesch Chem. Co., Inc., E. Midway Rd., Appleton WI 54911. TECO BLUE. Active Ingredients: Didecyl dimethyl ammonium chloride 4.5%; Tetrasodium ethylenediamine tetraacetate 2.0%; Sodium carbonate 1.0%; Sodium metasilicate, anhydrous 0.5%. Method of Support: Application proceeds under 2(b) of interim policy. PM31

* This level has not been adjusted to reflect any entries made on or after April 1, 1974.

EPA File Symbol 8727-RN. Wright, Inc., 5703 Crawford Ln., Ft. Worth TX 76119. DEFEND DISINFECTANT-SANITIZER-FUNGICIDE-DEODORIZER. Active Ingredients: Didecyl dimethyl ammonium chloride 7.5%. Method of Support: Application proceeds under 2(b) of interim policy. PM31

EPA File Symbol 8727-RR. Wright, Inc., 5703 Crawford Ln., Ft. Worth TX 76119. SANISOFT. Active Ingredients: Actyl decyl dimethyl ammonium chloride 15.0%; Dioctyl dimethyl ammonium chloride 7.5%; Didecyl dimethyl ammonium chloride 7.5%. Method of Support: Application proceeds under 2(b) of interim policy. PM31

[FR Doc.75-3335 Filed 2-4-75;8:45 am]

[FRL 330-1]

NATIONAL AIR POLLUTION CONTROL TECHNIQUES ADVISORY COMMITTEE

Notice of Meeting

Pursuant to Pub. L. 92-463, notice is hereby given that a meeting of the National Air Pollution Control Techniques Advisory Committee will be held at 9 a.m. on February 19 and 20, 1975, at the Admiral Benbow Inn, 1470 Spring Street, NW, Atlanta, Georgia (30309), telephone (404) 872-5821.

The purpose of the meeting will be to discuss New Source Performance Standards to be proposed under section 111 of the Clean Air Act for (1) by-product coke ovens (charging operations, topside leaks, combustion stacks, and pushing emissions), (2) raft pulp mills and (3) grain elevators.

The meeting will be open to the public. Anyone wishing to attend or to submit a paper should contact Mr. Don R. Goodwin, Director, Emission Standards and Engineering Division, Environmental Protection Agency, Research Triangle Park, North Carolina 27711.

The telephone number and area code are (919) 688-8146, extension 271.

ROGER STRELOW,
Assistant Administrator for Air and Waste Management.

JANUARY 30, 1975.

[FR Doc.75-3207 Filed 2-4-75;8:45 am]

ENERGY RESEARCH AND DEVELOPMENT ADMINISTRATION

HIGH ENERGY PHYSICS ADVISORY PANEL

Meeting

On February 21-22, 1975, there will be a meeting of the High Energy Physics Advisory Panel at the Reporters Building, 7th & D Streets, Washington, D.C., in the 4th floor Conference Room. Below is that portion of the agenda for this meeting which will be open to the public. Practical considerations may require changes in the agenda or schedule.

FRIDAY, FEBRUARY 21, 1975

10 a.m.	Status of ERDA.
10:30 a.m.	Status and Opportunities for Follow-up of New Particle Discovery: —FERMILAB —BNL —SLAC —ANL.
1:30 p.m.	Status of FY 1975, FY 1976 Budgets.

SATURDAY, FEBRUARY 22, 1975

9 a.m.	Subpanel on Research and Program Balance: —V. Fitch.
10 a.m.	Status of Future Facilities.
11:30 a.m.	Planning for New Orleans Seminar.

In addition to the above items, the Panel plans to hold three (3) executive sessions. The first is scheduled on Friday morning prior to the beginning of the open session, the second will begin at 2 p.m. on Friday and continue throughout the end of the day. The third executive session is scheduled on Saturday afternoon beginning at 2 p.m. and continuing throughout the end of the meeting.

I have determined, in accordance with subsection 10(d) of Pub. L. 92-463 that these executive sessions will consist of an exchange of opinions and formulation of recommendations, the discussion of which, if written would fall within exemption (5) of 5 U.S.C. 552(b). It is essential to close these portions of the meeting to protect the free interchange of internal views and to avoid undue interference with Agency or Committee operation.

The Chairman is empowered to conduct the meeting in a manner that in his judgment will facilitate the orderly conduct of business.

With respect to public participation in agenda items scheduled above, the following requirements shall apply:

(a) Persons wishing to submit written statements on those agenda items may do so by mailing 25 copies thereof, postmarked, if possible, no later than February 7, 1975, to the Executive Secretary, High Energy Physics Advisory Panel, Dr. Robert M. Woods, Jr., Division of Physical Research, Energy Research and Development Administration, Washington, D.C. 20545. Minutes of the meeting will be kept open for 30 days for receipt of written statements for the record.

(b) Those persons submitting a written statement in accordance with paragraph (a) above may request an opportunity to make oral statements concerning the written statement. Such requests shall accompany the written statement, and shall set forth reasons justifying the need for such oral statements and their usefulness to the Panel. To the extent that the time available for the meeting permits, the Panel will receive oral statements during a period of not more than 30 minutes at an appropriate time, chosen by the Chairman.

(c) Requests for the opportunity to make oral statements shall be ruled on by the Chairman of the Panel, who is empowered to apportion the time available among those selected by him to make oral statements.

(d) Information as to the Chairman's ruling on requests for the opportunity to present oral statements, and the time allotted, can be obtained by a prepaid telephone call to the office of the Executive Secretary of the Panel. His telephone number is Area Code 301-973-3624.

(e) Questions at the meeting may be asked only by members of the Advisory Panel.

(f) Seating for the public will be made available on a first-come, first-served basis.

(g) Copies of minutes of public sessions will be made available for copying, following their acceptance by the Panel at its next meeting, in accordance with the Federal Advisory Committee Act, at the Energy Research and Development Administration's Public Document Room, 1717 H Street NW., Washington, D.C., upon payment of all charges required by law.

ROBERT A. KOHLER,
Deputy Advisory Committee, Management Officer.

[FR Doc.75-3451 Filed 2-4-75;8:45 am]

FARM CREDIT ADMINISTRATION

[Farm Credit Administration Order No. 783]

DEPUTY GOVERNOR

Statement of Authority and Order of Precedence

JANUARY 30, 1975.

1. The Deputy Governor, Credit and Operations, shall, subject to the jurisdiction and control of the Governor of the Farm Credit Administration, execute and perform all power, authority, and duties relative to supervision of the credit and operations functions of the institutions of the Farm Credit System and to all matters incidental thereto, and to administration of all provisions of law pertinent to such supervision.

2. In the event the Deputy Governor, Credit and Operations, Farm Credit Administration, is absent or is not able to perform the duties of his office for any other reason, the officer who is highest on the following list and who is available to act is hereby authorized to exercise and perform all functions, powers, authority, and duties of the Deputy Governor, Credit and Operations pertaining to the credit and operations functions:

(1) Director, Supervisory Division
(2) Director, Technical Services Division
(3) Director, Review Division

3. This order shall be effective on January 1, 1975, and revokes Farm Credit Administration Order No. 771, dated March 13, 1974 (39 FR 10651).

W. M. HARDING,
Governor, Farm Credit Administration.

[FR Doc.75-3262 Filed 2-4-75;8:45 am]

[Farm Credit Administration Order No. 777]

DEPUTY GOVERNOR, FINANCE AND RESEARCH

Statement of Authority

JANUARY 9, 1975.

Whereas, the Governor of the Farm Credit Administration is authorized by the Farm Credit Act of 1971 (§§ 4.2, 4.3, 4.4, 4.5; 85 Stat. 610, 611) to approve the issuance, form, amounts, maturities, rates of interest, terms, conditions, and

participation by the several banks of the Farm Credit System in each issue of consolidated and Systemwide obligations, and to execute such obligations on their behalf; and

Whereas, the Governor is authorized by said Act (§ 5.13; 85 Stat. 620) to exercise and perform his powers through such other officers and employees of the Farm Credit Administration as he shall designate;

Now, Therefore, it is hereby ordered effective on the date above written, that the Deputy Governor, Finance and Research, be and he hereby is authorized and empowered to approve the issuance, forms, amounts, maturities, rates of interest, terms, conditions, and participation by the several banks of the Farm Credit System in each issue of, and to execute on their behalf:

(a) As such Deputy Governor, Systemwide discount notes; and

(b) As Acting Governor, consolidated and Systemwide obligations, other than discount notes; *Provided*, That authority as to these obligations shall be exercised (1) only when the Governor is absent or not able to perform the duties of his office for any other reason, and (2) without regard to the order in which other officials are authorized to exercise and perform the powers, authority, and duties of the Governor in the event of his absence or inability to perform.

W. M. HARDING,
Governor,
Farm Credit Administration.

[FR Doc.75-3263 Filed 2-4-75;8:45 am]

FEDERAL COMMUNICATIONS COMMISSION

[Report No. 738]

COMMON CARRIER SERVICES INFORMATION [1]

Domestic Public Radio Services Applications Accepted for Filing [2]

JANUARY 27, 1975.

Pursuant to §§ 1.227(b)(3) and 21.30 (b) of the Commission's Rules, an application, in order to be considered with any domestic public radio services application appearing on the attached list, must be substantially complete and tendered for filing by whichever date is earlier: (a) The close of business one business day preceding the day on which the Commission takes action on the previously filed application; or (b) within 60 days after the date of the public notice listing the first prior filed application (with which subsequent applications are in conflict) as having been accepted for filing. An application which is subsequently amended by a major change will be considered to be a newly filed application. It is to be noted that the cut-off dates are set forth in the alternative—applications will be entitled to consideration with those listed in the appendix if filed by the end of the 60-day period, only if the Commission has not acted upon the application by that time pursuant to the first alternative earlier date. The mutual exclusivity rights of a new application are governed by the earliest action with respect to any one of the earlier filed conflicting applications.

The attention of any party in interest desiring to file pleadings pursuant to section 309 of the Communications Act of 1934, as amended, concerning any domestic public radio services application accepted for filing, is directed to § 21.27 of the Commission's rules for provisions governing the time for filing and other requirements relating to such pleadings.

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

APPLICATIONS ACCEPTED FOR FILING

DOMESTIC PUBLIC LAND MOBILE RADIO SERVICE

21052-CD-P-75, Beep Communications System, Inc. (KEA855). C.P. to change antenna system operating on 152.15 MHz at Loc. #1: Private Road, 3 miles SE of Manorville, New York.

21053-CD-MP-75, E. H. Cannon (KUD239). Mod. Permit to replace transmitter, and change antenna system operating on 454.050 MHz located 0.3 mile North of Hondo, Texas.

21054-CD-MP-75, Page Boy, Inc. (KEA880). Mod. Permit to relocate facilities operating on 35.22 MHz to be located at WSNL-TV Tower, Long Island Expressway and Blydenburgh Road, Islip, New York.

21055-CD-AL-75, Charles F. Mefford d.b.a. Southern Ohio Radio Telephone and Paging. Consent to Assignment of License from Southern Ohio Radio Telephone and Paging, Assignor to Telepage Corporation, Assignee. Station: KSV960, Cincinnati, Ohio.

21056-CD-P-75, The Mountain States Telephone and Telegraph Company (KOK330). C.P. to replace transmitter operating on 152.78 MHz located 7.5 miles South of Rawlins, Wyoming.

21057-CD-P-(2)-75, Halstad Telephone Company (KAI932). C.P. for additional facilities to operate on 454.525 and 454.575 MHz located at Bygland, Minnesota.

21058-CD-P-75, Seattle Radiotelephone Service (KLF604). C.P. to add antenna Loc. #2 to operate on 454.100 MHz to be located at Seattle First National Bank Building, Seattle, Washington.

21059-CD-AL-75, Peabody Telephone Answering Service. Consent to Assignment of License from Peabody Telephone Answering Service, Assignor to Omni Communications, Inc., Assignee. Station: KCC786, West Peabody, Massachusetts.

21060-CD-AL-75, Albert P. DiCroce d.b.a. Peabody Telephone Answering Service. Consent to Assignment of License from Peabody Telephone Answering Service, Assignor to Omni Communications, Inc., Assignee. Station: KSV954, West Peabody, Massachusetts.

Major amendments

21265-C2-P-75, Continental Telephone Company of California (KMA746). Amend to show that the applicant also proposes to increase the transmitter output power of his existing channel on 152.75 MHz. All other particulars are to remain as reported on PN #698 dated April 29, 1974.

20618-CD-P-75, Island Telepage Systems (new), Oak Harbor, Washington. Amend base frequency 152.18 MHz to read 454.250 MHz and the associated mobile frequency 158.61 MHz to read 459.250 MHz. All other particulars to remain as reported on PN #726, dated November 4, 1974.

Correction

20192-CD-P-75, Chalfont Communications (KMM581), Palm Springs, California. Correct to read "Major amendment" to application file No. 1034-C2-P-(2)-72. All other particulars to remain as reported on PN #714 dated August 19, 1974.

Informative

It appears that the following applications may be mutually exclusive and subject to the Commission's Rules regarding Ex Parte presentations by reasons of potential electrical interference.

Industrial Communication Systems, Inc., KMD900, 20024-CD-P-(4)-75, Saddle Peak, California.

Mobilfone, Inc., KMA253, 21390-C2-P-(24)-74, Los Angeles, California.

RURAL RADIO SERVICE

60253-CR-P/L-75, RCA Alaska Communications, Inc. (WSM98). C.P. to change antenna system operating on 454.650 and 454.400 MHz located at remote repeater site near Hill 3911 on Alyeska pipeline route; 128 miles NW of Fairbanks, Hamlin, Alaska.

60254-CR-P/L-75, RCA Alaska Communications, Inc. (WSM91). C.P. to change antenna system operating on 454.450 and 454.600 MHz located at remote repeater site near Hill 6545 on Alyeska pipeline route; 230 miles North of Fairbanks, Table Mountain, Alaska.

60255-CR-P/L-75, RCA Alaska Communications, Inc. (WSM88). C.P. to change antenna system operating on 454.575 MHz located at remote repeater site at Hill 7700 on Alyeska Pipeline route; 252 miles North of Fairbanks, Twin Glacier, Alaska.

60256-CR-P-75, RCA Alaska Communications, Inc. (new). C.P. for a new central office station to operate on 152.51, 152.60, 152.75, and 152.78 MHz to be located on Hilltop 3452, 103 miles NE of Fairbanks, Crazy Mountain, Alaska.

60257-CR-P-75, RCA Alaska Communications, Inc. (new). C.R. for a new central office station to operate on 152.51, 152.60, 152.75, and 152.78 MHz to be located on Hilltop 2279, 128 miles North of Fairbanks, 29 mile Ridge, Alaska.

60258-CR-P-75, RCA Alaska Communications, Inc. (new). C.P. for a new rural subscriber station to operate on 157.77, 157.86, 158.01, and 158.04 MHz to be located at Village on Yukon River, 105 miles North of Fairbanks, Beaver, Alaska.

60259-CR-P-75, RCA Alaska Communications, Inc. (new). C.P. for a new rural subscriber station to operate on 157.77, 157.86, 158.01, and 158.04 MHz to be located at Village on Yukon River, 87 miles NNW of Fairbanks, Stevens Village, Alaska.

[1] All applications listed in the appendix are subject to further consideration and review and may be returned and/or dismissed if not found to be in accordance with the Commission's rules, regulations and other requirements.

[2] The above alternative cut-off rules apply to those applications listed in the appendix as having been accepted in Domestic Public Land Mobile Radio, Rural Radio, Point-to-Point Microwave Radio and Local Television Transmission Services (Part 21 of the rules).

606260–CR–P–75. RCA Alaska Communications, Inc. (New). C.P. for a new rural subscriber station to operate on 157.77, 157.86, 158.01, and 158.04 MHz to be located at Village on Birch Creek, 113 miles NE of Fairbanks, Birch Creek Village, Alaska.

60261–CR–P–75, RCA Alaska Communications, Inc. (new). C.P. for a new rural subscriber station to operate on 157.77, 157.86, 158.01, and 158.04 MHz to be located at Village on Black River, 168 miles NE of Fairbanks, Chalkyitsik, Alaska.

60262–CR–P–75, RCA Alaska Communications, Inc. (new). C.P. for a new rural subscriber station to operate on 157.77, 157.86, 158.01, and 158.04 MHz to be located at Village on Steese Highway, 100 miles NE of Fairbanks, Central, Alaska.

60263–CR–P–75, RCA Alaska Communications, Inc. (new). C.P. for a new rural subscriber station to operate on 157.77, 157.86, 158.01, and 158.04 MHz to be located at Village on Yukon River, 127 miles NE of Fairbanks, Circle, Alaska.

60264–CR–P–75, RCA Alaska Communications, Inc. (new). C.P. for a new rural subscriber station to operate on 157.77, 157.86, 158.01, and 158.04 MHz to be located at Village on Chandalar River, 155 miles NNE of Fairbanks, Venetie, Alaska.

60265–CR–P/L–75, Lincoln County Telephone System, Inc. (new). C.P. for a new rural subscriber-fixed station to operate on 157.92 MHz located in any temporary fixed location within the territory of the grantee.

60266–CR–P–75, Continental Telephone Company of Utah (new). C.P. for a new rural subscriber station to operate on 157.77 MHz to be located at Atlas Minerals Wood Mine, 17½ miles NE of Monticello, Utah.

POINT-TO-POINT MICROWAVE RADIO SERVICE

2308–CF–P–75, American Telephone and Telegraph Company (WHT84). 5.5 Miles East of Nelson, Georgia. Lat. 34°33'15" N. Long. 84°16'13" W. C.P. to add a frequency 3970H MHz toward Dahlonega, Georgia on azimuth 67°39"; add 3970H MHz toward Waleska, Georgia on azimuth 264°29'.

2309–CF–P–75, Same (KIT26). 4.0 Miles NW of Waleska, Georgia. Lat. 34°21'35" N., Long. 84°36'39" W. C.P. to add frequency 4010H MHz toward Nelson, Georgia on azimuth 84°17'; add 4010H MHz toward Adairsville, Georgia on azimuth 259°54'.

2310–CF–P–75, same (KIK32). 3.5 Miles SE of Adairsville, Georgia. Lat. 34°19'01" N., Long. 84°53'52" W. C.P. to add frequency 3970H MHz toward Waleska, Georgia on azimuth 79°44'.

2331–CF–P–75, RCA Alaska Communications, Inc. (new). Fort Yukon, 140 Miles NNE of Fairbanks, Alaska. Lat. 66°33'45" N., Long. 145°13'25" W. C.P. for a new station on frequency 2162.0H MHz toward 29 Mile Ridge, Alaska on azimuth 278°08'; and frequency 2178.0H MHz toward Crazy Mountain, Alaska on azimuth 70°57'.

2332–CF–P–75, same (new). 29 Mile Ridge, Hilltop 2279, 128 Miles North of Fairbanks, Alaska. Lat. 66°40'10" N., Long. 147°22'08" W. C.P. for a new station on frequency 2112.0H MHz toward Fort Yukon, Alaska on azimuth 96°10'.

2333–CF–P–75, same (new). Crazy Mountain, 103 Miles NE of Fairbanks, Alaska. Lat. 65°41'22" N., Long. 144°53'12" W. C.P. for a new station on frequency 2128.0H MHz toward Fort Yukon, Alaska on azimuth 351°16'.

2329–CF–TC–(2)–75, Blue Mountain Telephone, Inc. Consent to Transfer of Control from Robert and R. Margaret Ashmead et al, TRANSFEROR to Beaver State Telephone Company, TRANSFEREE for stations: WQQ24–Spray, Oregon, and WQQ23–Monument, Oregon.

2362–CF–P–75, General Telephone Company of the Southeast (new). Hinch Mountain, 414 Miles SSE of intersection of Basses Creek and State Hwy. 28, Tennessee. Lat. 35°46'50" N., Long. 84°58'44" W. C.P. for a new station on frequency 2162.4V MHz toward Crossville, Tennessee on azimuth 333°54'.

2363–CF–P–75, same (new). Crossville, Tennessee, 3.3 Miles West of intersection of U.S. 70 and U.S. 127 (Crossville Airport) Lat. 35°57'14" N., Long. 85°05'00" W. C.P. for a new station on frequency 2112.4V MHz toward Hinch Mountain, Tennessee on azimuth 153°50'.

2364–CF–P–75, RCA Alaska Communications, Inc. (new). Tin City, Alaska. Lat. 65°33'58" N., Long. 167°57'52" W. C.P. for a new station on frequency 2172.0V MHz via Passive Reflector toward Port Clarence, Alaska on azimuth 124°38'.

2296–CF–ML–75, American Telephone and Telegraph Company (KGF64). 900 Race Street, Philadelphia, Pennsylvania. Lat. 39°57'17" N., Long. 75°09'18" W. Mod. of License to change polarity from Horizontal to Vertical on frequencies 5925.5, 5974.8, 6034.2, 6093.5, and 6152.8; from Vertical to Horizontal on 6004.5 and 6172.5 toward Mt. Royal, New Jersey on azimuth 192°11'.

2297–CF–ML–75, same (KAR57). 3.5 Miles South of Sentinel Butte, North Dakota. Lat. 46°52'11" N., Long. 103°49'25" W. Mod. of License to change location of alarm center and polarity from Horizontal to Vertical on frequency 4190 toward Fryburg, N. Dak. on azimuth 86°39'.

2298–CF–ML–75, same (KAR55). 6.0 Miles East of Dickinson, North Dakota. Lat. 46°53'22" N., Long. 102°39'56" W. Mod. of License to change polarity from Horizontal to Vertical on frequency 4190 toward Fryburg, N. Dak. on azimuth 270°08'.

2299–CF–ML–75, Same (KAR56). 1.5 Miles NW of Fryburg, North Dakota. Lat. 46°53'21" N., Long. 103°19'38" W. Mod. of License to change location of alarm center, and polarity from Horizontal to Vertical on frequency 4198 toward Sentinel Butte, N. Dak. on azimuth 267°/00'; change polarity from Horizontal to Vertical on frequency 4198 toward Dickinson, N. Dak. on azimuth 89°/39'.

2300–CF–ML–75, Same (KAQ86). 3.2 Miles ENE of Valley City, North Dakota. Lat. 46°56'18" N., Long. 97°55'32" W. Mod. of License to change polarity from Horizontal to Vertical on frequency 4190 toward Casselton, N. Dak. on azimuth 97°/13'.

2301–CF–ML–75, Same (KSQ43). 2.7 Miles WSW of Casselton, North Dakota. Lat. 46°52'42" N., Long. 97°15'29" W. Mod. of License to change polarity from Horizontal to Vertical on frequency 4198 toward Valley City, N. Dak. on azimuth 277°/43'.

2304–CF–P–75, Same (KKC93). 105 Auditorium Circle, San Antonio, Texas, Lat. 29°25'46" N., Long. 98°29'20" W. C.P. to add 3910H MHz toward Bulverde, Texas on azimuth 13°/56'.

2305–CF–P–75, Same (KKC92). 2.5 Miles SW of Bulverde, Texas. Lat. 29°43'48" N., Long. 98°24'12" W. C.P. to change transmission path data and add frequency 3890H MHz toward Seguin, Texas on azimuth 118°/10'.

2306–CF–P–75, Same (KKZ89). 8.0 Miles SE of Seguin, Texas. Lat. 29°29'02" N., Long. 97°52'49" W. C.P. to correct transmission path data toward Shiner, Floresville, Lockhart and Bulverde, Texas; add frequency 3930H MHz toward Bulverde, Texas on azimuth 298°/26'.

2307–CF–P–75, Same (KRS93). 5.0 Miles ESE of Dahlonega, Georgia. Lat. 34°30'49" N., Long. 83°53'53" W. C.P. to add frequency 4010H MHz toward Nelson, Georgia on azimuth 247°/52'.

2007–CF–AL–(13)–75, Interdata Communications, Inc. Consent to Assignment of Radio Station Licenses from Interdata Communications, Inc. Assignor to MCI Telecommunications Corporation Assignee for stations: WIU99–Washington, D.C.; WIU86–Washington East, D.C.; WIU87–Jessup, Maryland; WIU88–Towson, Maryland; WIU89–Perryman, Maryland; WIU90–North East, Maryland; WIU91–Chester, Pennsylvania; WOG70–Roxborough, Pennsylvania; WIU92–Philadelphia, Pennsylvania; WOG 71–Plumsteadville, Pennsylvania; WOG72–Neshanic, New Jersey; WIU95–South Amboy, New Jersey; WIU98–55 Water Street, New York City;

2008–CF–AP/AL–(53)–75, MCI–New York West, Inc. Consent to Assignment of Radio Station Construction Permit and Assignment of Radio Station Licenses from MCI–New York West, Inc. Assignor to MCI New York West, Inc. Assignee for stations: WIL70–Chicago, Illinois; WLI71–Chicago South, Illinois; WLI72–Hammond, Indiana; WLI73–Gary, Indiana; WLI74–Portage, Indiana; WLI75–Pinola, Indiana; WLI76–New Buffalo, Michigan; WLI77–Buchanan, Michigan; WLI78–South Bend, Indiana; WIL79–Vandalia, Michigan; WLI80–Leonidas, Michigan; WLI81–South Butler, Michigan; WLI82–Vandercook, Michigan; WLI83–Bridgewater, Michigan; WLI84–Petersburg, Michigan; WLI85–Toledo, Ohio–WLI86–Scotch Ridge, Ohio; WLI87–Bascom, Ohio; WLI88–Lykens, Ohio; WLI89–Shelby, Ohio; WLI90–New London, Ohio; WLI91–Chatham, Ohio; WLI92–North Royalton, Ohio; WLI93–Cleveland, Ohio; WLI94–Bainbridge, Ohio; WLI95–Huntsburg, Ohio; WLI96–Jefferson, WLI98–Hickernell, Pennsylvania; WLI99–Erie South, Pennsylvania; WLJ20–Erie, Penn.; WLJ21–Hartford, Ohio; WLJ22–Poland Center, Ohio; WLJ23–Zelienople, Pennsylvania; WLJ24–Glenshaw, Pennsylvania; WLJ25–Pittsburgh, Pennsylvania; WLJ26–Delmont, Pennsylvania; WLJ27–Boswell, Pennsylvania; WLJ28–Reels Corner, Pennsylvania; WLJ 29–Martinsburg, Pennsylvania; WLJ30–Butler Knob, Pennsylvania; WLJ31–Roxbury, Pennsylvania; WLJ–Mount Holly, Pennsylvania; WLJ33–Hershey, Pennsylvania; WLJ34–Womelsdorf, Pennsylvania; WLJ35–Boyertown, Pennsylvania; WLJ36–Spinnerstown, Pennsylvania; WLJ 37–Kingwood, New Jersey; WLJ38–Middle Valley, New Jersey; WLJ39–West Orange, New Jersey; WLJ40–Newark, New Jersey; WLJ41–55 Water Street, New York, New York; WLJ42–1301 Avenue of the Americas, New York, New York; WQQ46–Roxborough, Pennsylvania.

2290–CF–P–75, Western Telecommunications, Inc., (WOI57), 4.5 Miles South of Elsinore (Riverside) California. Lat. 33°36'09" N., Long. 117°20'33" W. C.P. to change frequency 6093.5V MHz to 6026.7V MHz toward Santa Catalina Island, California on azimuth 254°08'.

2326–CF–P–75, Same (WOI58), 2.5 Miles WNW of Avalon (Los Angeles) California Lat. 33°21'21" N., Long. 118°21'50" W. C.P. to change frequencies 6345.5H MHz to 6278.8H MHz toward Elsinore Peak on azimuth 73°34' and 6241.7H MHz to 6301.0H MHz toward Saddle Peak, Calif. on azimuth 341°12'.

2327–CF–P–75, Western Tele-Communications, Inc. (WOI59), 3.5 Miles NNE of Malibu Beach (Los Angeles) California. Lat. 34°04'32" N., Long. 118°39'30" W. C.P. to change frequency 5989.7H MHz to 6167.6H MHz toward Santa Catalina Island, California on azimuth 161°03'.

2302–CF–MP–75, N-Triple-C, Inc. (WOI36), 1.5 Miles North of Aubry, Texas. Lat. 33°19'28" N., Long. 96°59'20" W. Mod. C.P. to change point of communication on frequency 5974.8V MHz from Dallas, Texas to Stony, Texas on azimuth 257°22'.

2302–CF–P–75, MCI Telecommunications Corporation (WPE20), 5.0 Miles NE of Stony, Texas. Lat. 33°16'03" N., Long. 97°17'14" W. C.P. to add point of communication on frequency 6226.9V MHz toward Aubrey, Texas on azimuth 77°02'.

2368–CF–MP–75, Southern Pacific Communications Company (WAS397), Lat. 41°26'46" N., Long. 81°30'17" W. Mod. C.P. to add frequency 6226.9H MHz toward Suffield, Ohio on azimuth 160°28'.

2369–CF–P–75, Same (New) 2.2 Miles NE of Suffield, Ohio. Lat. 41°02'39" N., Long. 81°18'59" W. C.P. for a new station on frequency 6286.2H MHz toward Salem, Ohio on azimuth 119°17' and frequency 6226.9H MHz toward Warrensville, Ohio on azimuth 340°36'.

2370–CF–P–75, Same (New), 2.4 Miles South of Salem, Ohio. Lat. 40°51'15" N., Long. 80°52'20" W. C.P. for a new station on frequencies 5974.8H MHz toward Georgetown, Ohio on azimuth 127°05' and 6063.8V MHz toward Suffield, Ohio on azimuth 299°35'.

2371–CF–P–75, Same (new), 1.2 Miles SSE of Georgetown, Pennsylvania, Lat. 40°37'44" N., Long. 80°28'56" W. C.P. for a new station on frequencies 6226.9H MHz toward Thompsonville, Pennsylvania on azimuth 140°42' and 6226.9H MHz toward Salem, Pennsylvania on azimuth 307°20'.

2372–CF–P–75, Same (new), 0.9 Mile West of Thompsonville, Pennsylvania. Lat. 40°17'37" N., Long. 80°07'28" W. C.P. for a new station on frequencies 5974.8 MHz toward Arona, Pennsylvania on azimuth 89°20' and 5974.8H MHz toward Georgetown, Pennsylvania on azimuth 320°56'.

2373–CF–P–75, Same (new), 2.1 Miles South of Jeanette, Pennsylvania. Lat. 40°17'49" N., Long. 79°37'22" W. C.P. for a new station on frequencies 6226.9H MHz toward Waterford, Pennsylvania on azimuth 94°00' and 6226.9H MHz toward Thompsonville, Pennsylvania on azimuth 296°40'.

2374–CF–P–75, Southern Pacific Communications Company (new), 2 Miles SE of Rachelwood, Pennsylvania. Lat. 40°16'00" N., Long. 79°04'55" W. C.P. for a new station on frequencies 5974.8H MHz toward Roxbury, Pennsylvania on azimuth 151°48' and 5974.8H MHz toward Arona, Pennsylvania on azimuth 274°22'.

2375–CF–P–75, Same (new), 2.7 Miles SE of Downey, Pennsylvania. Lat. 39°56'09" N., Long. 78°51'06" W. C.P. for a new station on frequencies 6256.5V MHz toward Saluvia, Pennsylvania on azimuth 81°55' and 6226.9H MHz toward Waterford, Pennsylvania on azimuth 331°57'.

2376–CF–P–75, Same (new), 5.5 Miles NE of Crystal Springs, Pennsylvania. Lat. 40°00'39" N., Long. 78°08'43" W. C.P. for a new station on frequencies 5974.8V MHz toward Edenville, Pennsylvania on azimuth 93°37' and 5974.8V MHz toward Roxbury, Pennsylvania on azimuth 282°22'.

2377–CF–P–75, Same (new), 2.5 Miles Northwest of Edenville, Pennsylvania. Lat. 39°59'39" N., Long. 77°48'46" W. C.P. for a new station on frequencies 6197.2H MHz toward Pen Mar Park, Maryland on azi- Saluvia, Pennsylvania on azimuth 272° 50'.

2378–CF–P–75, Same (new), 1.5 Miles SSE of Pen Mar Park, Maryland. Lat. 39°41'47" N., Long. 77°30'46" W. C.P. for a new station on frequencies 6034.2H MHz toward Cooksville, Maryland on azimuth 134°54' and 5974.8H MHz toward Edenville, Pennsylvania on azimuth 322°16'.

2379–CF–P–75, Same (new), 0.3 Mile Southwest of Cooksville, Maryland. Lat. 39°19'-08" N., Long. 77°01'35" W. C.P. for a new station on frequencies 6315.9H MHz toward Reistertown, Maryland on azimuth 59°38' and 6315.9H MHz toward Pen Mar Park, Maryland on azimuth 315°13'.

2380–CF–P–75, Same (new), 0.7 Mile East of Intersection of Green Spring Ave. and Ridge Road, Reistertown, Maryland. Lat. 39°27'32" N., Long. 76°43'02" W. C.P. for a new station on frequencies 6063.8H MHz toward Cooksville, Maryland on azimuth 239°50' and 5974.8V MHz toward Crownsville, Maryland on azimuth 170°15'; 6034.8H MHz toward Shawsville, Maryland on azimuth 31°28' and 2121.8V MHz toward Baltimore, Maryland on azimuth 154°41'.

2381–CF–MP–75, Same (WAH560), Mount Darby, Massachusetts, 3.0 Miles Southwest of South Egremont, Massachusetts. Lat. 42°08'00" N., Long. 73°27'23" W. C.P. Mod. C.P. to add frequency 6286.2 MHz toward new point of communication at Shaupeneak, New York on azimuth 233°54'.

2382–CF–P–75, Southern Pacific Communication Company (new), Shaupeneak, New York, 5.5 Miles South of Kingston, New York. Lat. 41°50'28" N., Long. 73°59'27" W. C.P. for a new station on frequencies 6004.5V MHz toward Mountain Lodge, New York on azimuth 193°21' and 5974.8H MHz toward Mount Darby, Massachusetts on azimuth 53°32'.

2383–CF–P–75, Same (new), 2.5 Miles Northwest of Mahwah, New Jersey. Lat. 41°07'-17" N., Long. 74°11'24" W. C.P. for a new station on frequencies 5945.2H MHz toward Sparta, New Jersey on azimuth 250°07' and 6063.8H MHz toward Jersey City, New Jersey on azimuth 168°34' and 5945.2V MHz toward Mountain Lodge, New York on azimuth 8°54'.

2384–CF–P–75, Same (new), Mountain Lodge, New York. 4.0 Miles Northeast of Monroe, New York. Lat. 41°22'41" N., Long. 74°08'-12" W. C.P. for a new station on frequencies 6197.2H MHz toward Mahwah, New Jersey on azimuth 188°56' and 6286.2V MHz toward Shaupeneak, New York on azimuth 13°15'.

2385–CP–MP–75, Same (WAH394), 416 Duncan Avenue, Jersey City, New Jersey. Lat. 40°43'58" N., Long. 74°05'12" W. Mod. C.P. to add frequency 6345.5H MHz toward new point of communication at Mahwah, New Jersey on azimuth 348°38'.

2386–CF–P–75, Same (new), 2.5 miles Northwest of Mahwah, New Jersey. Lat. 41°07' 17" N., Long. 74°11'24" W. C.P. for a new station on frequencies 5945.2H MHz toward Sparta, New Jersey on azimuth 250°07' and 6063.8H MHz toward Jersey City, New Jersey on azimuth 168°34'.

2387–CF–P–75, Same (new), 2.9 Miles Southeast of Sparta, New Jersey. Lat. 41°00'36" N., Long. 74°35'39" W. C.P. for a new station on frequencies 6197.2H MHz toward Montana, New Jersey on azimuth 236°02' and 6197.2H MHz toward Mahwah, New Jersey on azimuth 69°52'.

2388–CF–P–75, Same (new), 0.2 Miles Northeast of intersection of Hartman Drive and Summerfield Road, Montana, Harmony Township, New Jersey. Lat. 40°46'11" N., Long. 75°03'41" W. C.P. for a new station on frequencies 6063.8H MHz toward Palmerton, Pennsylvania on azimuth 271°42' and 5974.8H toward Sparta, New Jersey, on azimuth 55°43'.

2389–CF–P–75, Same (new), 2.3 Miles Southwest of Palmerton, Pennsylvania. Lat. 40° 46'53" N., Long. 75°38'35" W. C.P. for a new station on frequencies 6315.9V MHz toward Bernville, Pennsylvania on azimuth 225°50' and 6315.9H toward Montana, New Jersey on azimuth 91°19'.

2390–CF–P–75, Southern Pacific Communications Company (new), 3.6 Miles Northeast of Bernville, Pennsylvania. Lat. 40°28'10" N., Long. 76°03'45" W. C.P. for a new station on frequencies 6063.8H MHz toward Honey Brook, Pennsylvania on azimuth 157°28' and 6034.2V MHz toward Palmerton, Pennsylvania on azimuth 45°33'.

2391–CF–P–75 (new), Centre Square (West Tower) 1500 Market Street, Philadelphia, Pennsylvania. Lat. 39°57'08" N., Long. 75° 10'02" W. C.P. for a new station on frequency 11445.0V MHz toward Ivy Hill, Pennsylvania on azimuth 355°09'.

2392–CF–P–75, Same (new), Mermaid Lane Near Wyndmoor, Ivy Hill, Pennsylvania. Lat. 40°04'58" N., Long. 75°10'54" W. C.P. for a new station on frequencies 10715.0V MHz toward Philadelphia, Pennsylvania on azimuth 175°08' and 6004.5V MHz toward Honey Brook, Pennsylvania on azimuth 275°11'.

2393–CF–P–75, Same (new), 2.9 miles Northeast of Honey Brook, Pennsylvania. Lat. 40°07'45" N., Long. 75°52'43" W. C.P. for a new station on frequencies 6286.2V MHz toward Ivy Hill, Pennsylvania on azimuth 94°44' and 6345.5H MHz toward Bernville, Pennsylvania on azimuth 337°35' and 6286.2V MHz toward Quarryville, Pennsylvania on azimuth 229°48'.

2394–CF–P–75, Same (new), Rawlinsville Avenue, 1.5 miles Northwest of intersection of Routes #272 and #372, Quarryville, Pennsylvania. Lat. 39°53'10" N., Long. 76° 15'02" W. C.P. for a new station on frequencies 6004.5V MHz toward Shawsville, Maryland on azimuth 225°55' and 6034.2V MHz toward Honey Brook, Pennsylvania on azimuth 49°34'.

2395–CF–P–75, Same (new), 0.8 Mile Northwest of Junction of Routes #439 and #23, Shawsville, Maryland. Lat. 39°39'00" N., Long. 76°33'57" W. C.P. for a new station on frequencies 6286.2H MHz toward Reisterstown, Maryland on azimuth 211°34' and 6226.9V MHz toward Quarryville, Pennsylvania on azimuth 45°41'.

2396–CF–P–75, Same (new), 201 North Charles Street, Baltimore, Maryland. Lat. 39°17'39" N., Long 76°36'55" W. C.P. for a new station on frequency 2171.8V MHz toward Reisterstown, Maryland on azimuth 334°45'.

2397–CF–P–75, Same (new), 0.7 Mile East of intersection of Green Spring Avenue and Ridge Road, Reisterstown, Maryland. Lat. 39°27'32" N., Long. 76°43'02" W. C.P. for a new station on frequencies 5945.2H MHz toward Crownsville, Maryland on azimuth 170°15' and 6034.2H MHz toward Shawsville, Maryland on azimuth 31°28' and 2121.8V MHz toward Baltimore, Maryland on azimuth 154°41'.

2398–CF–P–75, Southern Pacific Communications Company (new), Southern end of Bacon Ridge Road, Crownsville, Maryland. Lat. 39°01'27" N., Long. 76°37'17" W. C.P. for a new station on frequencies 6226.-9V MHz toward Landover, Maryland on azimuth 245°16' and 6226.9H MHz toward Reisterstown, Maryland on azimuth 350° 18'.

2399–CF–P–75, Same (new), 7600 Preston Drive, Landover, Maryland. Lat. 38°56'15" N., Long. 76°51'42" W. C.P. for a new station on frequencies 6004.5V MHz toward Washington, D.C. on azimuth 256°15' and 5974.8H MHz toward Crownsville, Maryland on azimuth 65°07'.

2400–CF–P–75, Same (new), 1801 K Street NW., Washington, D.C. Lat. 38°54'10" N., Long. 77°02'33" W. C.P. for a new station on frequency 6256.5V MHz toward Landover, Maryland on azimuth 76°08'.

2401–CF–P/ML–75, Same (KFF67), Southland Life Building, Dallas, Texas. Lat. 32° 47'06" N., Long 96°47'41" W. C.P. and Mod. of License to change azimuth 348°59' to 349°09' toward Lewisville, Texas.

2402–CF–P/ML–75, Same (WOE82), 2 Miles South of Miami, Oklahoma. Lat. 36°50'06" N., Long. 94°53'15" W. C.P. and Mod. of License to correct coordinates to those shown above and to change azimuth to 256°21' toward Centralia and 64°42' toward Joplin, Oklahoma.

2403–CF–P/ML–75, Same (WOF52), 1.3 Miles North of McKiddyville, Oklahoma. Lat. 35°-06'08" N., Long. 97°11'56" W. C.P. and Mod. of License to correct station location to that shown above.

2404–CF–P/ML–75, Same (WPF34), ½ Mile North of High Ridge, Missouri. Lat. 38°28'-2" N., Long. 90°32'18" W. C.P. and Mod. of License to correct station location to that shown above.

2405–CF–P/ML–75, Same (WPF41), 4 Miles South of Centralia, Oklahoma, Lat. 36°44'-30" N., Long. 95°21'36" W. C.P. and Mod. of License to correct coordinates to those shown above and to change the azimuth to 254°37' toward Nowata, Oklahoma and 76°04' toward Miami, Oklahoma.

2406–CF–P/ML–75, Same (WPX50), 522 South Boston, Oklahoma. Lat. 36°09'03" No., Long. 95°59'19" W. C.P. and Mod. of License to correct the coordinates and station location as shown above.

2407–CF–P/ML–75, Same (WPX51), 2.5 Miles North of Sand Springs, Oklahoma. Lat. 36°11'16" N., Long. 96°06'06" W. C.P. and Mod. of License to correct station location to that shown above and to correct azimuth toward Shamrock, Oklahoma to 237°23'.

2408–CF–P/ML–75, Southern Pacific Communications Company (WPX52), 3.2 Miles NNE of Shamrock, Oklahoma, Lat. 35°57'-02" N., Long. 96°33'21" W. C.P. and Mod. of License to correct coordinates to that shown above and to change azimuth toward Sand Springs, Oklahoma to 57°07'.

2409–CF–P/ML–75, Same (WPX53), 1 Mile Southwest of Carney, Oklahoma. Lat. 35°-47'54" N., Long. 97°01'39" W. C.P. and Mod. of License to correct station location to that shown above.

2410–CF–P/ML–75, Same (WPX54), 2.7 Miles Southwest of Woods, Oklahoma. Lat. 35°-24'59" N., Long. 97°14'26" W. C.P. and Mod. of License to correct coordinates to those shown above and to correct azimuth toward McKiddyville, Oklahoma to 173°-47'.

2411–CF–P/ML–75, Same (WPX55), Oklahoma City, Oklahoma. Lat. 35°28'01" N., Long. 97°30'59" W. C.P. and Mod. of License to correct coordinates to those shown above and to change azimuth toward Woods, Oklahoma to 102°32'.

2412–CF–P/ML–75, Same (WPX56), 3 Miles West of Byars, Oklahoma. Lat. 34°52'55" N., Long. 97°06'13" W. C.P. and Mod. of License to correct coordinates to those shown above.

2413–CF–P/ML–75, Same (WPX57), 1 Mile North of Scullin, Oklahoma. Lat. 34°32'11" N., Long. 96°51'41" W. C.P. and Mod. of License to correct coordinates to those shown above and to correct azimuth toward Mannsville, Oklahoma to 183°25' and 330°00' toward Byers, Oklahoma.

2114–CF–P/ML–75, Same (WPX58), 3 Miles West of Mannsville, Oklahoma. Lat. 34°-08'28" N., Long. 96°53'23" W. C.P. and Mod. of License to correct coordinates to those shown above and to change azimuth to 212°50' toward Thackerville, Oklahoma and 3°24' toward Scullin, Oklahoma.

2115–CF–P/ML–75 Same (WPX59), 3.5 Miles Northeast of Thackerville, Oklahoma, Lat. 33°50'21" N., Long. ! °07'23" W. C. P. and Mod. of License to correct station location to that shown above.

2116–CF–P/ML–75, Same (WPX60), 1.2 Miles Southwest of Mountain Springs, Texas. Lat. 33°26'29" N., Long. 97°03'47" W. C.P. and Mod. of License to correct coordinates to those shown above and to change azimuth toward Lewisville, Texas to 157°47' and 352°11' toward Thackerville.

2117–CF–P/ML–75, Southern Pacific Communications Company (WPX61), 3 Miles East of Lewisville, Texas. Lat. 33°02'29 N., Long. 96°51'11" W. C.P. and Mod. of License to correct coordinates to those shown above and to correct azimuth toward Dallas SLB to 169°07' and 337°54' toward Mountain Springs, Texas.

2119–CF–P/ML–75, Same (WQR82), 1 Mile North of Grey Summit, Missouri. Lat. 38°30'29" N., Long. 90°48'29" W. C.P. and Mod. of License to correct coordinates as those shown above and to correct azimuth toward High Ridge, Missouri to 99°22'.

2420–CF–P/ML–75, Same (WQR83), 2 Miles East of Wayneville, Missouri. Lat. 37°-49'19" N., Long. 92°14'16" W. C.P. and Mod. of License to correct coordinates to those shown above and to change azimuth toward Lebanon, Missouri to 253°20' and 68°07" toward Rolla, Missouri.

2421–CF–P/ML–75, Same (WQR85), 6 Miles Southeast of Joplin, Missouri. Lat. 37°-01'00" N., Long. 94°24'20" W. C.P. and Mod. of License to correct coordinates to those shown above and to change azimuth toward Miami, Oklahoma to 244°60' and 64°56' toward Phelps, Missouri.

2422–CF–P/ML–75, Same (WQR86), 6 Miles Southwest of Nowata, Oklahoma. Lat. 36°39'21" N., Long. 95°44'39" W. C.P. and Mod. of License to correct coordinates as those shown above and to change azimuth toward Avant, Oklahoma to 229°56' and 74°23' toward Centralia, Oklahoma.

2423–CF–P/ML–75, Same (WQR87), 4 Miles South of Avant, Oklahoma. Lat. 36°26'27" N., Long. 96°03'36" W. C.P and Mod. of License to correct coordinates to those shown above and to change azimuth toward Sand Springs, Oklahoma to 187°36' and 49°45' toward Nowata, Oklahoma.

2424–CF–P/ML–75, Same (WSM56), 6 Miles West of Union, Missouri. Lat. 38°23'39" N., Long. 91°06'24" W. C.P. and Mod. of License to correct azimuth toward Belle, Missouri to 64°02' and 257°47' toward Belle, Missouri.

2425–CF–P/ML–75, Same (WSM57), 2 Miles East of Belle, Missouri. Lat. 38°17'31" N., Long. 91°41'49" W. C.P. and Mod. License to correct station location to that shown above and to correct coordinates; and to change azimuth to 191°56' toward Rolla, Missouri, and 77°25' toward Union, Missouri.

2426–CF–P/ML–75, Same (WSM58), 5 Miles North of Rolla, Missouri. Lat. 37°57'55" N., Long. 91°47'03" W. C.P. and Mod. of License to correct station location and to correct coordinates to those shown above; and to change azimuth toward Belle, Missouri to 11°53'.

2427–CF–P/ML–75, Southern Pacific Communications Company (WSM59), 2 Miles Northwest of Lebanon, Missouri. Lat. 37°-42'29" N., Long. 92°42'45" W. C.P. and Mod. of License to correct station location, coordinates and azimuth toward Marshfield, Missouri to 200°55' and 73°02' toward Wayneville, Missouri.

2428–CF–P/ML–75, Same (WSM62), ¼ Mile South of Marshfield, Missouri. Lat. 37°19'-32" N., Long. 92°53'44" W. C.P. and Mod. of License to correct station location, coordinates and azimuth 243°25' toward Springfield, Missouri and 20°49' toward Lebanon, Missouri.

2451–CF–P–75, N-Triple-C, Inc., 1.0 Mile WSW of Sherburn, Minnesota (WOH28), Lat. 43°38'43" N., Long. 94°44'45" C.P. to correct coordinates to those shown above; and to change azimuth toward Winnebago, Minnesota to 73°34' and 242°33' toward Spirit Lake, Iowa.

2452–CF–P–75, Same (WOH30), 5.0 Miles WSW of Worthington, Minnesota. Lat. 43°-36'08" N., Long. 95°42'14" W. C.P. to correct coordinates to those shown above; and to change azimuth toward Spirit Lake, Iowa toward 107°30' and 287°15' toward Luverne, Minnesota.

2453–CF–P–75, Same (WOH38), 1.5 Miles South of Sioux Falls, South Dakota. Lat. 43°29'12" N., Long. 96°44'13" W. C.P. to correct coordinates to those shown above and to correct azimuth toward Luverne, Minnesota to 57°44'; and toward Beresford, South Dakota to 183°36'.

2455–CF–P–75, Same (WOH34), 5.5 Miles East of Vermillion, South Dakota. Lat. 42°47'-12" N., Long. 96°49'13" W. C.P. to correct coordinates to those shown above and to correct azimuth toward Beresford, South Dakota to 6°10' and toward Sioux City, Iowa to 134°06'.

2456–CF–P–75, Same (WOH35), 0.2 Mile NE of Military Road and Berry Street Intersection, Sioux City, Iowa. Lat. 42°31'15" N., Long. 96°27'01" W. C.P. to correct coordinates to those shown above and to correct azimuth toward Vermillion, South Dakota to 314°21' and toward Decatur, Nebraska to 172°58'.

2457–CF–P–75, Same (WOH43), 18th and Farnham, Omaha, Nebraska. Lat. 41°15'-30" N., Long. 95°56'20" W. C.P. to correct coordinates to those shown above.

2458–CF–P–75, Same (WPF88), 1.7 Miles North of Magnolia, Magnolia, Iowa. Lat. 41°43'16" N., Long. 95°52'32" W. C.P. to correct coordinates to those shown above and to correct azimuth toward Decatur, Nebraska to 308°16' and toward Omaha, Nebraska to 185°54'.

2365–CF–P–75, RCA Alaska Communicatons, Inc. (new), Hill 3870, approximately 32 Miles NW. of Nome, Alaska. Lat. 64°54'06" N., Long. 166°04'44" W. C.P. for a new station on frequency 2162.4V MHz toward Anvil Mountain, Alaska on azimuth 137°-44'; frequency 2167.2H MHz toward Port Clarence, Alaska on azimuth 315°54'.

2366–CF–P–75, Same (new), Port Clarence, 15 Miles West of Teller, Alaska. Lat. 65°14'-37" N., Long. 166°52'26" W. C.P. for a new station on frequency 2117.2H MHz toward Hill 3870, Alaska on azimuth 135°11'; frequency 2122.0V MHz via Passive Reflector toward Tin City, Alaska on azimuth 119°00'.

2367–CF–P–75, Same (new), Anvil Mountain, White Alice Site near Nome, Alaska. Lat. 64°33'52" N., Long. 165°22'11" W. C.P. for a new station on frequency 2112.4V MHz toward Hill 3870, Alaska on azimuth 318°-22'.

2462–CF–ML–75, New Jersey Bell Telephone Company (KEK94), 114 Paterson Street, Paterson, New Jersey. Lat. 40°55'12" N., Long. 74°10'09" W. Mod. of License to change polarization from Horizontal to Vertical on 10715 MHz toward Wayne Twp., New Jersey on azimuth 311°27'.

Corrections

2109–CF–P–75, Munising Telephone Company, (new). Correct entry to read: C.P. for a new station on 2166.5V MHz (Rest same as reported on Public Notice No. 736, dated January 13, 1975).

[FR Doc.75-3231 Filed 2-4-75;8:45 am]

[Docket Nos. 20235, 20236; Files Nos. 234-A-L-84 13-A-RL-94]

CITY OF EUGENE, OREG. AND McKENZIE FLYING SERVICE INC.

Order Designating Applications for Consolidated Hearing on Stated Issues

In re applications of City of Eugene, Oregon, Eugene, Oregon, Docket No. 20235, File No. 234-A-L-84; and McKenzie Flying Service, Inc., Eugene, Oregon, 97402, Docket No. 20236, File No. 13-A-RL-94; for aeronautical advisory station to serve Mahlon Sweet Municipal Airport, Eugene, Oregon.

1. The Commission's rules § 87.251 (a)) provide that only one aeronautical advisory station may be authorized to operate at a landing area. The above-captioned applications both seek Commission authority to operate an aeronautical advisory station at Mahlon Sweet Municipal Airport, Eugene, Oregon, and therefore, are mutually exclusive. Accordingly, it is necessary to designate the applications for hearing. Except for the issues specified herein, each applicant is otherwise qualified.

2. In view of the foregoing, *it is ordered*, That, pursuant to the provisions of section 309(e) of the Communications Act of 1934, as amended, and § 0.331(b)(21) of the Commission's rules, the above-captioned applications are hereby designated for hearing in a consolidated proceeding at a time and place to be specified in a subsequent Order on the following issues:

(a) To determine which applicant would provide the public with better aeronautical advisory service based on the following considerations:

(1) Location of the proposed radio station in relation to the landing area and traffic patterns;

(2) Hours of operation;

(3) Personnel available to provide advisory service;

(4) Experience of applicant and employees in aviation and aviation communications;

(5) Ability to provide information pertaining to primary and secondary communications as specified in § 87.257 of the Commission's rules.

(6) Proposed radio system including control and dispatch points; and

(7) The availability of the radio facilities to other fixed-base operators.

(b) To determine in light of the evidence adduced on the foregoing issues which, if either, of the applications should be granted.

3. *It is further ordered*, That to avail themselves of an opportunity to be heard, City of Eugene, Oregon and McKenzie Flying Service, Inc., 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 set for hearing and present evidence on the issues specified in this Order. Failure to file a written appearance within the time specified may result in dismissal of the application with prejudice.

Adopted: January 27, 1975.

Released: January 30, 1975.

[SEAL]

CHARLES A. HIGGINBOTHAM,
Chief, Safety and Special Radio Services Bureau.

[FR Doc.75-3229 Filed 2-4-75;8:45 am]

STANDARD BROADCAST APPLICATIONS READY AND AVAILABLE FOR PROCESSING

Notice is hereby given, pursuant to § 1.571(c) of the Commission's rules, that on March 12, 1975, the standard broadcast applications listed in the attached Appendix will be considered as ready and available for processing. Pursuant to § 1.227(b)(1) and § 1.591(b) of the Commission's rules, an application, in order to be considered with any application appearing on the attached list or with any other application on file by the close of business on March 11, 1975, which involves a conflict necessitating a hearing with any application on this list, must be substantially complete and tendered for filing at the offices of the Commission in Washington, D.C., by the close of business on March 11, 1975. The attention of prospective applicants is directed to the fact that some contemplated proposals may not be eligible for consideration with an application appearing below by reason of conflicts between the listed applications and applications appearing in previous notices published pursuant to § 1.571(c) of the Commission's rules.

The attention of any party in interest desiring to file pleadings concerning any pending standard broadcast applications, pursuant to section 309(d)(1) of the Communications Act of 1934, as amended, is directed to § 1.580(i) of the Commission's rules for provisions governing the time for filing and other requirements relating to such pleadings.

Adopted: January 24, 1975.

Released: January 29, 1975.

FEDERAL COMMUNICATIONS COMMISSION,

[SEAL] VINCENT J. MULLINS,
Secretary.

BP-19728	New, Franklin, N.C. Joe M. Henry, doing business as Mountain Broadcasting Co. Req: 1480 kHz, 5 kW, D.
BP-19759	New, Monterey, Tenn. Edward M. Johnson, doing business as Monterey Broadcasting Co. Req: 1420 kHz, 1 kW, D.
BP-19799	KLYQ, Hamilton, Mont. Bitter Root Broadcasting Co. Has: 980 kHz, 1 kW, D. Req: 1240 kHz, 250 W, 1 kW-LS, U.
BP-19803	New, Middleborough Center, Mass. Middleborough Broadcasters, Inc. Req: 1070 kHz, 500 W, DA, D.
BP-19809	New, Lykens, Pa. Quinn Broadcasting, Inc. Req: 1290 kHz, 500 W, D.
BP-19819	New, Elkton, Ky. Todd County Enterprises, Inc. Req: 1070 kHz, 250 W, D.
BP-19820	New, Alexander City, Ala. Kowaliga Broadcasting, Inc. Req: 1590 kHz, 1 kW, D.
BP-19828	WFTN, Franklin, N.H. Northeast Communications Corp. Has: 1240 kHz, 250 W, U. Req: 1240 kHz, 250 W, 1 kW-LS, U.

[FR Doc.75-3230 Filed 2-4-75;8:45 am]

FEDERAL ENERGY ADMINISTRATION

TRANSFER PRICING REPORT

Availability of Form

Notice is hereby given that the Federal Energy Administration has available and has mailed to certain refineries Form FEA-F701-M-O (Transfer Pricing Report). This form requires the reporting, pursuant to 10 CFR 212.84(i), of crude oil prices obtaining in transactions between affiliated entities and in transactions between non-affiliated entities and also requires the provision to the FEA of data necessary for the FEA to execute its role in monitoring certain U.S. and world petroleum costs and prices.

A refiner which imports at least 500,000 barrels of crude oil during the month or a refiner which imports crude oil from an affiliated entity during the month must file a Form FEA-F701-M-O for that month. Forms for the month of May 1973 and for the months of October 1973 through December 1974 must be filed within 45 days of their receipt. Reports for the months of January 1975 and February 1975 must be filed by March 15, 1975 and by April 15, 1975, respectively. Beginning with March 1975, Form FEA-F701-M-O is required to be filed by the thirtieth day of each month following the month of measurement.

If you are required to file Form FEA-F701-M-O and are not listed in the Appendix hereto, please contact the Federal Energy Administration, Code 2897, Washington, D.C. 20461, or telephone (202) 961-8033 to obtain copies of the forms.

Dated: January 31, 1975.

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

APPENDIX

The following is a list of firms to which the Federal Energy Administration mailed copies of Form FEA-F701-M-O:

Amerada Hess Corp.
American Petrofina, Inc.
Ashland Oil, Inc.
Atlantic Richfield Co.
Champlin Petroleum Corp.
Cities Service Co.
Clark Oil and Refining Corp.
Coastal States Petrochemical
Commonwealth Oil Refining Co.
Continental Oil Co.

Exxon Corp.
Getty Oil Co.
Guam Oil and Refining Co.
Gulf Oil Corp.
Kerr-McGee Corp.
Koch Industries, Inc.
Marathon Oil Co.
Mobil Oil Corp.
Murphy Oil Corp.
Phillips Petroleum Co.
Shell Oil Co.
Skelly Oil Co.
Standard Oil Co. of California
Standard Oil Co. (Indiana)
Standard Oil Co. (Ohio)
Sun Oil Co.
Tenneco Oil Co.
Texaco Inc.
Total Leonard, Inc.
Union Oil Co. of California
United Refining Co.

[FR Doc.75-3265 Filed 2-4-75;8:45 am]

TRANS-ALASKA PIPELINE

Priorities Assistance for Construction

CROSS REFERENCE: For a document on the above subject issued jointly by the Federal Energy Administration and the General Services Administration, see FR Doc. 75-3360, General Services Administration, *infra*.

FEDERAL POWER COMMISSION

[Docket No. RP74-92]

ALGONQUIN GAS TRANSMISSION CO.

Rate Change Pursuant To Purchased Gas Cost Adjustment Provisions

JANUARY 27, 1975.

Take notice that Algonquin Gas Transmission Company (Algonquin Gas), on January 16, 1975 tendered for filing Fourth Revised Sheet No. 10 to its FPC Gas Tariff, First Revised Volume No. 1.

This tariff sheet is being filed pursuant to Algonquin Gas' Purchased Gas Cost Adjustment Provision set forth in Section 17 of the General Terms and Conditions of its FPC Gas Tariff, First Revised Volume No. 1. The rate adjustment, amounting to an increase of 0.20¢ per MMBtu in Algonquin Gas' sales rates under applicable rate schedules, is being filed to amortize the balance in Algonquin Gas' Unrecovered Purchased Gas Cost Account.

The proposed effective date of the revised tariff sheet is March 1, 1975.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with §§ 1.8, 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 wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-3236 Filed 2-4-75;8:45 am]

EAST TENNESSEE NATURAL GAS CO.

Revised Tariff Sheets

JANUARY 29, 1975.

Take notice that on January 24, 1975, East Tennessee Natural Gas Company (East Tennessee) tendered for filing Third Revised Sheet Nos. 83 and 84 to Sixth Revised Volume No. 1 of its FPC Gas Tariff.

East Tennessee states that the revised tariff sheets reflect the current status of its Index of Purchasers and propose an effective date of March 1, 1975.

East Tennessee further states that copies of the filing have been mailed to all of its jurisdictional customers and interested State Commissions.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before February 14, 1975. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-3237 Filed 2-4-75;8:45 am]

[Dockets Nos. RP74-22, RP74-23]

EL PASO NATURAL GAS CO. ET AL.

Extension of Time

JANUARY 28, 1975.

On January 21, 1975, El Paso Natural Gas Company filed a motion in Docket No. RP74-22 and on January 21, 1975, Northwest Pipeline Corporation filed a motion in Docket No. RP74-23, to extend the dates for filing briefs on exceptions and briefs opposing exceptions to the initial decision of the Presiding Administrative Law Judge issued August 28, 1974. The California Public Utilities Commission objects to the extension. All other parties have been notified and have no objection.

Upon consideration, notice is hereby given that the date for filing briefs on exceptions is extended to February 28, 1975, and the date for filing briefs opposing exceptions is extended to March 20, 1975.

Mary B. KIDD,
Acting Secretary.

[FR Doc.75-3238 Filed 2-4-75;8:45 am]

[Docket No. CP70-289]

INTER-CITY MINNESOTA PIPELINES, LTD., INC.

Supplement and Amendment to Petition To Amend

JANUARY 29, 1975.

Take notice that on January 6, 1975, Inter-City Minnesota Pipelines, Ltd., Inc. (Inter-City), 1500 Richardson Building, 1 Lombard Place, Winnipeg 2, Manitoba, Canada, filed in Docket No. CP70-289 a supplement and amendment to a petition filed October 22, 1974,[1] to amend the order of the Commission issued pursuant to section 3 of the Natural Gas Act in said docket on August 10, 1970 (44 FPC 262), as amended September 26, 1973 (50 FPC 868). Inter-City supplements said petition to amend with amending agreements dated December 6, 1974, and December 9, 1974, between Inter-City and ICG Transmission Ltd., and Inter-City amends said petition to amend by requesting authorization to continue importation of natural gas from Canada at the increased rate of $1.00 (Canadian) per million Btu, all as more fully set forth in the supplement and amendment to petition to amend which is on file with the Commission and open to public inspection.

Inter-City states that the December 6, 1974, amending agreement provides for the purchase by Inter-City of additional quantities of natural gas at Sprague, Manitoba, and for an increase in prices to be paid for natural gas at Baudette, Minnesota, and Fort Frances, Ontario, occasioned by higher depreciation rates on Inter-City's facilities. Inter-City further states that the December 9, 1974, amending agreement provides for an increase in price to be paid by Inter-City for natural gas purchased at Sprague, Manitoba, and Fort Frances, Ontario, to $1.00 (Canadian) per million Btu.

Inter-City claims that the instant request to import gas at an increased rate, is necessitated by the actions of the Canadian Government which has instructed the National Energy Board to amend existing export licenses to establish a border export price of not less than nor greater than $1.00 (Canadian) per million Btu effective January 1, 1975.

Any person desiring to be heard or to make any protest with reference to said supplement and amendment to petition to amend should on or before February 18, 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

[1] Notice of the petition to amend was published in the FEDERAL REGISTER on November 18, 1974 (39 FR 40532).

become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules. Any person who has heretofore filed a protest or petition to intervene need not file again.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-3239 Filed 2-4-75;8:45 am]

[Docket No. E-9135]

MISSISSIPPI POWER CO.

Compliance Filing

JANUARY 29, 1975.

Take notice that Mississippi Power Company (Mississippi), on January 17, 1975, tendered for filing in this docket a fuel clause filed in compliance with the Commission's order dated December 31, 1975.

In its December 31, 1975, order the Commission rejected a fuel clause filed by Mississippi on November 29, 1974, on the basis that the proposed fuel clause reflected the total cost of economy purchases rather than reflecting only the cost of fuel included in such purchases as required by § 35.14(a)(1) of the Commission's regulations. The Commission's order rejected the tendered fuel clause without prejudice to Mississippi's right to file a revised fuel clause conforming with the regulations, or in the alternative, a revised fuel clause conforming to Order No. 517.

Mississippi's fuel clause tendered in its compliance filing was filed pursuant to Opinion No. 517. Mississippi requested the Commission to waive the 30-day notice requirements and grant a retroactive effective date of January 2, 1975.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure. All such petitions or protests should be filed on or before 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 wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-3240 Filed 2-4-75;8:45 am]

[Docket No. E-9220]

NORTHWESTERN PUBLIC SERVICE CO.

Notice of Application

JANUARY 29, 1975.

Take notice that on January 20, 1975, Northwestern Public Service Company (Applicant) filed an application pursuant to section 204 of the Federal Power Act, and Commission Regulations thereunder, seeking authorization to negotiate with at least three underwriters in separate transactions, regarding the proposed issuance and sale of (1) $15 million principal amount of First Mortgage Bonds; and (2) 30,000 shares of its Cumulative Preferred Stock, par value $100 per share, by negotiated sale.

Applicant seeks permission to negotiate with underwriters regarding the terms upon which the securities might be issued in order to determine whether application for exemption from the competitive bidding requirements of § 34.1a (a), (b) and (c) of the Commission's regulations under the Federal Power Act should be made. The Applicant represents that it has not engaged in any negotiations for the sale or underwriting of securities, and will not do so prior to receiving Commission authorization.

Applicant is incorporated under the laws of the State of Delaware and is qualified to do business in the States of North Dakota, South Dakota, and Nebraska, with its principal business office at Huron, South Dakota. Applicant is engaged in generating, transmitting, distributing and selling electric energy in the east central portion of South Dakota where it furnishes electric service in 108 communities and in distributing and selling natural gas in three Nebraska communities and in 24 communities in South Dakota.

Any person desiring to be heard or to make any protest with reference to said application should on or before February 14, 1975, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The application is on file with the Commission and available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-3241 Filed 2-4-75;8:45 am]

[Docket No. RP73-49]

SOUTH GEORGIA NATURAL GAS CO.

Revision To Tariff

JANUARY 27, 1975.

Take notice that on January 20, 1975, South Georgia Natural Gas Company (South Georgia) tendered for filing as part of Original Volume No. 1 to its FPC Gas Tariff the following second substitute revised tariff sheets:

Second Substitute Tenth Revised Sheet No. 3A.
Second Substitute Thirty-fifth Revised Sheet No. 5.
Second Substitute Thirty-Fourth Revised Sheet No. 6.
Second Substitute Twenty-Sixth Revised Sheet No. 9.
Second Substitute Twenty-Fifth Revised Sheet No. 11.
Second Substitute Twenty-Ninth Revised Sheet No. 12B.

South Georgia states that the above sheets represent a rate change under its PGA clause, such clause approved to become effective April 14, 1973, by Commission Order in FPC Docket No. RP73-49 issued April 13, 1973. The company further states that it proposes to increase its rates $475,608 for the purpose of tracking a second substitute rate increase filing made on January 16, 1975 by Southern Natural Gas Company (Southern). Such second substitute filing is in lieu of the filing made by Southern on December 20, 1974. The instant second substitute filing will increase South Georgia's cost of gas $760,070 annually. An effective date of January 1, 1975 is requested.

South Georgia also submitted the following alternate second substitute revised tariff sheets:

Alternate Second Substitute Tenth Revised Sheet No. 3A.
Atlernate Second Substitute Thirty-Fifth Revised Sheet No. 5.
Alternate Second Substitute Thirty-Fourth Revised Sheet No. 6.
Alternate Second Substitute Twenty-Sixth Revised Sheet No. 9.
Alternate Second Substitute Twenty-Fifth Revised Sheet No. 11.
Alternate Second Substitute Twenty-Ninth Revised Sheet No. 12B.

South Georgia states that the alternate second substitute revised sheets were submitted in order to track the alternate second substitute sheet filed by Southern on January 16, 1975. South Georgia states that Southern's alternate second substitute rate will increase South Georgia's cost of gas $755,320 annually if ordered by the Commission to become effective. $472,489 of such increase is applicable to jurisdictional customers.

South Georgia requests that if Southern's second substitute rates become effective that South Georgia's second substitute rates also become effective on the same date. South Georgia also requests that if Southern's alternate second substitute rates are ordered to become effective that South Georgia's alternate substitute rates become effective on the same date.

South Georgia has requested waiver of the forty-five (45), day notice requirements as set forth in § 14.2(e) of the General Terms and Conditions of South Georgia's FPC Gas Tariff. South Georgia states that knowledge of Southern's second substitute filing, which South Georgia proposes to track, was not known to South Georgia in time to make it possible for South Georgia to comply with the forty-five (45) day notice requirement.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, 825 North

Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before February 10, 1975. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-3242 Filed 2-4-75;8:45 am]

[Docket No. G-5135 etc.]

SUN OIL CO.

Petition To Amend

JANUARY 29, 1975.

Take notice that on January 21, 1975, Sun Oil Company (Petitioner), P.O. Box 2880, Dallas, Texas 75221, filed in Docket Nos. G-5135 and G-6628 a petition to amend the orders issuing certificates of public convenience and necessity in said dockets on December 15, 1958, and May 28, 1956, pursuant to section 7(c) of the Natural Gas Act by authorizing the sale of natural gas to Transcontinental Gas Pipe Line Corporation (Transco) in accordance with the settlement agreement certified to the Commission in *Hilda B. Weinert and Jane W. Blumberg, et. al.*, Docket No. G-2730, *et al.*, all as more fully set forth in the petition to amend, which is on file with the Commission and open to public inspection.

In the initial orders in the subject dockets Petitioner was authorized to sell gas to Transco from certain acreage in the La Gloria Field, Brooks and Jim Wells Counties, Texas. Petitioner relates that it filed applications for permission to abandon sales to Transco from the La Gloria Field on May 26, 1971, in Docket No. CI71-832 and on April 6, 1973, in Docket No. CI73-684, and that said applications were subsequently approved, along with other similar applications, by the order accompanying Opinion No. 655, in Docket No. G-2730 *et al.* on March 21, 1973 (49 FPC 738). The United States Court of Appeals for the District of Columbia Circuit reversed Opinion No. 655 and remanded it to the Commission for further proceedings. *Transcontinental Gas Pipe Line Corporation* v. *FPC*, 488 F.2d 1325 (D.C. Cir. 1973).

Petitioner states that, as a result of settlement negotiations, it has entered into a contract, dated November 7, 1974, to become effective upon the effective date of the revised settlement in Docket No. G-2730, *et al.*, subject to approval of said settlement.

Petitioner describes the November 7, 1974, contract as providing for a change in the volumes to be delivered to Transco which are different from those volumes certificated in the proceedings in Docket Nos. G-5135 and G-6628 and as further providing for sales to continue at certain quantities during specified periods until all of the gas reserves committed to Transco have been delivered. Petitioner states that the new contract provides for sales of approximately 4,000 Mcf of gas per month at 54.1605 cents per Mcf 14.65 psia, subject to upward and downward Btu adjustment from a base of 1,000 Btu per cubic foot plus reimbursement for all taxes and a gathering allowance, as provided for in § 2.56a of the Commission's General Policy and Interpretations (18 CFR 2.56a).

Petitioner states that the sales in the La Gloria Field are sales formerly made pursuant to permanent certificates of unlimited duration under contracts which expired by their own terms.

Petitioner, accordingly, requests that in the event the Commission approves the settlement agreement in Docket Nos. G-2730, *et al.*, the Commission contemporaneously issue an order amending the orders issuing Petitioner's certificates of public convenience and necessity in Docket Nos. G-5135 and G-6628 to authorize Petitioner to perform all acts and obligations pursuant to the November 7, 1974, contract. Petitioner further requests that the Commission terminate the proceedings on Petitioner's requests for abandonment in Docket Nos. CI71-832 and CI73-684.

Any person desiring to be heard or to make any protest with reference to said petition to amend should on or before February 18, 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.75-3243 Filed 2-4-75;8:45 am]

[Docket No. CP75-210]

TRANSCONTINENTAL GAS PIPE LINE CORP.

Notice of Application

JANUARY 29, 1975.

Take notice that on January 20, 1975, Transcontinental Gas Pipe Line Corporation (Applicant), P.O. Box 1396, Houston, Texas 77001, filed in Docket No. CP75-210 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing a gas loan arrangement with Sun Oil Company (Sun) under the terms of an agreement between the parties dated December 10, 1974, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

The application states that Sun proposes to deliver to Applicant daily, for a three-month period during the present winter season on a best efforts basis, up to approximately 5,000 Mcf of undedicated natural gas, and following the winter, Applicant proposes to return equivalent volumes at mutually agreeable times and locations, utilizing existing authorized delivery points.

According to the application, Sun is conducting a pressure maintenance program at the Fordouche Field, Point Coupee and Iberville Parishes, Louisiana, the natural gas for which comes from the Chacahoula Field, Lafourche Parish, Louisiana. It is stated that in order to evaluate the effectiveness of the program to date and to conduct the various tests necessary therefor, Sun plans to reduce the gas injections at Fordouche for a limited period of time. To the extent of the reduced gas injections, Sun will temporarily have gas volumes in excess of its needs which volumes are not available for sale since they will be required by Sun at Fordouche when the full scale pressure maintenance program recommences. Accordingly, Applicant states, Sun has agreed to loan these volumes to Applicant during the present winter season, with deliveries to commence as soon as authorization is received.

Applicant states that the subject gas will be delivered by Sun in the same manner as deliveries are presently being made in the Chacahoula-to-Fordouche transportation by Applicant under a temporary certificate issued May 26, 1972, in the proceeding pending in Docket No. CP72-140, i.e., into the Florida Gas Transmission Company (Florida Gas) system at Chacahoula. Applicant further states that Florida Gas will, in turn, deliver the volumes to Applicant under a presently authorized exchange arrangement between the parties. Applicant claims that no additional facilities are required to implement the proposed gas loan.

Any person desiring to be heard or to make any protest with reference to said application should on or before February 18, 1975, file with the Federal Power Commission, Washington, D.C. 20426 a petition to intervene or protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject

to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-3244 Filed 2-4-75;8:45 am]

[Docket No. CI75-425]

VULCAN MATERIALS CO.

Notice of Application

JANUARY 29, 1975.

Take notice that on January 22, 1975, Vulcan Materials Company (Applicant), P.O. Box 545, Wichita, Kansas 67201, filed in Docket No. CI75-425 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 Panhandle Eastern Pipe Line Company (Panhandle) in Kingman County, Kansas, all as more fully set forth in the application, which is on file with the Commission and open to public inspection.

Applicant proposes to sell to Panhandle an estimated 15,000 Mcf per month of gas from the subject acreage at 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, within the contemplation of § 2.70 of the Commission's General Policy and Interpretations (18 CFR 2.70). Applicant requests authorization to sell gas, with pre-granted abandonment authorization, pursuant to a gas purchase contract with Panhandle the term of which gas purchase contract commences on the date of the agreement, November 6, 1974, and ends on the first day of the month following expiration of one year from the date of first delivery. Applicant further states that the total price per Mcf is expected to be 59.7 cents, including an estimated upward Btu adjustment of 4.7 cents per Mcf.

Any person desiring to be heard or to make any protest with reference to said application should on or before February 18, 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.75-3245 Filed 2-4-75;8:45 am]

[Docket No. RP71-41]

UNITED GAS PIPE LINE CO.

Extension of Procedural Dates

JANUARY 28, 1975.

On January 13, 1975, United Gas Pipe Line Company filed a motion to extend the procedural dates fixed by order issued December 27, 1974, in the above-designated matter. The motion states that the parties have been notified and have no objection.

Upon consideration, notice is hereby given that the procedural dates in the above matter are modified as follows:

Service of company's testimony	Apr. 22, 1975.
Service of staff's testimony	June 10, 1975.
Service of intervenor's testimony	July 1, 1975.
Service of company rebuttal	July 22, 1975.
Hearing	Aug. 5, 1975 (10 a.m. e.d.t.).

MARY B. KIDD,
Acting Secretary.

[FR Doc.75-3246 Filed 2-4-75;8:45 am]

FEDERAL RESERVE SYSTEM

DEXTER BANKING CO.

Order Denying Formation of Bank Holding Company

Dexter Banking Company, Dexter, Kansas, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) of formation of a bank holding company through acquisition of 95 per cent or more of the voting shares of The Farmers & Merchants State Bank of Dexter, Dexter, Kansas ("Bank"). Applicant has also applied, pursuant to section 4(c)(8) of the Act (12 U.S.C. 1843(c)(8)) and § 225.4(b)(2) of the Board's Regulation Y, for permission to retain the assets of the former Kemp-McFall Agency, a company that engages in the activities of a general insurance agency in a community with a population not exceeding 5,000. Such activities have been determined by the Board to be closely related to banking (12 CFR 225.4(a)(9)(iii)(a)).

Notice of receipt of these applications, affording an opportunity for interested persons to submit comments and views, has been given in accordance with sections 3 and 4 of the Act (39 FR 41308 (1974)). The time for filing comments and views has expired, and the Board has considered the applications and all comments received in the light of the factors set forth in section 3(c) of the Act (12 U.S.C. 1842(c)) and the considerations specified in section 4(c)(8) of the Act (12 U.S.C. 1843(c)(8)).

Applicant presently conducts general insurance agency activities in Dexter, Kansas. Bank, with deposits of about $2.3 million,[1] is the sixth largest of eight banks in the relevant banking market,[2] controlling approximately 2.7 per cent of the total deposits in commercial banks in the market. Since the proposal represents a restructuring of the ownership of Bank from individuals to a corporation owned by the same individuals and Applicant has no present subsidiaries, consummation of the proposal would have no significantly adverse effects on competition in any relevant area.

The Board has indicated on previous occasions that it believes a holding company should provide a source of strength for its subsidiary bank(s) and that it will examine closely the condition of the Applicant in each case with this view in mind. Applicant proposes to service the debt that it will incur as a result of the acquisition of Bank over a period of 11 years through dividends from Bank, tax savings, and income from its insurance agency activities. In the Board's view, the debt retirement program, which contemplates significant dividends from Bank, does not provide Applicant with the necessary financial flexibility to service the acquisition debt while maintaining Bank's capital at an acceptable level. Furthermore, those financial requirements could place an undue strain on the financial condition of Bank and thus impair Bank's ability to remain a viable banking organization in meeting the banking needs of the community which it serves. Similarly, Applicant's debt structure would effectively preclude it from rendering financial assistance to Bank if the need should arise. In addition, it is noted that the principals of

[1] All banking data are as of June 30, 1974.
[2] The relevant banking market is approximated by Cowley County.

Applicant appear to lack any previous banking experience. The Board is unable to conclude, therefore, that managerial considerations lend any weight toward approval of the application. Accordingly, on the basis of the facts of record, the Board concludes that the above considerations relating to the banking factors weigh against approval of the application.

The proposed formation represents merely a restructuring of the ownership of Bank with no significant changes in Bank's operations or the services offered to customers. Consequently, considerations relating to the convenience and needs of the community to be served lend no weight toward approval of the application.

On the basis of all the circumstances concerning this application, the Board concludes that the banking considerations involved in the proposal present adverse factors bearing on the financial condition and prospects of Applicant and Bank. Such adverse factors are not outweighed by any procompetitive effects or by benefits which would result in serving the convenience and needs of the community. Accordingly, it is the Board's judgment that approval of the application would not be in the public interest and that the application for approval to become a bank holding company should be denied.[3]

By order of the Board of Governors,[4] effective January 23, 1975.

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

[FR Doc.75-3208 Filed 2-4-75;8:45 am]

ESSEX BANCORP, INC.

Order Denying Acquisition of Bank

Essex Bancorp, Inc., Peabody, Massachusetts, a bank holding company within the meaning of the Bank Holding Company Act, has applied for the Board's approval under section 3(a)(3) of the Act (12 U.S.C. 1842(a)(3)) to acquire all of the voting shares (less directors' qualifying shares) of Saugus Bank and Trust Company, Saugus, Massachusetts.

Notice of the application, affording opportunity for interested persons to submit comments and views, has been given in accordance with section 3(b) of the Act. The time for filing comments and views has expired, and the Board has considered the application and all comments received in light of the factors set forth in § 3(c) of the Act (12 U.S.C. 1842(c)).

Applicant, the eleventh largest banking organization in Massachusetts, controls one bank with deposits of about $127 million, representing .9 percent of the total deposits held by commercial banks in the State.[1] Acquisition of Bank ($21.3 million) would not change Applicant's rank among the banking organizations in the State, nor would it result in a significant increase in the concentration of banking resources.

Bank operates its three offices in the town of Saugus in Essex County and is the 36th largest banking organization in the Boston banking market[2] wherein it holds about .2 of one percent of the total commercial bank deposits. Applicant's sole subsidiary bank, Essex County Bank and Trust Company ("Essex Bank"), is also located in the Boston banking market and is the eighth largest banking organization in that market. All of Essex Bank's thirteen offices are located in the southern portion of Essex County, including one office in Saugus. From the facts of record, it appears that significant existing competition between Applicant and Bank would be eliminated as a result of the consummation of the proposal. In fact, Essex Bank and Bank are the only banks represented in Saugus and are directly in competition with one another. This proposal would thus eliminate the only alternative source of banking services in Saugus. Accordingly, on the basis of the record, the Board concludes that consummation of the proposal would have adverse effects on existing competition. These considerations lend weight toward denial of the proposal.

While the managerial resources and prospects of Applicant, its subsidiary bank, and Bank appear to be satisfactory, the Board is concerned about Applicant's ability to serve as a source of financial strength for Bank as well as for Essex Bank. In the Board's view, Essex Bank is in need of some additional capital. Expansion by Applicant at this time through the subject acquisition could impair Applicant's ability to augment the capital of its existing subsidiary. These financial considerations strongly suggest that Applicant should direct its efforts towards strengthening its present subsidiary rather than expanding its interests at this time. Accordingly, the Board finds that financial considerations also lend weight toward denial of the application.

With respect to convenience and needs considerations, Applicant states that it intends to expand Bank's services. Applicant, however, is already offering such services in Saugus through the Essex Bank. Therefore, this consideration alone does not outweigh the other adverse factors reflected in the record. Accordingly, it is the Board's judgment that consummation of the proposed transaction would not be in the public interest, and that the application should be denied.

On the basis of the record, the application is denied for the reasons summarized above.

By order of the Board of Governors,[3] effective January 27, 1975.

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

[FR Doc.75-3209 Filed 2-4-75;8:45 am]

FIRST OGDEN CORP.

Order Denying Formation of Bank Holding Company

First Ogden Corporation, Naperville, Illinois, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company through acquisition of 100 percent of the voting shares (less directors' qualifying shares) of the Bank of Naperville, Naperville, Illinois.

Notice of the application, affording opportunity for interested persons to submit comments and views has been given (39 FR 27837). The time for filing comments and views has expired, and the Board has considered the application and all comments received in light of the factors set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

On the basis of the record, the application is denied[1] for the reasons set forth in the Board's Statement, which will be released at a later date.

By order of the Board of Governors,[2] effective January 27, 1975.

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

[FR Doc.75-3210 Filed 2-4-75;8:45 am]

HAMPTON BANCO, INC.

Formation of Bank Holding Company

The Hampton Banco, Inc., Des Moines, Iowa, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company through acquisition of 89 per cent or more of the voting shares of Hampton State Bank, Hampton, Iowa. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of Chicago. Any person wishing to comment on the

[3] In view of the Board's action with respect to the application to become a bank holding company, consideration of the section 4(c)(8) application to retain the insurance activities becomes moot.

[4] Voting for this action: Vice Chairman Mitchell and Governors Sheehan, Bucher, Holland and Coldwell. Absent and not voting: Chairman Burns and Governor Wallich.

[1] All banking data are as of June 30, 1974 and reflect bank holding company formations and acquisitions approved by the Board through December 31, 1974.

[2] The Boston banking market is approximated by the Boston RMA.

[3] Voting for this action: Chairman Burns and Governors Mitchell, Sheehan, Bucher, and Holland. Absent and not voting: Governors Wallich and Coldwell.

[1] In view of the Board's action with respect to the application to become a bank holding company, consideration of a concurrent application filed by Applicant to retain three nonbanking subsidiaries becomes moot.

[2] Voting for this action: Chairman Burns and Governors Mitchell, Sheehan, Bucher, Holland, and Coldwell. Absent and not voting: Governor Wallich.

application should submit views in writing to the Reserve Bank, to be received not later than February 20, 1975.

Board of Governors of the Federal Reserve System, January 28, 1975.

[SEAL] GRIFFITH L. GARWOOD,
Assistant Secretary of the Board.

[FR Doc.75-3211 Filed 2-4-75;8:45 am]

HAWKEYE BANCORPORATION

Acquisition of Bank

Hawkeye Bancorporation, Des Moines, Iowa, has applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire 51 per cent or more of the voting shares of Farmers and Merchants State Bank, Lake Mills, Iowa. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of Chicago. Any person wishing to comment on the application should submit views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than February 27, 1975.

Board of Governors of the Federal Reserve System, January 27, 1975.

[SEAL] GRIFFITH L. GARWOOD,
Assistant Secretary of the Board.

[FR Doc.75-3212 Filed 2-4-75;8:45 am]

LACROSSE INSURANCE, INC.

Order Approving Formation of Bank Holding Company and Acquisition of General Insurance Agency

LaCrosse Insurance, Inc., LaCrosse, Kansas, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) of formation of a bank holding company through acquisition of 83.2 per cent or more of the voting shares of The Farmers and Merchants State Bank of Rush County, LaCrosse, Kansas ("Bank").

At the same time, Applicant has applied for the Board's approval pursuant to section 4(c)(8) of the Act (12 U.S.C. 1843(c)(8)) and § 225.4(b)(2) of the Board's Regulation Y to acquire LaCrosse Insurance Agency, LaCrosse, Kansas ("Agency"), a company that engages in the activities of a general insurance agency in a community with a population of less than 5,000 persons. Such activities have been determined by the Board to be closely related to banking (12 CFR 225.4(a)(9)(iii)(a)).

Notice of receipt of these applications, affording an opportunity for interested persons to submit comments and views, has been given in accordance with sections 3 and 4 of the Act (39 F.R. 37432 (1974)). The time for filing comments and views has expired, and the Board has considered the applications and all comments received in the light of the factors set forth in section 3(c) of the Act (12 U.S.C. 1842(c)) and the considerations specified in section 4(c)(8) of the Act (12 U.S.C. 1843(c)(8)).

Applicant was formed for the purposes of becoming a bank holding company through the purchase of Bank's stock and of operating as a general insurance agency. Bank (deposits of about $9 million),[1] the largest of 6 banks in the relevant banking market,[2] controls approximately 27 percent of the total deposits in commercial banks in the market. Since Applicant does not presently have any subsidiaries, there is no existing competition, nor is any likely to develop. Accordingly, consummation of the proposal would have no significantly adverse effects on competition in any relevant market. Therefore, the Board concludes that competitive considerations are consistent with approval of the application.

The financial and management resources and future prospects of Applicant, which are dependent upon those of Bank and Agency, are considered generally satisfactory and consistent with approval. Although Applicant will incur debt in connection with the proposal, its projected income from Bank and the insurance agency activities should provide sufficient revenue to service the debt without impairing the financial condition of Bank. Accordingly, banking factors are regarded as being consistent with approval of the application. Applicant expects to increase Bank's loan-to-deposit ratio, thereby increasing funds available for loans to area residents. Therefore, considerations relating to the convenience and needs of the community to be served lend some weight toward approval. Approval of the application would insure continued local ownership and satisfactory successor management for Bank. It is the Board's judgment that consummation of the transaction would be in the public interest and that the application to acquire Bank should be approved.

Agency is a general insurance agency and conducts its business from the premises of Bank in LaCrosse. The continued availability of these services through Applicant assures the residents of the LaCrosse area of a convenient source of insurance agency services, which factor the Board regards as being in the public interest. It does not appear that Applicant's acquisition of Agency would have any significant effect on existing or future competition, and there is no evidence in the record indicating that consummation of the proposal would result in any undue concentration of resources, unfair competition, conflicts of interests, unsound banking practices or other adverse effects on the public interest.

Based upon the foregoing and other considerations reflected in the record, the Board has determined, in accordance with the provisions of section 4(c)(8), that consummation of the proposal with respect to Agency can reasonably be expected to produce benefits to the public that outweigh possible adverse effects and the application to acquire Agency should be approved.

Accordingly, the applications are approved for the reasons summarized above. The acquisition of Bank shall not be made before the thirtieth calendar day following the effective date of this Order. The acquisition of Bank and Agency shall be made not later than three months after the effective date of this Order, unless such period is extended for good cause by the Board, or by the Federal Reserve Bank of Kansas City pursuant to delegated authority. The determination as to Applicant's insurance activities is subject to the conditions set forth in § 225.4(c) of Regulation Y and to the Board's authority to require reports by, and make examinations of, holding companies and their subsidiaries and to require such modification or termination of the activities of a bank holding company or any of its subsidiaries as the Board finds necessary to assure compliance with the provisions and purposes of the Act and the Board's regulations and orders issued thereunder, or to prevent evasion thereof.

By order of the Board of Governors,[3] effective January 24, 1975.

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

[FR Doc.75-3213 Filed 2-4-75;8:45 am]

MINGO INSURANCE AGENCY, INC.

Order Approving Formation of Bank Holding Company and Retention of Insurance Agency Activities

Mingo Insurance Agency, Inc., Mingo, Iowa, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company through acquisition of 80.5 percent or more of the voting shares of Mingo Trust and Savings Bank, Mingo, Iowa ("Bank"). Applicant has also applied, pursuant to section 4(c)(8) of the Act (12 U.S.C. 1843(c)(8)) and § 225.4(b)(2) of the Board's Regulation Y, for permission to continue to engage in the activities of a general insurance agency in a community with a population not exceeding 5,000 persons. Such activities have been determined by the Board to be closely related to banking (12 CFR 225.4(a)(9)(iii)).

Notice of the applications, affording opportunity for interested persons to submit comments and views, has been given in accordance with §§ 3 and 4 of the Act

[1] All banking data are as of June 30, 1974.

[2] The relevant banking market is approximated by Rush County.

[3] Voting for this action: Vice Chairman Mitchell and Governors Sheehan, Bucher, Holland and Coldwell. Absent and not voting: Chairman Burns and Governor Wallich.

(39 FR 40900). The time for filing comments and views has expired, and the Board has considered the applications and all comments received in light of the factors set forth in section 3(c) of the Act, and the considerations specified in section 4(c)(8) of the Act.

Applicant, a recently formed Iowa corporation, engages on bank premises in the sale of insurance as a general agent, an activity which commenced in December 1973 when Applicant purchased the Albert E. Toms Agency in connection with the contemplated acquisition of the controlling interest in Bank. With deposits of $2.73 million, representing about 0.03 percent of the commercial bank deposits in Iowa, Bank is the only bank in Mingo, an agricultural community with a population of approximately 260, located 30 miles northeast of Des Moines, Iowa. In its relevant market, approximated by Jasper County, Bank holds about 2.4 percent of the commercial bank deposits. (Banking data are as of December 31, 1973.) Since Applicant has no existing banking subsidiaries, consummation of the proposal would not eliminate any existing or potential competition. Therefore, competitive considerations are consistent with approval of the application.

The financial and managerial resources and future prospects of Applicant and Bank are satisfactory and consistent with approval. The management of Applicant is satisfactory, furthermore, the Bank's management succession problem will be solved by this transfer of ownership. Applicant's financial condition and future prospects, which are dependent upon profitable operations by both Bank and the insurance agency activities, appears favorable. Although Applicant will incur debt in connection with the proposal, its projected income from Bank and the insurance agency activities should provide sufficient revenue to service the debt without impairing the financial condition of Bank. Consummation of the transaction would have no immediate effect on the area's banking convenience and needs; however, such considerations are regarded as being consistent with approval of the application to become a bank holding company.

In connection with the application to become a bank holding company, Applicant has also applied for permission to continue to engage in insurance activities on Bank's premises. Prior to the transfer of the insurance agency business to Applicant, the insurance activities were conducted on Bank premises as a sole proprietorship owned by the then-President and majority stockholder of Bank. For some years there has been a close relationship between the Bank and the insurance agency. Approval of the proposal herein will continue this relationship and thereby assure the availability of insurance to this community. In addition, there is no evidence in the record indicating that continuation of Applicant's insurance activities would result in an undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices.

Based upon the foregoing and other considerations reflected in the record, the Board has determined that the factors under § 3 of the Act and the balance of public interest factors the Board is required to consider under section 4(c)(8) of the Act, as both are favorable. Accordingly, the application to become a bank holding company and the application to continue to engage in insurance activities are approved. The acquisition of the Bank shall not be made (a) before the thirtieth calendar day following the effective date of this Order or (b) later than three months after the effective date of this Order, unless such period is extended for good cause by the Board, or by the Federal Reserve Bank of Chicago, pursuant to delegated authority. The determination as to the insurance agency activities is subject to the conditions set forth in § 225.4(c) of Regulation Y and to the Board's authority to require reports by, and make examinations of, holding companies and their subsidiaries and to require such modification or termination of the activities of a holding company or any of its subsidiaries as the Board finds necessary to assure compliance with the provisions and purposes of the Act and the Board's regulations and orders issued thereunder, or to prevent evasions thereof.

By order of the Board of Governors,[1] dated January 24, 1975.

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

[FR Doc.75-3214 Filed 2-4-75;8:45 am]

[1] Voting for this action: Vice Chairman Mitchell and Governors Sheehan, Bucher, Holland and Coldwell. Absent and not voting: Chairman Burns and Governor Wallich.

NBC CORP.

Order Approving Formation of Bank Holding Company

NBC Corporation, Altus, Oklahoma, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) of formation of a bank holding company through acquisition of more than 80 per cent of the voting shares of The National Bank of Commerce, Altus, Oklahoma ("Bank").

Notice of the application, affording opportunity for interested persons to submit comments and views, has been given in accordance with section 3(b) of the Act. The time for filing comments and views has expired, and the Board has considered the application and all comments received, including those submitted by the Comptroller of the Currency, in light of the factors set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Applicant is a recently-organized corporation formed for the purpose of becoming a bank holding company through the acquisition of Bank. The proposed transaction essentially involves the transfer of ownership from individuals to a corporation owned by the same individuals with no change in Bank's management or operations. Bank (deposits of $15.6 million)[1] is the second largest among six banking organizations competing in its banking market,[2] and holds about 28.4 percent of the market's total commercial deposits. Upon acquisition of Bank, Applicant would control about 0.2 percent of total commercial bank deposits in the State. Applicant's principal shareholders also control the First State Bank, Grandfield, Oklahoma, however, that bank is located 75 miles southeast of Bank in a separate market area and does not compete with Bank. Since the subject proposal represents merely a restructuring of existing ownership interests, its consummation would not eliminate any existing competition, nor would it appear to have any adverse effects on other banks or on the development of competition in the relevant market. Therefore, competitive considerations are consistent with approval of the application.

The financial condition and managerial resources of Applicant and Bank are considered to be generally satisfactory and the prospects of each appear favorable. The Board notes that the Comptroller of the Currency has expressed some concern that consummation of this proposal may result in a burden upon Bank's earnings. However, on the basis of the Board's review of the financial resources of Bank and Applicant, the Board is of the view that, although Applicant will incur debt in the acquisition of Bank, Applicant appears to be able to service the debt without impairing the financial condition of Bank. In addition, it appears that Applicant will be assuming a preferential interest rate on certain bank stock loans made to Bank's major shareholders. Although the Board has expressed some concern about such loans in the past, there is no evidence in the record indicating that the loans in this case have resulted in any abuses to Bank or the minority shareholders. Considerations relating to the banking factors are consistent with approval of the application. Although there will be no immediate change or increase in the services offered by Bank as a result of the shifting of Bank's ownership to a corporation, considerations relating to the convenience and needs of the communities to be served are consistent with approval of the application. It is the Board's judgment that the proposed transaction is consistent with the public interest and that the application should be approved.

On the basis of the record,[3] the application is approved for the reasons summarized above. The transaction shall not be consummated (a) before the thirtieth

[1] Deposit data are as of December 31, 1973.
[2] The relevant market is approximated by Jackson County.
[3] Dissenting Statement of Governors Mitchell and Sheehan filed as part of the original document. Copies available upon request to the Board of Governors of the Federal Reserve System, Washington, D.C. 20551, or to the Federal Reserve Bank of Kansas City.

calendar day following the effective date of this Order or (b) later than three months after the effective date of this Order, unless such period is extended for good cause by the Board, or by the Federal Reserve Bank of Kansas City, pursuant to delegated authority.

By order of the Board of Governors,[4] effective January 23, 1975.

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

[FR Doc.75-3215 Filed 2-4-75;8:45 am]

SOUTHEAST BANKING CORP.

Acquisition of Bank

Southeast Banking Corporation, Miami, Florida, has applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire 80 per cent or more of the voting shares of Florida Center Bank, Orlando, Florida. The factors that are considered in acting on the application are set forth in § 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of Atlanta. Any person wishing to comment on the application should submit views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than February 20, 1975.

Board of Governors of the Federal Reserve System, January 24, 1975.

[SEAL] GRIFFITH L. GARWOOD,
Assistant Secretary of the Board.

[FR Doc.75-3216 Filed 2-4-75;8:45 am]

SOUTHWEST NATIONAL CORP.

Order Approving Formation of Bank Holding Company

Southwest National Corporation, Albuquerque, New Mexico, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) of formation of a bank holding company through acquisition of 90 per cent or more of the voting shares of The Carlsbad National Bank, Carlsbad, New Mexico ("Carlsbad Bank") and The Bank of Las Vegas, Las Vegas, New Mexico ("Las Vegas Bank"), and through acquisition of all of the voting shares (less directors' qualifying shares) of Southwest National Bank, Albuquerque, New Mexico ("Southwest Bank"), a proposed new bank.

Notice of the application, affording opportunity for interested persons to submit comments and views, has been given in accordance with section 3(b) of the Act. The time for filing comments and views has expired, and the Board has considered the application and all comments received in light of the factors set forth in § 3(c) of the Act (12 U.S.C. 1842(c)).

Applicant was recently organized by the principal stockholder of Carlsbad Bank and Las Vegas Bank for the purpose of bringing those banks and Southwest Bank within a holding company structure. Consummation of the proposal herein would result in Applicant controlling three banks with aggregate deposits of approximately $53 million, representing 2 per cent of total commercial bank deposits in the State, and Applicant would thereby become the smallest of five mutibank holding companies operating in New Mexico.[1] Approval of the application would not increase significantly the concentration of banking resources in New Mexico.

Carlsbad Bank ($28.9 million in deposits), located in the southeast corner of the State, is the largest of three banks in the Carlsbad banking market[2] and controls approximately 47 per cent of total commercial bank deposits in the market. The two other banks therein hold 33 and 20 per cent, respectively, of the deposits in the market. Las Vegas Bank ($24.1 million in deposits), located over 250 miles north of Carlsbad Bank, is the larger of two banks in the Las Vegas banking market[3] and holds about 69 per cent of total commercial banks deposits therein. Southwest Bank would be located in the Albuquerque banking market,[4] approximately 130 miles west of Las Vegas Bank. There are nine commercial banks in the market with the first, third, and fourth largest controlling about 63 per cent of those market deposits.

Since Southwest Bank is a proposed new bank, its acquisition by Applicant would not eliminate any existing or potential competition in the Albuquerque banking market, nor would it have an adverse effect on any area banks. In fact, Applicant's entry in the Albuquerque banking market would stimulate additional competition with the larger organizations operating therein. There appears to be no significant existing competition between Carlsbad Bank and Las Vegas Bank in view of their common ownership and management, their relatively small size, and the distances separating them. Furthermore, for the same reasons, it appears unlikely that any substantial amount of competition would develop in the future between any of Applicant's proposed subsidiary banks. On the basis of the record before it, the Board concludes that consummation of the proposed transaction would not have an adverse effect on competition in any relevant area.

The financial and managerial resources and future prospects of Applicant and its proposed subsidiary banks are satisfactory. While Applicant and Southwest Bank have no financial or operating history, the Board believes that growth, earnings and debt retirement projections by Applicant are attainable, and that adequate equity capital levels would be maintained in all three subsidiary banks. Accordingly, financial and managerial considerations are consistent with approval of the application. Considerations relating to the convenience and needs of the communities to be served are also regarded as being consistent with approval. While both Carlsbad Bank and Las Vegas Bank presently provide a full range of services to area residents, Southwest Bank would provide another source of full banking services for Albuquerque residents. In addition, consummation of the transaction would enable Applicant to facilitate the internal operations of its subsidiary banks through centralized bond and asset management, advertising, computer services, and loan participations. It is the Board's judgment that the transaction would be in the public interest and that the application should be approved.

On the basis of the record, the application is approved for the reasons summarized above. The transaction shall not be consummated (a) before the thirtieth calendar day following the effective date of this Order or (b) later than three months after that date, and (c) Southwest National Bank, Albuquerque, New Mexico, shall be opened for business not later than six months after the effective date of this Order. Each of the periods described in (b) and (c) may be extended for good cause by the Board, or by the Federal Reserve Bank of Kansas City pursuant to delegated authority.

By order of the Board of Governors,[5]

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

[FR Doc.75-3217 Filed 2-4-75;8:45 am]

STAPLETON INVESTMENT CO.

Formation of Bank Holding Company and Proposed Acquisition of Burnham Insurance Agency

Stapleton Investment Co., Stapleton, Nebraska, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to became a bank holding

[4] Voting for this action: Chairman Burns and Governors Holland, Wallich and Coldwell. Voting against this action: Governors Mitchell and Sheehan. Absent and not voting: Governor Bucher.

[1] All banking data are as of June 30, 1974 and reflect bank holding company formations and acquisitions approved by the Board through December 31, 1974.

[2] The Carlsbad banking market is approximated by the southern half of Eddy County, New Mexico.

[3] The Las Vegas banking market is approximated by the western two-thirds of San Miguel County and all of Mora County, New Mexico.

[4] The Albuquerque banking market is approximated by Bernalillo County, New Mexico.

[5] Voting for this action: Vice Chairman Mitchell and Governors Sheehan, Bucher, Holland and Coldwell. Absent and not voting: Chairman Burns and Governor Wallich. effective January 22, 1975.

company through acquisition of 98 per cent of the voting shares of Bank of Stapleton, Stapleton, Nebraska. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Stapleton Investment Co. has also applied, pursuant to § 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.4(b)(2) of the Board's Regulation Y, for permission to acquire Burnham Insurance Agency, Stapleton, Nebraska. Notice of the application was published on January 2, 1975 in The Stapleton Enterprise, a newspaper circulated in Stapleton, Nebraska.

Applicant states that the proposed subsidiary would engage in the activities of a general insurance agency in a community of less than 5,000 people. Such activities have been specified by the Board in § 225.4(a) of Regulation Y as permissible for bank holding companies, subject to Board approval of individual proposals in accordance with the procedures of § 225.4(b).

Interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question should be accompanied by a statement summarizing the evidence the person requesting the hearing proposes to submit or to elicit at the hearing and a statement of the reasons why this matter should not be resolved without a hearing.

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Kansas City.

Any views or requests for hearing should be submitted in writing and received by the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, not later than February 19, 1975.

Board of Governors of the Federal Reserve System, January 23, 1975.

[SEAL] GRIFFITH L. GARWOOD,
Assistant Secretary of the Board.

[FR Doc.75-3218 Filed 2-4-75;8:45 am]

TEXAS COMMERCE BANCSHARES, INC.

Order Denying Acquisition of Banks

Texas Commerce Bancshares, Inc., Houston, Texas, a bank holding company within the meaning of the Bank Holding Company Act, has applied for the Board's approval in two separate applications under section 3(a)(3) of the Act (12 U.S.C. 1842(a)(3)) to acquire 100 per cent of the voting shares (less directors' qualifying shares) of The Austin National Bank, Austin, Texas ("Austin Bank") and Oak Hill National Bank, Oak Hill, Texas ("Oak Hill Bank") through the acquisition of all the assets, properties and businesses of Austin Bancshares Corporation, Austin, Texas ("Austin Bancshares").

Notice of the applications, affording opportunity for interested persons to submit comments and views, has been given in accordance with section 3(b) of the Act. The time for filing comments and views has expired, and the Board has considered the applications and all comments received in light of the factors set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Applicant presently controls 25 banks with aggregate deposits of $2.5 billion, representing 6.3 per cent of the total commercial bank deposits in Texas, and is the third largest banking organization in the State. (Unless otherwise indicated, all banking data are as of June 30, 1974, and reflect holding company formations and acquisitions approved through December 31, 1974.) Applicant's acquisition of Oak Hill Bank would not increase appreciably Applicant's share of deposits nor its rank in the State since this recently organized bank was opened for business on March 1, 1974, and held deposits of only $1.4 million on June 30, 1974. However, as a result of the acquisition of Austin Bank, Applicant's share of commercial bank deposits in Texas would increase from 6.3 per cent to 7.1 per cent, and it would become the second largest banking organization in Texas. The increase in the concentration of banking resources in the State of Texas which would result from such acquisition is viewed with some degree of concern by the Board.

This proposal represents Applicant's initial entry in the Austin banking market, which is approximated by Travis and Hays Counties. Austin Bank is located in downtown Austin and Oak Hill Bank is located nine miles southwest of downtown Austin. Austin Bank is the largest of 17 market banks [1] and holds deposits of $301 million. Applicant's closest existing subsidiary to the Austin and Oak Hill banks is located 160 miles southeast of Austin. Since Oak Hill Bank and Austin Bank are each subsidiaries of Austin Bancshares, there is no meaningful existing competition between them. In addition, it appears that there is no existing competition between any of Applicant's present subsidiaries and the banks proposed to be acquired that would be eliminated by consummation of the proposal.

Although the acquisition of Austin Bank would have no adverse effect on existing competition, the Board is concerned with the adverse effects that the acquisition would have on potential competition. In addition, the Board has some concern for the increase in the concentration of banking resources which would result from this proposal. In recent denials of applications by Texas' first and second largest banking organizations to acquire leading banks in local markets, the Board noted that approval of such proposals would result in an increase in the share of deposits held by the State's largest organizations as well as an increase in the size disparity between those financial institutions and the State's other bank holding companies.[2]

As noted above, the Board views with some concern the effect of Applicant's acquisition of the Austin Bank on banking competition and concentration in the State as a whole. However, the Board is *primarily* concerned with the significantly adverse effects that Applicant's acquisition of Austin Bank would have on the concentration of banking resources within the Austin banking market and on potential competition within that market. Turning first to the subject of concentration, approval of the proposal would establish Applicant as the largest banking organization in the market with control of the market's largest bank in terms of deposits. Austin Bank, as the largest of 19 market banks, controls approximately 23 percent of the market's total deposits. While Applicant's acquisition of Oak Hill and Austin Bank may not have an immediate effect on the concentration of banking resources in the market, the Board views the acquisition of such a significant competitor as Austin Bank in a concentrated market by one of the State's leading competitors as reducing appreciably the likelihood that the market would become less concentrated and more competitive in the future.

In addition to reducing the likelihood that the market would become less concentrated, Applicant's acquisition of Austin Bank would have significantly adverse effects on potential competition. At the present time, Austin Bank appears to be a viable and effective competitor in the Austin market. It sponsored the formation of a bank holding company and has recently expanded that holding company's operations by establishing a new bank (Oak Hill) within the market. The consummation of the subject proposal would eliminate Austin Bank as a lead bank for a bank holding company that would be able to continue to serve as a meaningful competitor in the Austin market as well as possibly to expand into a regional holding company in Texas.

Even though this proposal represents Applicant's initial entry into the Austin market, the Board is unable to conclude that the proposal is competitively preferable to alternative means of entry

[1] In addition, three *de novo* banks have been opened during 1974.

[2] Board's orders denying the applications of First International Bancshares, Inc., Dallas, Texas, to acquire Citizens First National Bank of Tyler, Tyler, Texas (1974 *Federal Reserve Bulletin* 43); and First National Bank of Waco, Waco, Texas (1974 *Federal Reserve Bulletin* 290); and First City Bancorporation of Texas, Inc., Houston, Texas, to acquire the Lufkin National Bank, Lufkin, Texas (1974 *Federal Reserve Bulletin* 450).

available to Applicant. Due in part to its position as the State's capital, the Austin area has experienced exceptionally rapid growth, and the banking market appears particularly attractive for new entry. Applicant has indicated that *de novo* entry into the central business district of Austin is not feasible. However, the record indicates that a charter for a bank in Austin's central business district was recently approved. Furthermore, the ratios of population to banking office and deposits per banking office are more than twice the Statewide averages. Given this economic climate, as well as the size and expertise of Applicant, it is the Board's view that Applicant's *de novo* entry into the market is a realistic and viable alternative to the acquisition of the market's largest bank. Also, there are smaller independent banks in the market which could serve as entry vehicles for Applicant some time in the future. Accordingly, the Board is of the view that there are reasonable alternative means of entry available to Applicant that would be conducive to promoting competition within the Austin market. Such alternative entry by Applicant would introduce a new and aggressive banking competitor to the market and, ultimately, could serve to reduce the concentration level within the market.

On the basis of the foregoing and other facts of record, the Board concludes that Applicant's acquisition of the Austin Bank would have significantly adverse effects on the concentration of banking resources and on potential competition with respect to the Austin banking market. Accordingly, it is the Board's view that considerations relating to the competitive factors weigh against approval of Applicant's proposal to acquire Austin Bank.

Regarding Applicant's application to acquire Oak Hill Bank, the Board finds that the proposed acquisition would have no signficantly adverse effects on either existing or future competition. Accordingly, competitive considerations are consistent with approval of that application.

The financial and managerial resources and future prospects of Austin Bank and Oak Hill Bank, and of Applicant and its present subsidiary banks, are regarded as satisfactory and consistent with approval of the applications. Although the proposed affiliation of Applicant with Austin Bank and with Oak Hill Bank would make available to these institutions Applicant's expertise in various banking services, these considerations relating to the convenience and needs of the communities to be served do not, in the Board's judgment, outweigh the significantly adverse competitive effect of Applicant's proposal to acquire Austin Bank. Under the terms of the agreement entered into between Applicant and Austin Bancshares, Applicant may not make a partial acquisition of the assets of Austin Bancshares. Accordingly, the applications to acquire both Austin Bank and Oak Hill Bank are denied on the grounds hereinbefore stated relating to Austin Bank.

On the basis of the record,[2] it is the Board's judgment that consummation of the proposal would not be in the public interest, and the applications are denied for the reasons summarized above.

By order of the Board of Governors,[4] effective January 22, 1975.

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

[FR Doc.75-3219 Filed 2-4-75;8:45 am]

BANK OF VIRGINIA CO.

Acquisition of Bank

Bank of Virginia Company, Richmond, Virginia, has applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire 100 per cent of the voting shares of the successor by merger to Cavalier-Country Bank, Charlottesville, Virginia. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of Richmond. Any person wishing to comment on the application should submit views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than March 3, 1975.

Board of Governors of the Federal Reserve System, January 29, 1975.

[SEAL] GRIFFITH L. GARWOOD,
Assistant Secretary of the Board.

[FR Doc.75-3272 Filed 2-4-75;8:45 am]

CITIBANC GROUP, INC.

Acquisition of Bank

Citibanc Group, Inc., Alexander City, Alabama, has applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire 51 percent or more of the voting shares of Peoples Bank, Anniston, Alabama. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of Atlanta. Any person wishing to comment on the application should submit views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than February 27, 1975.

Board of Governors of the Federal Reserve System, January 29, 1975.

[SEAL] GRIFFITH L. GARWOOD,
Assistant Secretary of the Board.

[FR Doc.75-3273 Filed 2-4-75;8:45 am]

COMMERCE BANCSHARES, INC.

Order Approving Acquisition of Bank

Commerce Bancshares, Inc., Kansas City, Missouri, a bank holding company within the meaning of the Bank Holding Company Act, has applied for the Board's approval under section 3(a)(3) of the Act (12 U.S.C. 1842(a)(3)) to acquire 50.9 percent of the voting shares of Barry County Bank, Cassville, Missouri ("Bank").

The application has been processed by the Federal Reserve Bank of Kansas City pursuant to authority delegated by the Board of Governors of the Federal Reserve System under the provisions of § 265.2(f)(24) of the Rules Regarding Delegation of Authority.

As required by section 3(b) of the Act, the Reserve Bank gave written notice of receipt of the application to the Missouri Commissioner of Finance. The Commissioner offered no objection to approval of the application. Notice of receipt of the application was published in the FEDERAL REGISTER on December 12, 1974 (39 FR 43336) providing an opportunity for interested persons to submit comments and views with respect to the proposal. Time for filing comments and views has expired and none has been received. The Reserve Bank has considered the application in light of the factors set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Applicant, the third largest banking organization in Missouri, controls 30 banks with aggregate deposits of $1,227.8 million,[1] representing 8.20 percent of the commercial bank deposits in the State. Acquisition of Bank would increase Applicant's share of State deposits only slightly, and would not result in a significant increase in the concentration of banking resources in Missouri. Applicant's ranking among banking organizations in the State would remain unchanged.

Bank ($16.0 million in deposits) is the largest of seven banking organizations in the Cassville market (approximated by Barry County minus Monett and vicinity) and holds 39.6 percent of the deposits in commercial banks in the market.

Applicant's banking subsidiary closest to Bank is located 60 miles away in Joplin, Missouri, and it appears that no significant competition exists between them. Further, it appears unlikely that

[2] Dissenting Statement of Governor Sheehan filed as part of the original document. Copies available upon request to the Board of Governors of the Federal Reserve System, Washington, D.C. 20551, or to the Federal Reserve Bank of Dallas.

[4] Voting for this action: Chairman Burns and Governors Mitchell, Bucher, Holland, Wallich, Coldwell. Voting against this action: Governor Sheehan.

[1] All banking data are as of June 30, 1974, and reflect bank holding company formations and acquisitions approved by the Board to January 7, 1975.

any future competition would develop between Bank and Applicant's banking subsidiary in view of the distances involved and Missouri's restrictive branching laws. While it appears that Applicant has the resources to enter the market de novo, such entry appears unlikely due to the market's low population per banking office ratio. This Reserve Bank concludes, therefore, that consummation of the proposed acquisition would not have significant adverse effects on existing or potential competition.

The financial and managerial resources and future prospects of Applicant and its subsidiaries appear satisfactory. The financial condition and prospects of Bank are consistent with approval. Affiliation with Applicant should provide Bank with additional expertise in commercial, real estate, and consumer lending and will assist Bank with the provision of trust services which have not previously been available at Bank. These factors, as they relate to the convenience and needs of the community to be served, lend some weight for approval of the application. It is the Reserve Bank's judgment that consummation of the proposed acquisition is in the public interest and that the application should be approved.

On the basis of the record, the application is approved for the reasons summarized above. The transaction shall not be consummated (a) before the thirtieth calendar day following the effective date of this Order or (b) later than three months after the effective date of this Order, unless such period is extended for good cause by the Board or by the Federal Reserve Bank of Kansas City pursuant to delegated authority.

WILBUR T. BILLINGTON,
Senior Vice President.

JANUARY 24, 1975.

[FR Doc.75-3274 Filed 2-4-75;8:45 am]

FIRSTBANK HOLDING CO.

Order Approving Formation of Bank Holding Company

Firstbank Holding Company, Marietta, Oklahoma, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) of formation of a bank holding company through acquisition of 80 per cent or more of the voting shares of Firstbank of Marietta, Marietta, Oklahoma ("Bank").

Notice of the application, affording opportunity for interested persons to submit comments and views, has been given in accordance with section 3(b) of the Act. The time for filing comments and views has expired, and the Board has considered the application and all comments received in light of the factors set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Applicant is a nonoperating corporation organized for the purpose of becoming a bank holding company through acquisition of Bank, deposits of $10 million, representing 0.1 of 1 per cent of the total commercial bank deposits in Oklahoma.[1] Bank is the only bank located in the Love County banking market, which has a population of approximately 5,600 persons. The proposal represents a corporate reorganization with no change in the management of Bank. Since Applicant has no present operations, consummation of the proposal would have no effect on existing or potential competition. Accordingly, the Board concludes that competitive considerations are consistent with approval of the application.

The financial condition and managerial resources of Applicant are dependent upon these same conditions as they exist in Bank. Bank's financial condition and management are satisfactory and, based upon Bank's past earnings, the projected dividends from Bank appear sufficient to provide the necessary funds for retirement of the debt that Applicant would incur as a result of this proposal without placing a burden on Bank's capital position. Prospects for Applicant and Bank appear favorable. In addition, the Board notes that Applicant will be assuming a preferential interest rate on certain bank stock loans made to Bank's major shareholders. Although the Board has expressed some concern about such loans in the past, there is no evidence in the record indicating that the loans in this case have resulted in any abuses to Bank or its minority shareholders. Accordingly, considerations relating to the convenience and needs of the communities to be served are consistent with approval of the application. It is the Board's judgment that the proposed transaction would be in the public interest and that the application should be approved.

On the basis of the record, the application is approved for the reasons summarized above. The transaction shall not be consummated (a) before the thirtieth calendar day following the effective date of this Order or (b) later than three months after the effective date of this Order, unless such period is extended for good cause by the Board, or by the Federal Reserve Bank of Kansas City pursuant to delegated authority.

By order of the Board of Governors,[2] effective January 29, 1975.

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

[FR Doc.75-3275 Filed 2-4-75;8:45 am]

THIRD NATIONAL CORP.

Amended Order

By Order dated October 11, 1974 (39 FR 37545), the Board approved the application of Third National Corporation, Nashville, Tennessee, a bank holding company within the meaning of the Bank Holding Company Act, to acquire 50 per cent or more of the voting shares of Bank of Elbridge, Elbridge, Tennessee ("Bank"). That Order stated that the Applicant would inject $100,000 of equity capital into Bank within 45 days of its acquisition. The acquisition of Bank by Applicant was consummated on December 1, 1974.

By letter dated December 16, 1974, Applicant requested that the Board grant an extension of time, until March 1, 1975, during which to make the subject capital additions to Bank because of the difficulty of having to call a special meeting of shareholders of Bank by the expiration date of the 45-day period.

The Board has concluded that the request should be granted. Accordingly, the Board's Order of October 11, 1974, is hereby amended by extending until March 1, 1975, the date by which Applicant must inject an additional $100,000 of equity capital into Bank.

By order of the Board of Governors,[1] effective January 29, 1975.

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

[FR Doc.75-3276 Filed 2-4-75;8:45 am]

GENERAL SERVICES ADMINISTRATION

[FPMR Temporary Reg. F-327]

SECRETARY OF DEFENSE

Delegation of Authority

1. *Purpose.* This regulation delegates authority to the Secretary of Defense to represent the consumer interests of the executive agencies of the Federal Government in intrastate rate proceedings.

2. *Effective date.* This regulation is effective immediately.

3. *Delegation.* a. Pursuant to the authority vested in me by the Federal Property and Administrative Services Act of 1949, 63 Stat. 377, as amended, particularly sections 201(a)(4) and 205(d) (40 U.S.C. 481(a)(4) and 486(d)), authority is delegated to the Secretary of Defense to represent the consumer interests of the executive agencies of the United States Government before the Georgia Public Service Commission (Docket No. 2663-U) involving the application of Georgia Power Company for permanent increases in its electrical rates.

b. The Secretary of Defense may redelegate this authority to any officer, official, or employee of the Department of Defense.

c. This authority shall be exercised in accordance with the policies, procedures, and controls prescribed by the General

[1] All banking data are as of December 31, 1973.

[2] Voting for this action: Governors Holland, Wallich, and Coldwell. Voting against this action: Governors Mitchell and Sheehan. Absent and not voting: Chairman Burns and Governor Bucher.

[1] Voting for this action: Vice Chairman Mitchell and Governors Sheehan, Bucher, Holland and Coldwell. Absent and not voting: Chairman Burns and Governor Wallich.

Services Administration, and shall be exercised in cooperation with the responsible officers, officials, and employees thereof.

ARTHUR F. SAMPSON,
Administrator of General Services.

JANUARY 27, 1975.

[FR Doc.75-3277 Filed 2-4-75;8:45 am]

[FPMR Temporary Reg. F-328]

SECRETARY OF DEFENSE

Delegation of Authority

1. *Purpose.* This regulation delegates authority to the Secretary of Defense to represent, in conjunction with the Administrator of General Services, the consumer interests of the executive agencies of the United States Government in proceedings before the Federal Communications Commission involving interstate telephone service.

2. *Effective date.* This regulation is effective immediately.

3. *Delegation.* a. Pursuant to the authority vested in me by the Federal Property and Administrative Services Act of 1949, 63 Stat. 377, as amended, particularly sections 201(a)(4) and 205(d) (40 U.S.C. 481(a)(4) and 486(d)), authority is delegated to the Secretary of Defense to represent the consumer interests of the executive agencies of the Federal Government before the Federal Communications Commission concerning the application of January 3, 1975, of American Telephone and Telegraph Company for increases and changes in its tariffs for interstate telephone rates, tolls, and charges. The authority delegated to the Secretary of Defense shall be exercised concurrently with the Administrator of General Services.

b. The Secretary of Defense may redelegate this authority to any officer, official, or employee of the Department of Defense.

c. This authority shall be exercised in accordance with the policies, procedures, and controls prescribed by the General Services Administration, and shall be exercised in cooperation with the responsible officers, officials, and employees thereof.

ARTHUR F. SAMPSON,
Administrator of General Services.

JANUARY 27, 1975.

[FR Doc.75-3278 Filed 2-4-75;8:45 am]

TRANS-ALASKA PIPELINE

Priorities Assistance for Construction

This Notice amends the General Services Administration and Federal Energy Administration Notices of September 23, 1974 (39 FR 34608), and December 30, 1974 (40 FR 26), which authorize priorities assistance and allocation support under the Defense Production Act of 1950, as amended, for construction of the Trans-Alaska Pipeline and the development of Alaskan North Slope oil resources as set forth in those Notices.

In the formulation of this Notice and the Notices of September 23, 1974, and December 30, 1974, there was consultation with representatives of industries receiving the priorities and allocations support and consideration has been given to their recommendations. Further consultation with other industries, including trade associations, was rendered impracticable because these Notices apply to numerous trades and industries.

By virtue of the authority vested in the President by Title I of the Defense Production Act of 1950, as amended, and delegated pursuant to Executive Orders 10480 of August 14, 1953, 11725 of June 27, 1973, and 11790 of June 25, 1974, the General Services Administration and Federal Energy Administration Notice of December 30, 1974, is amended as follows:

Section 3 to read:

3. Wherefore, the parties designated in section 2 above are authorized priorities assistance and allocations support in procuring those items, equipment and materials which have been shown to be necessary and critical to the construction of facilities for oil production on the Alaska North Slope and which will be utilized in the fabrication and installation of modules, including appurtenances and interconnections of such modules, and in the construction and erection of construction camps including items such as gas turbine generators, sewerage treatment plants, and fire protection systems.

Section 4 to read:

4. This authorization is limited to the purpose of ensuring the timely availability of those items, equipment and materials included in section 3 above, in view of the limited Arctic Ocean barge seasons. This authorization shall expire not later than October 1, 1976.

Section 5 is redesignated as section 6, and a new section 5 is added to read:

5. The Department of the Interior may authorize on a case-by-case basis, upon certification to the Department of Commerce and the approval of the signatory agencies, special priorities assistance for items not included in section 3 above which are necessary and critical to the construction of production facilities on the Alaska North Slope.

Dated: January 31, 1975.

LESLIE W. BRAY, JR.,
Director, Office of Preparedness, General Services Administration.

FRANK G. ZARB,
Administrator, Federal Energy Administration.

[FR Doc.75-3360 Filed 2-4-75;8:45 am]

INTERIM COMPLIANCE PANEL (COAL MINE HEALTH AND SAFETY)

HOBBS BROS. COAL CO., INC.

Applications for Renewal Permits, Electric Face Equipment Standard; Opportunity for Public Hearing

Applications for Renewal Permits for Noncompliance with the Electric Face Equipment Standard prescribed by the Federal Coal Mine Health and Safety Act of 1969 have been received for items of equipment in underground coal mines as follows:

(1) ICP Docket No. 4226-000, Hobbs Bros. Coal Company, Inc., Mine No. 15, Mine ID No. 44 00593 0, Whitewood, Va.:
- ICP Permit No. 4226-005-R-1 (S&S 80 Tractor, I.D. No. HB-3-13),
- ICP Permit No. 4226-008-R-1 (S&S 80 Tractor, I.D. No. HB-5-15),
- ICP Permit No. 4226-010-R-1 (Stacy's Spinner Loading Machine, I.D. No. S-SB-HB-2).

(2) ICP Docket No. 4197-000, Hobbs Bros. Coal Company, Inc., Mine No. 7, Mine ID No. 44 02705 0, Whitewood, Va.:
- ICP Permit No. 4197-003-R-1 (S&S 80 Tractor, I.D. No. HB-1-7),
- ICP Permit No. 4197-004-R-1 (S&S 88 Tractor, Ser. No. 1462),
- ICP Permit No. 4197-005-R-1 (Stacy's Spinner Loading Machine, I.D. No. S-SB-EH-HB-1),
- ICP Permit No. 4197-009-R-1 (Goodman 212 Cutting Machine, I.D. No. G-212-HB-2-7).

In accordance with the provisions of § 504.7(b) of Title 30, Code of Federal Regulations, notice is hereby given that requests for public hearing as to an application for a renewal permit may be filed on or before February 20, 1975. Requests for public hearing must be filed in accordance with 30 CFR Part 505 (35 FR 11296, July 15, 1970), as amended, copies of which may be obtained from the Panel upon request.

A copy of each application is available for inspection and requests for public hearing may be filed in the office of the Correspondence Control Officer, Interim Compliance Panel, Room 800, 1730 K Street NW., Washington, D.C. 20006.

GEORGE A. HORNBECK,
Chairman,
Interim Compliance Panel.

JANUARY 30, 1975.

[FR Doc.75-3202 Filed 2-4-75;8:45 am]

MARY E. COAL CO.

Applications for Renewal Permits, Electric Face Equipment Standard; Opportunity for Public Hearing

Applications for Renewal Permits for Noncompliance with the Electric Face Equipment Standard prescribed by the Federal Coal Mine Health and Safety Act of 1969 have been received for items of equipment in underground coal mines as follows:

ICP Docket No. 4225-000, Mary E Coal Company, Inc., Mine No. 2, Mine ID No. 44 00526 0, Whitewood, Va.:
- ICP Permit No. 4225-001-R-1 (S&S 88 Tractor, I.D. No. ME-4),
- ICP Permit No. 4225-002-R-1 (S&S 88 Tractor, Ser. No. 2161),
- ICP Permit No. 4225-003-R-1 (S&S 120 Tractor, Ser. No. 43063),
- ICP Permit No. 4225-004-R-1 (S&S 120 Tractor, Ser. No. 82964),
- ICP Permit No. 4225-005-R-1 (S&S 100 Tractor, Ser. No. 92163),
- ICP Permit No. 4225-012-R-1 (Stacy's Spinner Loading Machine, I.D. No. S-SWB-ME-3),
- ICP Permit No. 4225-013-R-1 (Stacy's Spinner Loading Machine, I.D. No. S-SB-EH-ME-2),
- ICP Permit No. 4225-014-R-1 (Stacy's Spinner Loading Machine, I.D. No. S-SB-ME-1),

ICP Permit No. 4225-015-R-1 (Royal Cutting Machine, I.D. No. R-ME-1).
ICP Permit No. 4225-016-R-1 (Royal Cutting Machine, I.D. No. R-ME-2).
ICP Permit No. 4225-017-R-1 (Goodman 212 Cutting Machine, I.D. No. G-212-ME-3).

In accordance with the provisions of § 504.7(b) of Title 30, Code of Federal Regulations, notice is hereby given that requests for public hearing as to an application for a renewal permit may be filed within 15 days after publication of this notice. Requests for public hearing must be filed in accordance with 30 CFR Part 505 (35 F.R. 11296, July 15, 1970), as amended, copies of which may be obtained from the Panel upon request.

A copy of each application is available for inspection and requests for public hearing may be filed in the office of the Correspondence Control Officer, Interim Compliance Panel, Room 800, 1730 K Street NW., Washington, D.C. 20006.

GEORGE A. HORNBECK,
Chairman,
Interim Compliance Panel.

JANUARY 30, 1975.

[FR Doc.75-3203 Filed 2-4-75;8:45 am]

NUCLEAR REGULATORY COMMISSION

ADVISORY COMMITTEE ON REACTOR SAFEGUARDS

Agenda of Meeting

The previously noticed meeting of the ACRS on February 6, 1975, in Room 1046 at 1717 H Street, NW., Washington, D.C. to discuss the General Electric Company Standard Safety Analysis Report (4 pm-8:30 pm) will be focused on a discussion of recently discovered cracking in the emergency core cooling system of a GE boiling water reactor and the primary coolant systems of several boiling water reactors.

The Committee will hear presentations by and hold discussions with representatives of the NRC Staff and the General Electric Company. This open portion of the meeting will be held from 5:30 pm to 7:30 pm. Closed portions of this session will be held if necessary to discuss proprietary information related to the design, fabrication and/or performance of emergency core cooling systems for boiling water reactors. Closed portions will also be held for Committee deliberative sessions.

JAMES R. LINDSAY,
Acting Assistant, Advisory Committee Management Officer.

[FR Doc.75-3294 Filed 2-4-75;8:45 am]

[Docket No. 50-293]

BOSTON EDISON CO.

Issuance of Amendment to Facility Operating License

Notice is hereby given that the U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 8 to Facility Operating License No. DPR-35 issued to the Boston Edison Company which revised Technical Specifications for operation of the Pilgrim Nuclear Power Station located in Plymouth County, Massachusetts. The amendment is effective as of its date of issuance.

The amendment deletes the requirements in the Technical Specifications of the Pilgrim Nuclear Power Station for an accelerated scram insertion time testing program which has served its intended purpose of confirming that the modification of the control rod drive has eliminated a potential failure mode that had been identified in earlier reactors using similar control rod drives.

The application or the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment.

For further details with respect to this action, see (1) the application for amendment dated March 13, 1974, (2) Amendment No. 8 to License No. DPR-35, with Change No. 10, and (3) the Commission's concurrently issued related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C. and at the Plymouth Public Library on North Street in Plymouth, Massachusetts 02360. A copy if items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Reactor Licensing.

Dated at Bethesda, Maryland, this 28th day of January, 1975.

For the Nuclear Regulatory Commission.

DENNIS L. ZIEMANN,
Chief, Operating Reactors Branch #2, Division of Reactor Licensing.

[FR Doc.75-3299 Filed 2-4-75;8:45 am]

[Dockets Nos. 50-440, 50-441]

CLEVELAND ELECTRIC ILLUMINATING COMPANY, ET AL. (PERRY NUCLEAR POWER PLANT, UNITS 1 AND 2)

Notice and Order for Prehearing Conference

Please take notice that pursuant to the "Notice of Hearing on Applications for Construction Permits" published by the Atomic Energy Commission[1] on July 11, 1973 (38 FR 18481) and by agreement of the parties, a Prehearing Conference will be held in the above captioned proceeding on February 19, 1975 at 10 a.m., local time, at the Lake County Courthouse, Courtroom No. 2 in Painesville, Ohio 44077.

The purpose of this conference will be to permit consideration of the following:

(1) Applicants' "Motion for Determination Pursuant to 10 CFR 50.10(e)(3)," dated December 4, 1974, (and responses thereto) relating to the expansion of the existing LWA workscope to include certain additional activities;

(2) An "Order to Show Cause", dated January 20, 1975, wherein all work activities under the existing LWA were temporarily suspended as of January 20, 1975, and the Applicants required to show cause why all work activities under the existing LWA should not be suspended pending completion of the NRC's review and evaluation of the environmental and site suitability impact of certain proposed design changes set forth by Applicants' PSAR Amendment 22;

(3) The "Nuclear Regulatory Commission Staff's Motion to Reopen the Record on Environmental and Site Suitability Matters", dated January 24, 1975, wherein the Staff moves this Board to reopen the environmental and site suitability record;

(4) Any other matters that would aid the orderly disposition of this proceeding.

The parties are directed to confer as soon as possible and to report to the Board at the Prehearing Conference on the following:

(a) A joint stipulation on the issues to be heard. If the parties are not able to agree on a joint statement then the Board will require that each party submit a statement of the issues to be heard.

(b) A joint proposed schedule for this proceeding. If the parties are not able to agree to a proposed schedule, then the Board will require that each party individually present a proposed schedule.

It is so ordered.

Dated at Bethesda, Maryland, this 30th day of January 1975.

ATOMIC SAFETY AND LICENSING BOARD,
JOHN B. FARMAKIDES,
Chairman.

[FR Doc.75-3292 Filed 2-4-75;8:45 am]

[Dockets Nos. 50-413, 50-414]

DUKE POWER CO. (CATAWBA NUCLEAR STATION UNITS 1 AND 2)

Reopened Evidentiary Hearings

Take notice that, pursuant to the Board's Memorandum and Order of November 14, 1974 herein, reopening the record in the above-captioned proceeding, further evidentiary hearings will be conducted to begin at 11 am, local time, on Tuesday, February 18, 1975, at the Downtowner East Motor Inn (Marco Polo Room), 301 South McDowell Street, Charlotte, North Carolina. The public is invited to attend the hearing, which will deal with the issues of "need for power" and the financial qualifications of the Applicant, Duke Power Company.

It is so ordered.

Dated at Bethesda, Maryland this 30th day of January 1975.

For the Atomic Safety and Licensing Board.

MAX D. PAGLIN, Esq.,
Chairman.

[FR Doc.75-3300 Filed 2-4-75;8:45 am]

[NRS Docket No. 50-482A]

KANSAS GAS AND ELECTRIC COMPANY AND KANSAS CITY POWER AND LIGHT CO. (WOLF CREEK GENERATING STATION, UNIT NO. 1)

Establishment of Atomic Safety and Licensing Board To Rule on Petitions

Pursuant to delegation by the Commission dated December 29, 1972, published in the FEDERAL REGISTER (37 F.R. 28710) and §§ 2.105, 2.700, 2.702, 2.714, 2.714a, 2.717 and 2.721 of the Commission's Regulations, all as amended, an Atomic Safety and Licensing Board is being established to rule on petitions and/or requests for leave to intervene in the following proceeding:

Kansas Gas and Electric Company and Kansas City Power and Light Company (Wolf Creek Generating Station, Unit No. 1) NRS Docket No. 50-482A.

This action is in reference to a FEDERAL REGISTER notice entitled "Receipt of Attorney General's Advice and Time for Filing of Petitions to Intervene on Antitrust Matters" (39 FR 44269).

The members of the Board are:

Marshall E. Miller, Esq., Chairman
Sidney G. Kingsley, Esq., Member
Margaret M. Laurence, Esq., Member

It is so ordered.

Dated at Bethesda, Maryland this 30th day of January, 1975.

ATOMIC SAFETY AND LICENSING BOARD PANEL,
NATHANIEL H. GOODRICH,
Chairman.

[FR Doc.75-3301 Filed 2-4-75;8:45 am]

[Docket No. P-531-A]

PUBLIC SERVICE COMPANY OF OKLAHOMA

Notice of Receipt of Partial Application for Construction Permits and Facility Licenses: Time for Submission of Views on Antitrust Matters; Correction

An incorrect docket number was cited in FR Doc. 75-1355 appearing on pages 3030 and 3031 of the issue on Friday, January 17, 1975 and pages 3806 and 3807 of the issue on Friday, January 24, 1975.

The correct docket number for this project is P-531-A.

Dated at Bethesda, Maryland this 30th day of January, 1975.

For the Nuclear Regulatory Commission.

WALTER R. BUTLER,
Chief, Light Water Reactors Branch 1-2, Division of Reactor Licensing.

[FR Doc.75-3302 Filed 2-4-75;8:45 am]

[Docket No. P-505-A]

PUBLIC SERVICE COMPANY OF INDIANA, INC.

Notice of Receipt of Partial Application for Construction Permits and Facility Licenses: Time for Submission of Views on Antitrust Matters

Public Service Company of Indiana, Inc. (the applicant), pursuant to section 103 of the Atomic Energy Act of 1954, as amended, has filed one part of an application, dated December 13, 1974, and docketed December 24, 1974, in connection with its plans to construct and operate two pressurized water reactors in Saluda Township, Jefferson County, Indiana. 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 portions of the application, including the Preliminary Safety Analysis Report and the Environmental Report, are to be submitted for review in early summer 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-505-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 8th day of January, 1975.

For the Atomic Energy Commission.

D. B. VASSALLO,
Chief, Light Water Reactors Project Branch 1-1, Directorate of Licensing.

[FR Doc.75-1176 Filed 1-14-75;8:45 am]

OFFICE OF MANAGEMENT AND BUDGET

CLEARANCE OF REPORTS

List of Requests

The following is a list of requests for clearance of reports intended for use in collecting information from the public received by the Office of Management and Budget on January 30, 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 through 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

UNITED STATES TARIFF COMMISSION

Questionnaires on Pulp and Paper Industry: Single-time, business firms, Weiner, N., 395-4890.

DEPARTMENT OF COMMERCE

Bureau of the Census:
Agriculture Questionnaire Listing Page, 74-AL(VI), 74-A2(VI), Single-time, Farms, Lowry, R. L., 395-3772.
Influenza Supplement Current Medicare Survey, CMS-20, CMS-21, Single-time, CMS sample persons 65 yrs. and older, Hall, George, 395-4697.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

National Institute of Education: Improving Teacher Competency: Research Using Problem Solving Rups Instrumentation, NIE 88, On occasion, 4th and 6th grade students, Planchon, P., 395-3898.

REVISIONS

DEPARTMENT OF AGRICULTURE

Statistical Reporting Service: Peanut Stocks and Processing Report, C.E. 6-18A, Monthly, Peanut handlers, Lowry, R. L., 395-3772.
Rural Electrification Administration: Engineer's Semi-Monthly Report of Substation Progress-Rea Borrowers, REA-457, Other (see SF-83), REA electric borrowers, Lowry, R. L., 395-3772.

DEPARTMENT OF JUSTICE

Departmental and Other: Application for action Grant Advance Funds, LEAA4401/1, Annually, State Units of government, Lowry, R. L., 395-3772.

EXTENSIONS

DEPARTMENT OF AGRICULTURE

Rural Electrification Administration: Graphic Schedule and Progress Report (project engineers employed by REA), REA-443, Monthly, REA electric borrower engineers, Lowry, R. L. 395-3772.

PHILLIP D. LARSEN,
Budget and Management Officer.

[FR Doc.75-3365 Filed 2-4-75;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 January 31, 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

VETERANS ADMINISTRATION

VA Co-op Study of Vasodilation Therapy in Acute Myocardial Infarction, VA 10-7990A, on occasion, patients in VA hospitals, Hall, George, 395-4697.

U.S. CIVIL SERVICE COMMISSION

Format for Experimental Score Occupational Supplements, single-time, individuals, Caywood, D. P., 395-3443.

DEPARTMENT OF AGRICULTURE

Statistical Reporting Service: Acceptability of Teaching Materials About Food Production and Distribution for Urban High Schools, single-time, high school teachers, Planchon, P., 395-3898.

DEPARTMENT OF COMMERCE

National Oceanic & Atmospheric Administration: Capital Construction Fund—Deposit/Withdrawal Report, NOAA 34-82, annually, citizens of the United States, Lowry, R. L., 395-3772.

Bureau of the Census: National Longitudinal Surveys, Survey of Work Experience of Mature Men—1975 Questionnaire and Advance Letter, LGT-171, LGT-173, annually, men who were 45-59 yrs. old in 1966, Strasser, A., 395-3880.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration: Survey of Baseline Consumer Nutrition Knowledge, FDABF1227, Annually, Grocery buyers, Hall, George, 395-4697.

Office of Education: A Handbook for Validation of Educational Practices (Title III, ESEA), OE4552, On occasion, State and local education agencies, Human Resources Division, 395-3532.

REVISIONS

VETERANS ADMINISTRATION

Disabled Veterans Application for Vocational Rehabilitation, 21E-1900, On occasion, Disabled veterans, Caywood, D. P., 395-3443.

RAILROAD RETIREMENT BOARD

Record of Employees Prior Service, AA-2P (R), On occasion, Employers under RRA, Caywood, D. P., 395-3443.

DEPARTMENT OF AGRICULTURE

Statistical Reporting Service:
Dry Beans, Peas, and Lentil Inquiries—Dealers, Other (see SF-83), Dry bean, pea and lentil dealers, Lowy, R. L., 395-3772.
Broomcorn Inquiries—Growers and Balers, Other (see SF-83), Broomcorn growers, Lowry, R. L. 395-3772.

Foreign Agricultural Service: Regulations-Export Financing of Sales of Agricultural Commodities Under the CCC Export Credit Sales Program and Supplements I, II, III, on occasion, Exporters, Lowry, R. L., 395-3772.

DEPARTMENT OF COMMERCE

Bureau of the Census: CPS Supplement—Multiple Jobholding and Premium Pay, CPS-1, Annually, Households, Strasser, A., 395-3880.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of the Secretary: Questionnaire—Study of Family Economics, Annually, Individuals, Gonzalez, M., 395-3793.

National Institutes of Health: Evaluation of the Student Selection Process in Nursing, Single-time, Administrators of and applicants to RN schools, Planchon, P., 395-3898.

EXTENSIONS

DEPARTMENT OF AGRICULTURE

Food and Nutrition Service: Monthly Report on Actions Related to Letters of Credit—Operating Expense Fund—Commodity Distribution Program, FNS-60, Monthly, State Agencies responsible for Food distribution, Lowry, R. L., 395-3772.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Social Security Administration:
Home Health Agency Report and Billing Form, SSA-1487, On occasion, Evinger, S. K., 395-3648.
Request for Claim Number Verification, SSA-1600, on occasion, Evinger, S. K., 395-3648.
Food and Drug Administration: Drug Defect Reporting System (Hospital/Retail Pharmacists, Nurses), FD-2519, On occasion, hospitals, laboratories, and retail drugstores, Evinger, S. K., 395-3648.
Office of Education: In-Depth Field Instruments for Conditions and Processes of Effective School Desegregation, OE 190, Annually, Schools in second yr. sample for study, Human resources division, 395-3532.
Social Security Administration:
Medical Development Summary-Disability Claims, SSA-430 A, On occasion, Evinger, S. K., 395-3648.
Report on Individual With Childhood Impairment, OA-01323, On occasion, Evinger, S. K., 395-3648.
Request for Evidence or Assistance-Overpayment Case, SSA-2327, On occasion, Evinger, S. K., 395-3648.
Transmittal of Uncollected Intermediary Medicare Overpayment, SSA-2382, On occasion, Evinger, S. K., 395-3648.
Recapitulation of States Quarterly Report of Wages Paid, OAR-S2, Quarterly, Evinger, S. K., 395-3648.

PHILLIP D. LARSEN,
Budget and Management Officer.

[FR Doc.75-3417 Filed 2-4-75;8:45 am]

SECURITIES AND EXCHANGE COMMISSION

[70-5605]

AMERICAN NATURAL GAS CO. AND ANG COAL GASIFICATION CO.

Proposal To Issue and Sell Common Stock

JANUARY 27, 1975.

Notice is hereby given that American Natural Gas Company ("American Natural"), 30 Rockefeller Plaza, New York, New York 10020, a registered holding company, and ANG Coal Gasification Company ("Gasification Company"), 100 West Tenth Street, Wilmington, Delaware 19807, have filed a joint application-declaration with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating sections 6, 7, 9(a)(1), 10 and 12 of the Act and Rults 43 and 50(a)(3) promulgated thereunder as applicable to the following proposed transaction. All interested parties are referred to the joint application-declaration, which is summarized below, for a complete statement of the proposed transaction.

Gasification Company, a newly organized Delaware corporation, proposes to issue and sell, and American Natural proposes to purchase, up to 100 authorized but unissued shares of common stock, par value $100, for an aggregate purchase price of $10,000. After such purchase, American Natural will own all of the issued and outstanding shares of Gasification Company, which will thereupon become a wholly-owned non-utility subsidiary of American Natural. Gasification Company proposes to use the proceeds from the sale for organizational and other immediate expenses.

It is contemplated that Gasification Company will construct, own and operate a coal gasification plant in Mercer County, North Dakota ("Plant") and sell the coal gas produced to Michigan Wisconsin Pipe Line Company ("Michigan Wisconsin"), the principal natural gas transmission and underground storage company of the American Natural system. The Plant will be designed to produce 91 billion cubic feet of coal gas annually, which would represent 10 percent of the sales of the American Natural system for the 12-month period ended September 30, 1974. The coal feedstock requirements of the Plant will be supplied from lignite holdings totaling over 3.7 billion tons acquired by Michigan Wisconsin in North Dakota. Gasification Company will use the "Lurgi" process for gasification of the coal. Current estimates indicate that the total cost of the Plant will be approximately $780 million and that the total cost of the coal mine will be approximately $125 million. It is stated that approval of this Commission will be requested when additional capital contributions by American Natural are required to meet these costs.

The fees, commissions and expenses paid or incurred or to be paid or incurred in connection with the proposed transaction total $3,500, which includes legal fees of $1,000. It is stated that no State commission, and no Federal commission, other than this Commission,

has jurisdiction over the proposed transaction.

Notice is further given that any interested person may, not later than February 20, 1975, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said joint application-declaration which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon the applicants-declarants at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the joint application-declaration, as filed or as it may be amended, may be granted and permitted to become effective as provided in Rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.75-3252 Filed 2-4-75;8:45 am]

[811-1988]

B.A.I. FUND, INC.

Filing of Application

JANUARY 29, 1975.

Notice is hereby given that B.A.I. Fund, Inc. ("Applicant"), 40 Wall Street, New York, New York, 10005, registered under the Investment Company Act of 1940 (the "Act") as a diversified, open-end, management investment company, filed an application on December 19, 1974, pursuant to section 8(f) of the Act, for an order of the Commission declaring that Applicant has ceased to be an investment company as defined in the Act. All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein, which are summarized below.

Applicant, formerly known as Bayrock Growth Fund, Inc., was organized as a Maryland corporation on November 29, 1969 and registered under the Act by filing a Form N-8A Notification of Registration on December 24, 1969. At the time Applicant commenced its public offering in May, 1971, it had one stockholder, Bache & Co. Incorporated. Since that time it has had only one other stockholder, which redeemed its shares in October 1972. Applicant has not sold any shares since September 1971 and has not offered its shares since early 1972. Since November 1972 the only stockholder of Applicant has been Bache & Co. Incorporated which holds one share of common stock. On November 26, 1974 Applicant's Board of Directors voted that Applicant be liquidated and dissolved. On November 26, 1974 Applicant's sole stockholder consented to the dissolution and liquidation of Applicant.

Section 8(f) of the Act provides, in pertinent part, that when the Commission, upon application, finds that a registered investment company has ceased to be an investment company, it shall so declare by order, and, upon the taking effect of such order, the registration of such company shall cease to be in effect.

Notice is further given that any interested person may, not later than February 25, 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 Applicant at the address stated above. Proof of such service (by affidavit or, in the case of an attorney-at-law, by certificate) shall be filed contemporaneously with the request. As provided by Rule 0-5 of the Rules and Regulations promulgated under the Act, an order disposing of the application will be issued as of course following February 25, 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.75-3253 Filed 2-4-75;8:45 am]

[File No. 500-1]

CONTINENTAL VENDING MACHINE CORP.

Suspension of Trading

JANUARY 29, 1975.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock of Continental Vending Machine Corporation being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

Therefore, pursuant to section 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 30, 1975 through February 8, 1975.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.75-3247 Filed 2-4-75;8:45 am]

[File No. 500-1]

INTERNATIONAL BUSINESS MACHINES CORP.

Suspension of Trading

JANUARY 24, 1975.

The capital stock of International Business Machines Corp. being trade on the New York, Midwest, Philadelphia-Baltimore-Washington, Boston, Detroit and Cincinnati Stock Exchanges pursuant to provisions of the Securities Exchange Act of 1934 and all other securities of International Business Machines Corp. 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 exchanges and otherwise than on a national securities exchange is suspended, for the period from 4:50 p.m. (e.s.t.) on January 24, 1975 to 10 a.m. (e.s.t.) on January 28, 1975.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.75-3248 Filed 2-4-75;8:45 am]

[File No. 500-1]

INTERNATIONAL BUSINESS MACHINES CORP.

Suspension of Trading

JANUARY 27, 1975.

The Commission having determined to amend its notice of January 24, 1975 summarily suspending trading in the securities of International Business Machines Corp. for the period from 4:50 p.m. (e.s.t.) on January 24, 1975 to 10 a.m. (e.s.t.) on January 28, 1975;

Therefore, pursuant to sections 15(c)(5) and 19(a)(4) of the Securities Exchange Act of 1934, that trading in the capital stock and all other securities of International Business Machines Corp.

being traded on the New York, Midwest, Philadelphia - Baltimore - Washington, Boston, Detroit and Cincinnati Stock Exchanges and all other securities of International Business Machines Corp. being traded otherwise than on a national securities exchange is suspended for the period from 4:50 p.m. (e.s.t.) on January 24, 1975 to 2 p.m. (e.s.t.) on January 27, 1975.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS, *Secretary.*

[FR Doc.75-3249 Filed 2-4-75;8:45 am]

[File Nos. 2-34367 (22-5695), 2-25939 (22-4325)]

PANHANDLE EASTERN PIPE LINE CO.

Application and Opportunity for Hearing

JANUARY 28, 1975.

Notice is hereby given that Panhandle Eastern Pipe Line Company (the "Company") has filed an application under clause (ii) of section 310(b)(1) of the Trust Indenture Act of 1939 (the "Act") for a finding that the trusteeship of Chemical Bank under an indenture of the Company dated as of March 15, 1967, (the "1967 Indenture") and under an indenture of the Company dated as of October 1, 1969 (the "1969 Indenture"), which were heretofore qualified under the Act, and the trusteeship by Chemical Bank under a new Indenture dated as of January 15, 1975, which was not qualified under the Act, is not so likely to involve a material conflict of interest as to make it necessary in the public interest or for the protection of investors to disqualify Chemical Bank from acting as Trustee under the 1967 Indenture and the 1969 Indenture and under the new Indenture.

Section 310(b) of the Act, which is included in Section 7.08 of the 1967 Indenture and Section 7.08 of the 1969 Indenture, provides in part that if a Trustee under an indenture qualified under the Act has or shall acquire any conflicting interest, it shall within ninety days after ascertaining that it has such conflicting interest, either eliminate such conflicting interest or resign. Subsection (1) of such Section provides, in effect, with certain exceptions that a trustee under a qualified indenture shall be deemed to have a conflicting interest if such trustee is trustee under another indenture under which any other securities of the same issuer are outstanding.

Under clause (ii) of Subsection (1), however, there may be excluded from the operation of this provision another indenture under which other securities of the issuer are outstanding, if the issuer shall have sustained the burden of proving, on application to the Commission and after opportunity for hearing thereon, that trusteeship under such qualified indenture and such other indenture is not so likely to involve a material conflict of interest as to make it necessary in the public interest or for the protection of investors to disqualify such trustee from acting as trustee under either of such indentures.

The Company alleges that:

(1) It has outstanding $23,972,000 principal amount 5¾% Debentures due 1987 issued under the 1967 Indenture and $32,884,000 principal amount 8⅝% Debentures due 1989 issued under the 1969 Indenture. The Debentures issued pursuant to the 1967 Indenture and the 1969 Indenture were registered under the Securities Act of 1933 (File No. 2-25939 and File No. 2-34367, respectively) and the 1967 Indenture and the 1969 Indenture were qualified under the Trust Indenture Act of 1939 (File No. 22-4325 and File No. 22-5695, respectively). Chemical Bank is trustee under the 1967 Indenture and the 1969 Indenture.

(2) The Company proposes to issue and sell $50,000,000 principal amount 11¼% Debentures due February 1, 1989, to be issued under the new Indenture. All the Debentures to be issued pursuant to the new Indenture will be purchased by institutional investors for investment and not with a view to distribution. The issuance of these Debentures is therefore exempt from the registration requirements of the Securities Act of 1933 and the new Indenture is exempt from the qualification provisions of the Trust Indenture Act of 1939.

(3) The 1967 Indenture, the 1969 Indenture and the new Indenture are wholly unsecured and no Debentures issued under any of these indentures are subordinate to any Debenture issued under any of these indentures. The only material differences between the indentures and the rights of the holders of the Debentures issued thereunder relate to aggregate principal amounts, dates of issue, maturity and interest payment dates, interest rates, redemption prices and procedures, and sinking fund provisions.

(4) It is not in default under the 1967 Indenture or the 1969 Indenture.

(5) Neither the differences indicated above, nor any other provisions of the aforementioned indentures, are likely to involve a material conflict of interest so as to make it necessary in the public interest or for the protection of any of the Debentureholders to disqualify Chemical Bank from acting as Trustee under any of the aforementioned indentures.

For a more detailed statement of the matters of fact and law asserted, all persons are referred to said application which is on file in the offices of the Commission at 500 North Capitol Street NW., Washington, D.C. 20549.

Notice is further given that any interested person may, not later than February 24, 1975, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said application which he desires to controvert, or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. At any time after said date, the Commission may issue an order granting the application, upon such terms and conditions as the Commission may deem necessary or appropriate in the public interest and the interest of investors, unless a hearing is ordered by the Commission.

For the Commission, by the Division of Corporation Finance, pursuant to delegated authority.

[SEAL] GEORGE A. FITZSIMMONS, *Secretary.*

[FR Doc.75-3254 Filed 2-4-75;8:45 am]

[812-3744]

TAX-EXEMPT MUNICIPAL TRUST, (FIRST NEW YORK SERIES AND SUBSEQUENT SERIES)

Filing of Application

JANUARY 29, 1975.

Notice is hereby given that Tax-Exempt Municipal Trust (First New York Series and Subsequent Series) ("Applicant"), 767 Fifth Avenue, New York, New York, a unit investment trust registered under the Investment Company Act of 1940 ("Act"), filed an application on January 6, 1975, pursuant to section 6(c) of the Act for an order of the Commission exempting Applicant from the provisions of section 14(a) of the Act and Rule 22c-1 under the Act. All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein, which are summarized below.

Applicant is organized under the laws of the State of New York. Shearson Hayden Stone, Inc. ("Sponsor") will act as Applicant's sponsor. Each series of Applicant will be governed by a trust agreement ("Trust Agreement") with United States Trust Company ("Trustee") as Trustee. Standard & Poor's Corporation ("Evaluator") will serve as Evaluator.

The Trust Agreement for each series will contain terms and conditions common to all the series. Pursuant to the Trust Agreement for each series, Sponsor will deposit with the Trustee between $3,000,000 and $20,000,000 principal amount of bonds which Sponsor shall have accumulated for such purpose, and, simultaneously with such deposit, will receive from the Trustee registered certificates for between 3,000 and 20,000 units, which will represent the entire ownership of that series at the date of deposit. Applicant presently proposes to offer units of its First New York series for sale to the public, and has filed, for this purpose, a registration statement under the Securities Act of 1933.

Each unit for a particular series will represent a fractional undivided interest in that series. Units will be redeemable. In the event that any unit shall be redeemed, the portion of the fractional undivided interest represented by each unit outstanding will be increased. Units will remain outstanding until redeemed

or until the termination of the Trust Agreement. The Trust Agreement may be terminated by 100% agreement of the unitholders, automatically on a date 50 years after the date of deposit; or if the net worth of any series is reduced below $1,000,000, the Trust Agreement must be terminated and the Trustee shall liquidate the Trust in the manner provided in the Trust Agreement.

The Trust Agreement does not provide for the issuance of additional units after the initial offering of a series. Each series will consist of the bonds, and any bonds received in exchange or substitution therefor upon certain refundings, as may from time to time continue to be held, accrued and undistributed interest and undistributed cash. Certain of the bonds may from time to time be sold under special circumstances set forth in the Trust Agreement, or may be redeemed or may mature in accordance with their terms. The proceeds from any such disposition will not be reinvested but will be distributed to unitholders. While the Sponsor is not obligated to do so, it is its present intention to maintain a market for units of Applicant and continuously to offer to purchase such units at prices in excess of the redemption price, as set forth in the Trust Agreement.

SECTION 14(a)

Section 14(a) of the Act, in part, provides that no registered investment company and no principal underwriter for such a company shall make a public offering of securities of which such company is the issuer unless (1) the company has a net worth of at least $100,000; (2) at the time of a previous public offering it had a net worth of $100,000; or (3) provision is made that a net worth of $100,000 will be obtained from not more than twenty-five responsible persons within ninety days, or the entire proceeds received, including sales charge, will be refunded.

Applicant seeks exemption from section 14(a) in order to proceed with the public offering of its units, as described above. In connection with the requested exemption, Sponsor has agreed that it will refund, on demand and without deduction, all sales charges paid by purchasers of units in the initial public offering of a series if, within 90 days from the time that the registration statement relating to such series becomes effective, either the net worth of such series shall be reduced to less than $1,000,000 or such series shall have been terminated.

RULE 22c-1

Rule 22c-1 provides, in part, that redeemable securities of registered investment companies may not be sold, redeemed or repurchased except at a price based on the current net asset value (computed on each day during which the New York Stock Exchange is open for trading not less frequently than once daily as of the time of the close of trading on such Exchange) which is next computed after receipt of a tender of such security for redemption or of an order to purchase or sell such security.

Applicant represents that the Sponsor, while not obligated to do so, intends to maintain a market for the units and continuously to offer to purchase units at prices in excess of redemption prices. For purposes of the secondary market transactions, an evaluation will only be made as of the last business day of the preceding week, which calculation shall be the basis for the offering price of all units sold by the Sponsor during the ensuing week.

Applicant asserts that the pricing of units by the Sponsor in the secondary market will in no way affect the assets of Applicant, i.e., the underlying bonds, and that unitholders will benefit from such pricing procedures by receiving a normally higher repurchase price for their units than they would receive upon redemption without the cost burden of daily evaluations of the unit redemption value. In addition, because of the nature of the bonds in Applicant's portfolio, it is represented that the net asset value per unit is anticipated to vary only slightly on a week-to-week basis.

The application states that the Sponsor has undertaken to adopt a procedure whereby the Evaluator, without a formal evaluation, will provide the Sponsor with estimated evaluations on trading days. In the case of a repurchase by the Sponsor, if the Evaluator cannot state that the previous Friday's offering side evaluation is at least equal to the current bid price, the Sponsor will order a new offering side evaluation. In the case of a resale by the Sponsor, if the Evaluator cannot state that the previous Friday's price is no more than one-half point ($5.00 per $1,000.00 principal amount of underlying bonds) greater than the current offering side evaluation, a full evaluation will be ordered.

Section 6(c) of the Act provides, in part, that the Commission may conditionally or unconditionally exempt any person, security, or transaction, or any class or classes of persons, securities, or transactions from any provisions of the Act or any rule or regulation under the Act, if and to the extent such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Notice is further given that any interested person may, not later than February 18, 1975, at 12:30 p.m., submit to the Commission in writing a request for a hearing on this matter accompanied by a statement as to the nature of his interest, the reason for such request, and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon Applicant at the address stated above. Proof of such service (by affidavit or in case of an attorney-at-law by certificate) shall be filed contemporaneously with the request. As provided by Rule 0-5 of the rules and regulations promulgated under the Act, an order disposing of the application herein will be issued as of course following said date, unless the Commission thereafter orders a hearing upon request or upon the Commission's own motion. Persons who request a hearing or advice as to whether a hearing is ordered will receive any notices and orders issued in this matter, including the date of 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.75-3256 Filed 2-4-75;8:45 am]

[File No. 500-1]

TELEX CORP.

Suspension of Trading

JANUARY 27, 1975.

The common stock of Telex Corp. being traded on the New York, Midwest, Pacific, Philadelphia-Baltimore-Washington, and Boston Stock Exchanges; the warrants to purchase common stock being traded on the American and Philadelphia - Baltimore - Washington Stock Exchanges; the 9 percent subordinated debentures due November 1, 1996 being traded on the New York Stock Exchange; the 5 percent convertible subordinated debentures due October 1, 1987 and units consisting of $1,000 debenture and 1 warrant being traded over-the-counter pursuant to provisions of the Securities Exchange Act of 1934 and all other securities of Telex Corp. 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 exchanges and otherwise than on a national securities exchange is suspended, for the period from 10:01 a.m. (e.s.t.) on January 28, 1975, to 10 a.m. (e.s.t.) on January 30, 1975.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.75-3250 Filed 2-4-75;8:45 am]

[File No. 500-1]

TELEX CORP.

Suspension of Trading

JANUARY 24, 1975.

The common stock of Telex Corp. being traded on the New York, Midwest, Pacific, Philadelphia-Baltimore-Washington and Boston Stock Exchanges; the warrants to purchase common stock being traded on the American and Philadelphia-Baltimore-Washington Stock Exchanges; the 9% subordinated debentures due November 1, 1996 being traded on the New York Stock Exchange; the 5% convertible subordinated debentures due October 1, 1987 and units consisting of $1000 debenture and 1 warrant being traded over-the-counter pursuant to provisions of the Securities Exchange Act of 1934 and all other securities of Telex Corp. 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 exchanges and otherwise than on a national securities exchange is suspended, for the period from 4:50 p.m. (e.s.t.) on January 24, 1975 to 10 a.m. (e.s.t.) on January 28, 1975.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.75-3251 Filed 2-4-75;8:45 am]

[70-5611]

T. W. PHILLIPS GAS & OIL CO.

Notice of Application for Intrastate Exemption

JANUARY 28, 1975.

Notice is hereby given that T. W. Phillips Gas and Oil Company ("Phillips"), 205 N. Main Street, Butler, Pennsylvania 16001, a gas utility company, has filed with this Commission an application pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating sections 3(a), 9(a)(2), 9(b)(2), and 10 of the Act as applicable to the proposed transaction. All interested persons are referred to said application for a statement of the proposed transaction which is summarized below.

Phillips, a Pennsylvania corporation, is a privately owned, integrated gas utility company. All of the utility assets, business and operations now owned by Phillips are located in the State of Pennsylvania. Phillips produces, purchases, distributes and sells natural gas to the public in various communities located in seven contiguous counties in western Pennsylvania, and produces gas in two other adjacent counties. As of December 31, 1974, Phillips had 46,524 customers of which 43,302 were residential, 2,555 were commercial, 50 were industrial, 10 were public utilities, and 607 other. During the calendar year 1974, Phillips distributed 9,414,818 Mcf of natural gas at retail to residential and commercial customers, 8,565,477 Mcf to industrial consumers in Pennsylvania for their own use, and 327,116 Mcf to other gas utility companies for resale in Pennsylvania.

Phillips presently has three subsidiary companies. Two of the subsidiaries, Castle, Incorporated and PIRECO INC., do not sell natural gas at retail or to Phillips or any of Phillips' subsidiaries. The third subsidiary, Acme Natural Gas Co. ("Acme"), is incorporated under the laws of Pennsylvania and is engaged in the business of purchasing natural gas from a non-affiliated pipeline company for delivery and sale to two industrial consumers for their own use in Pennsylvania. The balance of any gas not required by Acme's industrial customers is sold to Phillips for resale in Pennsylvania. During 1974, Acme sold 5,863,351 Mcf. of natural gas to its industrial customers and a total of 314,624 Mcf. to Phillips. The certificate of public convenience issued by the Pennsylvania Public Utility Commission ("Pennsylvania PUC") authorize Acme to furnish service to its two industrial customers and to no one else, including any residential or commercial customers.

Phillips now contemplates organizing a new subsidiary ("Gas Utility Subsidiary") and to acquire securities of the Gas Utility Subsidiary in consideration of the transfer by Phillips of all its gas utility assets and business to (and assumption of related liabilities by) the Gas Utility Subsidiary. The Gas Utility Subsidiary will be organized as a Pennsylvania corporation, and will be a wholly-owned subsidiary of Phillips. The Gas Utility Subsidiary will employ Phillips' present facilities to continue the service of natural gas to the public in the territory now being served by Phillips without change in the nature or character of such service. The Gas Utility Subsidiary will be subject to regulation by the Pennsylvania PUC to the same extent as Phillips is at present, and will file a supplement adopting Phillips' existing tariff of rates and terms of service in Phillips' present territory.

To effectuate the foregoing transaction, the Gas Utility Subsidiary will issue to Phillips 50,000 shares of its common stock (par value $100 per share) and $15,000,000 aggregate principal amount of its 11% sinking fund debentures due 1982, in consideration of the transfer by Phillips to the Gas Utility Subsidiary of all of Phillips' gas utility assets and the assumption by the Gas Utility Subsidiary of the related liabilities. The utility assets to be transferred will have a net book value of approximately $36,700,000.

Upon consummation of the contemplated reorganization, Phillips will be a holding company within the meaning of the Act. However, Phillips proposes that it be exempted from such status under section 3(a)(1) of the Act because all of the utility assets, business and operations now owned by Phillips, which will be acquired by Gas Utility Subsidiary, are located in Pennsylvania, and because Phillips and Gas Utility Subsidiary are both organized under the laws of Pennsylvania.

The estimated fees and expenses to be incurred in connection with the proposed transaction aggregate $104,830 and consist of estimated State taxes of $80,000 and legal and other expenses in connection with the filing and proposed transaction in the amount of $22,830.

The Pennsylvania PUC has authorized the acquisition by Phillips of all the outstanding voting capital stock of the Gas Utility Subsidiary, the transfer by Phillips and the acquisition by the Gas Utility Subsidiary of all Phillips' gas utility assets and related liabilities, the exercise by the Gas Utility Subsidiary of the right to furnish or supply gas service to the public in the same territory presently served by Phillips and the abandonment by Phillips of all gas service, and the issuance by the Gas Utility Subsidiary of its capital stock and debentures. It is represented that no other State commission and no Federal commission, other than this Commission, has jurisdiction over the proposed transaction.

Notice is further given that any interested person may, not later than February 21, 1975, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said application, as filed, or as it may be amended, which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon the applicant at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the application, as filed or as it may be amended, may be granted as provided in Rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.75-3255 Filed 2-4-75;8:45 am]

SMALL BUSINESS ADMINISTRATION

[Declaration of Disaster Loan Area 1113]

GEORGIA

Declaration of Disaster Loan Area

Whereas, it has been reported that during the month of January, because of the effects of a certain disaster, damage resulted to property located in the State of Georgia;

Whereas, the Small Business Administration has investigated and received reports of other investigations of conditions in the area affected;

Whereas, after reading and evaluating reports of such conditions, I find that the conditions in such area constitute a catastrophe within the purview of the Small Business Act, as amended;

Now, therefore, as Administrator of the Small Business Administration, I hereby determine that:

1. Applications for disaster loans under the provisions of section 7(b)(1) of the Small Business Act, as amended, may be received and considered by the office below indicated from persons or firms whose property situated in Decatur, Mitchell, Seminole, Turner, and Worth Counties, and adjacent affected areas, suffered damage or destruction resulting from tornadoes, high winds and flooding which occurred January 10–12, 1975. Adjacent areas include only counties within the state for which the declaration is made and do not extend beyond state lines.

Small Business Administration, District Office, 1401 Peachtree Street NE., Atlanta, Georgia 30309.

2. Applications for disaster loans under the authority of this declaration will not be accepted subsequent to March 25, 1975. EIDL application will not be accepted subsequent to October 24, 1975.

THOMAS S. KLEPPE,
Administrator.

JANUARY 24, 1975.

[FR Doc.75-3280 Filed 2-4-75;8:45 am]

[License No. 06/06-5160]

GULF SOUTH VENTURE CORP.

Filing of Application

Notice is hereby given that Gulf South Venture Corporation (licensee), 821 Gravier Street, New Orleans, Louisiana 70112, a small business investment company licensed under section 301(d) of the Small Business Investment Act of 1958, as amended (the Act), has filed with the Small Business Administration (SBA) an application for exemption from the provisions of 13 CFR 107.1004 (1974).

Licensee proposes to invest $100,000 in the capital stock of the Republic National Bank of Louisiana (Republic), a recently organized minority-owned and controlled national bank, located in New Orleans. This investment will constitute 10 percent of the capital of Republic.

The proposed financing comes within the purview of the cited regulation by virtue of the fact that Mr. Robert P. Aulston III, President and Chief Executive Officer of the licensee, is also one of nine (9) directors of Republic. Mr. Aulston also owns one percent of the capital stock of Republic.

Notice is hereby given that any person may, not later than February 20, 1975, submit comments to SBA on the proposed transaction. Any such comments should be addressed to the Deputy Associate Administrator for Investment, Small Business Administration, 1441 L Street NW, Washington, D.C. 20416.

Notice is further given that any time after such date, SBA may dispose of the application on the basis of the information set forth therein and other relevant data.

Dated: January 27, 1975.

JAMES THOMAS PHELAN,
Deputy Associate Administrator for Investment.

[FR Doc.75-3281 Filed 2-4-75;8:45 am]

MADISON DISTRICT ADVISORY COUNCIL

Meeting

The Small Business Administration Madison District Advisory Council will meet at 10:30 am (c.s.t.) Thursday, February 27, 1975, at the Downtowner Motel in Green Bay, Wisconsin, 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 Lucian G. Schlimgen, Jr., Small Business Administration, 122 West Washington Avenue, Room 713, Madison, Wisconsin 53703, (608) 252-5267.

Dated: January 28, 1975.

JOHN JAMESON,
Director, Office of Advisory Councils, Small Business Administration.

[FR Doc.75-3282 Filed 2-4-75;8:45 am]

INTERSTATE COMMERCE COMMISSION

[Notice 689]

ASSIGNMENT OF HEARINGS

JANUARY 31, 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 2900 (Sub-No. 261), Ryder Truck Lines, Inc., now being assigned April 1, 1975 (9 days), in Admiral Benbow Inn, 1200 N. Westshore Blvd., Tampa, Florida.

MC 118520 Sub 10, Alaska Truck Transport, Inc., now being assigned March 25, 1975 (3 days), at Seattle, Washington, in a hearing room to be later designated.

MC 118959 Subs 108, 109, 111, 112, and 113, Jerry Lipps, Inc., now being continued April 7, 1975, at the Offices of The Interstate Commerce Commission, Washington, D.C.

MC 10794 Sub 4, Perrow Motor Freight Lines, Inc., now assigned February 10, 1975 at Charleston, W. Va., is canceled and the application is dismissed. I & S No. 9002, Increased Grain Rates, To Louisiana Gulf Ports, now assigned April 1, 1975, at Kansas City, Mo., is postponed to June 3, 1975 (4 days), at Kansas City, Mo., in a hearing room to be designated later.

MC-F-12257, International Carriers, Inc.—Purchase—Motor Dispatch, Inc., now assigned February 24, 1975, at Chicago, Ill., is postponed indefinitely. Pre-hearing conference now being assigned February 13, 1975, at the Offices of the Interstate Commerce Commission, Washington, D.C.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.75-3320 Filed 2-4-75;8:45 am]

FOURTH SECTION APPLICATION FOR RELIEF

JANUARY 31, 1975.

An application, as summarized below, has been filed requesting relief from the requirements of section 4 of the Interstate Commerce Act to permit common carriers named or described in the application to maintain higher rates and charges at intermediate points than those sought to be established at more distant points.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the General Rules of Practice (49 CFR 1100.40) and filed on or before February 20, 1975.

FSA No. 42932—*Pipeline Rates—Petroleum Products from and to the Southwest.* Filed by Kaneb Pipe Line Company (KPL), (No. 1), for interested rail carriers. Rates on petroleum products, as described in the application, from points in Kansas and Oklahoma, to Milford, Iowa.

Grounds for relief—Carrier competition.

Tariff—Kaneb Pipe Line Company tariff 1-E, I.C.C. No. 9.

Rates are published to become effective on March 1, 1975.

By the Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.75-3318 Filed 2-4-75;8:45 am]

[Ex Parte No. 241; Rule 19, Exemption 63, Amdt. 4]

BESSEMER & LAKE ERIE RAILROAD CO. AND PENN CENTRAL TRANSPORTATION CO.

Exemption Under Mandatory Car Service Rules

To: Bessemer and Lake Erie Railroad Company and Penn Central Transportation Company, Robert W. Blanchette, Richard C. Bond, and John H. McArthur, Trustees.

Upon further consideration of Exemption No. 63 issued February 12, 1974.

It is ordered, That, under authority vested in me by Car Service Rule 19, Exemption No. 63 to the Mandatory Car Service Rules ordered in Ex Parte No. 241 be, and it is hereby, amended to expire April 30, 1975.

This amendment shall become effective January 31, 1975.

Issued at Washington, D.C., January 27, 1975.

INTERSTATE COMMERCE COMMISSION,
[SEAL] R. D. PFAHLER,
Agent.

[FR Doc.75-3327 Filed 2-4-75;8:45 am]

[Rev. S.O. 994; ICC Order 7, Amdt. 7]

BIRMINGHAM SOUTHERN RAILROAD CO. AND LOUISVILLE & NASHVILLE RAILROAD CO.

Rerouting or Diversion of Traffic

Upon further consideration of I.C.C. Order No. 63 and good cause appearing therefor:

It is ordered, That:

I.C.C. Order No. 63 be, and it is hereby, amended by substituting the following paragraph (e) for paragraph (e) thereof:

(e) *Expiration date.* This order shall expire at 11:59 p.m., January 31, 1976, 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 22, 1975.

INTERSTATE COMMERCE COMMISSION,
[SEAL] R. D. PFAHLER,
Agent.

[FR Doc.75-3328 Filed 2-4-75;8:45 am]

[Ex Parte No. 241; Rule 19, Exemption 56, Amdt. 7]

ERIE LACKAWANNA RAILWAY CO. AND PENN CENTRAL TRANSPORTATION CO.

Exemption Under Mandatory Car Service Rules

To: Erie Lackawanna Railway Company, Thomas F. Patton and Ralph S. Tyler, Jr., Trustees; and Penn Central Transportation Company, Robert W. Blanchette, Richard C. Bond, and John H. McArthur, Trustees.

Upon further consideration of Exemption No. 56 issued October 31, 1973.

It is ordered, That, under authority vested in me by Car Service Rule 19, Exemption No. 56 to the Mandatory Car Service Rules ordered in Ex Parte No. 241 be, and it is hereby, amended to expire April 30, 1975.

This amendment shall become effective January 31, 1975.

Issued at Washington, D.C., January 27, 1975.

INTERSTATE COMMERCE COMMISSION,
[SEAL] R. D. PFAHLER,
Agent.

[FR Doc.75-3325 Filed 2-4-75;8:45 am]

[Ex Parte No. 70; Rule 19, Exemption 70, Amdt. 3]

ERIE LACKAWANNA RAILWAY CO. AND NORFOLK & WESTERN RAILWAY CO.

Exemption Under Mandatory Car Service Rules

To: Erie Lackawanna Railway Company, Thomas F. Patton and Ralph S. Tyler, Jr., Trustees; and Norfolk and Western Railway Company.

Upon further consideration of Exemption No. 70 issued May 6, 1974.

It is ordered, That, under authority vested in me by Car Service Rule 19, Exemption No. 70 to the Mandatory Car Service Rules ordered in Ex Parte No. 241, be, and it is hereby, amended to expire April 30, 1975.

This amendment shall become effective January 31, 1975.

Issued at Washington, D.C., January 27, 1975.

INTERSTATE COMMERCE COMMISSION,
R. D. PFAHLER,
Agent.

[FR Doc.75-3322 Filed 2-4-75;8:45 am]

[Ex Parte No. 241; Rule 19, Exemption 89, Amdt. 1]

EXEMPTION UNDER MANDATORY CAR SERVICE RULES

Upon further consideration of Exemption No. 89 issued November 25, 1974.

It is ordered, That, under the authority vested in me by Car Service Rule 19, Exemption No. 89 to the Mandatory Car Service Rules, ordered in Ex Parte No. 241, be, and it is hereby amended to *expire March 31, 1975.*

This amendment shall become effective January 31, 1975.

Issued at Washington, D.C., January 27, 1975.

INTERSTATE COMMERCE COMMISSION,
[SEAL] R. D. PFAHLER,
Agent.

[FR Doc.75-3323 Filed 2-4-75;8:45 am]

[Ex Parte No. 241; Rule 19, Exemption 55, Amdt. 7]

NORFOLK & WESTERN RAILWAY CO. AND PENN CENTRAL TRANSPORTATION CO.

Exemption Under Mandatory Car Service Rules

To: Norfolk & Western Railway Company and Penn Central Transportation Company, Robert W. Blanchette, Richard C. Bond, and John H. McArthur, Trustees.

Upon further consideration of Exemption No. 55 issued October 31, 1973.

It is ordered, That, under authority vested in me by Car Service Rule 19, Exemption No. 55 to the Mandatory Car Service Rules ordered in Ex Parte No. 241 be, and it is hereby, amended to expire April 30, 1975.

This amendment shall become effective January 31, 1975.

Issued at Washington, D.C., January 27, 1975.

INTERSTATE COMMERCE COMMISSION,
[SEAL] R. D. PFAHLER,
Agent.

[FR Doc.75-3324 Filed 2-4-75;8:45 am]

[Rev. S.O. 994; ICC Order 74, Amdt. 1]

PENN CENTRAL TRANSPORTATION CO.

Rerouting or Diversion of Traffic

Upon further consideration of Revised I.C.C. Order No. 74 (Penn Central Transportation Company, Robert W. Blanchette, Richard C. Bond, and John H. McArthur, Trustees) and good cause appearing therefor:

It is ordered, That:

Revised I.C.C. Order No. 74 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, charged, 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 22, 1975.

INTERSTATE COMMERCE COMMISSION,
[SEAL] R. D. PFAHLER,
Agent,

[FR Doc.75-3326 Filed 2-4-75;8:45 am]

[Finance Docket No. 27685; AB 9 (Sub-No. 3)]

ST. LOUIS SAN FRANCISCO RAILWAY CO.

Notice of Abandonment

Upon consideration of the record in these proceedings, and of a staff-prepared environmental threshold assessment survey which is available to the public upon request; and

It appearing, that no environmental impact statement need be issued in these proceedings because these proceedings do

not represent a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969, 42 U.S.C. 4321, et seq.; and good cause appearing therefor:

It is ordered, That applicant be, and it is hereby, directed to publish the appended notice in a newspaper of general circulation in Pickens and Sumter Counties, Ala., on or before February 14, 1975, and certify to the Commission that this has been accomplished.

And it is further ordered, That notice of this order shall be given to the general public by depositing a copy thereof in the Office of the Secretary of the Commission at Washington, D.C., and by forwarding a copy to the Director, Office of the Federal Register, for publication in the FEDERAL REGISTER.

Dated at Washington, D.C., this 29th day of January, 1975.

By the Commission, Commissioner Tuggle.

[SEAL] ROBERT L. OSWALD, *Secretary.*

In the matter of St. Louis San Francisco Railway Company, Abandonment of Bridge Spanning Tombigbee River in Cochrane, Alabama.

St. Louis San Francisco Railway Company, Trackage rights over Alabama Great Southern Railroad between Boligee, Greene County, Alabama, and York, Sumter County, Alabama.

The Interstate Commerce Commission hereby gives notice that by order dated January 29, 1975, it has been determined that the proposed abandonment of the St. Louis San Francisco Railway Company of its Cochrane Bridge over the Tombigbee River and the proposed acquisition of trackage rights over the Alabama Great Southern line, if approved by the Commission, does not constitute a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969 (NEPA), 42 U.S.C. 4321, et seq., and that preparation of a detailed environmental impact statement will not be required under section 4332(2)(C) of the NEPA.

It was concluded, among other things, that the environmental impacts of the proposed action are considered insignificant because local service will still be provided in the area and bridge traffic will be permanently rerouted over a line of comparable length and in the same general region. Approval of the abandonment will facilitate the removal of the collapsed Cochrane Bridge structure from the Tombigbee River.

This determination was based upon the staff preparation and consideration of an environmental threshold assessment survey, which is available on request to the Interstate Commerce Commission, Office of Proceedings, Washington, D.C. 20423; telephone 202-343-2086.

Interested persons may comment on this matter by filing their statements in writing with the Interstate Commerce Commission, Washington, D.C., 20423, on or before March 3, 1975.

This negative environmental determination shall become final unless good and sufficient reason demonstrating why an environmental impact statement should be prepared for this action is submitted to the Commission by the above-specified date.

[FR Doc.75-3319 Filed 2-4-75;8:45 am]

[Notice 2]

MOTOR CARRIER ALTERNATE ROUTE DEVIATION NOTICES

JANUARY 31, 1975.

The following letter-notices of proposals (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), to operate over deviation routes for operating convenience only have been filed with the Interstate Commerce Commission under the Commission's Revised Deviation Rules—Motor Carriers of Passengers, 1969 (49 CFR 1042.2(c)(9)) and notice thereof to all interested persons is hereby given as provided in such rules (49 CFR 1042.2(c)(9)).

Protests against the use of any proposed deviation route herein described may be filed with the Interstate Commerce Commission in the manner and form provided in such rules (49 CFR 1042.2(c)(3)) at any time, but will not operate to stay commencement of the proposed operations unless filed within 30 days from the date of publication.

Successively filed letter-notices of the same carrier under the Commission's Revised Deviation Rules—Motor Carriers of property, 1969, will be numbered consecutively for convenience in identification and protests, if any, should refer to such letter-notices by number.

MOTOR CARRIERS OF PASSENGERS

No. MC 1515 (Deviation No. 688), GREYHOUND LINES, INC. (Eastern Division), P.O. Box 6903, 1400 West Third Street, Cleveland, Ohio, 44101, filed January 21, 1975. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *passengers and their baggage*, and *express* and *newspapers* in the same vehicle with passengers, over a deviation route as follows: From Grand Rapids, Mich., over Interstate Highway 196 to junction U.S. Highway 31 (also known as Interstate Highway 196) south of Holland, Mich., with the following access routes: (a) from junction Interstate Highway 196 and Michigan Highway 21 over Michigan Highway 21 to Jenison, Mich., and (b) from junction Interstate Highway 196 and Byron Road over Byron Road to junction Michigan Highway 21 (east of Zeeland, Mich.) and return over the same routes for operating convenience only. The notice indicates that the carrier is presently authorized to transport passengers and the same property over a pertinent service route as follows: From Grand Rapids, Mich., over Michigan Highway 21 to Holland, Mich., thence over U.S. Highway 31 to junction Interstate Highway 196 and return over the same route.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.75-3321 Filed 2-4-75;8:45 am]

[Notice 227]

MOTOR CARRIER TRANSFER PROCEEDINGS

FEBRUARY 5, 1975.

Application filed for temporary authority under section 210a(b) in connection with transfer application under section 212(b) and Transfer Rules, 49 CFR Part 1132:

No. MC-FC-75670. By application filed January 28, 1975, W. J. LANDES, doing business as LANDES GARAGE, 115 South Augusta St., Staunton, VA 24401, seeks temporary authority to lease the operating rights of LANDES WRECKER SERVICE, INC., 702 Waynesboro Rd., Staunton, VA 24401, under section 210a (b). The transfer to W. J. LANDES, doing business as LANDES GARAGE, of the operating rights of LANDES WRECKER SERVICE, INC., is presently pending.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.75-3317 Filed 2-4-75;8:45 am]

FILING OF MOTOR CARRIER INTRASTATE APPLICATIONS

JANUARY 31, 1975.

The following applications for motor common carrier authority to operate in intrastate commerce seek concurrent motor carrier authorization in interstate or foreign commerce within the limits of the intrastate authority sought, pursuant to section 206(a)(6) of the Interstate Commerce Act, as amended October 15, 1962. These applications are governed by Special Rule 1.245 of the Commission's Rules of Practice, published in the FEDERAL REGISTER, issue of April 11, 1963, page 3533, which provides, among other things, that protests and requests for information concerning the time and place of State Commission hearings or other proceedings, any subsequent changes therein, any other related matters shall be directed to the State Commission with which the application is filed and shall not be addressed to or filed with the Interstate Commerce Commission.

California Docket No. 55444, filed January 17, 1975. Applicant: MISSION CITIES FREIGHT LINES, INC., 534 Bellomy Street, Santa Clara, Calif. 95050. Applicant's representative: Bertram S. Silver and Michael J. Strecher, 140 Montgomery Street, San Francisco, Calif. 94104. Certificate of Public Convenience and Necessity sought to operate a freight service as follows: Transportation of 1. *General commodities* (except as hereinafter provided), between all points and places in the San Francisco Territory which includes all the City of San Jose and that area embraced by the following boundary: Beginning at the point the San Francisco-San Mateo County Line meets the Pacific Ocean; thence easterly along said County Line to a point one mile west of State Highway 82; southerly along an imaginary line one mile west of and paralleling State Highway

82 to its intersection with Southern Pacific Company right-of-way at Arastradero Road; southeasterly along the Southern Pacific Company right-of-way to Pollard Road, including industries served by the Southern Pacific Company spur line extending approximately two miles southwest from Simla to Parmanente; easterly along Pollard Road to W. Parr Avenue; easterly along W. Parr Avenue to Capri Drive; southerly along Capri Drive to Division Street; easterly along Division Street to the Southern Pacific Company right-of-way; southerly along the Southern Pacific right-of-way to the Campbell-Los Gatos City Limits; easterly along said limits and the prolongation thereof to South Bascom Avenue (formerly San Jose-Los Gatos Road); northeasterly along South Bascom Avenue to Foxworthy Avenue; easterly along Foxworthy Avenue to Almaden Road; southerly along Almaden Road to Hillsdale Avenue; easterly along Hillsdale Avenue to State Highway 82; northwesterly along State Highway 82 to Tully Road;

Northeasterly along Tully Road and the prolongation thereof to White Road; northwesterly along White Road to McKee Road; southwesterly along McKee Road to Capitol Avenue; northwesterly along Capitol Avenue to State Highway 238 (Oakland Road); northerly along State Highway 238 to Warm Springs; northerly along State Highway 238 (Mission Blvd.) via Mission San Jose and Niles to Hayward; northerly along Foothill Blvd. and MacArthur Blvd. to Seminary Avenue; easterly along Seminary Avenue to Mountain Blvd.; northerly along Mountain Blvd. to Warren Blvd. (State Highway 13); northerly along Warren Blvd. to Broadway Terrace; westerly along Broadway Terrace to College Avenue; northerly along College Avenue to Dwight Way; easterly along Dwight Way to the Berkeley-Oakland Boundary line; northerly along said boundary line to the Campus Boundary of the University of California; westerly, northerly and easterly along the campus boundary to Euclid Avenue; northerly along Euclid Avenue to Marin Avenue; westerly along Marin Avenue to Arlington Avenue; northerly along Arlington Avenue to San Pablo Avenue (State Highway 123); northerly along San Pablo Avenue to and including the City of Richmond to Point Richmond; southerly along an imaginary line from Point Richmond to the San Francisco waterfront at the foot of Market Street; westerly along said waterfront and shoreline to the Pacific Ocean; southerly along the shoreline of the Pacific Ocean to point of beginning; and (2) *General commodities* (except as hereinafter provided), between any and all points on or within ten miles of the following routes and all off-route points encompassed by the outer perimeters of the designated routes.

(A) State Highway 17 between its intersection with State Highway 9 at Los Gatos and its intersection with State Highway 1 at Santa Cruz, inclusive; (B) State Highway 1 between its intersection with State Highway 17 at Santa Cruz and its intersection with State Highway 68 at Monterey, inclusive; (C) State Highway 156 West from its intersection with State Highway 1 at Castroville to its intersection with U.S. Highway 101, inclusive, (D) State Highway 68 between its intersection with State Highway 1 at Monterey and its intersection with U.S. Highway 101 at Salinas, inclusive; (E) U.S. Highway 101 between its intersection with State Highway 68 at Salinas and its intersection with Tully Road at San Jose, inclusive; (F) State Highway 156 East between its intersection with U.S. Highway 101 near San Juan Bautista and its intersection with State Highway 152, inclusive; (G) State Highway 152 between its intersection with State Highway 156 East and its intersection with State Highway 1 at Watsonville, inclusive; and (3) Through routes and rates may be established between any and all points specified in paragraphs 1 and 2 above. Pursuant to the authority granted herein, carrier shall not transport any shipments of: (1) Used household goods, personal effects and office store and institution furniture, fixtures and euipment not packed in accordance with the crated property requirements set forth in Item 5 of Minimum Rate Tariff 4-B.

(2) Automobiles, trucks and buses, viz; new and used, finished or unfinished passenger automobiles (including Jeeps), ambulances, hearses and taxis; freight automobiles, automobile chassis, trucks, truck chassis, truck trailers, trucks and trailers combined, buses and bus chassis. (3) Livestock, viz; barrows, boars, bulls, butcher hogs, calves, cattle, cows, dairy cattle, ewes, feeder pigs, gilts, goats, heifers, hogs, kids, lambs, oxen, pigs, rams (bucks), sheep, sheep camp outfits, sows, steers, stags, swine or wethers. (4) Liquids, compressed gases, commodities in semiplastic form and commodities in suspension in liquids in bulk, in tank trucks, tank trailers, tank semitrailers or a combination of such highway vehicles. (5) Commodities when transported in bulk in dump trucks or in hopper-type trucks. (6) Commodities when transported in motor vehicles equipped for mechanical mixing in transit. (7) Portland or similar cements, in bulk or packages, when located substantially to capacity of motor vehicle. (8) Logs; and (9) Articles of extraordinary value. Intrastate, interstate and foreign commerce authority sought. Hearing: Date, time and place not yet fixed. Requests for procedural information should be addressed to the California Public Utilities Commission, State Building, Civic Center, 455 Golden Gate Avenue, San Francisco, Calif. 94102, and should *not* be directed to the Interstate Commerce Commission.

New York Docket No. T-8561, filed December 30, 1974. Applicant: AVON TRAILER CENTER, INC., P.O. Box 37, Avon, N.Y. 14414. Applicant's representative: S. Michael Richards, 44 North Ave., P.O. Box 225, Webster, N.Y. 14580. Certificate of Public Convenience and Necessity sought to operate a freight service as follows: Transportation of *Trailer coaches*, furnished or unfurnished, *prefabricated buildings* and *modular homes*, complete or in sections, *mounted or wheeled undercarriages* and returned *undercarriages* in the reverse direction, between all points in a territory comprised of the following counties: Allegany, Erie, Genesee, Livingston, Monroe, Niagara, Ontario, Orleans, Steuben, Wayne, Wyoming, Yates, Seneca, Schuyler and Chemung, N.Y.; and between Monroe, Livingston, Ontario, Genesee, Wayne, Seneca and Steuben, on the one hand, and, on the other, all points in New York. Intrastate, interstate and foreign commerce authority sought. HEARING: Date, time and place not yet fixed. Request for procedural information should be addressed to the New York State Department of Transportation, 1220 Washington Avenue, State Campus, Albany, N.Y. 12226 and should *not* be directed to the Interstate Commerce Commission.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.75-3331 Filed 2-4-75;8:45 am]

[Notice 4]

MOTOR CARRIER ALTERNATE ROUTE DEVIATION NOTICES

JANUARY 31, 1975.

The following letter-notices of proposals (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), to operate over deviation routes for operating convenience only have been filed with the Interstate Commerce Commission under the Commission's Revised Deviation Rules-Motor Carriers of Property, 1969 (49 CFR 1042.4(c)(11)) and notice thereof to all interested persons is hereby given as provided in such rules (49 CFR 1042.4(c)(11)).

Protests against the use of any proposed deviation route herein described may be filed with the Interstate Commerce Commission in the manner and form provided in such rules (49 CFR 1042.4(c)(12)) at any time, but will not operate to stay commencement of the proposed operations unless filed within 30 days from the date of publication.

Successively filed letter-notices of the same carrier under the Commission's Revised Deviation Rules-Motor Carriers of Property, 1969, will be numbered consecutively for convenience in identification and protests, if any, should refer to such letter-notices by number.

MOTOR CARRIERS OF PROPERTY

No. MC-29120 (Deviation No. 15), ALL-AMERICAN, INC., 900 W. Delaware, Sioux Falls, S. Dak. 57101, filed January 17, 1975. Carrier proposes to operate

as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over deviation routes as follows: (1) From junction U.S. Highway 20 and U.S. Highway 6 near Fremont, Ohio over U.S. Highway 6 to junction U.S. Highway 20 near Gary, Ind., and (2) From junction Interstate Highway 90 and U.S. Highway 6 near Fremont, Ohio over U.S. Highway 6 to junction Interstate Highway 90 near Gary, Ind., and return over the same routes for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over pertinent service routes as follows: (1) From junction U.S. Highway 20 and U.S. Highway 6 near Fremont, Ohio over U.S. Highway 20 to junction Alternate U.S. Highway 20 near Maumee, Ohio, thence over Alternate U.S. Highway 20 to junction U.S. Highway 20, thence over U.S. Highway 20 to junction Interstate Highway 90 near Gary, Ind., and (2) from junction Interstate Highway 90 and U.S. Highway 6 over Interstate Highway 90 to junction U.S. Highway 6 near Gary, Ind., and return over the same routes. Restriction: The service authorized herein is restricted against the transportation of shipments originating at and destined to points in Ohio and restricted against service to or from Sioux City, Iowa and points in the Sioux City, Iowa commercial zone as defined by the Commission (except Dakota City, Nebr.).

No. MC 29120 (Deviation No. 16), ALL-AMERICAN, INC., 900 W. Delaware, Sioux Falls, S. Dak. 57101, filed January 21, 1975. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From junction Interstate Highway 29 and U.S. Highway 36 near St. Joseph, Mo., over U.S. Highway 36 to junction U.S. Highway 75, thence over U.S. Highway 75 to junction U.S. Highway 275 near Omaha, Nebr., and return over the same route for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over a pertinent service route as follows: From Kansas City, Mo., over Interstate Highway 29 to junction U.S. Highway 59 near Mound City, Mo., thence over U.S. Highway 59 to junction Iowa Highway 92, thence over Iowa Highway 92 to Council Bluffs, Iowa, thence over city streets to Omaha, Nebr., and return over the same route. Restriction: The above-described authority herein authorized is (1) restricted to service at Omaha, Nebraska, and points in its commercial zone as defined by the Commission as a point of joinder only in connection with service from and tc Thief River Falls, Granite Falls, Marshall, Pipestone, Worthington, Winnebago, and Chatfield, Minnesota, points in North Dakota and South Dakota, and those in that part of Iowa west of U.S. Highway 65 (excluding Des Moines, Iowa); (2) restricted against local service between Kansas City and St. Joseph, Missouri, and points in their respective commercial zones as defined by the Commission; and (3) restricted against the transportation of shipments originated or interlined with a connecting carrier at a point within one of the commercial zones of Kansas City, Missouri; St. Joseph, Missouri; or Omaha, Nebraska, and destined for delivery or interline with connecting carriers at a point within one of the said commercial zones.

No. MC 106485 (Deviation No. 1), LEWIS TRUCK LINES, INC., P.O. Box 642, Lisbon, N. Dak. 58054, filed January 17, 1975. Carrier's representative: Michael E. Miller, 502 First National Bank Building, Fargo, N. Dak. 58102. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From South St. Paul, Minn., over Minnesota Highway 56 to St. Paul, Minn., thence over U.S. Highway 12 to Aberdeen, S. Dak., and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over a pertinent service route as follows: From South St. Paul, Minn., over Minnesota Highway 56 to St. Paul, Minn., thence over U.S. Highway 52 to Fergus Falls, Minn., thence over Minnesota Highway 210 to Minnesota-North Dakota State line, thence over North Dakota Highway 13 to junction North Dakota Highway 1, thence over North Dakota Highway 1 to Oakes, N. Dak., thence over unnumbered highway to U.S. Highway 281, thence over U.S. Highway 281 to Aberdeen, S. Dak., and return over the same route.

No. MC-112713 (Deviation No. 28), YELLOW FREIGHT SYSTEM, INC., P.O. Box 7270, 10990 Roe Ave., Shawnee Mission, Kans. 66207, filed November 1, 1974. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Nashville, Tenn., over Interstate Highway 40 to junction Interstate Highway 30 near Little Rock, Ark., thence over Interstate Highway 30 to Dallas, Tex., and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over a pertinent service route as follows: From Nashville, Tenn., over Alternate U.S. Highway 41 to Hopkinsville, Ky., thence over U.S. Highway 41 to junction Alternate U.S. Highway 41, thence over Alternate U.S. Highway 41 to junction Kentucky Highway 56, thence over Kentucky Highway 56 to Blackburn, Ky., thence across the Ohio River to Shawneetown, Ill., thence over Illinois Highway 13 to junction Illinois Highway 142, thence over Illinois Highway 142 to junction U.S. Highway 460, thence over U.S. Highway 460 to Mt. Vernon, Ill., thence over Illinois Highway 15 to Belleville, Ill., thence over Illinois Highway 13 to East St. Louis, Ill., thence across the Mississippi River to St. Louis, Mo., thence over U.S. Highway 66 to junction U.S. Highway 63 (formerly U.S. Highway 66) near Rolla, Mo., thence over U.S. Highway 63 to Rolla, Mo., thence over unnumbered highway (formerly U.S. Highway 66) to junction U.S. Highway 66, thence over U.S. Highway 66 to junction unnumbered highway (formerly U.S. Highway 66) near Waynesville, Mo., thence over unnumbered highway to Waynesville, Mo., thence over Missouri Highway 17 (formerly U.S. Highway 66) to junction U.S. Highway 66, thence over U.S. Highway 66 to junction unnumbered highway (formerly U.S. Highway 66) near Conway, Mo., thence over unnumbered highway via Conway, Mo., to junction U.S. Highway 66, thence over U.S. Highway 66 to junction U.S. Highway 69 near Vinita, Okla., thence over U.S. Highway 69 to Atoka, Okla., thence over U.S. Highway 75 to Dallas, Tex., and return over the same route.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.75-3329 Filed 2-4-75;8:45 am]

[Notice 9]

MOTOR CARRIER APPLICATIONS AND CERTAIN OTHER PROCEEDINGS

JANUARY 31, 1975.

The following publications (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 the new Special Rule 1100.247 of the Commission's rules of practice, published in the FEDERAL REGISTER, issue of December 3, 1963, which became effective January 1, 1964.

The publications hereinafter set forth reflect the scope of the applications as filed by applicant, and may include descriptions, restrictions, or limitations which are not in a form acceptable to the Commission. Authority which ultimately may be granted as a result of the applications here noticed will not necessarily reflect the phraseology set forth in the application as filed, but also will eliminate any restrictions which are not acceptable by the Commission.

MOTOR CARRIERS OF PROPERTY

MC 139692 (Republication), filed April 15, 1974, and published in the FEDERAL REGISTER issue of May 31, 1974, and republished this issue. Applicant: DELTA TRUCKING, INC., P.O. Box 1144, Stratford, Tex. 79084. Applicant's representative: E. R. Finney, 1100 Plaza/One, Amarillo, Tex. 79101. An Order of the Commission, Operating Rights Board, dated November 27, 1974, and served January 13, 1975, finds, that operation by applicant in interstate or foreign commerce, as a *contract carrier* by motor vehicle, over *irregular routes*, of *ammoniated rice hulls*, in bulk, from Stratford, Tex., to Ulysses, Kans., and Boise City, Cuymon, and Texhoma, Okla., under a continuing contract or contracts with Delta Industries, Inc., of

Stratford, Tex., will be consistent with the public interest and the national transportation policy; that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder. The purpose of this republication is to indicate that the contracting shipper for whom the above service is to be performed, is Delta Industries, Inc., of Stratford, Tex., in lieu of International Cattle Systems, Boise City Feed Yards, Texas County Feed Yards, and Jones Feed Yards. Because it is possible that other parties who have relied upon the notice of the application as published, may have an interest in and would be prejudiced by the lack of proper notice of the authority described above, issuance of a permit in this proceeding will be withheld for a period of 30 days from the date of this publication of the authority actually granted, during which period any proper party in interest may file an appropriate petition for intervention or other relief in this proceeding setting forth in detail the precise manner in which it has been so prejudiced.

No. MC 59640 (Sub-No. 24) (Notice of filing of petition to modify a permit), filed January 15, 1975. Petitioner: PAULS TRUCKING CORPORATION, 3 Commerce Drive, Cranford, N.J. 07016. Petitioner's Representative: Charles J. Williams, 47 Lincoln Park, Newark, N.J. 07102. Petitioner holds a motor *contract carrier* permit in No. MC 59460 (Sub-No. 24), issued October 5, 1972, authorizing transportation over irregular routes, of *Such merchandise* as is dealt in by wholesale, retail, and chain grocery and food business houses, and, in connection therewith, *equipment, materials, and supplies* used in the conduct of such business (except in bulk), between the facilities of Supermarkets General Corporation at Baltimore, Md., on the one hand, and, on the other, the facilities of Supermarkets General Corporation at Woodbridge Township, N.J. Restriction: The operations authorized herein are limited to a transportation service to be performed, under a continuing contract, or contracts with Supermarkets General Corporation, of Woodbridge Township, N.J. By the instant petition, petitioner seeks to modify the above territorial description so as to read, Between Baltimore, Md., on the one hand, and, on the other, the facilities of Supermarkets General Corporation at Woodbridge Township, N.J. Any interested person or persons desiring to participate may file an original and six copies of his written representations, views, or arguments in support of or against the petition within 30 days from the date of publication in the FEDERAL REGISTER.

No. MC 66101 (Notice of filing of petition to change a territorial description), filed January 10, 1975. Petitioner: AFT Services, Inc., 303 South Street, Newark, N.J. 07114. Petitioner's representative: George A. Olsen, 69 Tonnele Avenue, Jersey City, N.J. 07306. Petitioner holds a motor *common carrier* certificate in No. MC 66101, issued October 30, 1974 authorizing transportation, over irregular routes, of *General Commodities* (except those of unusual value, classes A and B explosives, livestock, household goods, as defined by the Commission, and commodities requiring dump or tank trucks), between points in that part of the New York, N.Y., Commercial Zone, as defined in *Commercial Zones and Terminal Areas*, 53 M.C.C. 451, within which local operations may be conducted pursuant to the partial exemption of section 203(b)(8) of the Act (the "exempt" zone), and those points in New Jersey within 5 miles of New York, N.Y., and all of any municipality in New Jersey any part of which is within 5 miles of New York, N.Y., on the one hand, and, on the other, points in New York, and New Jersey, within 35 miles of Columbus Circle, New York, N.Y. By the instant petition, petitioner seeks to change the territorial description in the above authority so as to read: *General commodities* (except those of unusual value, classes A and B explosives, livestock, household goods, as defined by the Commission, and commodities requiring dump or tank trucks), between points in New Jersey and New York within 35 miles of Columbus Circle, New York, N.Y., including the entire community any portion of which is within 35 miles of Columbus Circle, New York, N.Y. and those within the corporate limits of any New Jersey or New York township or municipality, as defined at 49 CFR 1048, 100(a) any part of which is within 35 miles of Columbus Circle, New York, N.Y. Any interested person or persons desiring to participate may file an original and six copies of his written representations, views, or arguments in support of or against the petition within 30 days from the date of publication in the FEDERAL REGISTER.

No. MC 113678 (Sub-No. 384) (Notice of filing of petition to change a territorial description), filed January 8, 1975. Petitioner: CURTIS, INC., 4810 Pontiac Street, Commerce City, Colo. 80022. Petitioner's representative: A. J. Swanson, 521 South 14th Street, P.O. Box 81849, Lincoln, Nebr. 68501. Petitioner holds a motor *common carrier* certificate in No. MC 113678 (Sub-No. 384), issued May 26, 1972, authorizing transportation, over irregular routes, of: (1) *Aquariums, household pet cages,* and *aquarium accessories, supplies, and equipment:* (a) From Maywood, Hackensack, and East Paterson, N.J., to Gardena and Mountain View, Calif.; and (b) From Gardena and Mountain View, Calif., to points in Arkansas, Colorado, Illinois, Indiana, Kansas, Louisiana, Michigan, Minnesota, Missouri, Montana, New Mexico, Oregon, Texas, Washington, and Wisconsin; (2) *Materials and supplies* used in the manufacture of *aquariums and household* pet *cages,* From Maywood, Hackensack, and East Paterson, N.J., and Harleysville, Pa., to Gardena and Mountain View, Calif., and (3) *Brine shrimp, frozen or freeze dried,* From Menlo Park, Calif., to points in Georgia, Illinois, Kansas, Minnesota, Missouri, New Jersey, Ohio, Oregon, Rhode Island, Virginia, and Washington. By the instant petition, petitioner seeks to modify the above territorial description by substituting points in "Los Angeles County" for "Gardena, Calif.," so as to read: (1) *Aquariums, household pet cages and aquarium accessories, supplies and equipment:* (a) from Maywood, Hackensack, and East Paterson, N.J., to points in Los Angeles County and Mountain View, Calif.; and (b) From points in Los Angeles County and Mountain View, Calif., to points in Arkansas, Colorado, Illinois, Indiana, Kansas, Louisiana, Michigan, Minnesota, Missouri, Montana, New Mexico, Oregon, Texas, Washington, and Wisconsin; (2) *Materials and supplies used* in the manufacture of aquarium and household pet cages, from Maywood, Hackensack, and East Paterson, N.J. and Harleysville, Pa., to points in Los Angeles County and Mountain View, Calif., and (3) *Brine shrimp,* frozen or freeze dried, from Menlo Park, Calif., to points in Georgia, Illinois, Kansas, Minnesota, Missouri, New Jersey, Ohio, Oregon, Rhode Island, Virginia, and Washington. Any interested person or persons desiring to participate may file an original and six copies of his written representations, views, or arguments in support of or against the petition within 30 days from the date of publication in the FEDERAL REGISTER.

No. MC 113678 (Sub-No. 446) (Notice of filing of petition to change a territorial description), filed January 8, 1975. Petitioner: CURTIS, INC., 4810 Pontiac Street, Commerce City, Colo. 80022. Petitioner's representative: A. J. Swanson, 521 South 14th Street, P.O. Box 81849, Lincoln, Nebr. 68501. Petitioner holds a motor *common carrier* certificate in No. MC 113678 (Sub-No. 446), issued November 15, 1972, authorizing transportation, over irregular routes, of *Aquariums, aquarium accessories, supplies, and equipment,* and *household pet cages,* From Los Angeles, Calif., to points in Utah, Arizona, and Nevada. By the instant petition, petitioner seeks to change the origin in the above authority to points in Los Angeles County, Calif., so as to read: *Aquariums, aquarium accessories, supplies and equipment and household pet cages,* from points in Los Angeles County, Calif., to points in Utah, Arizona, and Nevada. Any interested person or persons desiring to participate may file an original and six copies of his written representations, views or arguments in support of or against the petition within 30 days from the date of publication in the FEDERAL REGISTER.

No. MC 120800 (Sub-No. 46), (Notice of filing of petition to remove restriction), filed January 14, 1975. Petitioner: CAPITAL TRUCK LINE, INC., 2500 N. Alameda St., Compton, Calif. 90222. Petitioner's representative: David P. Christianson, 825 City National Bank Building, 606 South Olive Street, Los Angeles, Calif. 90014. Petitioner holds a motor *common carrier* certificate in No. MC 120800 (Sub-No. 46) issued June 1,

1972, authorizing transportation, as pertinent, over irregular routes, of *Liquid hydrogen, liquid oxygen,* and *liquid nitrogen,* in bulk, in tank vehicles, between points in Alabama, Arizona, Arkansas, California, Colorado, Florida, Georgia, Idaho, Illinois, Indiana, Kansas, Michigan, Missouri, Montana, New Mexico, New York, Nebraska, Nevada, North Dakota, Ohio, Oklahoma, Oregon, Pennsylvania, South Dakota, Tennessee, Texas, Utah, Vermont, Washington, and Wyoming, restricted against the transportation of shipments moving to points which are not missile storage or missile launching sites, missile test facilities, or manufacturing plants producing liquid oxygen, liquid hydrogen, or liquid nitrogen. By the instant petition, petitioner seeks to remove the restriction imposed on the above authority. Any interested person or persons desiring to participate may file on original and six copies of his written representations, views, or arguments in support of or against the petition within 30 days from the date of publication in the FEDERAL REGISTER.

No. MC 124652 (Sub-No. 1) (Notice of filing of petition to modify a permit), filed January 17, 1975. Petitioner: DUNCAN TRANSPORTATION CO., a Corporation, P.O. Box 1, Riverton, Va. 22652. Petitioner's Representative: Daniel B. Johnson, 1123 Munsey Building, 1329 E Street, NW., Washington, D.C. 20004. Petitioner holds a motor *contract carrier* permit in No. MC 124652 (Sub-No. 1), issued January 21, 1974, authorizing transportation, over irregular routes, of (1) *Masonry and mortar cement,* in bags, from Riverton, Va., to points in Delaware, Maryland, New Jersey, North Carolina, Pensylvania, West Virginia, and the District of Columbia; (2) *Masonry and mortar cement,* from Riverton, Va., to points in New York, Ohio, South Carolina, and Tennessee; (3) *Materials, equipment, and supplies* used in the manufacture of mortar cement (except commodities in bulk), from points in Delaware, Maryland, New Jersey, North Carolina, West Virginia, and Pennsylvania (except cement from points in Northampton County), to Riverton, Va.; (4) *Masonry cement and mortar cement,* from Riverton, Va., to points in Connecticut, under a continuing contrace or contracts, with Riverton Lime and Stone Co., Inc., of Riverton, Va.; and

(5) *Masonry cement and mortar cement,* from Riverton, Va., to points in Michigan, Indiana, Kentucky, Georgia, Florida, Massachusetts, and Rhode Island; and (6) *Materials, equipment* and *supplies* used in the manufacture of masonry cement and mortar cement, from points in New York, Ohio, South Carolina, Tennessee, Connecticut, Rhode Island, Michigan, Indiana, Kentucky, Georgia, Florida, and Massachusetts, to Riverton, Va., under a continuing contract or contracts, with the Riverton Corporation, of Riverton, Va. By the instant petition, petitioner seeks to modify the above authority so as to read: (1) *Masonry and mortar cement,* from Riverton, Va., to points in Delaware, Maryland, New Jersey, North Carolina, Pennsylvania, West Virginia, the District of Columbia, New York, Ohio, South Carolina, Tennessee, Connecticut, Michigan, Indiana, Kentucky, Georgia, Florida, Massachusetts and Rhode Island; and (2) *Materials, equipment and supplies* used in the manufacture of masonry cement and mortar cement, from points in Delaware, Maryland, New Jersey, North Carolina, West Virginia, Pennsylvania, (except cement from points in Northampton County, Pa.) New York, Ohio, South Carolina, Tennessee, Connecticut, Rhode Island, Michigan, Indiana, Kentucky, Georgia, Florida, and Massachusetts. Any interested person or persons desiring to participate may file an original and six copies of his written representations, views, or arguments in support of or against the petition within 30 days from the date of publication in the FEDERAL REGISTER.

Nos. MC 126817 and MC 126817 (Sub-No. 2) (Notice of filing of petition to modify permits), filed January 21, 1975. Petitioner: A.L.A. DELIVERY CORP., 545 West 22nd Street, New York, N.Y. 10011. Petitioner's Representative: George A. Olsen, 69 Tonnele Avenue, Jersey City, N.J. 07306. Petitioner holds motor *contract carrier* permits in Nos. MC 126817 and MC 126817 (Sub-No. 2) issued October 3, 1967 and August 29, 1972, respectively, authorizing transportation, over irregular routes, in MC 126817, of *Toilet preparations,* From Deer Park, N.Y., to New York, N.Y., under a continuing contract, or contracts, with Germaine Monteil Cosmetique Corporation, of Deer Park, N.Y., Scandia Cosmetics Corporation, of Deer Park, N.Y., and Tuvache Rare Perfumes, Inc., of Deer Park, N.Y.; and in MC 126817 (Sub-No. 2), of (1) *Infants', children's, and boys' shirts, sweaters, pajamas, pants, and swimwear,* From New Hyde Park, N.Y., to New York, N.Y.; and (2) *Samples,* and *refused, rejected, and returned shipments* of the above-described commodities, From New York, N.Y., to New Hyde Park, N.Y., under a continuing contract, or contracts, with Donmoor, Inc., of New York, N.Y. By the instant petition, petitioner seeks either to modify the above territorial descriptions so as to read: in MC 126817, *Toilet preparations,* From Deer Park, N.Y., to points in the New York, N.Y. Commercial Zone, as defined in *Commercial Zones and Terminal Areas,* 53 M.C.C. 451, within which local operations may be conducted pursuant to the partial exemption of section 203(b)(8) of the Interstate Commerce Act, (the "exempt" zone) and those points in New Jersey within 5 miles of New York, N.Y. and all of any municipality in New Jersey any part of which is within 5 miles of New York, N.Y., under a continuing contract, or contracts, with Germaine Monteil Cosmetique Corporation of Deer Park, N.Y., Scandia Cosmetics Corporation, of Deer Park, N.Y.; and Tuvache Rare Perfumes, Inc., of Deer Park, N.Y.; and in MC 126817 (Sub-No. 2), *Infants', children's, and boys' shirts, sweaters, pajamas, pants, and swimwear,* From New Hyde Park, N.Y., to points in the New York, N.Y. Commercial Zone, as defined in *Commercial Zones and Terminal Areas,* 53 M.C.C. 451, within which local operations may be conducted pursuant to the partial exemption of section 203(b)(8) of the Interstate Commerce Act, (the "exempt" zone) and those points in New Jersey within 5 miles of New York, N.Y. and all of any municipality in New Jersey any part of which is within 5 miles of New York, N.Y.; and *Samples, and refused, rejected, and returned shipments* of the above described commodities, From points in the New York, N.Y. Commercial Zone, as defined in *Commercial Zones and Terminal Areas,* 53 M.C.C. 451, within which local operations may be conducted pursuant to the partial exemption of section 203(b)(8) of the Interstate Commerce Act, (the "exempt" zone) and those points in New Jersey within 5 miles of New York, N.Y., and all of any muncipality in New Jersey any part of which is within 5 miles of New York, N.Y., to New Hyde Park, N.Y., under a continuing contract, or contracts, with Donmoor, Inc., of New York, N.Y.; or, in the alternative, that the Commission issue its appropriate order that the petitioner be empowered and permitted to designate as its terminal area, all points within which local operations may be conducted in the New York, N.Y. Commercial Zone and points in New Jersey within 5 miles thereof, as established by the Commission. Any interested person or persons desiring to participate may file an original and six copies of his written representations, views or arguments in support of or against the petition within 30 days from the date of publication in the FEDERAL REGISTER.

No. MC 130092 (Notice of filing of petition to modify a license), filed January 16, 1975. Petitioner: GREEN MOUNTAIN TOURS, INC., 24 West Pleasant Avenue, Maywood, N.J. 07607. Petitioner's Representative: Morton E. Kiel, Suite 6193, 5 World Trade Center, New York, N.Y. 10048. Petitioner holds a license as a *broker* at Maywood, N.J. in No. MC 130092, issued February 1, 1971, to sell or offer to sell the transportation of *Passengers and their baggage,* in all-expense ski tours, beginning and ending at points in Bergen County, N.J., and extending to points in New York and Vermont. Restriction: The service authorized herein is subject to the right of the Commission, which is hereby expressly reserved, to impose, after final determination of the Proceeding in Ex Parte No. MC-29 (Sub-No. 2), *Operations of Brokers of Passenger Transportation,* such terms and conditions, if any, as may be deemed necessary to insure that the transportation which applicant arranges is limited to bona fide service as a broker of transportation by motor vehicle of passengers and their baggage, in all-expense ski tours. By the instant petition, petitioner seeks to eliminate the word "ski" in the above authority, and to modify the points of origin in the

above territorial description to include Morris, Hudson, Passaic, and Essex Counties, N.J., so as to read, *Passengers and their baggage*, in all expense tours, beginning and ending at points in Bergen, Morris, Hudson, Passaic, and Essex Counties, N.J., and extending to points in New York and Vermont. Restriction: The service authorized herein is subject to the right of the Commission, which is hereby expressly reserved, to impose, after final determination of the Proceeding in No. MC-29 (Sub-No. 2), *Operations of Brokers of Passenger Transportation*, such terms and conditions, if any, as may be deemed necessary to insure that the transportation which applicant arranges is limited to bona fide service as a broker of transportation by motor vehicle of passengers and their baggage, in all-expense tours. Any interested person or persons desiring to participate may file an original and six copies of his written representations, views, or arguments in support of or against the petition within 30 days from the date of publication in the FEDERAL REGISTER.

APPLICATIONS UNDER SECTIONS 5 AND 210a(b)

The following applications are governed by the Interstate Commerce Commission's Special Rules governing notice of filing of applications by motor carriers of property or passengers under Sections 5(a) and 210a(b) of the Interstate Commerce Act and certain other proceedings with respect thereto. (49 C.F.R. 1.240).

MOTOR CARRIERS OF PROPERTY

APPLICATIONS FOR CERTIFICATES OR PERMITS WHICH ARE TO BE PROCESSED CONCURRENTLY WITH APPLICATIONS UNDER SECTION 5 GOVERNED BY SPECIAL RULE 240 TO THE EXTENT APPLICABLE.

No. MC-67111 (Sub-No. 23), filed January 13, 1975. Applicant: KAIN'S MOTOR SERVICE CORP., P.O. Box 270, Logansport, Ind. 46947. Applicant's representative: Carl L. Steiner, 39 South LaSalle Street, Chicago, Ill. 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading), between points in Illinois in Lake, Cook, Kane, Kendall, DuPage, and Will Counties, that part of McHenry County on and east of U.S. Highway 47, that part of Kankakee County on and north of Illinois Highway 17, restricted against service to or from Kankakee, and that part of Grundy County on and east of U.S. Highway 47 and on and north of Illinois Highway 113.

NOTE.—Applicant seeks to acquire the operating rights of Apache Air Freight, Inc., in MC-121404 (Sub-No. 1). This is a matter directly related to the Section 5 proceeding in MC-F-12416, published in the FEDERAL REGISTER issue of January 29, 1975. If a hearing is deemed necessary, the applicant requests it be held at Chicago, Ill.

No. MC 69901 (Sub-No. 30) (Correction), filed December 3, 1974, published in the FEDERAL REGISTER issue of January 3, 1975, and republished as corrected this issue. Applicant: COURIER-NEWSON EXPRESS, INC., P.O. Box 270, Columbus, Ind. 47201. Applicant's representative: Carl L. Steiner, 39 South LaSalle Street, Chicago, Ill. 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except commodities in bulk, household goods as defined by the Commission, Classes A and B explosives, those of unusual value and those requiring special equipment), between points in Lake, McHenry, Kane, DuPage, DeKalb, Cook, Will, and Kendall Counties, Ill.; those in that part of LaSalle County bounded on the west by a line along an unnumbered county highway running in a southerly direction from the LaSalle County line thru Earlville, to U.S. Highway 34; thence east of U.S. Highway 34 to Illinois Highway 23, thence south on Illinois Highway 23 to U.S. Highway 52 to the county line; those in that part of Grundy County bounded by the Grundy County line on the north and east and bounded by Illinois Highway 113 and 47 and U.S. Highway 6 on the South and West; and points in Kankakee County on and north of Illinois Highway 17, restricted against service to and from Kankakee, Bradley, and Momence, Ill., but serving all points on the highways designated above.

NOTE.—The purposes of this republication are (1) indicated applicant seeks service through Earlville, Ill. in lieu of Earlville, Ill. and (2) indicate that service is restricted against traffic to and from Kankakee, Bradley, and Momence, Ill. Applicant intends to tack at the common points in the Chicago Commercial Zone as well as common points in DeKalb and McHenry Counties, Ill. to provide service to and from points authorized to be served by applicant in the States of Illinois, Indiana, Ohio, Michigan, Kentucky, and Tennessee. Applicant seeks to purchase the operating rights of Berglund Trucking, Inc. in MC-97705 Sub-No. 1. This is a matter directly related to the Section 5 proceeding in MC-F-12379 published in the FEDERAL REGISTER issue of December 18, 1974. If a hearing is deemed necessary, the applicant requests it be held at Chicago, Ill.

No. MC 127745 (Sub-No. 3), filed January 6, 1974. Applicant: GEORGE B. KING, doing business as KING TRANSFER, 714 Pearl St., Onawa, Iowa 51040. Applicant's representative: Carl L. Steiner, 39 South LaSalle Street, Chicago, Ill. 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except commodities of unusual value, household goods as defined by the Commission, Classes A and B explosives, commodities in bulk, commodities requiring special equipment, and commodities injurious or contaminating to other lading), between Onawa, Iowa and Decatur, Nebr.: From Onawa, Iowa over Highway 175 to the junction of Nebraska Highway 51, and return over the same route, as an alternate route for operating convenience only in connection with carriers authorized routes and the authority sought in the directly related finance proceeding in MC-F-12410 published in the FEDERAL REGISTER issue of January 22, 1975.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Omaha, Nebr.

No. MC-F-11702. (Amendment) (ILLINOIS-CALIFORNIA EXPRESS, INC.—Purchase (portion—HENNIS FREIGHT LINES, INC., OF NEBRASKA), Published in the November 8, 1972 and June 27, 1973, issues of the FEDERAL REGISTER. By amendment filed January 22, 1975, THE MARMON GROUP, INC. (Michigan) and GL CORPORATION, both of 39 S. LaSalle St., Chicago, Ill. 60603, join in as party applicants.

No. MC-F-11979. (Amendment) (MARTY'S EXPRESS, INC.—Purchase (portion)—THE MUSHROOM TRANSPORTATION COMPANY, INC.), published in the September 12, 1973, issue of the FEDERAL REGISTER on page 25243. By amendment filed January 20, 1975, Mushroom has contracted to transfer to Marty's Express the following general commodities authority, over regular routes: between Lancaster, Pa., and Camden, N.J., serving all intermediate points, and the off-route point of Pomeroy, Pa., between Downingtown, Pa., and Camden, N.J., serving all intermediate points, and the off-route point of Pomeroy, Pa., between Lancaster, Pa., and Honey Brook, Pa., serving all intermediate points, and the off-route point of Pomeroy, Pa.

No. MC-F-12087. (Amendment) (H. P. WELCH CO.—Purchase—E. B. TRANS. CO.), published in the January 16, 1974, issue of the FEDERAL REGISTER on page 2058. By amendment filed January 23, 1975, it is requested that MAISLIN TRANSPORT OF DELAWARE INC., be substituted as the vendee in the above-mentioned proceeding, and that MAISLIN TRANSPORT OF DELAWARE INC., be substituted as the applicant in No. MC-68917 (Sub-No. 8).

No. MC-F-12404. (Correction) (TAKIN BROS. FREIGHT LINE, INC.—Purchase—STROMSBURG MOTOR FREIGHT, INC.), published in the January 15, 1975, issue of the FEDERAL REGISTER on page 2787. Prior publication should be amended to read, between Stromsburg and Omaha, Nebr., via US-81 to junction with US-30A.

No. MC-F-12115. (Amendment) (ILLINOIS CALIFORNIA EXPRESS, INC.—Purchase (portion)—ROGERS CARTAGE CO.), published in the January 30, 1974, issue of the FEDERAL REGISTER on page 3880. By amendment filed January 22, 1975, THE MARMON GROUP, INC. (Michigan) and GL CORPORATION, both of 39 S. LaSalle St., Chicago, Ill. 60603, join in as party applicants.

No. MC-F-12418. Authority sought for purchase by RETAIL DELIVERY SERVICE, INC., 382 McLean Blvd., Paterson, N.J. 07513, of the operating rights of TOSE, INC., 424 W. Fourth St., Bridgeport, PA. 19405, and for acquisition by

JOHN E. CRAWFORD, EDWARD O. RAPPOLD, DAVID W. MORRISON, and LEONARD J. LAVACCA, all of 382 McLean Blvd., Paterson, N.J. 07513, of control of such rights through the purchase. Applicants' attorney: Anthony C. Vance, Suite 501, 1111 E St. NW., Washington, D.C. 20004. Operating rights sought to be transferred: *Parcels* and *packages* (no single parcel or package to exceed 50 pounds in weight), *garments* and *furs* on hangers, for storage, and *damaged, defective, refused, or exchanged merchandise* on return, as a *common carrier* over irregular routes, between points in Bucks, Chester, Delaware, Montgomery, and Philadelphia Counties, Pa., Camden, Gloucester, Salem, Cumberland, Atlantic, and Cape May Counties, N.J., that part of Burlington and Mercer Counties, N.J., bounded by a line beginning at the Delaware River at Washington Crossing, N.J., and extending through Hamilton Square, N.J., and Allentown, N.J., to Camden County line at New Jersey Highway 534, and New Castle County, Del.; *such merchandise* as is ordinarily dealt in by retail stores, premium redemption companies, and mail-order houses, from Camden, N.J., to New York, N.Y., Washington, D.C., points in Fairfield, Hartford, and New Haven Counties, Conn., Albany, Columbia, Dutchess, Fulton, Greene, Montgomery, Nassau, Orange, Putnam, Rensselaer, Rockland, Schenectady, Schoharie, Suffolk, Sullivan, Ulster, and Westchester Counties, N.Y., and points in Delaware, Maryland, New Jersey, and Pennsylvania, between New York, N.Y., Washington, D.C., points in Fairfield, Hartford, and New Haven Counties, Conn., Dutchess, Nassau, Orange, Putnam, Rockland, Schoharie, Suffolk, Sullivan, Ulster, and Westchester Counties, N.Y., and points in Delaware, Maryland, New Jersey, and Pennsylvania, between Albany, Columbia, Fulton, Greene, Montgomery, Rensselaer, and Schenectady Counties, N.Y., from Newark, Del., to Washington, D.C., and points in Maryland, with restrictions. Vendee is authorized to operate as a *common carrier* in New Jersey, Pennsylvania, Delaware, New York, Maryland, Connecticut, Massachusetts, and the District of Columbia. Application has been filed for temporary authority under section 210a(b).

No. MC-F-12420. Auhority sought for purchase by WAYNE DANIEL TRUCK, INC., P.O. Box 303, Mt. Vernon, Mo. 65712, of a portion of the operating rights of ROAD RUNNER TRUCKING, INC., P.O. Box 37491, Omaha, Nebr. 68137, and for acquisition by WESSLEY WAYNE DANIEL, and CHARLES A. DANIEL, of Mt. Vernon, Mo. 65712, of control of such rights through the purchase. Applicants' attorney: Arnold L. Burke, 127 N. Dearborn St., Chicago, Ill. 60602. Operating rights sought to be transferred: *Bird, fish, poultry,* and *animal feed ingredients,* and *bird, fish, poultry,* and *animal feed,* except commodities in bulk, in tank vehicles, as a *common carrier* over irregular routes, from points in Missouri to points in Arizona, California, Nevada, and Utah; *canned foodstuffs and canned animal food,* from Siloam Springs and Gentry, Ark., the plant site of Allen Canning Company, Inc., located approximately 10 miles northeast of Siloam Springs, Ark., and Proctor and Kansas Okla., to points in Arizona, California, Minnesota, New Mexico, Oregon, Wisconsin, Washington, and points in Texas west of U.S. Highway 83. Vendee is authorized to operate as a *common carrier* in Texas, California, Nevada, Utah, Washington, Oregon, New Mexico, Arizona, Colorado, Idaho, Arkansas, Wyoming and Montana, and as a *contract carrier* in Missouri, California, Oregon, Washington, Idaho, Utah, Colorado, Arizona, New Mexico, Nevada, Oklahoma, Texas, Nebraska, and Kansas. Application has been filed for temporary authority under section 210a(b).

No. MC-F-12419. Authority sought for purchase by ARROW CARRIER CORPORATION, 160 Route 17, Rochelle Park, N.J. 07662, of the operating rights of NEW ENGLAND TRANSPORTATION COMPANY, 402 Congress St., Boston, Mass. 02210, and for acquisition by PAUL S. DOHERTY, PAUL S. DOHERTY, JR., and SHIRLEY A. DOHERTY, all of Rochelle Park, N.J. 07662, of control of such rights through the purchase. Applicants' attorneys: A. David Millner, 744 Broad St., Newark, N.J. 07102, and Francis P. Barrett, P.O. Box 238, Milton, Mass. 02187. Operating rights sought to be transferred: In year around service of *general commodities,* except articles of extraordinary value, uncrated household goods, and bulk commodities such as coal and petroleum products in tank trucks, between the points and over all the routes described in appendix A, except route 12, including service from and to intermediate points, and in seasonal service (September 1 to March 31 inclusive) between the points and over route 12, including service from and to intermediate points as described in appendix A; and over irregular routes from and to off-route points described in appendix A or B which are within 15 miles of the routes described in appendix A:

APPENDIX A

Between Boston, Mass., and New York, N.Y., between Boston, Mass., and New Haven, Conn., serving all intermediate and off-route points, between Boston and Pittsfield, Mass., between Athol and Springfield, Mass., serving various intermediate and off-route points, between Hartford, Conn., and Orleans, Mass., between Newton, Conn., and New Bedford, Mass., between Boston and Woods Hole, Mass., between Brockton and Plymouth, Mass., between Brockton and Kingston, Mass., serving all intermediate and off-route points, between Buzzards Bay and Sagamore, Mass., between Falmouth and Hyannis, Mass., between Hyannis and Chatham, Mass., between Boston, Mass., and Newport, R.I., serving all intermediate and off-route points, between Concord and Littleton, Mass., serving various intermediate points, between Woonsocket, R.I., and Chelmsford, Mass., serving various intermediate and off-route points, between South Attleboro and Franklin, Mass., between Providence, R.I., and Uxbridge, Mass., between Woonsocket, R.I., and Worcester, Mass., between Plainfield, Conn., and Slatersville, R.I., between Central Village, Conn., and Oneco, Conn., between West Glocester, R.I., and Webster, Mass., serving all intermediate and off-route points, between Groton, Conn., and Fitchburg, Mass., serving various off-route points, between New London, Conn., and Charlton City, Mass. between Essex and Norwich, Conn., between South Windham and North Windham, Conn., between Chaplin and Eastford, Conn., serving all intermediate and off-route points, between Willimantic and Coventry, Conn., serving all intermediate points, between New London and Glastonbury, Conn., serving all intermediate and off-route points, between Holyoke and Northampton, Mass., serving all intermediate points, between Springfield and Lenox, Mass., serving various intermediate points, between Southwick and Springfield, Mass., serving all intermediate points, between Hartford, Conn., and Becket, Mass., serving various intermediate points, between Farmington, Conn., and Northampton, Mass., between New Haven and Millidale, Conn., between Waterbury and New Haven, Conn., between Naugatuck and Bridgeport, Conn., between Waterbury and Canaan, Conn., betwen New Haven, Conn., and Pittsfield, Mass., between New Milford and Torrington, Conn., between Bridgeport and Gaylordsville, Conn., serving various intermediate and off-route points, between Bethel and Newtown, Conn., serving all off-route points, between New Fairfield, Conn., and the Connecticut-New York State line, between Salisbury, Conn., and Great Barrington, Mass., between Norwalk, Conn., and Brewster, N.Y., serving all intermediate points, from the Borough of Manhattan, N.Y., to the Borough of Richmond, N.Y., serving all intermediate points and various off-route points, between New York, N.Y., and Bayonne, N.J., serving all intermediate points.

APPENDIX C

Cement, in bulk, in tank or hopper-type vehicles over regular routes, from, to, and between points, including all intermediate and off-route points, specified in "A" and "B" herein above in Connecticut, Massachusetts and Rhode Island, over the routes authorized in "A" herein above, with restriction; *cement,* in bulk in tank or hopper-type vehicles over irregular routes, from Bridgeport, Conn., to those points in Massachusetts and Rhode Island, to which service is authorized in "A" and "B" herein above.

APPENDIX B

New England Transportation Company, serves certain freight stations of the Penn Central Transportation Company; such freight stations are served

over irregular routes from and to off-route points described in appendix A which are within 15 miles of the routes described in appendix A. Vendee is authorized to operate as a *common carrier* in Connecticut, Delaware, Massachusetts, New Jersey, New York, Pennsylvania, Rhode Island, and Vermont. Application has been filed for temporary authority under section 210a(b).

No. MC-F-12421. Authority sought for control by HERMANN FORWARDING COMPANY, Hermann Rd., P.O. Box 1, North Brunswick, N.J. 08902, of COSSITT MOTOR EXPRESS, INC., 63 W. Kendrick Ave., Hamilton, N.Y. 13346, and for acquisition by RICHARD W. HERMANN, and ALBERT W. HERMANN, both of North Brunswick, N.J. 08902, of control of COSSITT MOTOR EXPRESS, INC., through the acquisition by HERMANN FORWARDING COMPANY. Applicants' attorney: Maxwell A. Howell, 1511 K Street, N.W., Washington, D.C. 20005. Operating rights sought to be controlled: *General commodities*, with certain specified exceptions, and numerous other specified commodities, as a *common carrier*, over regular and irregular routes, from, to, and between specified points in the States of New York, New Jersey, Pennsylvania, Massachusetts, Connecticut, Rhode Island, Maine, Vermont, New Hamsphire, Maryland, Virginia, West Virginia, Ohio, Delaware, and the District of Columbia, with certain restrictions, serving various intermediate and off-route points, as more specifically described in Docket No. MC 79135 and Sub-numbers thereunder. This notice does not purport to be a complete description of all of the operating rights of the carrier involved. The foregoing summary is believed to be sufficient for purposes of public notice regarding the nature and extent of this carrier's operating rights, without stating, in full, the entirety, thereof. HERMANN FORWARDING COMPANY, is authorized to operate as a *common carrier* in Connecticut, Delaware, Maine, Maryland, Massachusetts, New Jersey, New York, Ohio, Pennsylvania, Vermont, Rhode Island, Virginia, West Virginia and the District of Columbia. Application has been filed for temporary authority under section 210a(b).

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.75-3330 Filed 2-4-75;8:45 am]

IRREGULAR-ROUTE MOTOR COMMON CARRIERS OF PROPERTY

Elimination of Gateway Letter Notices

JANUARY 31, 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 on or before February 18, 1975. A copy must also be served upon applicant or its representative. Protests against the elimination of a gateway will not operate to stay commencement of the proposed operation.

Successively filed letter-notices of the same carrier under these rules will be numbered consecutively for convenience in identification. Protests, if any, must refer to such letter-notices by number.

No. MC 16682 (Sub-No. E12), filed June 20, 1974. Applicant: MURAL TRANSPORT, INC., 2900 Review Ave., Long Island City, N.Y. 11101. Applicant's representative: Robert L. Shapiro (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *new commercial and institutional furniture*, (1) between points in Connecticut, Massachusetts and Rhode Island, on the one hand, and, on the other, points in Virginia and West Virginia; and (2) between points in Bergen, Hudson, Essex and Union Counties, N.J., and Dutchess, Nassau, Orange, Putnam, Rockland, Suffolk and Westchester Counties, N.Y., points in Virginia and West Virginia. The purpose of this filing is to eliminate the gateway of Hoboken, N.J.

No. MC 31462 (Sub-No. E217), 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 Kentucky on and south of a line beginning at the Kentucky-Indiana State line, thence along U.S. Highway 60 to the Kentucky-West Virginia State line, on the one hand, and, on the other, points in that part of North Dakota on and west of a line beginning at the North Dakota-Minnesota State line, thence along Interstate Highway 29 to junction North Dakota Highway 200, thence along North Dakota Highway 200 to junction North Dakota Highway 18, thence along North Dakota Highway 18 to the North Dakota-South Dakota State line. The purpose of this filing is to eliminate the gateway of (1) Cairo, Ill., or any point in Illinois within 25 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. E218), 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 Kentucky on and south of a line beginning at the Indiana-West Virginia State line, thence along U.S. Highway 60 to the Indiana-Kentucky State line, 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 South Dakota Highway 45, thence along South Dakota Highway 45 to junction South Dakota Highway 44, thence along South Dakota Highway 44 to junction South Dakota Highway 47, thence along South Dakota Highway 47 to junction U.S. Highway 18, thence along U.S. Highway 18 to junction U.S. Highway 183, thence along U.S. Highway 183 to the South Dakota-Nebraska State line. The purpose of this filing is to eliminate the gateway of (1) Cairo, Ill., or any point within 25 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. E219) 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 Kentucky on and south of a line beginning at the Kentucky-West Virginia State line, thence along U.S. Highway 60 to the Kentucky-Indiana State line, on the one hand, and, on the other, points in Nebraska. The purpose of this filing is to eliminate the gateway of Cairo, Ill., or any point within 25 miles thereof.

No. MC 31462 (Sub-No. E220), 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 Kentucky on and south of a line beginning at the Kentucky-Indiana State line, thence along U.S. Highway 231 to junction U.S. Highway 68, thence along U.S. Highway 68 to Glasgow, Ky., thence along Kentucky Highway 80 to junction U.S. Highway 27, thence along U.S. Highway 27 to junction Kentucky Highway 90, thence along Kentucky Highway 90 to junction U.S. Highway 25W, thence along U.S. Highway 25W to junction U.S. Highway

25E, thence along U.S. Highway 25E to the Kentucky-Tennessee State line, on the one hand, and, on the other, points in that part of Minnesota on, north, and west of a line beginning at the Minnesota-Wisconsin State line on Minnesota Highway 43, thence along Minnesota Highway 43 to junction U.S. Highway 16, thence along U.S. Highway 16 to junction U.S. Highway 52, thence along U.S. Highway 52 to the Minnesota-Iowa State line. The purpose of this filing is to eliminate the gateway of (1) Burlington, Iowa or any point within 50 miles thereof; and (2) Cairo, Ill., or any point within 25 miles thereof.

No. MC 31462 (Sub-No. E221), 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 Kentucky on and west of a line beginning at the Kentucky-Indiana State line, thence along Kentucky Highway 91 to junction U.S. Highway 41, thence along U.S. Highway 41 to the Kentucky-Tennessee State line, on the one hand, and, on the other, points in that part of Wisconsin on and west of a line beginning at the Wisconsin-Michigan State line, thence along U.S. Highway 45 to junction Wisconsin Highway 29, thence along Wisconsin Highway 29 to junction U.S. Highway 51, thence along U.S. Highway 51 to junction Wisconsin Highway 23, thence along Wisconsin Highway 23 to junction U.S. Highway 12, thence along U.S. Highway 12 to junction Wisconsin Highway 78, thence along Wisconsin Highway 78 to the Wisconsin-Illinois State line. The purpose of this filing is to eliminate the gateways of (1) Burlington, Iowa or any point within 50 miles thereof, and (2) Cairo, Ill., or any point within 25 miles thereof.

No. MC 31462 (Sub-No. E222), 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 that part of Kentucky on and west of a line beginning at the Indiana-Kentucky State line, thence along U.S. Highway 231 to junction Interstate Highway 65, thence along Interstate Highway 65 to the Tennessee-Kentucky State line, to points in the Lower Peninsula of Michigan. The purpose of this filing is to eliminate the gateway of Clinton, Ind.

No. MC 31462 (Sub-No. E223), 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 Kentucky on and south of a line beginning at the Kentucky-West Virginia State line, thence along Kentucky Highway 40 to junction U.S. Highway 460, thence along U.S. Highway 460 to junction Kentucky Highway 30, thence along Kentucky Highway 30 to junction Kentucky Highway 80, thence along Kentucky Highway 80 to junction U.S. Highway 68, thence along U.S. Highway 68 to the Kentucky-Illinois State line, on the one hand, and, on the other, points in that part of Missouri on and south of a line beginning at the Missouri-Kansas State line, thence along U.S. Highway 36 to the Missouri-Illinois 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. E224), 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 Texas on and west of a line beginning at the Texas-Oklahoma State line, thence along U.S. Highway 271 to Paris, Tex., thence along Texas Highway 19, to junction Texas Highway 31, thence along Texas Highway 31 to junction Interstate Highway 45, thence along Interstate Highway 45 to junction U.S. Highway 79, thence along U.S. Highway 79 to junction Texas Highway 6, thence along Texas Highway 6 to junction Texas Highway 21, thence along Texas Highway 21 to junction U.S. Highway 77, thence along U.S. Highway 77 to junction Texas Highway 113, thence along Texas Highway 113 to junction Texas Highway 35, thence along Texas Highway 35 to Copano Bay, Tex., on the one hand, and, on the other, points in Kentucky. The purpose of this filing is to eliminate the gateway of (1) any point in Missouri within 5 miles of Cairo, Ill., and (2) any point in Okmulgee County Okla.

No. MC 31462 (Sub-No. E225), 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 Louisiana on and east of a line beginning at the Mississippi-Louisiana State line, thence along Louisiana Highway 19 to junction U.S. Highway 61, thence along U.S. Highway 61 to junction Louisiana Highway 20, thence along Louisiana Highway 20 to junction Louisiana Highway 24, thence along Louisiana Highway 24 to Houma, La., on the one hand, and, on the other, points in that part of South Dakota on and north of a line beginning at the Minnesota-South Dakota State line, thence along U.S. Highway 16 to junction Interstate Highway 29, thence along Interstate Highway 29 to junction Interstate Highway 90, thence along Interstate Highway 90 to junction U.S. Highway 14, thence along U.S. Highway 14 to the South Dakota-Wyoming State line. The purpose of this filing is to eliminate the gateways of (1) Gulfport, Miss., or any point within 35 miles thereof; (2) Cairo, Ill., or any point within 25 miles thereof; (3) Burlington, Iowa, or any point within 50 miles thereof; and (4) Alden, Minn., or any point within 35 miles thereof.

No. MC 31462 (Sub-No. E226) 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 Louisiana on and east of a line beginning at the Mississippi-Louisiana State line, thence along Louisiana Highway 19 to junction U.S. Highway 61, thence along U.S. Highway 61 to junction Louisiana Highway 20, thence along Louisiana Highway 20 to junction Louisiana Highway 24, thence along Louisiana Highway 24 to Houma, La., on the one hand, and, on the other, points in that part of Montana on, north and east of a line beginning at the North Dakota-Montana State line, thence along U.S. Highway 12 to junction U.S. Highway 10, thence along U.S. Highway 10 to junction U.S. Highway 91, thence along U.S. Highway 91 to junction U.S. Highway 287; thence along U.S. Highway 287 to junction U.S. Highway 89, thence along U.S. Highway 89 to Browning, thence along U.S. Highway 2 to junction U.S. Highway 91, thence along U.S. Highway 91 to the International Boundary line between the United States and Canada. The purpose of this filing is to eliminate the gateways of (1) Gulfport, Miss., and points within 35 miles thereof; (2) Cairo, Ill., and points within 25 miles thereof; (3) Burlington, Iowa, and points within 50 miles thereof; (4) Alden, Minn., and points within 35 miles thereof; and (5) Williston, N. Dak., and points within 200 miles thereof.

No. MC 31462 (Sub-No. E227) 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 Louisiana on and east of a line beginning at the Mississippi-Louisiana State line, thence along U.S. Highway 51 to junction U.S. Highway 61, thence along U.S. Highway 61 to junction Louisiana Highway 20, thence along Louisiana Highway 20 to junction Louisiana Highway 24, thence along Louisiana Highway 24 to Houma, La., on the one hand, and, on the other, points in that part of Nebraska on and north of a

line beginning at the Nebraska-Kansas State line, thence along U.S. Highway 77 to junction Interstate Highway 80, thence along Interstate Highway 80 to junction U.S. Highway 281, thence along U.S. Highway 281 to junction Nebraska Highway 2, thence along Nebraska Highway 2 to junction U.S. Highway 385, thence along U.S. Highway 385 to junction U.S. Highway 26, thence along U.S. Highway 26 to the Nebraska-Wyoming State line. The purpose of this filing is to eliminate the gateways of (1) Gulfport, Miss., and points within 35 miles thereof; and (2) Cairo, Ill., and points within 25 miles thereof.

No. MC 31462 (Sub-No. E228) 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 Louisiana on, east and south of a line beginning at the Mississippi-Louisiana State line, thence along U.S. Highway 61 to junction U.S. Highway 190, thence along U.S. Highway 190 to junction Louisiana Highway 12, thence along Louisiana Highway 12 to the Texas-Louisiana State line, on the one hand, and, on the other, points in Wisconsin. The purpose of this filing is to eliminate the gateways of (1) Gulfport, Miss., and points within 35 miles thereof; (2) Cairo, Ill., and points within 25 miles thereof; and (3) Burlington, Iowa, and points within 50 miles thereof.

No. MC 31462 (Sub-No. E229) 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 Louisiana on and east of a line beginning at the Mississippi-Louisiana State line on U.S. Highway 61, thence along U.S. Highway 61 to junction U.S. Highway 190, thence along U.S. Highway 190 to junction U.S. Highway 167, thence along U.S. Highway 167 to Abbeville, La., on the one hand, and, on the other, points in North Dakota. The purpose of this filing is to eliminate the gateways of (1) Gulfport, Miss., and points within 35 miles thereof; (2) Cairo, Ill., and points within 25 miles thereof; (3) Burlington, Iowa, and points within 50 miles thereof; and (4) Alden, Minn., and points within 35 miles thereof.

No. MC 31462 (Sub-No. E230) 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 Louisiana on and east of a line beginning at the Louisiana-Mississippi State line, thence along Louisiana Highway 19 to junction U.S. Highway 61, thence along U.S. Highway 61 to junction Louisiana Highway 20, thence along Louisiana Highway 20 to junction Louisiana Highway 24, thence along Louisiana Highway 24 to Houma, La., on the one hand, and, on the other, points in Minnesota. The purpose of this filing is to eliminate the gateways of (1) Gulfport, Miss., and points within 35 miles thereof; (2) Cairo, Ill., and points within 25 miles thereof; and (3) Burlington, Iowa, and points within 50 miles thereof.

No. MC 31462 (Sub-No. E231) 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 Louisiana on, east and south of a line beginning at the Mississippi-Louisiana State line, thence along U.S. Highway 61 to junction U.S. Highway 190, thence along U.S. Highway 190 to junction Louisiana Highway 12, thence along Louisiana Highway 12 to the Texas-Louisiana State line, on the one hand, and, on the other, points on the Upper Peninsula of Michigan. The purpose of this filing is to eliminate the gateways of (1) Gulfport, Miss., and points within 35 miles thereof; (2) Cairo, Ill., and points within 25 miles thereof; and (3) Burlington, Iowa, and points within 35 miles thereof.

No. MC 31462 (Sub-No. E232) 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 that part of Louisiana on, east and south of a line beginning at the Mississippi-Louisiana State line, extending along U.S. Highway 61 to junction U.S. Highway 190, thence along U.S. Highway 190 to junction Louisiana Highway 12, thence along Louisiana Highway 12 to the Texas-Louisiana State line, to points in the Lower Peninsula of Michigan. The purpose of this filing is to eliminate the gateway of (1) Gulfport, Mississippi and points within 35 miles thereof; (2) Cairo, Ill., and points within 25 miles thereof; and (3) Fort Wayne, Ind., and points in Indiana within 40 miles thereof.

No. MC 31462 (Sub-No. E233) 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 that part of Louisiana on, east and south of a line beginning at the Mississippi-Louisiana State line, extending along U.S. Highway 61 to junction U.S. Highway 190, thence along U.S. Highway 190 to junction Louisiana Highway 12, thence along Louisiana Highway 12 to the Texas-Louisiana State line, to points in Massachusetts. The purpose of this filing is to eliminate the gateway of (1) Gulfport, Miss., and points within 35 miles thereof; (2) Cairo, Ill., and points within 25 miles thereof; and (3) Fort Wayne, Ind., and points in Indiana within 40 miles thereof.

No. MC 31462 (Sub-No. E234) 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 that part of Louisiana on, east and south of a line beginning at the Mississippi-Louisiana State line, extending along U.S. Highway 61 to junction U.S. Highway 190, thence along U.S. Highway 190 to junction Louisiana Highway 12, thence along Louisiana Highway 12 to the Texas-Louisiana State line, to points in Maine. The purpose of this filing is to eliminate the gateway of (1) Gulfport, Miss., and points within 35 miles thereof; (2) Cairo, Ill., and points within 25 miles thereof; and (3) Fort Wayne, Ind., and points in Indiana within 40 miles thereof, and (4) Hoosick Falls, N.Y.

No. MC 31462 (Sub-No. E235) 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 that part of Louisiana on, east and south of a line beginning at the Mississippi-Louisiana State line, extending along U.S. Highway 61 to junction U.S. Highway 190, thence along U.S. Highway 190 to junction Louisiana Highway 12, thence along Louisiana Highway 12 to the Texas-Louisiana State line, to points in New Hampshire. The purpose of this filing is to eliminate the gateway of (1) Gulfport, Miss., and points within 35 miles thereof; (2) Cairo, Ill., and points within 25 miles thereof; (3) Fort Wayne, Ind., and points in Indiana within 40 miles thereof; and (4) Hoosick Falls, N.Y.

No. MC 31462 (Sub-No. E236), 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, from points in that part of Louisiana on, east and south

of a line beginning at the Mississippi-Louisiana State line extending along U.S. Highway 61 to junction U.S. Highway 190, thence along U.S. Highway 190 to junction Louisiana Highway 12, thence along Louisiana Highway 12 to the Texas-Louisiana State line, to points in Vermont. The purpose of this filing is to eliminate the gateway of (1) Gulfport, Miss., and points within 35 miles thereof; (2) Cairo, Ill., and points within 25 miles thereof; (3) Fort Wayne, Ind., and points in Indiana within 40 miles thereof; and (4) Hoosick Falls, N.Y.

No. MC 31462 (Sub-No. E237), 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, from points in that part of Louisiana on and south of a line beginning at the Mississippi-Louisiana State line extending along U.S. Highway 61 to junction U.S. Highway 190, thence along U.S. Highway 190 to junction Louisiana Highway 12, thence along Louisiana Highway 12 to the Texas-Louisiana State line, to points in that part of Pennsylvania on and north of a line beginning at the West Virginia-Pennsylvania State line extending along U.S. Highway 40 to junction U.S. Highway 119, thence along U.S. Highway 119 to junction U.S. Highway 30, thence along U.S. Highway 30 to junction U.S. Highway 219, thence along U.S. Highway 219 to junction U.S. Highway 22, thence along U.S. Highway 22 to junction U.S. Highway 522, thence along U.S. Highway 522 to junction U.S. Highway 11, thence along U.S. Highway 11 to junction Interstate Highway 80, thence along Interstate Highway 80 to junction Interstate Highway 81, thence along Interstate Highway 81 to junction Louisiana Highway 590, thence along Louisiana Highway 590 to junction Interstate Highway 84, thence along Interstate Highway 84 to the Pennsylvania-New York State line.

The purpose of this filing is to eliminate the gateway of (1) Gulfport, Miss., or any point within 35 miles thereof; (2) Cairo, Ill., or any point within 25 miles thereof; (3) Fort Wayne, Ind., or any point in Indiana within 40 miles thereof.

No. MC 31462 (Sub-No. E238), 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, from points in that part of Louisiana on, east and south of a line beginning at the Mississippi-Louisiana State line extending along U.S. Highway 61 to junction U.S. Highway 190, thence along U.S. Highway 190 to junction Louisiana Highway 12, thence along Louisiana Highway 12 to the Texas-Louisiana State line, to points in that part of Ohio on and south of a line beginning at the Indiana-Ohio State line extending along Louisiana Highway 571 to junction U.S. Highway 36, thence along U.S. Highway 36 to junction U.S. Highway 33, thence along U.S. Highway 33 to junction U.S. Highway 62, thence along U.S. Highway 62 to junction U.S. Highway 36, thence along U.S. Highway 36 to the Ohio-Pennsylvania State line.

The purpose of this filing is to eliminate the gateway of (1) Gulfport, Miss., and points within 35 miles thereof; (2) Cairo, Ill., and points within 25 miles thereof; and (3) Fort Wayne, Ind., and points within 35 miles thereof.

No. MC 31462 (Sub-No. E239), 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, from points in that part of Louisiana on, east and south of a line beginning at the Louisiana-Mississippi State line extending along U.S. Highway 51 to junction U.S. Highway 190, thence along U.S. Highway 190 to junction U.S. Highway 165, thence along U.S. Highway 165 to junction U.S. Highway 90, thence along U.S. Highway 90 to Louisiana-Texas State line, to points in Indiana. The purpose of this filing is to eliminate the gateway of Gulfport, Miss., and points within 35 miles thereof; and Cairo, Ill., and points within 25 miles thereof.

No. MC 31462 (Sub-No. E240), 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, from points in that part of Louisiana on and south of a line beginning at the Mississippi-Louisiana State line extending along U.S. Highway 61 to junction U.S. Highway 190, thence along U.S. Highway 190 to junction Louisiana Highway 12, thence along Louisiana Highway 12 to the Texas-Louisiana State line, to points in that part of New York on and north of a line beginning at the Pennsylvania-New York State line, thence along Interstate Highway 84 to the New York-Connecticut State line. The purpose of this filing is to eliminate the gateway of (1) Gulfport, Miss., and points within 35 miles thereof; (2) Cairo, Ill., and points within 25 miles thereof; and (3) Fort Wayne, Ind., and points in Indiana within 40 miles thereof.

No. MC 31462 (Sub-No. E241), 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 that part of Louisiana on and east of a line beginning at the Louisiana-Mississippi State line extending along Louisiana Highway 19 to junction U.S. Highway 61, thence along U.S. Highway 61 to junction Louisiana Highway 20, thence along Louisiana Highway 20 to junction Louisiana Highway 24, thence along Louisiana Highway 24 to Houma, La., on the one hand, and, on the other, points in that part of Missouri on and east of a line beginning at the Missouri-Iowa State line extending along U.S. Highway 63 to junction U.S. Highway 66, thence along U.S. Highway 66 to junction Maine Highway 8, thence along Maine Highway 8 to junction U.S. Highway 67, thence along U.S. Highway 67 to junction Maine Highway 72, thence along Maine Highway 72 to junction U.S. Highway 61, thence along U.S. Highway 61 to junction U.S. Highway 60, thence along U.S. Highway 60 to the Missouri-Kentucky State line. The purpose of this filing is to eliminate the gateway of Gulfport, Miss., and points within 35 miles and any point in Missouri within 25 miles of Cairo, Ill.

No. MC 106920 (Sub-No. E50), filed June 3, 1974. Applicant: RIGGS FOOD EXPRESS, INC., P.O. Box 26, New Bremen, Ohio 45869. Applicant's representative: E. Stephen Heisley, 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*, as described in Section B of Appendix I to the report in Descriptions in Motor Carrier Certificates, 61 M.C.C. 209 and 766, from points in Texas to points in Connecticut, Delaware, the District of Columbia, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, and West Virginia (except points in West Virginia on and north of U.S. Highway 50). The purpose of this filing is to eliminate the gateway of Darke, Mercer, and Auglaize Counties, Ohio.

No. MC 106920 (Sub-No. E52), filed June 3, 1974. Applicant: RIGGS FOOD EXPRESS, INC., P.O. Box 26, New Bremen, Ohio 45869. Applicant's representative: E. Stephen Heisley, 666 Eleventh St. NW., Washington, D.C. 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: Commodities classified as *dairy products*, under Section B of the Appendix to the report in *Modification of Permits of Motor Contract Carriers of Packinghouse Products*, 48 M.C.C. 628, except sweet cream and milk, processed and unprocessed, from points in Texas to points in Virginia north of a line beginning at the Virginia-West Virginia State line and extending along Interstate Highway 64 to junction Virginia Highway 42, thence along Virginia Highway 42 to junction Virginia Highway 254, thence along Virginia Highway 254 to junction U.S. Highway 250, thence along U.S. Highway 250 to junction U.S. Highway 29, thence along U.S. Highway 29 to junction U.S. Highway 33, thence along U.S. Highway 33 to junction U.S. Highway 15, thence along U.S. Highway 15 to

junction Virginia Highway 20, thence along Virginia Highway 20 to junction Virginia Highway 3, thence along Virginia Highway 3 to junction U.S. Highway 301, thence along U.S. Highway 301 to the Virginia-Maryland State line. The purpose of this filing is to eliminate the gateway of Darke, Mercer, and Auglaize Counties, Ohio.

No. MC 106920 (Sub-No. E54), filed June 3, 1974. Applicant: RIGGS FOOD EXPRESS, INC., P.O. Box 26, New Bremen, Ohio 45869. Applicant's representative: E. Stephen Heisley, 666 11th St. NW., Washington, D.C. 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: Commodities classified as *dairy products* under Section B in the Appendix to the report in *Modification of Permits of Motor Contract Carriers of Packing-House Products*, 48 M.C.C. 628, from points in Texas on and west of a line beginning at the United States-Mexico International Boundary line and extending along U.S. Highway 67 to junction Texas Highway 17, thence along Texas Highway 17 to junction U.S. Highway 80, thence along U.S. Highway 80 to junction Texas Highway 350, thence along U.S. Highway 350 to junction Texas Highway 208, thence along Texas Highway 208 to junction U.S. Highway 380, thence along U.S. Highway 380 to junction U.S. Highway 83, thence along U.S. Highway 83 to junction U.S. Highway 287, thence along U.S. Highway 287 to junction Texas Highway 283, thence along Texas Highway 283, to points in North Carolina on and east of a line beginning at the Atlantic Ocean and extending along U.S. Highway 74 to junction North Carolina Highway 87, thence along North Carolina Highway 87 to junction U.S. Highway 421, thence along U.S. Highway 421 to junction U.S. Highway 321, thence along U.S. Highway 321 to the North Carolina-Tennessee State line. The purpose of this filing is to eliminate the gateway of Darke, Mercer and Auglaize Counties, Ohio.

No. MC 106920 (Sub-No. E55), filed June 3, 1974. Applicant: RIGGS FOOD EXPRESS, INC., P.O. Box 26, New Bremen, Ohio 45869. Applicant's representative: E. Stephen Heisley, 666 11th St. NW., Washington, D.C. 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: Commodities classified as *dairy products* under Section B in the Appendix to the report in *Modification of Permits of Motor Contract Carriers of Packing-House Products*, 48 M.C.C. 628, except in bulk, in tank vehicles, and concentrated whole milk and concentrated skim milk, in containers, from points in Texas on and south of a line beginning at the Texas-Louisiana State line and extending along U.S. Highway 190 to junction U.S. Highway 87, thence along U.S. Highway 87 to junction Texas Highway 158, thence along Texas Highway 158 to junction U.S. Highway 80, thence along U.S. Highway 80 to the Texas-New Mexico State line, to points in Wisconsin on and east of a line beginning at the Wisconsin-Illinois State line and extending along Interstate Highway 94 to junction U.S. Highway 18, thence along U.S. Highway 18 to Lake Michigan. The purpose of this filing is to eliminate the gateway of Darke, Mercer and Auglaize Counties, Ohio.

No. MC 111956 (Sub-No. E18), filed June 4, 1974. Applicant: SUWAK TRUCKING CO., 1105–15 Fayette St., Washington, Pa. 15301. Applicant's representative: Henry M. Wick, Jr., 2310 Grant Bldg., Pittsburgh, Pa. 15219. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Ferro alloys* (except in bulk, and except molybdenum products to points in New York), from Fayette, Greene and Washington Counties, Pa., to Newport, Ky., Buffalo, Dunkirk, Lockport, and Syracuse, N.Y.; and (2) *refused or damaged shipments* of the above-specified commodities, and *empty cartons*, therefore (except in bulk), from Newport, Ky., Buffalo, Dunkirk, Lockport, and Syracuse, N.Y., to Fayette, Greene and Washington Counties, Pa. The purpose of this filing is to eliminate the gateway of Washington, Pa.

No. MC 113666 (Sub-No. E2), filed June 4, 1974. Applicant: FREEPORT TRANSPORT, INC., 1200 Butler Rd., Freeport, Pa. 16229. Applicant's representative: Daniel R. Smetanick (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: Urea and ammonium nitrate (other than liquid), in bags, from the United States-Canada International Boundary line at port of entry in Port Huron, Mich., to points in Vermont. The purpose of this filing is to eliminate the gateways of Detroit, Mich., and Buffalo, N.Y.

No. MC 113666 (Sub-No. E11), filed June 4, 1974. Applicant: FREEPORT TRANSPORT, INC., 1200 Butler Rd., Freeport, Pa. 16229. Applicant's representative: Daniel R. Smetanick (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry urea* (other than liquid), in bulk, in dump vehicles, and in bags, from the United States-Canada International Boundary line at Ports of Entry at Buffalo and Niagara Falls, N.Y., and Detroit and Port Huron, Mich., to the District of Columbia. The purpose of this filing is to eliminate the gateways of Olean, N.Y., and Port of Entry at the United States-Canada International Boundary line at Detroit, Mich.

No. MC 114019 (Sub-No. E274), filed May 24, 1974. Applicant: MIDWEST EMERY FREIGHT SYSTEM, INC., 7000 S. Pulaski Rd., Chicago, Ill. 60629. Applicant's representative: Arthur J. Sibik (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Glycerine, soap stock, liquid soap, and fatty acids*, from the facilities of the Armour Grocery Products Co., near Aurora, Ill., to points in Blue Earth, Brown, Dakota, Dodge Faribault, Fillmore, Freeborn, Goodhue, Houston, Le Sueur, Martin, Mower, Nicollet, Olmsted, Redwood, Rice, Steele, Wabasha, Waseca, Watonwan, and Winona Counties, Minn. The purpose of this filing is to eliminate the gateway of Onalaska, Wis.

No. MC 114019 (Sub-No. E275), filed May 24, 1974. Applicant: MIDWEST EMERY FREIGHT SYSTEM, INC., 7000 S. Pulaski Rd., Chicago, Ill. 60629. Applicant's representative: Arthur J. Sibik (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Frozen vegetables*, from Elmira and Mt. Morris, N.Y., and from points in that part of New York on and north of U.S. Highway 20, and west of a line beginning at Lafayette, N.Y., and extending along U.S. Highway 11 to junction New York Highway 57 to Lake Ontario, to points in Douglas, Franklin, Johnson, Leavenworth, Miami, and Wyandotte Counties, Kans. The purpose of this filing is to eliminate the gateway of Kansas City, Mo.

No. MC 114211 (Sub-No. E409), 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 tractors* (except, in each instance, commodities wihch 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 Minnesota on and west of a line beginning at the Canada-United States International Boundary line extending along Minnesota Highway 72 to junction U.S. Highway 71, thence along U.S. Highway 71 to junction U.S. Highway 16, thence along U.S. Highway 16 to junction Minnesota Highway 4, thence along Minnesota Highway 4 to the Minnesota-Iowa State line, (1) to points in that part of Oklahoma on and south of a line beginning at the Texas-Oklahoma State line extending along Interstate Highway 40 to junction U.S. Highway 81, thence along U.S. Highway 81 to junction U.S. Highway 60, thence along U.S. Highway 60 to junction U.S. Highway 75, thence along U.S. Highway 75 to junction Oklahoma Highway 33, thence along Oklahoma Highway 33 to the Arkansas-Oklahoma State line; (2) to points in that part of California on and south of a line beginning at Oceanside, Calif., extending along California Highway 76 to junction California Highway S–16, thence along California Highway S–16 to junction California Highway 71, thence along California Highway 71 to junction California Highway 74, thence along California Highway 74 to junction California Highway 111, thence along California Highway 111 to junction Interstate Highway 10, thence along Interstate Highway 10 to junction U.S. Highway 95, thence along U.S. Highway 95

to the Arizona-California State line; (3) to points in that part of Arkansas on, south, and west of a line beginning at the Oklahoma-Arkansas State line extending along Arkansas Highway 33 to junction Arkansas Highway 16, thence along Arkansas Highway 16 to junction Arkansas Highway 23.

Thence along Arkansas Highway 23 to junction Interstate Highway 40, thence along Interstate Highway 40 to junction U.S. Highway 65, thence along U.S. Highway 65 to junction U.S. Highway 82, thence along U.S. Highway 82 to the Mississippi-Arkansas State line; (4) to points in that part of Mississippi on, south, and east of a line beginning at the Arkansas-Mississippi State line extending along Mississippi Highway 1 to junction Mississippi Highway 322, thence along Mississippi Highway 322 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 Mississippi Highway 430, thence along Mississippi Highway 430 to junction U.S. Highway 51, thence along U.S. Highway 51 to junction U.S. Highway 80, thence along U.S. Highway 80 to the Alabama-Mississippi State line; (5) to points in that part of Alabama on and south of a line beginning at the Alabama-Mississippi State line extending along U.S. Highway 80, thence along U.S. Highway 80 east to the Alabama-Georgia State line; (6) to points in that part of Georgia on and south of a line beginning at the Georgia-Alabama State line extending along U.S. Highway 80 to junction Georgia Highway 55, thence along Georgia Highway 55 to junction U.S. Highway 82, thence along U.S. Highway 82 to junction U.S. Highway 84, thence along U.S. Highway 84 to Brunswick, Ga.; (7) to points in that part of Arizona on and south of a line beginning at the California-Arizona State line extending along Interstate Highway 40 to junction U.S. Highway 66, thence along U.S. Highway 66 to junction Interstate Highway 40, thence along Interstate Highway 40 to the Arizona-New Mexico State line; (8) to points in that part of New Mexico on and south of a line beginning at the Arizona-New Mexico State line extending along Interstate Highway 40, thence along Interstate Highway 40 to the New Mexico-Texas State line; and (9) to points in Florida and Louisiana, with no transportation for compensation on return except as otherwise authorized. The purpose of this filing is to eliminate the gateways of Independence, Kans., and Claremore, Okla.

No. MC 114211 (Sub-No. E443), 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 Iowa on, west and north of a line beginning at the South Dakota-Iowa State line extending along Iowa Highway 10 to junction U.S. Highway 71, thence along U.S. Highway 71 to the Minnesota-Iowa State line, to points in that part of Michigan on and north of a line beginning at Muskegon, Mich., extending along Interstate Highway 96 to junction U.S. Highway 27, thence along U.S. Highway 27 to the Michigan-Indiana State line, to points in that part of Kentucky on and east of a line beginning at the Kentucky-Indiana State line extending along Interstate Highway 65 to junction Kentucky Highway 90, thence along Kentucky Highway 90 to junction U.S. Highway 127, thence along U.S. Highway 127 to the Kentucky-Tennessee State line, to points in that part of Wisconsin on and north of a line beginning at the Minnesota-Wisconsin State line extending along Interstate Highway 94 to junction Wisconsin Highway 29, thence along Wisconsin Highway 29 to junction U.S. Highway 51, thence along U.S. Highway 51 to junction Wisconsin Highway 73, thence along Wisconsin Highway 73 to junction Wisconsin Highway 23, thence along Wisconsin Highway 23 to junction U.S. Highway 41, thence along U.S. Highway 41 to Milwaukee, Wisc., points in that part of Indiana on and east of a line beginning at the Michigan-Indiana State line extending along U.S. Highway 69 to junction U.S. Highway 20, thence along U.S. Highway 20 to junction Indiana Highway 101, thence along Indiana Highway 101 to junction U.S. Highway 224, thence along U.S. Highway 224 to junction U.S. Highway 27, thence along U.S. Highway 27 to junction Indiana Highway 18, thence along Indiana Highway 18 to junction Indiana Highway 9, thence along Indiana Highway 9 to junction Indiana Highway 37, thence along Indiana Highway 37 to junction Interstate Highway 65, thence along Interstate Highway 65 to the Indiana-Kentucky State line, to points in that part of Tennessee on and east of a line beginning at the Kentucky-Tennessee State line extending along U.S. Highway 127 to the Tennessee-Alabama State line and to points in Florida, Georgia, South Carolina, North Carolina, West Virginia, Maine, Vermont, New Hampshire and New York, 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. E445), 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: *Hod buggies and self-propelled sweepers*, from that part of Minnesota on and east of a line beginning at the Minnesota-Wisconsin State line extending along U.S. Highway 14 to junction U.S. Highway 52, thence along U.S. Highway 52 to junction Interstate Highway 94, thence along Interstate Highway 94 to the Minnesota-Wisconsin State line; to points in that part of North Carolina on and east of a line beginning at the Virginia-North Carolina State line extending along U.S. Highway 220 to junction Interstate Highway 85, thence along Interstate Highway 85 to junction Interstate Highway 77, thence along Interstate Highway 77 to junction North Carolina-South Carolina State line; to points in that part of Virginia on and east of a line beginning at the Virginia-Maryland State line extending along U.S. Highway 15 to junction U.S. Highway 29, thence along U.S. Highway 29 to junction U.S. Highway 58, thence along U.S. Highway 58 to junction U.S. Highway 220, thence along U.S. Highway 220 to the Virginia-North Carolina State line; to points in that part of Maryland on and east of a line beginning at the Maryland-Pennsylvania State line extending along U.S. Highway 15 to the Maryland-Virginia State line; to points in that part of Pennsylvania on and east of a line beginning at the New York-Pennsylvania State line extending along U.S. Highway 220 to junction Pennsylvania Highway 147, thence along Pennsylvania Highway 147 to junction U.S. Highway 22–322, thence along U.S. Highway 22–322 to junction Interstate Highway 81, thence along Interstate Highway 81 to junction U.S. Highway 15, thence along U.S. Highway 15 to the Pennsylvania-Maryland State line; to points in that part of New York on and east of a line beginning at the New York-Pennsylvania State line extending along New York Highway 14 to junction New York Highway 13, thence along New York Highway 13 to junction New York Highway 11, thence along New York Highway 11 to junction New York Highway 57, thence along New York Highway 57 to Oswego, N.Y.; and points in Massachusetts, Connecticut, Delaware, and New Jersey, 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. E446), 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 farm machinery and parts thereof, from* points in that part of Minnesota on and south and east of a line beginning at the Minnesota-Wisconsin State line extending along Interstate Highway 94 to junction Interstate Highway 35W, thence along Interstate Highway 35W to the Minnesota-Iowa State line; to points in that part of Florida on and south of a line beginning at Punta Rassa, Fla., extending along Florida Highway 867 to junction Florida Highway 80, thence along Florida Highway 80 to junction U.S. Highway 441, thence along U.S. Highway 441 to junction Florida Turnpike, thence along Florida Turnpike to junction Florida Highway 710, thence along Florida Highway 710 to Riviera

Beach; to points in that part of Louisiana on, south, and west of a line beginning at the Gulf of Mexico extending along Louisiana Highway 317 to junction U.S. Highway 90, thence along U.S. Highway 90 to junction U.S. Highway 171, thence along U.S. Highway 171 to junction Interstate Highway 20, thence along Interstate Highway 20 to the Louisiana-Texas State line; to points in that part of Texas on and south of a line beginning at the Texas-Arkansas State line extending along U.S. Highway 67 to junction U.S. Highway 380, thence along U.S. Highway 380 to junction Interstate Highway 35, thence along Interstate Highway 35 to the Texas-Oklahoma State line; to points in that part of Oklahoma on, west, and south of a line beginning at the Oklahoma-Texas State line extending along Interstate Highway 35 to junction Oklahoma Highway 7, thence along Oklahoma Highway 7 to junction U.S. Highway 62, thence along U.S. Highway 62 to junction U.S. Highway 283, thence along U.S. Highway 283 to junction U.S. Highway 66, thence along U.S. Highway 66 to junction Oklahoma Highway 34, thence along Oklahoma Highway 34 to junction U.S. Highway 270, thence along U.S. Highway 270 to the Kansas-Oklahoma State line; to points in that part of Kansas on, south, and west of a line beginning at the Kansas-Oklahoma State line extending along U.S. Highway 83 to junction Kansas Highway 96.

Thence along Kansas Highway 96W to the Kansas-Colorado State line; to points in that part of Colorado on, south, and west of a line beginning at the Nebraska-Colorado State line extending along Colorado Highway 113 to junction U.S. Highway 138, thence along U.S. Highway 138 to junction U.S. Highway 6, thence along U.S. Highway 6 to junction Colorado Highway 63, thence along Colorado Highway 63 to junction U.S. Highway 34, thence along U.S. Highway 34 to junction Colorado Highway 59, thence along Colorado Highway 59 to junction U.S. Highway 24, thence along U.S. Highway 24 to the Kansas-Colorado State line; to points in that part of Nebraska on, south, and west of a line beginning at the Nebraska-Colorado State line extending along Colorado Highway 19 to junction U.S. Highway 30, thence along U.S. Highway 30 to junction Colorado Highway 71, thence along Colorado Highway 71 to junction U.S. Highway 26, thence along U.S. Highway 26 to the Nebraska-Wyoming State line; to points in that part of South Dakota on and north of a line beginning at the South Dakota-Wyoming State line extending along U.S. Highway 85 to junction Alternate U.S. Highway 14, thence along Alternate U.S. Highway 14 to junction South Dakota Highway 79, thence along South Dakota Highway 79 to junction U.S. Highway 212, thence along U.S. Highway 212 to junction South Dakota Highway 20, thence along South Dakota Highway 20 to junction U.S. Highway 81, thence along U.S. Highway 81 to junction U.S. Highway 12, thence along U.S. Highway 12 to the South Dakota-Minnesota State line; points in Washington, Oregon, California, Idaho, Nevada, Arizona, Utah, Montana, Wyoming, North Dakota, 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 Minneapolis, Minn.

No. MC 114211 (Sub-No. E447), 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 farm machinery and parts thereof*, from that part of Minnesota on and east of a line beginning at the Minnesota-Wisconsin State line extending along U.S. Highway 14 to junction U.S. Highway 57, thence along U.S. Highway 57 to junction Interstate Highway 94, thence along Interstate Highway 94 to the Minnesota-Wisconsin State line, to points in that part of North Carolina on and east of a line beginning at the South Carolina-North Carolina State line extending along U.S. Highway 21 to junction U.S. Highway 29, thence along U.S. Highway 29 to the North Carolina-Virginia State line; to points in that part of South Carolina on and east of a line beginning at the South Carolina-Georgia State line extending along South Carolina Highway 72 to junction U.S. Highway 21, thence along U.S. Highway 21 to junction U.S. Highway 29/70, thence along U.S. Highway 29/70 to junction U.S. Highway 29, thence along U.S. Highway 21 to the North Carolina-South Carolina State line; to points in that part of Georgia on and south of a line beginning at the Georgia-Alabama State line extending along U.S. Highway 78 to junction Georgia Highway 72, thence along Georgia Highway 72 to the Georgia-South Carolina State line; to points in that part of Alabama on and south of a line beginning at the Alabama-Mississippi State line extending along U.S. Highway 82 to junction U.S. Highway 11, thence along U.S. Highway 11 to junction U.S. Highway 78, thence along U.S. Highway 78 to the Alabama-Georgia State line; to points in that part of Mississippi on and south of a line beginning at the Mississippi-Arkansas State line extending along U.S. Highway 85, thence along U.S. Highway 85 to the Mississippi-Alabama State line; to points in that part of Arkansas on and west of a line beginning at the Arkansas-Missouri State line extending along Arkansas Highway 37 to junction U.S. Highway 62, thence along U.S. Highway 62 to junction Arkansas Highway 23, thence along Arkansas Highway 23 to junction Arkansas Highway 16, thence along Arkansas Highway 16 to junction Arkansas Highway 21, thence along Arkansas Highway 21 to junction U.S. Highway 64, thence along U.S. Highway 64 to junction Arkansas Highway 7.

Thence along Arkansas Highway 7 to junction Arkansas Highway 10, thence along Arkansas Highway 10 to junction U.S. Highway 65, thence along U.S. Highway 65 to junction U.S. Highway 82, thence along U.S. Highway 82 to the Arkansas-Missouri State line; to points in that part of Missouri on and west of a line beginning at the Kansas-Missouri State line extending along U.S. Highway 54 to junction U.S. Highway 71, thence along U.S. Highway 71 to junction U.S. Highway 60, thence along U.S. Highway 60 to junction Missouri Highway 37, thence along Missouri Highway 37 to the Missouri-Arkansas State line; to points in that part of Kansas on and west of a line beginning at the Kansas-Nebraska State line extending along U.S. Highway 77 to junction Kansas Highway 9, thence along Kansas Highway 9 to junction Kansas Highway 99, thence along Kansas Highway 99 to junction Kansas Highway 31, thence along Kansas Highway 31 to junction U.S. Highway 59, thence along U.S. Highway 59 to junction Kansas Highway 52, thence along Kansas Highway 52 to junction Kansas Highway 7, thence along Kansas Highway 7, thence along Kansas Highway 7 to junction U.S. Highway 54, thence along U.S. Highway 54 to the Kansas-Missouri State line; to points in that part of Nebraska on and west of a line beginning at the Nebraska-South Dakota State line extending along U.S. Highway 81 to junction Nebraska Highway 92, thence along Nebraska Highway 92 to junction U.S. Highway 77, thence along U.S. Highway 77 to the Nebraska-Kansas State line; to points in that part of South Dakota on and west of a line beginning at the South Dakota-North Dakota State line extending along U.S. Highway 81, thence along U.S. Highway 81 to the South Dakota-Nebraska State line; and points in Washington, Oregon, California, Idaho, Nevada, Arizona, Utah, Montana, North Dakota, Texas, Oklahoma, Louisiana, Florida, Colorado, Wyoming, 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 Minneapolis, Minn.

No. MC 114211 (Sub-No. E449), 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: *Cast iron pressure pipe and fittings and accessories therefor* when moving with such pipe, from points in that part of Texas on and east of a line beginning at the Oklahoma-Texas State line extending along U.S. Highway 283 to junction U.S. Highway 277, thence along U.S. Highway 277 to junction U.S. Highway 83, thence along U.S. Highway 83 to junction U. S. Highway 377, thence along U.S. Highway 377 to Del Rio, Tex., and points in that part of Oklahoma on and east of a line beginning at the Kansas-Oklahoma State line extending along U.S. Highway 281 to junction U.S. Highway 60, thence along U.S. Highway 60 to junction U.S. Highway 183, thence along U.S. Highway 183 to junction U.S. Highway 62, thence

along U.S. Highway 62 to junction U.S. Highway 283, thence along U.S. Highway 283 to the Oklahoma-Texas State line; to points in that part of North Dakota on and east of a line beginning at the South Dakota-North Dakota State line extending along U.S. Highway 12 to junction North Dakota Highway 22, thence along North Dakota Highway 22 to junction North Dakota Highway 200, thence along North Dakota Highway 200 to junction U.S. Highway 85, thence along U.S. Highway 85 to the International Boundary line between Canada and the United States; points in that part of South Dakota on and east of a line beginning at the South Dakota-Nebraska State line extending along U.S. Highway 81 to junction Interstate Highway 90, thence along Interstate Highway 90 to junction South Dakota Highway 37, thence along South Dakota Highway 37 to junction U.S. Highway 14, thence along U.S. Highway 14 to junction South Dakota Highway 45, thence along South Dakota Highway 45 to junction U.S. Highway 212, thence along U.S. Highway 212 to junction U.S. Highway 83, thence along U.S. Highway 83 to junction U.S. Highway 12, thence along U.S. Highway 12 to the South Dakota-North Dakota State line; points in that part of Nebraska on, north, and east of a line beginning at the Iowa-Nebraska State line extending along Nebraska Highway 92 to junction U.S. Highway 77, thence along U.S. Highway 77 to junction Nebraska Highway 91, thence along Nebraska Highway 91 to junction U.S. Highway 81, thence along U.S. Highway 81 to the Nebraska-South Dakota State line; points in that part of Wisconsin on and north of a line beginning at the Iowa-Wisconsin State line extending along Wisconsin Highway 82 to junction Wisconsin Highway 33, thence along Wisconsin Highway 33 to junction Wisconsin Highway 22, thence along Wisconsin Highway 22 to junction Wisconsin Highway 54, thence along Wisconsin Highway 54 to Algoma, Wis., with no transportation for compensation on return except as otherwise authorized. The purpose of this filing is to eliminate the gateway of the plant site of the Griffin Pipe Co., located at or near Council Bluffs, Iowa.

No. MC 114211 (Sub-No. E503), 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 tractors* (except those vehicle beds, bed frames, and fifth wheels), *equipment* designed for use in conjunction with tractors, *attachments* for the above-described commodities, and *parts thereof*, from Portal, N. Dak., to points in Texas, Louisiana, Mississippi, Alabama, Georgia, Florida, North Carolina, South Carolina, Tennessee, Arkansas, Missouri, Kentucky, Virginia, West Virginia, District of Columbia, Maryland, Delaware, New Jersey, Connecticut, Rhode Island, Masaschusetts, New Hampshire, Vermont, Maine, New York, Pennsylvania, Ohio, Michigan, the Upper Peninsula of Michigan, Indiana, Illinois, Iowa, Wisconsin, and points in that part of Arizona on, south, and east of a line beginning at the New Mexico-Arizona State line extending along Interstate Highway 10 to junction U.S. Highway 89, thence along U.S. Highway 89 to Nogales, Ariz.; points in that part of New Mexico on, south, and east of a line beginning at the Oklahoma-New Mexico State line extending along U.S. Highway 56 to junction New Mexico Highway 18, thence along New Mexico Highway 18 to junction U.S. Highway 54, thence along U.S. Highway 54 to junction U.S. Highway 70, thence along U.S. Highway 70 to junction Interstate Highway 10, thence along Interstate Highway 10 to the New Mexico-Arizona State line; points in that part of Oklahoma on and east of a line beginning at the Kansas-Oklahoma State line extending along U.S. Highway 56, thence along U.S. Highway 56 to the Oklahoma-New Mexico State line; points in that part of Kansas on, east, and south of a line beginning at the Nebraska-Kansas State line extending along U.S. Highway 281 to junction U.S. Highway 36, thence along U.S. Highway 36 to junction U.S. Highway 183, thence along U.S. Highway 183 to junction U.S. Highway 56, thence along U.S. Highway 56 to the Kansas-Oklahoma State line; points in that part of Nebraska on and east of a line beginning at the South Dakota-Nebraska State line extending along U.S. Highway 81 to junction U.S. Highway 30, thence along U.S. Highway 30 to junction U.S. Highway 281, thence along U.S. Highway 281 to the Nebraska-Kansas State line; points in that part of South Dakota on and east of a line beginning at the North Dakota-South Dakota State line extending along U.S. Highway 81 to the South Dakota-Nebraska State line; points in that part of North Dakota on and east of a line beginning at the Minnesota-North Dakota State line extending along U.S. Highway 10 to junction U.S. Highway 81, thence along U.S. Highway 81 to the North Dakota-South Dakota State line; and points in that part of Minnesota on and east of a line beginning at the International Falls, Minn., extending along U.S. Highway 71 to junction Minnesota Highway 34, thence along Minnesota Highway 34 west to junction U.S. Highway 10, thence along U.S. Highway 10 to the Minnesota-North Dakota State line. The purpose of this filing is to eliminate the gateway of Fargo, N. Dak.

No. MC 114211 (Sub-No. E504), 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 northeast of a line begnining at the Iowa-Minnesota State line extending along Interstate 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 junction Interstate Highway 35, thence along Interstate Highway 35 to junction Iowa Highway 163, thence along Iowa Highway 163 to junction Iowa Highway 92, thence along Iowa Highway 92 to the Iowa-Illinois State line, to points in that part of Oklahoma on and west of a line beginning at the Kansas-Oklahoma State line extending along U.S. Highway 177 to junction U.S. Highway 70, thence along U.S. Highway 70 to junction U.S. Highway 77, thence along U.S. Highway 77 to the Texas-Oklahoma State line, with no transportation for compensation on return except as otherwise authorized. The purpose of this filing is to eliminate the gateways of Des Moines, Iowa and Beatrice, Nebr.

No. MC 114211 (Sub-No. E506), 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: *Grading, paving and finishing machinery, equipment, parts, accessories and attachments*, between points in that part of South Dakota on, south and east of a line beginning at the South Dakota-Minnesota State line extending along U.S. Highway 14 to junction U.S. Highway 81, thence along U.S. Highway 81 to junction South Dakota Highway 34, thence along South Dakota Highway 34 to junction South Dakota Highway 37, thence along South Dakota Highway 37 to junction South Dakota Highway 50, thence along South Dakota Highway 50 to junction U.S. Highway 81, thence along U.S. Highway 81 to the Nebraska-South Dakota State line, on the one hand, and, on the other, points in that part of Montana on and west of a line beginning at the Montana-Canada Boundary line extending along Hill County Highway 233 to junction U.S. Highway 2, thence along U.S. Highway 2 to junction U.S. Highway 87, thence along U.S. Highway 87 to junction U.S. Highway 89, thence along U.S. Highway 89 to the Montana-Wyoming State line, and points in Washington, Oregon, Idaho, Nevada, and Utah. The purpose of this filing is to eliminate the gateway of Canton, S. Dak.

No. MC 114211 (Sub-No. E507), 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: *Grading, paving, and finishing machinery, equipment, parts, accessories and attachments*, between points in Nebraska, on the one hand, and, on the other, points in Vermont, New Hampshire, Massachusetts, Connecticut, Rhode Island, New Jersey, Delaware, Maine, and points in that part

of Virgina on and east of a line beginning at the Maryland-Virginia State line extending along U.S. Highway 17 to junction U.S. Highway 17/258, thence along U.S. Highway 17/258 to junction U.S. Highway 17, thence along U.S. Highway 17 to the Virginia-North Carolina State line; points in that part of Maryland on and east of a line beginning at the Pennsylvania-Maryland State line extending along U.S. Highway 222 to junction U.S. Highway 1, thence along U.S. Highway 1 to junction Maryland Highway 2, thence along Maryland Highway 2 to junction Maryland Highway 3, thence along Maryland Highway 3 to junction U.S. Highway 301, thence along U.S. Highway 301 to junction U.S. Highway 17, thence along U.S. Highway 17 to the Virginia-Maryland State line; points in that part of Pennsylvania on and east of a line beginning at the New York-Pennsylvania State line extending along Pennsylvania Highway 36 to junction Pennsylvania Highway 249, thence along Pennsylvania Highway 249 to junction Pennsylvania Highway 287, thence along Pennsylvania Highway 287 to junction Pennsylvania Highway 414, thence along Pennsylvania Highway 414 to junction U.S. Highway 15, thence along U.S. Highway 15 to junction Pennsylvania Highway 54, thence along Pennsylvania Highway 54 to junction Pennsylvania Highway 125, thence along Pensylvania Highway 125 to junction Pennsylvania Highway 895, thence along Pennsylvania Highway 895 to junction Pennsylvania Highway 501, thence along Pennsylvania Highway 501 to junction U.S. Highway 222, thence along U.S. Highway 222 to the Pennsylvania-Maryland State line; points in that part of New York on and east of a line beginning at the International Boundary line between the United States and Canada extending along New York Highway 18.

Thence along New York Highway 18 to junction U.S. Highway 15, thence along U.S. Highway 15 to junction New York Highway 63, thence along New York Highway 63 to junction New York Highway 36, thence along New York Highway 36 to the New York-Pennsylvania State line; points in that part of Michigan on and northeast of a line beginning at the Mackinaw Bridge extending along Interstate Highway 75 to Michigan Highway 32, thence along Michigan Highway 32 to Lake Huron; points in that part of Wisconsin on and north of a line beginning at the Iowa-Wisconsin State line extending along Interstate Highway 90 to junction U.S. Highway 90/944, thence along U.S. Highway 90/944 to junction U.S. Highway 16, thence along U.S. Highway 16 to junction U.S. Highway 51, thence along U.S. Highway 51 to junction Wisconsin Highway 23, thence along Wisconsin Highway 23 to Lake Michigan; points in that part of Minnesota on and northeast of a line beginning at the South Dakota-Minnesota State line extending along U.S. Highway 12 to junction Minnesota Highway 7, thence along Minnesota Highway 7 to junction U.S. Highway 59, thence along U.S. Highway 59 to junction U.S. Highway 212, thence along U.S. Highway 212 to junction U.S. Highway 169, thence along U.S. Highway 169 to the Iowa-Minnesota State line; and to points in that part of North Dakota on and east of a line beginning at the International Boundary line between the United States and Canada extending along North Dakota Highway 1, thence along North Dakota Highway 1 to the North Dakota-South Dakota State line. The purpose of this filing is to eliminate the gateway of Clinton, S. Dak.

No. MC-114211 (Sub-No. E528), 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 requiring special equipment, from points in that part of South Dakota on and northwest of a line beginning at the Minnesota-South Dakota State line, thence along U.S. Highway 16 to junction South Dakota Highway 47, thence along South Dakota Highway 47 to the South Dakota-Nebraska State line to points in Maine, Vermont, New Hampshire, Massachusetts, Rhode Island, Connecticut, New York, New Jersey, Pennsylvania, Virginia, Maryland, and Delaware, restricted to the transportation of traffic originating at or destined to the plant sites, warehouse sites, and experimental farms of Deere and Company. The purpose of this filing is to eliminate the gateways of Nassau, Minn., and Dubuque, Iowa.

No. MC-114211 (Sub-No. E529), 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: *Experimental tractors*, from points in that part of Wisconsin on and south of a line beginning at the Illinois-Wisconsin State line, thence along Wisconsin Highway 80 to junction U.S. Highway 151, thence along U.S. Highway 151 to junction Wisconsin Highway 33, thence along Wisconsin Highway 33 to the Port Washington, Wis., to points in that part of New Mexico on and west of a line beginning at the Colorado-New Mexico State line, thence along Interstate Highway 25 to junction U.S. Highway 84, thence along U.S. Highway 84 to junction New Mexico Highway 20, thence along New Mexico Highway 20 to junction U.S. Highway 285, thence along U.S. Highway 285 to the New Mexico-Texas State line and to points in Washington, Oregon, Idaho, California, Nevada, Montana, Utah, Arizona, Wyoming, and North Dakota, with no transportation for compensation on return except as otherwise authorized.

No. MC-114211 (Sub-No. E530), 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: (A) *Tractors* (except those with vehicle beds, bed frames, and fifth wheels), B) *Equipment* designed for use in conjunction with tractors, (C) *Agricultural, industrial, and construction machinery and equipment*, (D) *Trailers* designed for the transportation of the above-described commodities (except those trailers designed to be drawn by passenger automobiles), (F) *Internal combustion engines*, and (G) *Parts* of the commodities described in (A) through (F), the transportation of which, because of size or weight, requires special equipment, from points in that part of Missouri on and north of a line beginning at the Illinois-Missouri State line, thence along U.S. Highway 136 to junction Missouri Highway 15, thence along Missouri Highway 15 to junction Missouri Highway 6, thence along Missouri Highway 6 to junction Missouri Highway 11, thence along Missouri Highway 11 to junction U.S. Highway 36, thence along U.S. Highway 36 to junction Interstate Highway 35, thence along Interstate Highway 35 to the Missouri-Kansas State line to points in that part of Pennsylvania on and east of a line beginning at Lake Erie, thence along U.S. Highway 19 to junction U.S. Highway 6, thence along U.S. Highway 6 to junction U.S. Highway 219, thence along U.S. Highway 219 to junction U.S. Highway 22, thence along U.S. Highway 22 to junction U.S. Highway 220, thence along U.S. Highway 220 to the Pennsylvania-Maryland State line and to points in New York, Vermont, New Hampshire, Maine, Massachusetts, Connecticut, Rhode Island, New Jersey, Delaware, and Maryland restricted to the transportation of traffic originating at or destined to the plant sites, warehouse sites, and experimental farms of Deere and Company. The purpose of this filing is to eliminate the gateway of Dubuque, Iowa.

No. MC-114211 (Sub-No. E531), filed June 4, 1974. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, Iowa 50704. Applicant's representative: Kenneth R. Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Tractors* (except those which, because of size or weight, require the use of special equipment), from Laredo, Tex., to points in that part of Iowa on and east of a line beginning at the Missouri-Iowa State line, thence along U.S. Highway 71 to junction U.S. Highway 34, thence along U.S. Highway 34 to junction U.S. Highway 275, thence along U.S. Highway 275 to the Iowa-Nebraska State line, and to points in that part of North Dakota on and east of a line beginning at the South Dakota-North Dakota State line, thence

along North Dakota Highway 3 to junction U.S. Highway 10, thence along U.S. Highway 10 to junction U.S. Highway 83, thence along U.S. Highway 83 to junction North Dakota Highway 37, thence along North Dakota Highway 37 to junction North Dakota Highway 23, thence along North Dakota Highway 23 to junction U.S. Highway 85, thence along U.S. Highway 85 to the North Dakota-Canada International Boundary line, and to points in that part of Illinois on and north of a line beginning at the Indiana-Illinois State line, thence along U.S. Highway 40 to junction Illinois Highway 32, thence along Illinois Highway 32 to junction Illinois Highway 33, thence along Illinois Highway 33 to junction Illinois Highway 128, thence along Illinois Highway 128 to junction Illinois Highway 16, thence along Illinois Highway 16 to junction Illinois Highway 29, thence along Illinois Highway 29 to junction Illinois Highway 104, thence along Illinois Highway 104 to junction U.S. Highway 36, thence along U.S. Highway 36 to junction U.S. Highway 54, thence along U.S. Highway 54 to the Illinois-Missouri State line, and to points in Minnesota limited to service in foreign commerce only. The purpose of this filing is to eliminate the gateway of Ottumwa, Iowa.

No. MC-114211 (Sub-No. E532), 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 shedders agricultural sprayers, scalpers, row crow shields, corn cribs* (knocked down), and *attachments and parts* for said shredders, sprayers, scalpers, and corn cribs, when moving incidental to and in the same vehicle with said commodities, from points in that part of Colorado on and north and west of a line beginning at the Wyoming-Colorado State line, thence along Interstate Highway 25 to junction U.S. Highway 6, thence along U.S. Highway 6 to the Colorado-Utah State line to points in that part of Kentucky on and east of a line beginning at the Ohio-Kentucky State line, thence along Interstate Highway 75 to junction U.S. Highway 25, thence along U.S. Highway 25 to the Kentucky-Tennessee State line, with no transportation for compensation on return except as otherwise authorized. The purpose of this filing is to eliminate the gateway of Beatrice and Nebraska City, Nebr., and Oelwein, Iowa.

No. MC-114211 (Sub-No. E533), 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: *Agricultual shredders, agricultural sprayers, scalpers, row crop shields, corn cribs* (knocked down), and *attachments and parts* for said shredders, sprayers, scalpers, and corn cribs, when moving incidental to and in the same vehicle with said commodities, from points in Colorado and 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 Kansas Highway 18, thence along Kansas Highway 18 to junction U.S. Highway 81, thence along U.S. Highway 81 to junction Kansas Highway 61, thence along Kansas Highway 61 to junction U.S. Highway 54, thence along U.S. Highway 54 to the Kansas-Oklahoma State line, and from points in that part of Oklahoma on and west of a line beginning at the Kansas-Oklahoma State line, thence along U.S. Highway 54 to the Oklahoma-Texas State line to points in Pennsylvania and New York (except Kings, Queens, Nassau, and Suffolk Counties), with no transportation for compensation on return except as otherwise authorized. The purpose of this filing is to eliminate the gateways of Beatrice, Nebr., Nebraska City, Nebr., and Oelwein, Iowa.

No. MC 114211 (Sub-No. E534), 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*, between points in that part of Kansas west and north of a line beginning at the Nebraska-Kansas State line, thence along U.S. Highway 81 to junction Interstate Highway 35, thence along Interstate Highway 35 to junction Kansas Highway 61, thence along Kansas Highway 61 to junction U.S. Highway 50, thence along U.S. Highway 50 to junction U.S. Highway 56, thence along U.S. Highway 56 to junction Kansas Highway 99, thence along Kansas Highway 99 to junction Kansas Highway 57, thence along Kansas Highway 57 to junction U.S. Highway 169, thence along U.S. Highway 169 to junction U.S. Highway 59, thence along U.S. Highway 59 to junction Kansas Highway 52, thence along Kansas Highway 52 to the Kansas-Missouri State line, on the one hand, and, on the other, points in North Dakota. The purpose of this filing is to eliminate the gateways of Beatrice and Nebraska City, Nebr., and Council Bluffs, Iowa.

No. MC-114211 (Sub-No. E535), 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*, with or without attachments, *tractor attachments*, and *parts* of tractors and tractor attachments, when moving in mixed loads between the port of entry at New Orleans, La., on the one hand, and, on the other, points in that part of Kansas on and north of a line beginning at the Missouri-Kansas State line, thence along Kansas Highway 68 to junction Interstate Highway 35, thence along Interstate Highway 35 to junction U.S. Highway 54, thence along U.S. Highway 54 to junction U.S. 154, thence along U.S. Highway 154 to junction U.S. Highway 50, thence along U.S. Highway 50 to the Kansas-Colorado State line, and points in that part of Colorado on and north of a line beginning at the Kansas-Colorado State line, thence along U.S. Highway 50 to junction Colorado Highway 10, thence along Colorado Highway 10 to junction U.S. Highway 160, thence along U.S. Highway 160 to junction U.S. Highway 550, thence along U.S. 550 to the Colorado-New Mexico State line, and points in that part of Iowa on and west of a line beginning at the Missouri-Iowa State line, thence along Iowa Highway 5 to junction Iowa Highway 137, thence along Iowa Highway 137 to junction U.S. Highway 63, thence along U.S. Highway 63 to junction Iowa Highway 3, thence along Iowa Highway 3 to junction Iowa Highway 150, thence along Iowa Highway 150 to junction U.S. Highway 52, thence along U.S. Highway 52 to the Iowa-Minnesota State line, and to points in that part of Minnesota on and west of a line beginning at the Iowa-Minnesota State line, thence along Minnesota Highway 44 to junction U.S. Highway 16, thence along U.S. Highway 16 to the Minnesota-Wisconsin State line and points in South Dakota and Nebraska. The purpose of this filing is to eliminate the gateway of Topeka, Kans.

No. MC 114211 (Sub-No. E536), 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: *Cast iron pressure pipe and fittings and accessories therefor* when moving with such pipe, from points in that part of Kentucky on and east of a line beginning at the Ohio-Kentucky State line extending along U.S. Highway 75 to junction U.S. Highway 27 thence along U.S. Highway 27 to the Kentucky-Tennessee State line; from points in that part of Tennessee on and east of a line beginning at the Kentucky-Tennessee State line extending along U.S. Highway 27 to junction Interstate Highway 40, thence along Interstate Highway 40 to junction Tennessee Highway 58, thence along Tennessee Highway 58 to junction Tennessee Highway 30, thence along Tennessee Highway 30 to junction U.S. Highway 411, thence along U.S. Highway 411 to the Tennessee-Georgia State line; from points in that part of North Carolina on and south of a line beginning at the North Carolina-Tennessee State line extending along U.S. Highway 321 to junction U.S. Highway 74, thence along U.S. Highway 74 to juncton U.S. Highway 601, thence along U.S. Highway 61 to the North Carolina-South Carolina State line; from points in that part of Virginia on and east of a line beginning at the Kentucky-Virginia

State line extending along U.S. Highway 23 to junction Alternate U.S. Highway 58, thence along Alternate U.S. Highway 58 to junction U.S. Highway 19, thence along U.S. Highway 19 to junction U.S. Highway 58, thence along U.S. Highway 58 to the Virginia-Tennessee State line, to points in that part of Kansas on and west and north of a line beginning at the Nebraska-Kansas State line extending along U.S. Highway 73 to junction U.S. Highway 36, thence along U.S. Highway 36 to junction U.S. Highway 81, thence along U.S. Highway 81 to junction U.S. Highway 24, thence along U.S. Highway 24 to junction Kansas Highway 23, thence along Kansas Highway 23 to junction U.S. Highway 156, thence along U.S. Highway 156 to junction U.S. Highway 83, thence along U.S. Highway 83 to junction U.S. Highway 56, thence along U.S. Highway 56 to the Kansas-Oklahoma State line; and to points in that part of New Mexico on and north of a line beginning at the New Mexico-Colorado State line extending along Interstate Highway 25 to junction U.S. Highway 64, thence along U.S. Highway 64 to junction New Mexico Highway 4, thence along New Mexico Highway 4 to junction New Mexico Highway 126, thence along New Mexico Highway 126 to junction New Mexico Highway 44, thence along New Mexico Highway 44 to junction New Mexico Highway 57, thence along New Mexico Highway 57 to junction U.S. Highway 66, thence along U.S. Highway 66 to the New Mexico-Arizona State line. The purpose of this filing is to eliminate the gateway of the plant site of the Griffin Pipe Co., located at or near Council Bluffs, Iowa.

No. MC-114211 (Sub-No. E538), 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* (except, in each instance, 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 West Chicago, Ill., to points in California, Arizona, New Mexico, and to points in that part of Nevada on and south of a line beginning at the Utah-Nevada State line, thence along U.S. Highway 50 to junction Alternate U.S. Highway 95, thence along Alternate U.S. Highway 95 to junction U.S. Highway 40, thence along U.S. Highway 40 to junction U.S. Highway 395, thence along U.S. Highway 395 to the Nevada-California State line, and to points in that part of Utah on and south of a line beginning at the Colorado-Utah State line, thence along Utah Highway 46 to junction U.S. Highway 163, thence along U.S. Highway 163 to junction Interstate Highway 70, thence along Interstate Highway 70 to junction Utah Highway 26, thence along Utah Highway 26 to junction U.S. Highway 50, thence along U.S. Highway 50 to the Utah-Nevada State line, with no transportation for compensation on return except as otherwise authorized, restricted to the transportation of traffic originating at the plant site or storage facilities utilized by International Harvester Company at West Chicago, Ill.

No. MC-114211 (Sub-No. E539), 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 and stationary engines and attachments and parts therefor* when moving incidental to and in the same vehicle with tractors and stationary engines (not including tractors with vehicle beds, bed frames, or fifth wheels, nor any of the above-specified commodities which, because of size or weight, require the use of special equipment), from points in that part of South Dakota on and north of a line beginning at the Minnesota-South Dakota State line, thence along U.S. Highway 16 to junction Interstate Highway 90, thence along Interstate Highway 90 to junction South Dakota Highway 79, thence along South Dakota Highway 79 to junction U.S. Highway 385, thence, along U.S. Highway 385 to junction U.S. Highway 18, thence along U.S. Highway 18 to the South Dakota-Wyoming State line to points in that part of Kentucky on and east of a line beginning at the Indiana-Kentucky State line, thence along U.S. Highway 231 to the Indiana-Kentucky State line, thence along U.S. Highway 231 to the Kentucky-Tennessee State line, and to points in that part of Indiana on and east of a line beginning at the Illinois-Indiana State line, thence along U.S. Highway 50 to junction Indiana Highway 50, thence along Indiana Highway 50 to junction Indiana Highway 61, thence along Indiana Highway 61 to junction Indiana Highway 66, thence along Indiana Highway 66 to junction U.S. Highway 231, thence along U.S. Highway 231 to the Indiana-Kentucky State line, and to points in that part of Michigan on and south of a line beginning at Lake Michigan, thence along U.S. Highway 10 to junction Michigan Highway 25 thence along Michigan Highway 25 to junction Michigan Highway 142, thence along Michigan Highway 142 to Lake Huron, and to points in Maine, Vermont, New Hampshire, Massachusetts, Connecticut, New York, Pennsylvania, New Jersey, Delaware, Maryland, Virginia, West Virginia, and Ohio, with no transportation for compensation on return except as otherwise authorized, restricted to the transportation of traffic originating at the plant sites and warehouse facilities of Deere and Company. The purpose of this filing is to eliminate the gateways of Dubuque, Iowa, and Horicon, Wis.

No. MC 114211 (Sub-No. E540), 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 points in Colorado, points in that part of Kansas on and west of a line beginning at the Nebraska-Kansas State line extending along Nebraska Highway 15W to junction U.S. Highway 36, thence along U.S. Highway 36 to junction U.S. Highway 81, thence along U.S. Highway 81 to junction Nebraska Highway 9, thence along Nebraska Highway 9 to junction Nebraska Highway 14, thence along Nebraska Highway 14 to junction Interstate Highway 70, thence along Interstate Highway 70 to junction U.S. Highway 156, thence along U.S. Highway 156 to junction U.S. Highway 56, thence along U.S. Highway 56 to junction U.S. Highway 283, thence along U.S. Highway 283 to the Kansas-Oklahoma State line beginning at points in that part of Pennsylvania on and northeast of a line beginning at the New York-Pennsylvania State line extending along Pennsylvania Highway 46 to junction Pennsylvania Highway 446, thence along Pennsylvania Highway 446 to junction U.S. Highway 6, thence along U.S. Highway 6 to junction Pennsylvania Highway 44, thence along Pennsylvania Highway 44 to junction Pennsylvania Highway 664, thence along Pennsylvania Highway 664 to junction U.S. Highway 220, thence along U.S. Highway 220 to junction Pennsylvania Highway 120, thence along Pennsylvania Highway 120 to junction Interstate Highway 80, thence along Interstate Highway 80 to junction U.S. Highway 15, thence along U.S. Highway 15 to junction U.S. Highway 209, thence along U.S. Highway 209 to junction Pennsylvania Highway 61, thence along Pennsylvania Highway 61 to junction Pennsylvania Highway 10, thence along Pennsylvania Highway 10 to junction Interstate Highway 76, thence along Interstate Highway 76 to junction Pennsylvania Highway 100, thence along Pennsylvania Highway 100 to junction U.S. Highway 202, thence along U.S. Highway 202 to the Pennsylvania-Delaware State line, to points in that part of New York on and east of a line beginning at Silver Creek, N.Y., extending along New York Highway 428 to junction New York Highway 83, thence along New York Highway 83 to junction U.S. Highway 62, thence along U.S. Highway 62 to the New York-Pennsylvania State line, and to points in New York, Connecticut, Rhode Island, Massachusetts, Maine, New Hampshire, Vermont, restricted to the transportation of traffic originating at the plant sites and warehouse facilities of Deere and Co., and further restricted against movement to oil field locations. The purpose of this filing is to eliminate the gateways of Beatrice, Nebr., and Horicon, Wis.

No. MC 114211 (Sub-No. E541), 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: *Grading, paving and finishing machinery, equipment, parts, accessories and attachments*, between points in Colorado, on the one hand, and, on the other, points in Wisconsin, Michigan, Pennsylvania, New York, Vermont, New Hampshire, Maine, Massachusetts, Rhode Island, Connecticut, New Jersey, Delaware, Maryland, and to points in that part of West Virginia on and east of a line beginning at the Pennsylvania-West Virginia State line, thence along U.S. Highway 250 to the West Virginia-Virginia State line, and to points in that part of Virginia on and east of a line beginning at the West Virginia-Virginia State line, thence along U.S. Highway 250 to junction Virginia Highway 42, thence along Virginia Highway 42 to junction Virginia Highway 39, thence along Virginia Highway 39 to junction U.S. Highway 501, thence along U.S. Highway 501 to junction U.S. Highway 29, thence along U.S. Highway 29 to the Virginia-North Carolina State line, and to points in that part of North Carolina on and east of a line beginning at the Virginia-North Carolina State line, thence along North Carolina Highway 86 to junction Interstate Highway 85, thence along Interstate Highway 85 to junction North Carolina Highway 50, thence along North Carolina Highway 50 to junction U.S. Highway 421, thence along U.S. Highway 421 to the Atlantic Ocean. The purpose of this filing is to eliminate the gateway of Canton, S. Dak.

No. MC 114211 (Sub-No. E542), 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: *Grading, paving and finishing machinery, equipment, parts, accessories and attachments*, (except in each instance, commodities which, because of size or weight, requires 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 California on and north of a line beginning at the Pacific Ocean, thence along California Highway 299 to junction California Highway 96, thence along California Highway 96 to junction Interstate Highway 5, thence along Interstate Highway 5 to junction California Highway 89, thence along California Highway 89 to junction California Highway 299, thence along California Highway 299 to the California-Nevada State line to points in Louisiana, Arkansas, Tennessee, Mississippi, Alabama, Florida, Georgia, South Carolina and North Carolina, with no transportation for compensation on return except as otherwise authorized. The purpose of this filing is to eliminate the gateways of Canton, S. Dak., points in Kansas and Claremore, Okla.

No. MC 114211 (Sub-No. E543), 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: *Grading, paving and finishing machinery, equipment, parts, accessories and attachments*, between points in that part of Illinois on and north of a line beginning at the Iowa-Illinois State line, thence along Illinois Highway 92 to junction Interstate Highway 74, thence along Interstate Highway 74 to junction U.S. Highway 34, thence along U.S. Highway 34 to junction Illinois Highway 17, thence along Illinois Highway 17 to junction Illinois Highway 47, thence along Illinois Highway 47 to junction U.S. Highway 24, thence along U.S. Highway 24 to the Illinois-Indiana State line, on the one hand, and, on the other, points in California, Nevada, Utah and Arizona. The purpose of this filing is to eliminate the gateway of Canton, S. Dak.

No. MC 114211 (Sub-No. E544), 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: *Grading, paving, and finishing machinery, equipment, parts, accessories, and attachments*, between points in Illinois, on the one hand, and, on the other, points in Washington, Oregon, Idaho, and to points in that part of Utah on and west of a line beginning at the Idaho-Utah State line, thence along U.S. Highway 91 to junction Utah Highway 56, thence along Utah Highway 56 to the Utah-Nevada State line, and to points in that part of Nevada on and north of a line beginning at the Utah-Nevada State line, thence along Nevada Highway 25 to junction U.S. Highway 93, thence along U.S. Highway 93 to junction Nevada Highway 25, thence along Nevada Highway 25 to junction U.S. Highway 6, thence along U.S. Highway 6 to the Nevada-California State line, and to points in that part of California on and north of a line beginning at the Nevada-California State line, thence along U.S. Highway 6 to junction U.S. Highway 395, thence along U.S. Highway 395 to junction California Highway 120, thence along California Highway 120 to junction California Highway 41, thence along California Highway 41 to junction U.S. Highway 101, thence along U.S. Highway 101 to San Luis Obispo, Calif. The purpose of this filing is to eliminate the gateway of Canton, S. Dak.

No. MC 114211 (Sub-No. E545), 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 and stationery engines and attachments and parts* therefor when moving incidental to and in the same vehicle with tractors and stationery engines (not including tractors with vehicle beds, bed frames, or fifth wheels, nor any of the above-specified commodities which, because of their size or weight require the use of special equipment), from points in Illinois on and west of a line beginning at the Iowa-Illinois State line, thence along U.S. Highway 34 to junction Illinois Highway 97, thence along Illinois Highway 97 to junction U.S. Highway 66, thence along U.S. Highway 66 to junction Illinois Highway 127, thence along Illinois Highway 127 to junction Illinois Highway 13, thence along Illinois Highway 13 to junction Interstate Highway 57, thence along Interstate Highway 57 to the Illinois-Missouri State line to points in that part of Wisconsin on and north of a line beginning at the Minnesota-Wisconsin State line, thence along Interstate Highway 94 to junction Wisconsin Highway 29, thence along Wisconsin Highway 29 to Lake Michigan and to points in the Upper Peninsula of Michigan, with no transportation for compensation on return except as otherwise authorized. The purpose of this filing is to eliminate the gateway of Dubuque, Iowa.

No. MC 114211 (Sub-No. E546), 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 tractors*, from Racine, Wis., to points in Colorado, Kansas, and that part of Nebraska on and south of a line beginning at the Missouri-Nebraska State line, thence along Nebraska Highway 2 to junction U.S. Highway 34, thence along U.S. Highway 34 to junction Nebraska Highway 2, thence along Nebraska Highway 2 to junction U.S. Highway 385, thence along U.S. Highway 385 to the Nebraska-South Dakota State line, with no transportation for compensation on return except as otherwise authorized. The purpose of this filing is to eliminate the gateway of Springfield, Ill.

No. MC 114211 (Sub-No. E547), 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: *Grading, paving and finishing machinery, equipment, parts, accessories and attachments*, between points in Ohio, West Virginia, Virginia, South Carolina, Maryland, Delaware, New Jersey, Connecticut, Rhode Island, Pennsylvania, New York, Massachusetts, Vermont, New Hampshire, Maine, and points in that part of North Carolina on and east of a line

beginning at the Georgia-North Carolina State line, thence along U.S. Highway 64 to junction U.S. Highway 129, thence along U.S. Highway 129 to the North Carolina-Tennessee State line, and points in that part of Georgia on and east of a line beginning at the North Carolina-Georgia State line, thence along Georgia Highway 60 to junction U.S. Highway 76, thence along U.S. Highway 76 to junction Georgia Highway 5, thence along Georgia Highway 5 to junction U.S. Highway 41, thence along U.S. Highway 41 to junction U.S. Highway 19, thence along U.S. Highway 19 to junction U.S. Highway 319, thence along U.S. Highway 319 to the Georgia-Florida State line, and points in that part of Florida on and east of a line beginning at the Georgia-Florida State line, thence along U.S. Highway 319 to junction U.S. Highway 98, thence along U.S. Highway 98 to junction Florida Highway 365, thence along Florida Highway 365 to Spring Creek, Fla., and points in that part of Tennessee on and east of a line beginning at the North Carolina-Tennessee State line, thence along U.S. Highway 129 to junction Interstate Highway 75, thence along Interstate Highway 75 to the Tennessee-Kentucky State line, and points in that part of Kentucky on and east of a line beginning at the Tennessee-Kentucky State line, thence along Interstate Highway 75 to the Kentucky-Ohio State line, on the one hand, and, on the other, points in that part of Colorado on and south of a line beginning at the Nebraska-Colorado State line, thence along Interstate Highway 805 to junction Interstate Highway 70, thence along Interstate Highway 70 to the Colorado-Utah State line. The purpose of this filing is to eliminate the gateway of Canton, S. Dak.

No. MC 114211 (Sub-No. E548), 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: *Grading, paving, and finishing machinery, equipment, parts, accessories, and attachments*, between points in San Miquel, Ouray, Hinsdale, Mineral, Dolores, Montezuma, La Plata, and Archuleta Counties in Colorado, on the one hand, and, on the other, points in Ohio, West Virginia, and points in that part of North Carolina on and east of a line beginning at the Virginia-North Carolina State line, thence along U.S. Highway 52 to junction U.S. Highway 601, thence along U.S. Highway 601 to junction Interstate Highway 85, thence along Interstate Highway 85 to junction U.S. Highway 601, thence along U.S. Highway 601 to the North Carolina-South Carolina State line. The purpose of this filing is to eliminate the gateway of Canton, S. Dak.

No. MC 114211 (Sub-No. E549), 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, road-making machinery, and contractors' equipment and supplies*, the transportation of which, because of size or weight, requires the use of special equipment, between points in Colorado, on the one hand, and, on the other, points in Missouri. The purpose of this filing is to eliminate the gateway of points in Nebraska.

No. MC 115703 (Sub-No. E13), filed April 7, 1974. Applicant: KREITZ MOTOR EXPRESS, INC., P.O. Box 375, Wyomissing, Pa. 19610. Applicant's representative: James Alan Vitez (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Machinery*, between points in North Carolina, on the one hand, and, on the other, Rhode Island. The purpose of this filing is to eliminate the gateways of Berks, Luzerne, and York Counties, Pa.

No. MC 115703 (Sub-No. E15), filed April 7, 1974. Applicant: KREITZ MOTOR EXPRESS, INC., P.O. Box 375, Wyomissing, Pa. 19610. Applicant's representative: James Alan Vitez (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Machinery*, between points in Ohio, on the one hand, and, on the other, points in Rhode Island. The purpose of this filing is to eliminate the gateways of Berks and Luzerne Counties, Pa.

No. MC 115703 (Sub-No. E16), filed April 7, 1974. Applicant: KREITZ MOTOR EXPRESS, INC., P.O. Box 375, Wyomissing, Pa. 19610. Applicant's representative: James Alan Vitez (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Machinery*, between points in Ohio on and north of Interstate Highway 70, on the one hand, and, on the other, points in Virginia on and east of Interstate Highway 95. The purpose of this filing is to eliminate the gateway of York County, Pa.

No. MC 115703 (Sub-No. E17), filed April 7, 1974. Applicant: KREITZ MOTOR EXPRESS, INC., P.O. Box 375, Wyomissing, Pa. 19610. Applicant's representative: James Alan Vitez (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Machinery*, between points in Rhode Island, on the one hand, and, on the other, points in Virginia and West Virginia. The purpose of this filing is to eliminate the gateways of Berks, Luzerne, and York Counties, Pa.

No. MC 119496 (Sub-No. E1), filed May 15, 1974. Applicant: THE JAMES GIBBONS CO., 1770 Sutton Ave., Relan, Baltimore, Md. 21227. Applicant's Representative: William F. King, 421 King St., Suite 301, Alexandria, Va. 22314. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Asphalt and asphalt products*, in bulk, in tank vehicles, from Baltimore, Md., to points in North Carolina, and points in West Virginia and Virginia which are located more than 200 miles from Baltimore, Md. (Cockpit Point, Va.) *; and (2) *Asphalt and asphalt products*, in bulk, in tank vehicles, from Baltimore, Md., to points in Ohio (North Charleroi and Floreffe, Pa.) *. The purpose of this filing is to eliminate the gateways indicated by asterisks above.

No. MC 119988 (Sub-No. E96), filed June 3, 1974. Applicant: GREAT WESTERN TRUCKING CO., INC., P.O. Box 1384, Lufkin, Texas 75902. Applicant's representative: Joe E. Kinard, 201 W. Commerce St., Dallas, Texas 75208. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Printing advertising matter*, and (2) *newspaper supplements*, otherwise exempt from economic regulation under section 203(b)(7) of the Interstate Commerce Commission Act when transported in mixed loads with printed advertising matter, from points in that part of Texas on and east of a line beginning at the Texas-Oklahoma State line and extending along U.S. Highway 81 to junction U.S. Highway 181, thence along U.S. Highway 181 to the Gulf of Mexico, to points in Florida. The purpose of this filing is to eliminate the gateway of New Orleans, La.

No. MC 119988 (Sub-No. E108), filed June 3, 1974. Applicant: GREAT WESTERN TRUCKING CO., INC., P.O. Box 1384, Lufkin, Tex. 75902. Applicant's representative: Joe E. Kinard, 201 W. Commerce St., Dallas, Tex. 75208. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Printed advertising matter*, and (2) *newspaper supplements otherwise* exempt from economic regulation under Section 203(b)(7) of the Interstate Commerce Act when transported in mixed loads with printed advertising matter, from points in that part of Texas on and east of a line beginning at the Texas-Oklahoma State line and extending along U.S. Highway 81 to junction U.S. Highway 181, thence along U.S. Highway 181 to the Gulf of Mexico, to points in Connecticut. The purpose of this filing is to eliminate the gateway of Montgomery County, Kans.

No. MC 119988 (Sub-No. E111), filed June 3, 1974. Applicant: GREAT WESTERN TRUCKING CO., INC., P.O. Box 1384, Lufkin, Tex. 75902. Applicant's representative: Joe E. Kinard, 201 W. Commerce St., Dallas, Tex. 75208. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Printed advertising matter*, and (2) *newspaper supplements* otherwise exempt from economic regulation under Section 203(b)(7) of the Interstate Commerce Act when transported in mixed loads with printed advertising matter, from points in that

part of Texas on and east of a line beginning at the Texas-Oklahoma State line and extending along U.S. Highway 81 to junction U.S. Highway 181, thence along U.S. Highway 181 to the Gulf of Mexico, to points in Maine. The purpose of this filing is to eliminate the gateway of Montgomery County, Kans.

No. MC 119988 (Sub-No. E112), filed June 3, 1974. Applicant: GREAT WESTERN TRUCKING CO., INC., P.O. Box 1384, Lufkin, Tex. 75902. Applicant's representative: Joe E. Kinard, 201 W. Commerce St., Dallas, Tex. 75208. Authority sought to operate as a *common carrier*, by motor vehicle over irregular routes, transporting: (1) *Printed advertising matter*, and (2) *newspaper supplements* otherwise exempt from economic regulation, under Section 203(b)(7) of the Interstate Commerce Act when transported in mixed loads with printed advertising matter, from points in that part of Texas on and east of a line beginning at the Texas-Oklahoma State line and extending along U.S. Highway 81 to junction U.S. Highway 181, thence along U.S. Highway 181 to the Gulf of Mexico, to points in Massachusetts. The purpose of this filing is to eliminate the gateway of Montgomery County, Kans.

No. MC 119988 (Sub-No. E113), filed June 3, 1974. Applicant: GREAT WESTERN TRUCKING CO., INC., P.O. Box 1384, Lufkin, Tex. 75902. Applicant's representative: Joe E. Kinard, 201 W. Commerce St., Dallas, Tex. 75208. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Printed advertising matter*, and (2) *newspaper supplements* otherwise exempt from economic regulation under Section 203(b)(7) of the Interstate Commerce Act when transported in mixed loads with printed advertising matter, from points in that part of Texas on and east of a line beginning at the Texas-Oklahoma State line and extending along U.S. Highway 81 to junction U.S. Highway 181, thence along U.S. Highway 181 to the Gulf of Mexico, to points in Michigan. The purpose of this filing is to eliminate the gateway of Montgomery County, Kans.

No. MC 119988 (Sub-No. E114), filed June 3, 1974. Applicant: GREAT WESTERN TRUCKING CO., INC., P.O. Box 1384, Lufkin, Tex. 75902. Applicant's representative: Joe E. Kinard, 201 W. Commerce St., Dallas, Tex. 75208. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Printed advertising matter*, and (2) *newspaper supplements* otherwise exempt from economic regulation under Section 203(b)(7) of the Interstate Commerce Act when transported in mixed loads with printed advertising matter, from points in that part of Texas on and east of a line beginning at the Texas-Oklahoma State line and extending along U.S. Highway 81 to junction U.S. Highway 181, thence along U.S. Highway 181 to the Gulf of Mexico, to points in Minnesota. The purpose of this filing is to eliminate the gateway of Montgomery County, Kans.

No. MC 119988 (Sub-No. 115), filed June 3, 1974. Applicant: GREAT WESTERN TRUCKING COMPANY, INC., P.O. Box 1384, Lufkin, Tex. 75902. Applicant's representative: Joe E. Kinard, 201 W. Commerce Street, Dallas, Tex. 75208. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Printed advertising matter*, and (2) *newspaper supplements* otherwise exempt from economic regulation under section 203(b)(7) of the Act when transported in mixed loads with printed advertising matter, from points in that part of Texas on and east of a line beginning at the Texas-Oklahoma State line and extending along U.S. Highway 81 to junction U.S. Highway 181, thence along U.S. Highway 181 to the Gulf of Mexico, to points in Wisconsin. The purpose of this filing is to eliminate the gateway of Montgomery County, Kansas.

No. MC 124423 (Sub-No. E1), filed May 12, 1974. Applicant: JET MESSENGER SERVICE, INC., P.O. Box 99, Metuchen, N.J. 08840. Applicant's representative: Allan J. Day (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Drugs, medicines, chemicals and materials, equipment, supplies, and records* used in connection with the research, manufacture, and distribution thereof (except commodities in bulk), moving in express service, between points in Connecticut, those in Bergen, Essex, Hudson, Middlesex, Morris, Passaic, Somerset, and Union Counties, N.J., those in Nassau, Rockland, Suffolk, and Westchester Counties, N.Y., and New York, N.Y., on the one hand, and, on the other, Baltimore, Md., Pittsburgh, Pa., Riverside, Pa., Elkton, Va., and Washington, D.C., Restriction: No service shall be provided in the transportation of articles weighing in the aggregate more than 5,000 pounds from one consignor at one location to one consignee at one location on any one day. The purpose of this filing is to eliminate the gateway of Rahway, N.J.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.75-3315 Filed 2-4-75;8:45 am]

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PART II

FEDERAL ENERGY ADMINISTRATION

■

ENERGY SUPPLY AND ENVIRONMENTAL COORDINATION

Notice of Proposed Rulemaking

FEDERAL ENERGY ADMINISTRATION

[10 CFR Parts 303, 305, 307]

ENERGY SUPPLY AND ENVIRONMENTAL COORDINATION

Notice of Proposed Rulemaking

The Federal Energy Administration ("FEA") hereby gives notice of a proposal to amend Chapter II of Title 10 of the Code of Federal Regulations by the addition of the following new parts: Part 303—Administrative Procedures and Sanctions; Part 305—Coal Utilization; and Part 307—New Powerplants.

I. *Introduction.* In order to reduce the Nation's dependence on foreign oil, Congress passed the Energy Supply and Environmental Coordination Act of 1974 ("ESECA"). Congress expressly intended to "provide for a means to assist in meeting the essential needs of the United States for fuels, in a manner which is consistent, to the fullest extent practicable, with existing national commitments to protect and improve the environment." As it relates to these regulations, the Conference Report states that ESECA was intended to "encourage increased burning of coal" and "the opening of new coal mines to increase energy supplies."

Section 2 (Coal Conversion and Allocation) of ESECA grants the Administrator of FEA the authority to: (a) prohibit certain powerplants and major fuel burning installations from burning natural gas or petroleum products as their primary energy source; (b) require that certain powerplants in the early planning process (other than a combustion gas turbine or combined cycle unit) be designed and constructed to be capable of using coal as its primary energy source; and (c) allocate coal to any powerplant or major fuel burning installation that has been prohibited by an FEA order from burning natural gas or petroleum products as its primary energy source or to other persons as is necessary to effectuate the purposes of ESECA.

The purpose of the rulemaking proposed herein is to implement sections 2 (a), (b) and (c) of ESECA. The regulations implementing section 2(d) (allocation) will be proposed in a separate rulemaking, which will be published shortly.

FEA proposes to implement sections 2 (a), (b) and (c) of ESECA by prohibiting certain powerplants and other major fuel burning installations from burning natural gas or petroleum products as their primary energy source, through issuance of "prohibition orders," and by requiring that certain powerplants in the early planning process be designed and constructed to be capable of burning coal as their primary energy source, through issuance of "construction" orders. Before issuing either of those orders, however, FEA must make certain findings, which are discussed in connection with Part 305—Coal Utilization, and Part 307—New Powerplants.

If FEA is able to make the appropriate findings concerning a powerplant or other major fuel burning installation, FEA is required by ESECA to issue a prohibition order to a powerplant, but has discretion concerning whether to issue a prohibition order to a major fuel burning installation. The issuance of a construction order to a powerplant in the early planning process is discretionary.

Prohibition orders cannot become effective until the Environmental Protection Agency ("EPA") makes several determinations and so notifies FEA. The nature of EPA's involvement in the coal utilization program is described in connection with Part 305.

FEA's authority to issue prohibition orders and construction orders expires on June 30, 1975, in accordance with section 2(f) of ESECA. However, FEA retains the authority to modify or rescind and enforce such orders until midnight, December 31, 1978.

In the following discussion, each subpart will be addressed separately. Parts 305 and 307 contain substantive regulations, while Part 303 constitutes the procedural regulations.

II. *Part 305—Coal Utilization.* Section 2(a) of ESECA authorizes FEA to issue orders prohibiting certain powerplants and major fuel burning installations from burning natural gas or petroleum products as their primary energy source if the findings stated in sections 2(a) and (b) are made, and Part 305 of these proposed regulations implements that authority.

Several terms in ESECA are central to these proposed regulations, and it is appropriate to define them at this point. "Powerplant" is defined in the proposed regulations as one or more fossil-fuel fired steam electric generating units that produce steam electric power for purposes of sale or exchange, and includes any person who owns, leases, operates, controls or supervises any such unit or units. "Major fuel burning installation" is defined in the proposed regulations as an installation or unit other than a powerplant that has or is a fossil-fuel fired boiler, burner, or other combuster of fuel or any combination thereof at a single site, and includes any person who owns, leases, operates, controls or supervises any such installation or unit. The regulations also would provide that prohibition orders will be issued only to a boiler, burner or other combuster of fuel, or combinations of combusters at a single site (major fuel burning installation) that otherwise qualify for issuance of a prohibition order under the Act and which fire at a rate of 50 million Btu's per hour or greater. "Primary energy source" would be defined by the regulations to mean, with respect to a powerplant or major fuel burning installation that utilizes fossil-fuels, the fuel that is or will be used for all purposes except for the minimum amounts required for startup, testing, flame stabilization and control.

The proposed prohibition orders would be of two durations; those applicable for a period ending on or before June 30, 1975 ("short-term orders") and those applicable after June 30, 1975 ("long-term orders"). Prior to issuance of a short-term or long-term prohibition order, or the modification of a short-term order to make it a long-term prohibition order, ESECA requires that FEA make several findings. The findings described in paragraphs A to C below must be made before a prohibition order can be issued either to a powerplant or to a major fuel burning installation. The finding described in paragraph D is applicable only to powerplants.

FEA may at its discretion, make these findings, in the case of a powerplant, either for an individual fossil-fuel fired steam electric generating unit that produces electric power for sale or exchange, or for combinations thereof; and in the case of major fuel burning installations, either for an individual fossil-fuel fired boiler, burner or other combustor of fuel, or for combinations thereof at a single site.

A. *Capability and necessary plant equipment to burn coal.* FEA may issue a prohibition order only if it finds that on the date of the enactment of ESECA (June 22, 1974), the powerplant or major fuel burning installation had the capability and necessary plant equipment to burn coal. The assessment of capability and necessary plant equipment requires that FEA investigate coal handling facilities and appurtenances, both internal and external; adequate facilities for the storage of coal; and other equipment such as a boiler, unloaders, crushers, conveyors, pulverizers, scales, burners, soot blowers, and special coal-burning instrumentation and controls.

The absence of any one or combination of the above facilities or equipment is not grounds, however, for concluding that the plant lacked the capability and necessary plant equipment to burn coal. The Conference Report to ESECA makes it clear that this finding should not be rigidly applied in a way that would frustrate the purpose of the Act to encourage the burning of coal in lieu of petroleum products and natural gas. The requirement of capability to burn coal does not mean that the powerplant or major fuel burning installation actually had to have been burning coal on June 22. Therefore prohibition orders may be issued to those burning natural gas or petroleum products on that date, provided the required finding can be made. Furthermore, the fact that any reconversion required as a result of a prohibition order might necessitate the upgrading of or additions to plant equipment would not preclude a finding of capability.

B. *Prohibition of the utilization of natural gas and petroleum products is practicable and consistent with the purposes of ESECA.* To determine whether a prohibition order is practicable, FEA proposes to analyze the reasonableness of any additional costs associated with burning coal, including the cost of coal and the equipment required for burning coal, and any costs that may be associated with complying with section 119 of the Clean Air Act (section 3 of

ESECA). The analysis of any costs associated with compliance with the Clean Air Act would be based on the facts available to FEA before issuance of an order. FEA's analysis also would take into account the susceptibility of natural gas and petroleum products to volatile changes in price and to interruption of supply. The prohibition would be found to be consistent with the purposes of ESECA if it serves to discourage the use of natural gas and petroleum products and to encourage the use of coal as the primary energy source by powerplants and major fuel burning installations.

C. *Coal and coal transportation facilities will be available during the period the prohibition is in effect.* FEA would base its conclusion as to availability of coal on a determination of the anticipated demand for coal, the type of coal (which may include, but is not limited to, rank, Btu's, moisture, volatiles, ash and sulfur content) it is anticipated that the powerplant or major fuel burning installation will burn, the location of such coal, the practicability of its production including the possibility that new mines would be opened, and any State or local laws or policies that limit the extraction or utilization of such coal. To determine the availability of coal transportation facilities, FEA proposes to evaluate the means and ease with which coal is or could be transported to the powerplant or major fuel burning installation, including the availability of rolling stock and tracks, barges, pipelines and other feasible means of transportation.

D. *The prohibition will not impair the reliability of service in the area served by the powerplant.* Whether there will be an impairment of the reliability of service to the area served by the powerplant would be found by evaluating the length of time scheduled outage, if any, associated with any prohibition order in relation to other scheduled outages of electric power generation units that are part of the electric power generation system, and the reserve capacity of other systems with which the powerplant is interconnected. "Impairment" means an unreasonable risk of loss of load.

In addition, if the FEA proposes to issue a short-term prohibition order, it must take into account the likelihood that the powerplant or major fuel burning installation will be permitted to burn coal after June 30, 1975. To satisfy this requirement, FEA proposes to consider the likelihood that environmental or economic restraints will prevent the powerplant or installation from burning coal after June 30, 1975.

In selecting a major fuel burning installation to which it proposes to issue a prohibition order, FEA would consider, among other things, the installation's location, its product or output, the purpose for which coal would be burned, the quantity of natural gas or petroleum products now being burned, the practicability of burning coal given the short-term variation of demand for output by the installation, and the burden a prohibition order would place on existing coal supply and means of delivery. As mentioned previously, no major fuel burning installation, whether a single burner, boiler or other combuster of fuel, or a combination of these, would be issued a prohibition order unless the combustor, or combinations thereof, fire at a rate of 50 million Btu's per hour or greater.

Prior to issuance of a prohibition order, short-term or long-term, or the modification of a short-term order to make it a long-term order, ESECA explicitly requires that there be public participation in the decision-making process. Prior to issuance of a short-term order, interested persons may submit written data, views and argument, before issuance of a long-term order or the modification of a short-term order to make it long-term, interested persons must be given an opportunity to make oral presentation of data, views and argument, as well as to submit written comments. In addition to satisfying these notice requirements, FEA proposes to go beyond the requirement of ESECA and to invite the submission of written data, views and argument before issuing other types of modifications or before rescission of a prohibition order, when the impact of such actions would be of public interest.

The presentation of data, views and argument, whether oral or written, may be made by interested persons, which includes members of the public. The public participation will be invited by issuance of a "Notice of Intent to Issue Prohibition Order (or to Modify or Rescind a Prohibition Order)", as appropriate, in the FEDERAL REGISTER. The time period for submission of written comments will be no less than 10 days from publication of the notice.

EPA involvement. Section 3 of ESECA, which amended the Clean Air Act (42 U.S.C. 1851 et seq., as amended by Pub. L. 93-319, 88 Stat. 246) by adding section 119, authorizes EPA, subject to certain qualifications, to issue a "temporary suspension", during the period June 22, 1974 to June 30, 1975, of any stationary source fuel or emission limitation. EPA is also authorized to issue a "compliance date extension," for the period through December, 1978 to any powerplant or major fuel burning installation that has been issued a prohibition order.

Issuance of a compliance date extension means that the powerplant or major fuel burning installation shall not, until January 1, 1979, be prohibited from burning coal that is available to that source as a result of the application of any air pollution requirement in that section, except as provided in section 119(d)(3). Section 119(d)(3) states that if a source to which a temporary suspension or compliance date extension applies is determined not to be in compliance with an applicable primary standard condition or regional limitation, EPA may revoke the suspension or extension. Further, if the Administrator of EPA finds that the burning of coal by the source will result in an increase in emissions of any air pollutant for which national ambient air quality standards have not been promulgated (or an air pollutant which is transformed in the atmosphere into an air pollutant for which such a standard has not been promulgated), and that such increase may cause (or materially contribute to) a significant risk to public health, the Administrator of EPA shall certify the period for which the prohibition order shall not be in effect.

The issuance of a temporary suspension or a compliance date extension is contingent on the Administrator of EPA making certain findings, set out in sections 119(b) and 119(c), respectively, of the Clean Air Act. Not all powerplants and major fuel burning installations that receive prohibition orders from FEA will be eligible for temporary suspensions or compliance date extensions. They will, nevertheless, be prohibited from burning petroleum products or natural gas as soon as they are able to burn coal in compliance with all applicable air pollution requirements. EPA's findings are fully discussed in the preamble to its proposed regulations for temporary suspensions and compliance date extensions (39 FR 32624-31 (September 10, 1975)).

Under the provisions of ESECA, a short-term prohibition order cannot become effective until the date that the Administrator of EPA certifies, pursuant to section 119(d)(1)(A) of the Clean Air Act, is the earliest date that the powerplant or major fuel burning installation will be able to comply with the air pollution requirements that will be applicable to it. A long-term prohibition order (or modification of a short-term order to make it long-term) cannot become effective until the Administrator of EPA notifies FEA, pursuant to section 119(d)(1)(B) of the Clean Air Act, that the powerplant or major fuel burning installation will be able on and after July 1, 1975 to burn coal and to comply with all applicable air pollution requirements without a compliance date extension under section 119(c) of the Act, or if such notification is not given, the date which the Administrator of EPA certifies, pursuant to section 119(d)(1)(B) is the earliest date that such powerplant or installation will be able to burn coal in compliance with all applicable requirements of section 119.

Neither a short-term order, a long-term order, nor the modification of a short-term order to make it long-term can become effective until the date determined by EPA, and transmitted to FEA as described above. Under the proposed regulations, however, those orders would not become effective until the date determined by EPA and until FEA serve a Notice of Effectiveness on the powerplant or major fuel burning installation to which a prohibition order was issued, which notice would inform it of the effective date of the order.

III. *PART 307—New Powerplants.* Section 2(c) of ESECA authorizes FEA to require that a powerplant in the early planning process (other than a combustion gas turbine or a combined cycle

unit) be designed and constructed to be capable of using coal as its primary energy source, which would be effected by issuance of a construction order. The proposed regulations provide that such a requirement is discretionary, but FEA intends to issue construction orders to all powerplants in the early planning process, for which FEA can make the findings required by section 2(c) of ESECA.

A construction order would require that a powerplant in the early planning process be designed and constructed to be capable of using coal as its primary energy source. A powerplant would satisfy that requirement if it is designed and constructed either to use only coal as its primary energy source, or to use two or more fuels, one of which is coal, as its primary energy source. ("Powerplant" and "primary energy source" each have the same definitions as in Part 305.)

The regulatory scheme in Part 307 is similar to that of Part 305. The issuance of a construction order to a powerplant in the early planning process would depend on the making of several findings by FEA. No powerplant would be issued a construction order unless FEA finds that it is in the early planning process. "Early planning process" would be defined to mean either of the following time periods: (1) Before the formation of a contract, express or implied, for the design of a powerplant or before the commencement of the design of a powerplant, if such design is not to be performed in accordance with a contract, or (2) after commencement of the design of a powerplant, but not later than commencement of field erection of boiler steel.

ESECA does not define "early planning process." The definition proposed in the regulations fixes on the commencement of field erection of boiler steel as the time at which a powerplant no longer would be in the early planning process. Other time periods were considered to set the outside limits of the early planning process, including three months after formation of a contract for the boiler or the point in the contract for the boiler at which the powerplant would incur substantial termination charges. Comments are solicited regarding the adequacy of the proposed definition of early planning process. Those comments should take into account the variations in design and construction schedules for powerplants, and the potential effect on design schedules of the republication of prior designs or the use of standard designs.

As with prohibition orders, FEA, at its discretion, may issue a construction order for an individual fossil-fuel fired electric steam generating unit that produces electric power for sale or exchange, or for combinations thereof. FEA would not issue a construction order if it finds that the design or construction of a powerplant with the capability of using coal as its primary energy source is likely to result in the impairment of the reliability or adequacy of service to be provided by the powerplant, or an adequate and reliable supply of coal is not reasonably expected to be available.

FEA proposes to determine if there is an impairment of the reliability or adequacy of service by evaluating the length of any delay in commencement of the sale or exchange of electric power, if any, and the effect of such delay, if any, on reserve capacity margin within the electric power generator system or combination of systems to determine if there is an unreasonable risk of loss of load.

It is proposed that the availability of an adequate supply of coal be determined by an evaluation of the powerplant's anticipated demand for coal, the type of coal (including, but is not limited to, rank, Btu's, moisture, volatiles, ash and sulfur content) it is anticipated the powerplant would be able to utilize, the location of such coal, the practicability of its production including the possibility that new mines will be opened before the powerplant commences the sale or exchange of electric power and any State or local laws or policies limiting the extraction or utilization of coal. The availability of a reliable supply of coal would be determined on the basis of an evaluation of the supply's susceptability to interruption and the nature of the supply contract that the powerplant reasonably could be expected to enter into.

In addition to the above findings, ESECA also directs FEA to consider the existence and effect of any contractual commitment for the construction of such powerplant, and the capability of the powerplant (as defined to include its owner) to recover any increase in projected capital investment required as a result of a construction order. FEA proposes also to consider the relevant regulations or policies of any State or local agency with jurisdiction over the sale or exchange of electric power by powerplants, and the potential loss of revenue resulting from a delay in the commencement of the sale or exchange of electric power resulting from a construction order, to the extent that electric power will have to be purchased from another powerplant.

Although not required by ESECA, FEA proposes to invite public participation through written comment prior to issuance of a construction order. A notice of FEA's intention to issue a construction order would be published in the FEDERAL REGISTER, which would provide that interested persons could submit written comments regarding the construction order within 10 days of its publication.

The identification of powerplants in the early planning process would be accomplished by submission to FEA of an Identification Report, which would be a form available from the National Office. Under FEA's proposed regulations, the initial report shall be filed within 30 days of the effective date of Part 307. Thereafter, any powerplant that enters the early planning process at any time in a month would file an Identification Report with FEA by the fifteenth day of the next month.

IV. *Part 303—Administrative procedures and sanctions.* Much of Part 303 is identical to Part 205 of Chapter II, 10 Code of Federal Regulations, the procedural regulations for the mandatory petroleum allocation program. Therefore, this discussion will focus on the differences between the two procedural regulations that are necessitated by the particular requirements of the coal utilization program. If there is no discussion of a particular procedure or proceeding it can be assumed either that it is identical to that in Part 205 or that only minor, technical changes are proposed to be incorporated in Part 303, e.g., address changes, time schedule alterations, or minor improvements in or clarification of language. Part 205 was fully discussed in the rulemaking proceeding regarding it (39 FR 25602 (July 11, 1974) and 39 FR 32262 (September 5, 1975)).

The coal utilization program requires that FEA propose several new procedures. Prohibition orders would be issued to prohibit certain powerplants and major fuel burning installations from burning natural gas or petroleum products as their primary energy source and construction orders would be issued to require that a powerplant in the early planning process be designed and constructed to be capable of burning coal as its primary energy source. New procedures have been developed concerning the appeal, modification or rescission of prohibition orders and construction orders, procedures for the modification or rescission of any other order remain similar to those in Part 205. Furthermore, as previously discussed, the public participation provisions are tailored to the requirements of ESECA.

Subpart A—General provisions. Definitions (§ 303.2): In general, the proposed definitions in Subpart A are restated in identical form in the "Definitions" section of each part to which they are applicable. However, the term "action" is differently defined in each part. Several of the more important terms defined in Subpart A have been more fully discussed previously in connection with the substantive regulations.

The term "air pollution requirements" is similar to the definition of that term in § 119(a) of the Clean Air Act, as is the definition of "stationary source fuel or emission limitation." The terms "compliance date extension" and "temporary suspension" are descriptions of actions EPA is authorized to take by § 119 (b) and (c), respectively, of the Clean Air Act.

The term "petroleum product" is defined to include the term "refined petroleum products," which term is used in the mandatory petroleum allocation program and crude oil and residual fuel oil. The term "natural gas" includes gas and casinghead gas.

Effective date of orders (§ 303.10(b)): The involvement of EPA in the process of prohibiting a powerplant or major fuel burning installation from burning natural gas or petroleum products as its primary energy source, as previously discussed, necessitates a revision of the

section that describes the effective date of FEA orders. FEA proposes that a prohibition order (or modification of a short-term order to make it long-term) would not be effective until FEA has received the previously described certification or notification from EPA and has, in turn, issued a Notice of Effectiveness to the affected powerplant or major fuel burning installation.

Addresses for filing documents with FEA (§ 303.12): Unless the applicable subpart of this part provides that an application or other document filed by mail be sent to the Office of Exceptions and Appeals, the Office of General Counsel or the Office of Private Grievances and Redress, the document would be mailed to: Federal Energy Administration, Code OFU, Attn: (name of person to receive document, if known, and/or labeling as specified in § 303.9(c)), Washington, D.C. 20461.

Office of Private Grievances and Redress (§ 303.14): The procedures applicable to a "Petition for Special Redress or Other Relief" would be governed by Subpart R of Part 205.

Subpart B—Prohibition orders. This proposed proceeding, as well as the one for issuance of construction orders, is intended to satisfy the intention of the Conference Report that procedures be informal and expedited. A proceeding regarding the issuance of a prohibition order would be commenced either by application from a powerplant or major fuel burning installation or by FEA on its initiative. The sections in this subpart that describe notice, the criteria to be considered in making the determination regarding issuance of a prohibition order, the effective date and content of a prohibition order, and the right of appeal are applicable regardless of whether the proceeding was initiated by application or by FEA.

In recognition of the practical effect of the June 30, 1975 expiration of FEA's authority to issue prohibition orders, applications for prohibition orders filed after April 1, 1974 would be dismissed automatically, with no right of administration appeal. The acceptance of applications after April 1 would not give sufficient time to permit FEA to process the application and any administrative appeal of denial of the application. An order dismissing an application filed after April 1, 1975 is a final order of FEA.

An application for a prohibition order would be required to contain the information FEA needs to make a decision as to whether it can make the findings specified by ESECA. The accuracy of this information must be certified by the applicant's chief executive officer or his duly authorized representative. Any information or documents provided during a proceeding may be investigated by FEA. Third person submissions regarding an application may be solicited or accepted by FEA, provided the applicant is afforded an opportunity to respond to all relevant third person submissions (except written or oral presentation of data, views or arguments submitted in response to the notice of intention published in the FEDERAL REGISTER).

The criteria for issuance of a prohibition order are contained in §§ 305.3 and 305.4 are derived in part from language in section 2 (a) and (b) of ESECA. If a prohibition order is issued, it would include a recitation of the conclusions regarding those findings and a summary of the rationale for each.

The timeliness section of Subpart B is drafted to accommodate the time constraints imposed on FEA by the June 30, 1975 expiration of its authority to issue prohibition orders. If FEA has not taken any action on an application for a short-term or long-term prohibition order within 30 days of the filing or by May 1, 1975, whichever is earlier, the applicant may treat it as denied and may file an administrative appeal. Given the requirements for written comment and oral presentation, and the June 30 expiration of authority, the significant action by FEA with respect to a prohibition order is service on the applicant of the notice of intent to issue such order, and, accordingly, the definition of the term "action" has been expanded to include that event.

The appeal of an order denying an application for a prohibition order must be filed within 10 days of service of that order, or within 10 days of the date the applicant can treat the application as denied. Appeal of an issued prohibition order can only be taken after it becomes effective—that is after EPA review and FEA issuance of a Notice of Effectiveness; the appeal must be filed within 30 days of service of that notice. A further discussion of the appeals procedure for effective prohibition orders is in the discussion of Subpart H—Appeals.

Subpart C—Construction orders. The requirement that a powerplant (other than a combustion gas turbine or combined cycle unit) in the early planning process be designed and constructed to be capable of burning coal as its primary energy source is proposed to be effected by issuance of a construction order. Unlike a prohibition order, a construction order would be effective upon issuance. The proceeding for issuance of a construction order would be initiated either by application from a powerplant in the early planning process or by FEA. If the proceeding is to be initiated by an applicant, an "Application for Construction Order" would be filed.

FEA proposes that all applications for construction orders be filed by April 1, 1975, and that those filed after that date would be dismissed automatically. The rationale for this cut-off date is the same as for applications for prohibition orders.

Although not a requirement of ESECA, FEA proposes that before issuance of a construction order, it will publish a notice of its intention to issue a construction order in the FEDERAL REGISTER. The notice would state that interested persons would be allowed no less than 10 days from publication of the notice within which to file written data, views and arguments.

ESECA requires that FEA make certain findings before issuing a construction order. These findings are similar to those required for prohibition orders. An applicant for a construction order would be required to provide FEA with information regarding these findings, in addition to more general descriptive information regarding locale, fuels to be utilized, area to be served by the powerplant and other factors that are stated in Part 307.

Any construction order will be issued subject to the findings stated in § 307.3 (b) and (c). FEA also will give consideration to the factors stated in § 307.3(d) that were discussed in connection with Part 307. The proposed construction order would state FEA's conclusions and a summary of the rationale for the findings required by ESECA, and its conclusions regarding the other factors FEA must consider prior to issuance of an order.

In view of the June 30, 1975 expiration of FEA's authority to issue construction orders, the proposed regulations treat FEA's failure to take action within 30 days of filing or by May 1, 1975, whichever is earlier, as a denial of the application. The term "action" includes service of the notice of intention to issue a construction order. Appeal must be taken within 10 days of service of the construction order or the order denying the application, or within 10 days of the date on which the applicant can treat the application as having been denied.

Subparts E/F—Exception/exemption. These procedures are the same as those stated in Subparts D and E of Part 205. Subpart E of this part provides a procedure for obtaining an exception from a regulation, ruling or generally applicable requirement, while Subpart F states a procedure for seeking an exemption from no less than an entire part or subpart of Parts 303, 305 or 307. These procedures are included because of the requirements of section 7(i)(1)(D) of the Federal Energy Administration Act of 1974. It is unlikely, however, that they will have much application to the coal utilization program. Specifically, neither the exception nor the exemption procedures provide relief from an FEA order. Thus, neither proceeding could result in relief from a prohibition order or construction order, nor from the orders FEA would issue to deny applications for such orders. An appeal or, if appropriate, modification or rescission, would be the appropriate vehicle for relief from these orders.

The criteria for issuance of an exception are special hardship, inequity or unfair distribution of burdens. These factors are also considered by FEA in making its determination to issue a prohibition order or construction order, and could be raised, if appropriate, on administrative appeal and in applications for modification or rescission. Since Subpart E provides that an exception will not be considered when a more appropriate proceeding is available, it is likely that appeals and modification/rescission procedures will be used more often than the exceptions procedure.

The exemption procedure also is of limited applicability to the proposed ESECA substantive regulations. If the

findings specified in ESECA are made regarding a particular powerplant, the Act requires FEA to issue a prohibition order. It is unlikely that FEA could offer a procedure that could be used to thwart the mandatory requirements of ESECA. Conversely, since FEA has discretionary authority with respect to prohibition orders issued to major fuel burning installations and with respect to construction orders, the exemption proceeding may not be available for those procedures either, since it is not clear whether a request for exemption from discretionary authority is a meaningful request. The appeals and modification/rescission procedures, in any event, provide adequate relief to any person aggrieved by a construction order, or a prohibition order issued to a major fuel burning installation.

Subpart H—Appeal. The procedures for appeal of construction orders, most other orders, or interpretations are basically the same as those provided in Subpart H of Part 205. However, there would be a change in the procedures regarding the appeal of a prohibition order. The proposed appeals procedures provide that the appeal of a prohibition order must be filed within 30 days after FEA serves a Notice of Effectiveness and cannot be filed prior to service of that notice.

FEA has received preliminary inquiries concerning the procedures by which it intends to take into account new information that develops subsequent to the issuance by FEA of a prohibition order, particularly new information regarding the costs of compliance with air quality requirements that are engendered by EPA action on an issued prohibition order. The proposed regulations provide that the modification and rescission procedures of Subpart J are the appropriate vehicle for requesting that a prohibition order be reconsidered on the ground of significantly changed circumstances, such as discovery of material facts affecting the findings on which the prohibition order is based. Therefore, these procedures would be the appropriate method of seeking the modification or rescission of a prohibition order based on an assertion that FEA's finding of practicability (including economic feasibility) is affected by material new facts concerning the requirements of section 119 of the Clean Air Act that result from EPA's evaluation of an issued prohibition order. Because it is contemplated that an application for modification or rescission of a prohibition order is the proper procedure in these circumstances, this subpart contains a conforming provision stating that the appeal of a prohibition order may not raise the issue of significantly changed circumstances.

If a powerplant or major fuel burning installation files an application for modification or rescission of a prohibition order (other than a modification to make a short-term order long-term), any appellate proceeding on that order would be suspended automatically. The suspension would be in effect until 30 days after an order is issued in the modification/rescission proceeding or until 30 days after the applicant for modification or rescission of the prohibition order could treat the application as denied. If an appeal arises from the modification/rescission proceeding, it would be consolidated with the appeal of the prohibition order.

At two points in any appeals procedure the appellant may treat FEA inaction as a denial and may seek judicial review: (1) 90 days after service of a notice that all substantive information has been received, and (2) 120 days after the appeal has been filed, notwithstanding the provision in number 1. However, if the appeal is suspended because an application for modification or rescission has been filed, the running of the 120 days also would be suspended.

Subpart J—*Modification or Rescission of Prohibition Orders and Construction Orders.* As proposed, Part 303 contains two separate procedures for the modification or rescission of an FEA order: Subpart J, which applies only to the modification or recission of prohibition and construction orders, and Subpart K, which applies to modification or rescission of all other orders issued in the coal utilization program. Within Subpart J, there is a distinction between the procedures for modification of short-term prohibition orders to make them long-term and other modifications or rescissions of prohibition orders: this distinction is made because the former action must conform to the special requirements that ESECA places on the issuance of long-term orders.

It is proposed that the proceeding for modification or rescission of a prohibition order or a construction order may be commenced by application or by FEA on its initiative. In all such proceedings the sections of the subpart pertaining to notice, criteria for issuance of an order, the content of an order, and appeals would be applicable.

The basis on which there could be a modification or rescission of a prohibition order (other than modification of a short-term order to make it a long-term order) or a construction order is "significantly changed circumstances." This term is defined as:

(i) The discovery of material facts that were not known or could not have been known at the time of the proceeding and action upon which the application is based—in particular, those that would substantially affect the findings made by FEA in accordance with §§ 305.3(b), 305.4(b), or 307.3(b) and (c), or the factors considered pursuant to §§ 305.4(c) and 307.3(d).

(ii) The discovery of a law, regulation, interpretation, ruling, order or decision on appeal or exception that was in effect at the time of the proceeding upon which the application or order is based and which, if such had been made known the FEA, would have been relevant to the proceeding and would have substantially altered the outcome; or

(iii) There has been a substantial change in the facts of circumstances upon which was based an outstanding and continuing prohibition order or, upon which was based an outstanding and continuing construction order, which change occurred during the interval between issuance of the order and service of the Notice of Effectiveness, or occurred during the interval after service of the Notice of Effectiveness and the application for modification or rescission of a prohibition order, or during the interval between issuance of a construction order and the date of the application for modification or rescission of it, and was caused by forces or circumstances beyond the control of the applicant.

A short-term prohibition order would be modified to make it a long-term order only if FEA is able to make the findings required by ESECA. These criteria are stated in §§ 305.3 and 305.4 of the regulations. The application to modify a short-term order to make it a long-term order would have to be filed by May 15, 1975.

If the application for modification or rescission of a prohibition order is the result of significantly changed circumstances that occurred during the interval between issuance of the order and service the Notice of Effectiveness, the application would be required to be filed within 30 days of service of that notice. An application based on significantly changed circumstances, other than those that occurred during that interval, may be filed at any time after the notice is served.

It is proposed that an application for modification of a construction order not be filed until the lapse of the 30-day period within which a person may file an appeal of that order, or if an appeal has been filed, a final order has been issued.

Before FEA modifies or rescinds a prohibition order (other than modification of a short-term order to make it long-term) or a construction order, the proposed regulations would provide that FEA may publish notice of its intention to take such action in the FEDERAL REGISTER. This provides FEA the descretion not to publish a notice when the proceeding involves insubstantial issues. For modification of a short-term order to make it a long-term order, however, ESECA requires that FEA publish notice in the FEDERAL REGISTER of its intention to make such modification and give interested persons an opportunity to make written or oral presentation of data, views or arguments. Any notice published would provide no less than a 10-day period from the date of its publication within which written comments must be made.

The content of an application for modification or rescission of a prohibition order (other than modification of a short-term order to make it a long-term order) or a construction order would be required to include sufficient information to demonstrate that there were significantly changed circumstances. An application for modification of a short-term order to make it a long-term order would have to contain sufficient information to enable FEA to determine whether it can make the findings required by ESECA.

As with a long-term prohibition order, the effective date of the order modifying a short-term order to make it long-term order is dependent upon FEA's receipt of the EPA certification or notification, previously described in conjunction with the discussion of subpart B, and service by FEA of a Notice of Effectiveness. The modified short-term order would not be effective for any period certified by the Administrator of EPA under § 119(d)(3)(B) of the Clean Air Act. The order modifying a short-term order would include a recitation of the findings required by ESECA and a summary of the rationale for each.

The modification or rescission of other prohibition orders and construction orders would state the pertinent facts and legal basis of the order, and that any person aggrieved thereby may file an appeal with the Office of Exceptions and Appeals. These orders are effective upon issuance.

The proposed regulations provide that if FEA fails to take action on an application to modify or rescind any prohibition order within 30 days of its filing, the applicant may treat the application as being denied and may file an appeal. In each case, the term "action" would include publication of a notice of intention to modify or rescind in the FEDERAL REGISTER, if such were published. If the action taken by FEA is publication of that notice, FEA proposes that if it fails to grant or deny the application within 150 days of filing, the applicant may treat the application as being denied and may file an appeal.

Pursuant to Subpart I, a stay of the effectiveness of a prohibition order may be obtained incident to an application for modification or rescission of a prohibition order (other than the modification of a short-term order to make it a long-term order).

Subpart N—*Conferences, Hearings and Public Hearings.* FEA proposes that conferences may be requested in connection with any proceeding, but will be held only in the discretion of FEA. Hearings, other than public hearings, may be requested only in connection with exceptions and appeals proceedings. The granting of the request for a hearing would be in the discretion of FEA. FEA on its initiative, however, may determine that a hearing or a conference should be held in connection with any proceedings.

In response to the ESECA requirement that there be made available an opportunity for oral presentation of data, views and argument prior to issuance of a long-term prohibition order or the modification of a short-term order to make it a long-term order, this proposed subpart provides that there shall be a public hearing prior to issuance of those orders.

Subpart Q—*Investigations, Violations, Sanctions and Judicial Actions.* The violation of Parts 303, 305 or 307 will subject the violator to the civil and criminal penalties provided in ESECA. The willful violation of any of those parts by any person shall subject that person to a criminal fine of not more than $5,000 for each violation. The violation of those parts also will subject the person to a civil penalty of not more than $2,500 for each violation. When appropriate, FEA may compromise, settle and collect civil penalties.

Criminal violations and actions for civil penalties are prosecuted by the Department of Justice upon referral by FEA.

A public hearing on this proposed rulemaking will be held beginning at 9:30 a.m., on February 19, 1975, in Room 2105, 2000 M Street, NW, Washington, D.C., to receive oral presentation of data, views and argument from interested persons. Any person who has an interest in the subject of the hearing, or who is a representative of a group or class of persons which has an interest in the subject of the hearing, may make a written request for an opportunity to make oral presentation. That request should be directed to FEA Executive Communications and must be received before 4:30 p.m., e.s.t., February 11, 1975. The request may be hand-delivered to FEA Executive Communications, Room 3309, Federal Building, 12th and Pennsylvania Avenues NW, Washington, D.C., between the hours of 8 a.m., and 4:30 p.m., Monday through Friday. The person making the request should be prepared to describe the interest concerned; if appropriate, to state why he or she is a proper representative of a group or class of persons which has such an interest; and to give a concise summary of the proposed oral presentation and a phone number where he or she may be contacted through February 18, 1975. Each person selected to be heard will be so notified by the FEA before 5:30 p.m., February 14, 1975, and must submit 100 copies of the statement to Executive Communications, FEA, Room 3309, Federal Building, Washington, D.C. 20461, before 3:00 p.m., e.s.t., February 18, 1975.

The FEA reserves the right to limit the number of representatives of a particular group or class of persons to be heard at the hearing, to schedule their or other person's presentations, and to establish the procedures governing the conduct of the hearing. The length of time allocated to each presentation may be limited, based on the number of persons requesting to be heard.

An FEA official will be designated to preside at the hearing. It will not be a judicial or evidentiary-type hearing. Questions may be asked only by those conducting the hearing, and there will be no cross-examination of persons presenting statements. Any decision made by the FEA with respect to the subject matter of the hearing will be based on all information available to the FEA. At the conclusion of all initial oral statements, each person who has made an oral statement will be given the opportunity, if he or she so desires, to make a rebuttal statement. The rebuttal statements will be given in the order in which the initial statements were made and will be subject to the time limitations.

Any interested person may submit questions to be asked of any person making a statement at the hearing to FEA Executive Communications before 4:30 p.m., February 14, 1975. Any person who makes an oral statement and who wishes to ask a question at the hearing may submit the question, in writing, to the presiding officer. The FEA, or the presiding officer if the question is submitted at the hearing, will determine whether the question is relevant, and whether time limitations permit it to be presented for answer.

Any further procedural rules necessary for the proper conduct of the hearing will be announced by the presiding officer.

A transcript of the hearing will be made and the entire record of the hearing, including the transcript, will be retained by the FEA and made available for inspection at the FEA Administrator's Reception Area, Room 3400, Federal Building, 12th and Pennsylvania Avenue NW., Washington, D.C., between the hours of 8 a.m. and 4:30 p.m., Monday through Friday. Anyone may purchase a copy of the transcript from the reporter.

Interested persons are invited to submit data, views, or arguments with respect to the proposed regulations to Executive Communications, Federal Energy Administration, Box BY, Washington, D.C. 20461.

Comments should be identified on the outside envelope and on documents submitted to FEA Executive Communications with the designation "Coal Utilization Regulations." Fifteen copies should be submitted. All comments received by February 18, 1975, and all relevant information, will be considered by FEA.

Any information or data considered by the person furnishing it to be confidential must be so identified and submitted in writing, one copy only. The FEA reserves the right to determine the confidential status of the information or data and to treat it according to its determination.

As required by § 7(c)(2) of the Federal Energy Administration Act of 1974, Pub. L. 93-275, a copy of this notice has been submitted to the Administrator of EPA for his comments concerning the impact of this proposed rulemaking on the quality of the environment. The EPA has stated that "[d]ue to the complexity of these proposals [the proposed coal utilization regulations] and the time limitations of this initial review period, EPA intends to review the FEA proposals under the more extended agency review process and pursuant to our authority under section 309 of the Clean Air Act, as amended."

(Energy Supply and Environmental Coordination Act of 1974 (Pub. L. 93-319); Federal Energy Administration Act of 1974 (Pub. L. 93-275); E.O. 11790 (39 FR 23185))

In consideration of the foregoing, it is proposed to amend Chapter II, Title 10 of the Code of Federal Regulations as set forth below.

Issued in Washington, D.C., January 31, 1975.

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

1. Chapter II of 10 Code of Federal Regulations is amended to add Part 303, which reads as follows:

PART 303—ADMINISTRATIVE PROCEDURES AND SANCTIONS

Subpart A—General Provisions

§ 303.1 Purpose and scope.

(a) Part 303 establishes the procedures to be utilized and identifies the sanctions that are available in proceedings before the Federal Energy Administration in accordance with Parts 305 and 307 of this chapter.

(b) This subpart defines certain terms and establishes procedures that are applicable to each proceeding described in this part.

§ 303.2 Definitions.

As used in this part, the term:

"Action" means an order, or modification or rescission thereof, interpretation, notice of probable violation, or ruling issued, or a rulemaking undertaken by the FEA.

"Aggrieved", for purposes of administrative proceedings, means a person with an interest sought to be protected under the FEAA or ESECA who is adversely affected by an order or interpretation issued by the FEA.

"Air pollution requirements" means any emission limitation, schedule or timetable for compliance, or other requirement, which is prescribed under any Federal, State, or local law or regulation, including the Clean Air Act (except for any requirement prescribed under subsections (c) or (d) or section 119, section 110(a)(2)(F)(v), or section 303 of such Act), and which limits stationary source emissions resulting from combustion of fuels (including a prohibition on, or specification of, the use of any fuel of any type, grade, or pollution characteristic).

"Clean Air Act" means the Clean Air Act, as amended, 42 U.S.C. 1857 et seq. (1970), as amended by Pub. L. 93-319, 88 Stat. 246.

"Coal" includes coal derivatives.

"Compliance date extension" means an extension issued by the Administrator of EPA in accordance with section 119(c) of the Clean Air Act as a result of which a powerplant or major fuel burning installation may not, until January 1, 1979, be prohibited, by reason of the application of any air pollution requirements, from burning coal which is available to such source, except as otherwise provided in section 119(d)(3) of that Act.

"Conference" means an informal meeting, incident to any proceeding, between FEA and any person aggrieved by that proceeding.

"Construction order" means a directive issued by FEA pursuant to section 2(c) of ESECA that requires a powerplant in the early planning process to be designed and constructed to be capable of using coal as its primary energy source.

"Duly authorized representative" means a person who has been designated to appear before the FEA in connection with a proceeding on behalf of a person interested in or aggrieved by that proceeding. Such appearance may consist of the submission of applications, petitions, requests, statements, memoranda of law, other documents, or of a personal appearance, verbal communication, or any other participation in the proceeding.

"Early planning process" means a stage in the design and construction of a powerplant to be determined in accordance with § 307.3(b) of Part 307 of this chapter.

"EPA" means the Environmental Protection Agency.

"ESECA" means the Energy Supply and Environmental Coordination Act of 1974 (Pub. L. 93-319).

"Exception" means the waiver or modification of the requirements of a regulation, ruling or generally applicable requirement under a specific set of facts.

"Exemption" means the release from the obligation to comply with all or each part of any subpart of Parts 303, 305 or 307 of this chapter.

"FEA" means the Federal Energy Administration, including the Administrator of FEA or his delegate.

"FEAA" means the Federal Energy Administration Act of 1974 (Pub. L. 93-275).

"Federal legal holiday" means New Year's Day, Washington's Birthday, Memorial Day, Independence Day, Labor Day, Columbus Day, Veterans' Day, Thanksgiving Day, Christmas Day, and any other day appointed as a national holiday by the President or the Congress of the United States.

"Interpretation" means a written statement issued by the FEA General Counsel, in response to a written request, that applies the regulations, rulings, and other precedents previously issued by the FEA to the particular facts of a prospective or completed act or transaction.

"Interested person" includes members of the public, as well as any person with an interest sought to be protected under ESECA.

"Major fuel burning installation" means an installation or unit other than a powerplant that has or is a fossil-fuel fired boiler, burner, or other combuster of fuel, or any combination thereof at a single site, and includes any person who owns, leases, operates, controls or supervises any such installation or unit.

"Natural gas" includes dry gas and casinghead gas.

"Notice of effectiveness" means a written statement issued by FEA to a powerplant or major fuel burning installation, subsequent to a certification or notification by EPA pursuant to section 119 (d)(1) of the Clean Air Act, advising such powerplant or installation of the date that a prohibition order applicable to it becomes effective.

"Notice of probable violation" means a written statement issued to a person by the FEA that states one or more alleged violations of the provisions of Parts 303, 305, or 307 of this chapter or any order issued pursuant thereto.

"Order" means a written directive or verbal communication of a written directive, if promptly confirmed in writing, issued by the FEA pursuant to Parts 303, 305 or 307 of this chapter. It may be issued in response to an application, petition or request for FEA action or in response to an appeal from an order, or it may be a remedial order or other directive issued by the FEA on its initiative, including prohibition orders, and construction orders. A notice of probable violation is not an order. For purposes of this definition a "written directive" shall include telegrams, telecopies and similar transmissions.

"Person" means any association, firm, company, corporation, estate, individual, joint-venture, partnership, or sole proprietorship or any other entity however organized including charitable, educational, or other eleemosynary institutions, and the Federal Government, including corporations, departments, Federal agencies, and other instrumentalities, and State and local governments, and includes any officer, director, owner or duly authorized representative thereof. The FEA may, in regulations and in any forms issued in this part, treat as a person:

(a) A parent and the consolidated and unconsolidated entities (if any) which it directly or indirectly controls,

(b) a parent and its consolidated entities,

(c) an unconsolidated entity, or

(d) any part of a person.

"Petroleum product" means crude oil, residual fuel oil or any refined petroleum product, as that last term is defined in section 3(5) of the Emergency Petroleum Allocation Act of 1973.

"Powerplant" means one or more fossil-fuel fired steam electric generating units that produce electric power for purposes of sale or exchange, and includes any person who owns, leases, operates, controls or supervises any such unit or units.

"Primary energy source" means, with respect to a powerplant or major fuel burning installation that utilizes a fossil-fuel, the fuel that is or will be used for all purposes except for the minimum amounts required for startup, testing, flame stabilization and control.

"Proceeding" means the process and activity, and any part thereof, instituted by the FEA, either on its initiative or in response to an application, complaint, petition or request submitted by a person, that may lead to an action by the FEA.

"Prohibition order" means a directive issued by FEA pursuant to sections 2 (a) and (b) of ESECA that prohibits a powerplant or major fuel burning installation from burning natural gas or petroleum products as its primary energy source.

"Remedial order" means a directive issued by the FEA requiring a person to cease a violation or to eliminate or to compensate for the effects of a violation, or both.

"Ruling" means an official interpretative statement of general applicability issued by the FEA General Counsel and published in the FEDERAL REGISTER that applies the FEA regulations to a specific set of circumstances.

"Stationary source fuel or emission limitation" means any emission limitation, schedule or timetable of compliance, or other requirement, which is prescribed under the Clean Air Act (other than sections 119, 111(b), 112, or 303) or contained in an applicable implementation plan (other than a requirement imposed under authority described in section 110(a)(2)(F)(v)), and which limits, or is designed to limit, stationary source emissions resulting from combustion of fuels, including a prohibition on, or specification of, the use of any fuel of any type, grade, or pollution characteristic.

"Temporary suspension" means a suspension issued to any person by the Administrator of EPA in accordance with section 119(b) of the Clean Air Act that results in the temporary suspension of any stationary source fuel or emission limitation as it applies to such person during any period beginning June 22, 1974 and prior to or on June 30, 1975.

"United States", when used in the geographic sense, means the several States, the District of Columbia, Puerto Rico, and the territories and possessions of the United States.

Throughout this part the use of a word or term in the singular shall include the plural and the use of the male gender shall include the female gender.

§ 303.3 Appearance before the FEA.

(a) A person may make an appearance and participate in any proceeding described in this part on his own behalf or by a duly authorized representative. Personal appearances are at the discretion of FEA, except as required by ESECA or the FEAA. Any application, appeal, petition, request or complaint filed by a duly authorized representative shall contain a statement by such person certifying that he is a duly authorized representative, unless an FEA form requires otherwise. Falsification of such certification will subject such person to the sanctions stated in 18 U.S.C. 1001 (1970).

(b) *Suspension and disqualification.* The FEA may deny, temporarily or permanently, the privilege of participating in proceedings, including oral presentation, to any individual who is found by FEA—

(i) to have made false or misleading statements, either verbally or in writing;

(ii) to have filed false or materially altered documents, affidavits or other writings;

(iii) to lack the specific authority to represent the person seeking an FEA action; or

(iv) to have engaged in or to be engaged in contumacious conduct that substantially disrupts a proceeding.

§ 303.4 Filing of documents.

(a) Any document, including, but not limited to, an application, request, complaint, petition and other documents submitted in connection therewith, filed with the FEA under Parts 303, 305 or 307 of this chapter is considered to be filed when it has been received by the FEA National Office. Documents transmitted to the FEA shall be addressed as required by § 303.12. All documents and exhibits submitted become part of an FEA file and will not be returned.

(b) Notwithstanding the provisions of subsection (a) of this section, if transmitted by registered or certified mail and addressed to the appropriate office, the following are considered to be filed upon mailing: (1) an application for a pro-

hibition order or for a modification of a prohibition order that is applicable for a period ending prior to or on June 30, 1975 to make it applicable after June 30, 1975, or for a construction order, (2) an appeal, (3) a response to a denial of an appeal or application for modification or rescission of an order in accordance with §§ 303.97(a)(3) and 303.135(a)(3), respectively, (4) an application for modification or rescission of a prohibition order as a result of significantly changed circumstances that occurred during the interval between issuance of the prohibition order and service of the Notice of Effectiveness, (5) an application for the quashing or modification of a subpoena, (6) a reply to a notice of peobable violation, (7) the appeal of a remedial order or remedial order for immediate compliance, (8) a response to denial of a claim of confidentiality, or (9) a comment submitted in connection with any proceeding.

(c) Hand-delivered documents to be filed with the Office of Exceptions and Appeals shall be submitted to Room 8002 at 2000 M Street NW, Washington, D.C. All other hand-delivered documents to be filed with the FEA National Office shall be submitted to Executive Communications, Room 3309, 12th and Pennsylvania Avenue NW, Washington, D.C.

(d) Documents received after regular business hours are deemed filed on the next regular business day. Regular business hours for the FEA National Office are 8 a.m. to 4:30 p.m.

§ 303.5 Computation of time.

(a) *Days* (1) Except as provided in subsection (b) of this section, in computing any period of time prescribed or allowed by these regulations or by an order of the FEA, the day of the act, event, or default from which the designated period of time begins to run is not to be included. The last day of the period so computed is to be included unless it is a Saturday, Sunday, or Federal legal holiday, in which event the period runs until the end of the next day that is neither a Saturday, Sunday, nor a Federal legal holiday.

(2) Saturdays, Sundays or intervening Federal legal holidays shall be excluded from the computation of time when the period of time allowed or prescribed is 7 days or less.

(b) *Hours* If the period of time prescribed in an order issued by the FEA is stated in hours rather than days, the period of time shall begin to run upon actual notice of such order, whether by verbal or written communication, to the person directly affected, and shall run without interruption, unless otherwise provided in the order, or unless the order is stayed, modified, suspended or rescinded. When a written order is transmitted by verbal communication, the written order shall be served as soon thereafter as is feasible.

(c) *Additional time after service by mail.* Whenever a person is required to perform an act, to cease and desist therefrom, or to initiate a proceeding under this part within a prescribed period of time after issuance to such person of an order, notice, interpretation or other document and the order, notice, interpretation or other document is served by mail, 3 days shall be added to the prescribed period.

§ 303.6 Extension of time.

When a document is required to be filed within a prescribed time, an extension of time to file may be granted by the office with which the document is required to be filed upon good cause shown.

§ 303.7 Service.

(a) All orders, notices, interpretations or other documents required to be served under this part shall be served personally or by registered or certified mail or by regular United States mail (only when service is effected by the FEA), except as otherwise provided.

(b) Service upon a person's duly authorized representative shall constitute service upon that person.

(c) Service by registered or certified mail or, if by FEA, by regular mail is complete upon mailing. Official United States Postal Service receipts from such registered or certified mailing shall constitute prima facie evidence of service.

§ 303.8 Subpoenas; witness fees.

(a) The Administrator of the FEA, his duly authorized agent, the FEA General Counsel, or the agency official designated to conduct a hearing or public hearing convened in accordance with Subpart N of this part, may sign and issue subpoenas either on his own initiative or upon the request of any person participating in that proceeding, which request shall be supported by an adequate showing that the information sought will materially advance a proceeding.

(b) A subpoena may require the attendance of a witness, or the production of documentary or other tangible evidence in the possession or under the control of the person served, or both.

(c) A subpoena may be served personally by any person who is not an interested person and is not less than 18 years of age, or by certified or registered mail. For purposes of this section "interested person" means a person who is not participating in this proceeding or who would not be aggrieved by any action taken by FEA as a result of the proceeding.

(d) Service of a subpoena upon the person named therein shall be made by delivering a copy of the subpoena to such person and by tendering the fees for one day's attendance and mileage as specified by paragraph (f) of this section. When a subpoena is issued at the instance of any officer or agency of the United States, fees and mileage need not be tendered at the time of service. Delivery of a copy of a subpoena and tender of the fees to a natural person may be made by handing them to the person; leaving them at his office with the person in charge thereof; leaving them at his dwelling place or usual place of abode with some person of suitable age and discretion then residing therein; by mailing them by registered or certified mail to him at his last known address; or by any method whereby actual notice is given to him and the fees are made available prior to the return date. When the person to be served is not a natural person, delivery of a copy of the subpoena and tender of the fees may be effected by handing them to a registered agent for service, or to any officer, director, or agent in charge of any office of such person, or by mailing them by registered or certified mail to such representative at his last known address or by any method whereby actual notice is given to such representative and the fees are made available prior to the return date. If any person is an entity with offices and operations in more than one jurisdiction, such person may designate one address to which any subpoena may be served by filing such designation with the General Counsel at the address specified in § 303.12.

(e) The original subpoena bearing a certificate of service shall be filed with the FEA office with the responsibility for the proceeding in connection with which the subpoena was issued.

(f) A witness subpoenaed by the FEA shall be paid the same fees and mileage as would be paid to a witness in a proceeding in the district courts of the United States. The witness fees and mileage shall be paid by the person at whose instance the subpoena was issued.

(g) Notwithstanding the provisions of paragraph (f) of this section, and upon request, the witness fees and mileage shall be paid by the FEA when it is shown that:

(1) The presence of the subpoenaed witness will materially advance the proceeding; and

(2) The person at whose instance the subpoena was issued would suffer a serious hardship if required to pay the witness fees and mileage. The designated FEA official issuing the subpoena shall make the determination required by this paragraph.

(h)(1) Any person to whom a subpoena is directed may, prior to the time specified therein for compliance, but in no event more than 10 days after the date of service of such subpoena, apply to the designated FEA official who issued the subpoena, or if he is unavailable, to the Administrator of FEA, to quash or modify such subpoena. The application shall contain a brief statement of the reasons relied upon in support of the action sought therein.

(2) The Administrator of FEA or such other designated FEA official specified in paragraph (h)(1) of this section may (i) deny the application, (ii) quash or modify the subpoena, or (iii) condition denial of the application to quash or modify the subpoena upon the satisfaction of certain just and reasonable requirements. Such denial may be summary.

(i) If there is a refusal to obey a subpoena served upon any person under the provisions of this section, the FEA may request the Attorney General to seek the aid of the District Court of the United

States for any district in which such person is found to compel such person, after notice, to appear and give testimony, or to appear and produce the subpoenaed documents before the agency, or both.

§ 303.9 General filing requirements.

(a) *Purpose and scope.* The provisions of this section shall apply to all documents required or permitted to be filed with the FEA.

(b) *Signing.* All applications, petitions, requests, appeals, complaints, comments, or any other documents that are required to be signed shall be signed by the person filing the document or a duly authorized representative. Any application, petition, request, appeal, complaint, comment or other document filed by a duly authorized representative shall contain a statement by such person certifying that he is a duly authorized representative, unless an FEA form otherwise requires. (A false certification is unlawful under the provisions of 18 U.S.C. 1001 (1970)).

(c) *Labeling.* An application, petition, or other request for action by the FEA should be clearly labeled according to the nature of the action involved (*e.g.*, "Application for Prohibition Order") both on the document and on the outside of the envelope in which the document is transmitted.

(d) *Obligation to supply information.* (1) A person who files an application, petition, complaint, appeal or other request for action and other documents relevant thereto, or to whom a prohibition order is issued is under a continuing obligation during the proceeding to provide the FEA with any new or newly discovered information that is relevant to that proceeding. Such information includes, but is not limited to, information regarding any other application, petition, complaint, appeal or request for action or document required to be submitted that is subsequently filed by that person with any FEA office or EPA office if such document pertains to Parts 303, 305 or 307 of this chapter, or Subpart A of 40 C.F.R., Part 55 (which states the EPA regulations implementing section 3 of ESECA).

(2) With respect to documents required to be filed with EPA in accordance with Subpart A of 40 C.F.R., Part 55, notice of the filing of such documents shall be filed with FEA within 5 days of their filing with EPA.

(e) *The same or related matters.* A person who files an application, petition, complaint or other request for action by the FEA shall state whether, to the best knowledge of that person, the same or related issue, act or transaction has been or presently is being considered or investigated by any FEA office, other Federal agency, department or instrumentality; or by a state or municipal agency or court; or by any law enforcement agency, including, but not limited to, a consideration or investigation in connection with the proceeding described in this part or under Subpart A of 40 C.F.R., Part 55 (which states the EPA regulations implementing section 3 of ESECA). In addition, the person shall state whether contact subsequent to the issuance of Parts 303, 305 or 307 of this chapter has been made by the person or one acting on his behalf with any person who is employed by the FEA or EPA with regard to the same issue, act or transaction or a related issue, act or transaction arising out of the same factual situation; the name of the person contacted; whether the contact was verbal or in writing; the nature and substance of the contact; and the date or dates of the contact.

(f) *Request for confidential treatment.* (1) If any person filing a document with the FEA claims that some or all of the information contained in the document is exempt from the mandatory public disclosure requirements of the Freedom of Information Act (5 U.S.C. 552 (1970)), as amended, or is information referred to in 18 U.S.C. 1905 (1970), or is otherwise exempt by law from public disclosure, and if such person requests the FEA not to disclose such information, such person shall file together with the document a second copy of the document from which has been deleted the information for which such person wishes to claim confidential treatment. The person shall indicate in the original document that it is confidential or contains confidential information and shall file a concise statement specifying the justification for non-disclosure of the information for which confidential treatment is claimed. If the person states that the information comes within the exception in 5 U.S.C. 552(b)(4) for trade secrets and commercial or financial information or is covered by 18 U.S.C. 1905, such person shall include a concise statement specifying why such information is privileged or confidential.

If the person filing a document does not submit a second copy of the document with the confidential information deleted, the FEA may assume that there is no objection to public disclosure of the document in its entirety.

(2) The FEA retains the right to make its own determination with regard to any claim of confidentiality. Notice of the decision by the FEA to deny such claim, in whole or in part, and an opportunity to respond shall be given to a person claiming confidentiality of information no less than 48 hours prior to the public disclosure of such information.

(g) *Separate applications, petitions or requests.* Each application, petition or request for FEA action shall be submitted as a separate document, even if the applications, petitions, or requests deal with the same or a related issue, act or transaction, or are submitted in connection with the same proceeding.

§ 303.10 Effective date of orders.

(a) Any order issued by the FEA under Parts 303, 305 or 307 of this chapter, except a prohibition order or modification thereof as stated in subsection (b) of this section, is effective as against all persons having actual notice thereof upon issuance, in accordance with its terms, unless and until it is stayed, modified, suspended, or rescinded. Such order is deemed to be issued on the date, as specified in the order, on which it is signed by an authorized representative of FEA, unless the order provides otherwise.

(b) A prohibition order or the modification of a prohibition order that is applicable for a period ending prior to or on June 30, 1975 to make it applicable after June 30, 1975 shall not become effective before certain action by EPA and service by FEA upon the affected powerplant or major fuel burning installation of a "Notice of Effectiveness," in accordance with § 305.7 of this chapter. A prohibition order or Notice of Effectiveness is deemed to be issued on the date, as specified in the order or notice, on which it is signed by an authorized representative of FEA.

§ 303.11 Order of precedence.

If there is any conflict or inconsistency between the provisions of this part and any other provisions of Parts 305 or 307 of this chapter, the provisions of this part shall control with respect to procedure.

§ 303.12 Addresses for filing documents with the FEA.

(a) All applications, requests, petitions, appeals, reports, FEA forms, written communications and other documents to be submitted to or filed with the FEA National Office in accordance with Parts 303, 305 or 307 of this chapter shall be addressed as provided in this section.

The FEA National Office has facilities for the receipt of transmissions via TWX and FAX. The FAX is a 3M full duplex 4 or 6 minute (automatic) machine.

FAX NUMBERS

(202) 254-6175
(202) 254-6461

TWX NUMBERS

(710) 822-9454
(710) 822-9459

(b) Documents for which a specific address number is not provided in accordance with subsections (c)–(e) below shall be addressed as follows: Federal Energy Administration, Code, OFU, Attn: (name of person to receive document, if known, and/or labeling as specified in § 303.9(c)), Washington, D.C. 20461.

(c) Documents to be filed with the Office of Exceptions and Appeals, as provided in this part or otherwise, shall be addressed as follows: Office of Exceptions and Appeals, Federal Energy Administration, Attn: (name of person to receive document, if known, and/or labeling as specified in § 303.9(c)), Washington, D.C. 20461.

(d) Documents to be filed with the Office of General Counsel, as provided in this part or otherwise, shall be addressed as follows: Office of the General Counsel, Federal Energy Administration, Attn: (name of person to receive document, if known, and/or labeling as specified in § 303.9(c)), Washington, D.C. 20461.

(e) Documents to be filed with the Office of Private Grievances and Redress shall be addressed as follows:

Office of Private Grievances and Redress, Federal Energy Administration, Attn: (name of person to receive document, if known and/or labeling as specified in § 303.9(c)), Washington, D.C. 20461.

§ 303.13 Public docket room.

There shall be made available at the public docket room of FEA National Office, 12th and Pennsylvania Avenue NW., Washington, D.C., for public inspection and copying:

(a) A list of all persons who have applied for an exception, an exemption, or an appeal, and a digest of each application;

(b) Each decision and statement setting forth the relevant facts and legal basis of an order, with confidential information deleted, issued in response to an application for an exception or exemption or at the conclusion of an appeal;

(c) The written comments received from interested persons in connection with issuance of prohibition orders, or modification or rescission thereof if applicable, or construction orders, with a verbatim transcript of the public hearing held prior to issuance of a prohibition order applicable for a period after June 30, 1975 or held prior to modification of a prohibition order for a period ending prior to or on June 30, 1975 to make it applicable for a period after June 30, 1975;

(d) The comments received during each rulemaking proceeding, with a verbatim transcript of the public hearing, if such a public hearing was held; and

(e) Any other information required by statute to be made available for public inspection and copying, and any information that the FEA determines should be made available to the public.

§ 303.14 Office of Private Grievances and Redress.

Petitions that seek special redress, relief or other extraordinary assistance apart from or in addition to the proceedings and procedures described in this part, including those petitions based on an assertion that the FEA is not complying with the FEAA, ESECA, FEA regulations, orders, rules, or otherwise, shall be filed in accordance with Subpart R of Part 205 of this chapter.

Subpart B—Prohibition Orders

§ 303.30 Purpose and scope.

(a) This subpart establishes the procedures for the filing by any powerplant or major fuel burning installation of an application for a prohibition order that is applicable for a period ending either prior to or on June 30, 1975, or for a period ending after June 30, 1975, which application shall be filed only by a powerplant or major fuel burning installation. (The procedure for filing an application for modification of a prohibition order that is applicable for a period ending prior to or on June 30, 1975, to make it applicable after June 30, 1975, is stated in Subpart J of this part.)

(b) A proceeding for issuance of a prohibition order may be commenced by FEA on its initiative or in response to an application. Sections 303.34, 303.36, 303.37, 303.39 shall be applicable to the proceeding regardless of the manner in which it is initiated. Other sections of this subpart apply only to a proceeding commenced in response to an application.

§ 303.31 What to file.

(a) A powerplant or major fuel burning installation filing under this subpart shall file an "Application for Prohibition Order" which should be clearly labeled as such both on the application and on the outside of the envelope in which the application is transmitted, and shall be in writing and signed by the person filing the application. The applicant shall comply with the general filing requirements stated in § 303.9 in addition to the requirements stated in this subpart.

(b) Application may be made in the case of a powerplant for an individual fossil-fuel fired steam electric generating unit that produces electric power for sale or exchange, or for combinations thereof, and in the case of a major fuel burning installation, for an individual fossil-fuel fired boiler, burner or other combuster of fuel, or for combinations thereof at a single site. The application should specify the unit or units or combuster, or combinations thereof, with respect to which application is being made.

(c) If the applicant wishes to claim confidential treatment for any information contained in the application or other documents submitted under this subpart, the procedures set out in § 303.9 (f) shall apply.

§ 303.32 Where to file.

All applications for a prohibition order shall be filed with the FEA National Office at the address provided in § 303.12.

§ 303.33 When to file.

All applications for prohibition orders shall be filed by April 1, 1975.

§ 303.34 Notice.

(a) *Prohibition orders that are applicable for a period ending prior to or on June 30, 1975.* Prior to issuance of a prohibition order that is applicable for a period ending prior to or on June 30, 1975, either in response to an application or on its initiative, FEA shall publish notice of the intention to issue such order in the FEDERAL REGISTER and shall serve a copy of such notice on the powerplant or major fuel burning installation that would be affected by the proposed order. The notice shall describe the proposed action and provide a period of no less than 10 days from the date of its publication in which interested persons may file written data, views and arguments.

(b) *Prohibition orders applicable after June 30, 1975.* Prior to issuance of a prohibition order that is applicable after June 30, 1975, either in response to an application or on its initiative, FEA shall publish notice of the intention to issue such order in the FEDERAL REGISTER and shall serve a copy of such notice on the powerplant or major fuel burning installation that would be affected by the proposed order. The notice shall describe the proposed action and provide a period of no less than 10 days from the date of its publication in which interested persons may file written data, views or arguments, and shall set a date, time and place at which there shall be an opportunity for interested persons to make oral presentation of data, views and arguments in accordance with Subpart N.

§ 303.35 Contents.

(a) The application shall contain a full and complete statement of all relevant facts pertaining to the subject of the application and to the FEA action sought. Such facts shall include the names and addresses of all affected persons (if reasonably ascertainable) and a full discussion of the pertinent provisions and relevant facts contained in the documents submitted with the application. Copies of all relevant contracts, agreements, leases, instruments, and other documents shall be submitted with the application. In addition to such information, the application shall include the following information:

(1) Description of applicant, including but not limited to, location, output, fuels utilized and rate of use thereof, and, in the case of a powerplant, area served.

(2) Information regarding the applicant's capability to burn coal as of June 22, 1974 and an identification and description of the applicant's plant equipment as of that date that is necessary to the burning of coal. ("Capability" and "necessary" are defined in § 305.3(b)(1) and 305.4(b)(1) of this chapter.)

(3) Information regarding sources of coal now available and potentially available, the type of coal that is anticipated the applicant will burn (including rank, Btu's, moisture, volatiles, ash and sulfur content), State or local laws or policies limiting the extraction or utilization of such coal, and the means and ease of transporting such coal to the applicant.

(4) An estimate of the practicability of burning coal as the applicant's primary energy source. ("Peacticability" is defined in §§ 305.3(b)(2)(i) and 305.4(b)(2)(i) of this chapter.)

(5) With respect to powerplants, information regarding the reliability of service in the area served by such powerplant if the plant were to be subject to a prohibition order. ("Reliability of service" is defined in § 305.3(b)(4) of this chapter.)

(6) An estimate of the anticipated effect that denial of the application would have on the applicant's operation.

(7) Any other information that the applicant believes would be pertinent to FEA's evaluation of the application.

(8) A certification by the applicant's chief executive officer or his duly authorized representative of the accuracy of the information stated in the application.

(b) The applicant shall state whether he requests or intends to request that there be a conference regarding the application. Any request not made at the time the application is filed shall be made as soon thereafter as possible, to insure that the conference is held when it is most beneficial. The request and FEA's determination concerning it shall be made in accordance with Subpart N of this part, which determination is in FEA's discretion.

§ 303.36 FEA evaluation.

(a) *Processing.* (1) The FEA may initiate an investigation of any statement in an application or any other document submitted to it and may utilize in its evaluation any relevant facts obtained by such investigation. The FEA may solicit or accept submissions from third parties relevant to the application or other document provided that the applicant is afforded an opportunity to respond to all relevant third person submissions, other than written comments or oral presentations in response to a notice of intention to issue an order. In evaluating an application or other document, the FEA may conduct its own investigation and consider any other source of information. The FEA on its initiative may convene a conference, if, in its discretion, it considers that a conference will advance its evaluation of the applicaton.

(2) If the FEA determines that there is insufficient information upon which to base a decision and if upon request the necessary additional information is not submitted, the FEA may dismiss the application without prejudice. If the failure to supply additional information is repeated or willful, the FEA may dismiss the application with prejudice.

(3) Applications for prohibition orders filed after April 1, 1975 shall be dismissed automatically.

(b) *Criteria.* The decision with respect to an application and the decision with respect to an FEA-initiated proceeding shall depend on whether FEA can make the findings stated in § 305.3(b) or § 305.4(b) of this chapter, as appropriate, and, with respect to a major fuel burning installation, shall include a consideration of the factors stated in § 305.3(d) and § 305.4 (c) and (d) of this chapter, as applicable.

§ 303.37 Decision and order.

(a) Upon consideration of an application for a prohibition order and other relevant information received or obtained during the proceeding, the FEA shall issue either a prohibition order or an order denying the application.

(b) Prohibition orders, whether issued in response to an application or on FEA's initiative, shall not become effective until the notification or certification procedures described in this paragraph are satisfied.

(1) Prohibition orders that are applicable for a period ending prior to or on June 30, 1975 shall not become effective (i) until the date which the Administrator of EPA certifies, pursuant to section 119(d)(1)(A) of the Clean Air Act, is the earliest date that the powerplant or major fuel burning installation will be able to comply with the air pollution requirements that will be applicable to it and (ii) until FEA has served the affected powerplant or major fuel burning installation a Notice of Effectiveness. Such order shall not be effective for any period certified by the Administrator of EPA pursuant to section 119(d)(3)(B) of such Act.

(2) Prohibition orders that are applicable after June 30, 1975 shall not become effective (i) until either (A) the Administrator of EPA notifies the FEA, in accordance with section 119(d)(1)(B) of the Clean Air Act, that the powerplant or major fuel burning installation will be able on and after July 1, 1975 to burn coal and to comply with all applicable air pollution requirements without a compliance date extension, or (B) if no notification is given, the date which the Administrator of EPA certifies pursuant to section 119(d)(1)(B) of the Clean Air Act is the earliest date that the powerplant or major fuel burning installation will be able to comply with all applicable requirements of section 119, and (ii) until FEA has served the affected powerplant or major fuel burning installation a Notice of Effectiveness. Such order shall not be effective during any period certified by the Administrator of EPA under section 119(d)(3)(B) of such Act.

(3) Upon receipt of notification or certification by the Administrator of EPA, in accordance with the procedure described in paragraphs (1) and (2) of this subsection, the FEA shall issue a Notice of Effectiveness.

(c) The prohibition order or the order denying an application for a prohibition order shall include a written statement of the pertinent facts, a statement of the legal basis upon which the order is issued, and, when the order is a prohibition order, a recitation of the conclusions regarding the findings to be made by FEA in accordance with §§ 305.3(b) or 305.4(b) of this chapter, as appropriate, and a summary of the rationale for each. The order shall provide that any person aggrieved thereby may file an appeal with the FEA Office of Exceptions and Appeals in accordance with Subpart H of this part, except that an order dismissing the application for a prohibition order filed after April 1, 1975 shall state that it is a final order of which the applicant may seek judicial review. A prohibition order shall state that it will not be effective prior to a date in accordance with section 119 of the Clean Air Act, and service of a Notice of Effectiveness by FEA, and that it will not be effective for any period certified by the Administrator of EPA pursuant to section 119(d)(3)(B) of such Act.

(d) The FEA shall serve a copy of the prohibition order, or of the order denying or dismissing the application for a prohibition order, upon the applicant or, if the action was initiated by FEA, upon the affected powerplant or major fuel burning installation, and any other person who participated in the proceeding by filing written comments or making oral presentation. Notice of issuance of a Notice of Effectiveness of a prohibition order shall be published in the FEDERAL REGISTER.

§ 303.38 Timeliness.

(a) *Prohibition orders applicable for a period ending prior to or on June 30, 1975.* If the FEA fails to take action on an application for a prohibition order applicable for a period ending prior to or on June 30, 1975 within 30 days of filing, or by May 1, 1975, whichever is earlier, the applicant may treat the application as having been denied in all respects and may appeal therefrom as provided in this subpart.

(b) *Prohibition orders applicable after June 30, 1975.* If the FEA fails to take action on an application for a prohibition order applicable after June 30, 1975 within 30 days of filing, or by May 1, 1975, whichever is earlier, the applicant may treat the application as having been denied in all respects and may appeal therefrom as provided in this subpart.

(c) For purposes of this section, the term "action" includes service on the applicant of the notice of intention to issue a prohibition order.

§ 303.39 Appeal.

(a) Any person aggrieved by an order issued by the FEA under this subpart that denies an application for a prohibition order may file an appeal with the FEA Office of Exceptions and Appeals in accordance with Subpart H of this part. The appeal shall be filed within 10 days of service of the order from which the appeal is taken or within 10 days of the date on which the applicant can treat the application as being denied in all respects.

(b) Any person aggrieved by a prohibition order may file an appeal with the FEA Office of Exceptions and Appeals, after issuance of a Notice of Effectiveness. The appeal shall be filed within 30 days after the service by FEA of the Notice of Effectiveness.

(c) If a powerplant or major fuel burning installation applies for a modification or rescission of a prohibition order, in accordance with Subpart J of this part, any appeal of such prohibition order shall be suspended until 30 days after an order has been issued in accordance with Subpart J or until 30 days from the date on which such powerplant or major fuel burning installation may treat that application as being denied in all respects.

(d) There has not been an exhaustion of administrative remedies until an appeal has been filed pursuant to Subpart H of this part and the appellate proceeding is completed by the issuance of an order granting or denying the appeal, except that an order dismissing an application for a prohibition order that was filed after April 1, 1975 shall be a final order of which there may be judicial review.

Subpart C—Construction Orders

§ 303.40 Purpose and scope.

(a) This subpart establishes the procedures for the filing by a powerplant (other than a combustion gas turbine or combined cycle unit) in the early planning process of an application for a construction order.

(b) A proceeding for issuance of a construction order may be commenced by FEA on its initiative or in response to an application. Sections 303.44, 303.46, 303.47, 303.49 shall be applicable to the proceeding regardless of the manner in which the proceeding is initiated. Other sections of this subpart apply only to proceedings commenced in response to an application.

§ 303.41 What to file.

(a) A powerplant filing under this subpart shall file an "Application for Construction Order" which should be clearly labeled as such both on the application and on the outside of the envelope in which the application is transmitted, and shall be in writing and signed by the person filing the application. The applicant shall comply with the general filing requirements stated in § 303.9 in addition to the requirements stated in this subpart.

(b) Application may be made for an individual fossil-fuel fired steam generating unit that produces electric power for sale or exchange, or for combinations thereof. The application should specify the unit or units with respect to which the application is being made.

(c) If the applicant wishes to claim confidential treatment for any information contained in the application or other documents submitted under this subpart, the procedures set out in § 303.9(f) shall apply.

§ 303.42 Where to file.

All applications for construction orders shall be filed with the FEA National Office at the address provided in § 303.12.

§ 303.43 When to file.

(a) All applications for construction orders must be filed by April 1, 1975.

§ 303.44 Notice.

Prior to issuance of a construction order, FEA shall publish notice of the intention to issue such order in the FEDERAL REGISTER and shall serve a copy of such notice on the powerplant that would be affected by the proposed order. The notice shall describe the proposed action and provide a period of no less than 10 days from the date of publication in which interested persons may file written data, views and adjustments.

§ 303.45 Contents.

(a) The application shall contain a full and complete statement of all relevant facts pertaining to the subject of the application and the FEA action sought. Such facts shall include the names and addresses of all affected persons (if reasonacly ascertainable) and a full discussion of the pertinent provisions and relevant facts contained in the documents submitted with the application. Copies of all relevant contracts, agreements, leases, instruments, and other documents shall be submitted with the application. In addition to such information, the application shall include the following information:

(1) Description of applicant's proposed powerplant, including, but not limited to, location, output, fuels to be utilized, and rate of use thereof, area served, and stage of early planning process that the powerplant has reached at time of application. ("Early planning process" is defined in § 307.3(b) of this chapter.)

(2) A description of the modifications to the design and construction of the powerplant, if any, required to render it capable of using coal as its primary energy source, if the use of coal currently is not intended. ("Capable" is defined in § 307.3(a) of this chapter.)

(3) An analysis of the likelihood that use of coal would result in the impairment of reliability or adequacy of service, as such terms are defined in § 307.3(c)(1) of this chapter.

(4) An analysis of the availability of a supply of coal and its adequacy and reliability, as such terms are defined in § 307.3(c)(2) of this chapter.

(5) The identification and description of any contractual commitments for the design or construction of the powerplant and an analysis of the impact, if any, (taking into account the considerations stated in § 307.3(d) of this chapter) of the requirement that the powerplant be designed and constructed to be capable of using coal as its primary energy source.

(6) An analysis of the capability of the powerplant to recover any increase in projected capital investment that might be required as a result of a construction order.

(7) The identification of any loss of revenue resulting from a delay in the commencement of the sale or exchange of electric power, to the extent that electric power will have to be purchased from another powerplant, resulting from a construction order.

(8) The identification of any relevant regulations or policies of any State or local agency with jurisdiction over the sale or exchange of electric power by powerplants.

(9) Any other information that the applicant believes would be pertinent to FEA's evaluation of the application.

(10) An estimate of the anticipated effect that denial of the application would have on the applicant's proposed operation.

(11) A certification by the applicant's chief executive office or his duly authorized representative of the accuracy of the information stated in the application.

(b) The applicant shall state whether he requests or intends to request that there be a conference regarding the application. Any request not made at the time the application is filed shall be made as soon thereafter as possible, to insure that the conference is held when it is most beneficial. The request and FEA's determination concerning it shall be made in accordance with Subpart N of this part, which determination is in FEA's discretion.

§ 303.46 FEA evaluation.

(a) *Processing.* (1) The FEA may initiate an investigation of any statement in an application or any other document submitted to it and may utilize in its evaluation any relevant facts obtained by such investigation. The FEA may solicit or accept submissions from third persons relevant to any application or other document provided that the applicant is afforded an opportunity to respond to all relevant third person submissions, other than written comments in response to a notice of intention to issue an order. In evaluating an application or other documents, the FEA may conduct its own investigation and consider any other source of information. The FEA on its initiative may convene a conference, if, in its discretion, it considers that such conference will advance its evaluation of the application.

(2) If the FEA determines that there is insufficient information upon which to base a decision and if upon request the necessary additional information is not submitted by the applicant, the FEA may dismiss the application without prejudice. If the failure to supply additional information is repeated or willful, the FEA may dismiss the application with prejudice.

(3) Applications for construction orders filed after April 1, 1975 shall be dismissed automatically.

(b) *Criteria.* The dicision with respect to an application and the decision with respect to an FEA-initiated proceeding shall be subject to the findings stated in § 307.3 (b) and (c) of this chapter and shall include a consideration of the factors stated in § 307.3(d) of this chapter.

§ 303.47 Decision and order.

(a) Upon consideration of an application for a construction order and other relevant information received or obtained during the proceeding, the FEA shall issue either a construction order or an order denying he application.

(b) The construction order, or the order denying an application for a construction order, shall include a written statement of the pertinent facts, statement of the legal basis upon which the order is issued, and when the order is a construction order, a recitation of the conclusions regarding the findings FEA stated in § 307.3 (b) and (c) of this chapter, as appropriate, and a summary of the rationale for each. The order shall provide that any person aggrieved thereby may file an appeal with the FEA Office of Exceptions and Appeals in accordance with Subpart H of this part, except that an order dismissing an application for a construction order filed after April 1, 1975 shall state that it is a final order of which the applicant may seek judicial review.

(c) The FEA shall serve a copy of the construction order, or of the order denying the application for a construction

order, upon the applicant or, if the action was initiated by FEA, upon the affected powerplant, and any other person who participated in the proceeding by filing written comments. Notice of issuance of a construction order shall be published in the FEDERAL REGISTER.

§ 303.48 Timeliness.

If the FEA fails to take action on an application for a construction order filed under this subpart within 30 days of filing, or by May 1, 1975, whichever is earlier, the applicant may treat the application as having been denied in all respects and may appeal therefrom as provided in this subpart. For purposes of this section, the term "action" includes service on the applicant of a notice of intention to issue construction order.

§ 303.49 Appeal.

Any person aggrieved by an order issued by the FEA under this subpart may file an appeal with the FEA Office of Exceptions and Appeals in accordance with Subpart H of this part. The appeal shall be filed within 10 days of service of the order from which the appeal is taken or within 10 days of the date on which the applicant can treat the application as being denied in all respects. There has not been an exhaustion of administrative remedies until an appeal has been filed pursuant to Subpart H of this part and the appellate proceeding is completed by the issuance of an order granting or denying the appeal, except that an order dismissing an application for a construction order that was filed after April 1, 1975 shall be a final order of which there may be judicial review.

Subpart D—[Reserved]

Subpart E—Exception

§ 303.60 Purpose and scope.

(a) This subpart establishes the procedures for applying for an exception from a regulation, ruling or generally applicable requirement based on an assertion of serious hardship, inequity or unfair distribution of burdens and for the consideration of such application by the FEA.

(b) A request for an interpretation or other specific action which includes, or could be construed to include, an application for an exception may be treated solely as a request for an interpretation or other action, and processed as such by FEA.

(c) The filing of an application for an exception shall not constitute grounds for non-compliance with the requirements of the regulation, ruling or generally applicable requirement from which an exception is sought, unless a stay has been issued in accordance with Subpart I.

§ 303.61 What to file.

(a) A person filing under this subpart shall file an "Application for Exception (ESECA)" which should be clearly labeled as such on the application and on the outside of the envelope in which the application is transmitted, and shall be in writing and signed by the person filing the application. The applicant shall comply with the general filing requirements stated in § 303.9 in addition to the requirements stated in this subpart.

(b) If the applicant wishes to claim confidential treatment for any information contained in the application or other documents submitted under this subpart, the procedures set out in § 303.9 (f) shall apply.

§ 303.62 Where to file.

All applications for exception shall be filed with the Office of Exceptions and Appeals at the address provided in § 303.12.

§ 303.63 Notice.

(a) The applicant shall send by United States mail a copy of the application and any subsequent amendments or other documents relating to the application, or a copy from which confidential information has been deleted in accordance with § 303.9(f), to each person who is reasonably ascertainable by the applicant as a person who will be aggrieved by the FEA action sought. The copy of the application shall be accompanied by a statement that the person may submit comments regarding the application to the FEA Office of Exceptions and Appeals within 10 days of service of such application. The application filed with the FEA shall include certification to the FEA that the applicant has complied with the requirements of this subsection and shall include the names and addresses of each person to whom a copy of the application was sent.

(b) Notwithstanding the provisions of subsection (a) of this section, if an applicant determines that compliance with subsection (a) of this section would be impracticable, the applicant shall:

(1) Comply with the requirements of subsection (a) of this section with regard to those persons whom it is reasonable and practicable to notify; and

(2) Include with the application a description of the persons or class or classes of persons to whom notice was not sent.

The FEA may require the applicant to provide additional or alternative notice, or may determine that the notice required by subsection (a) of this section is not impracticable, or may determine that notice should be published in the FEDERAL REGISTER.

(c) The FEA shall serve notice on any other person readily identifiable by the FEA as one who will be aggrieved by the FEA action sought and may serve notice on any other person that written comments regarding the application will be accepted if filed within 10 days of service of such notice.

(d) Any person submitting written comments to the FEA with respect to an application filed under this subpart shall send a copy of the comments, or a copy from which confidential information has been deleted in accordance with § 303.9(f), to the applicant. The person shall certify to the FEA that he has complied with the requirements of this subsection. The FEA may notify other persons participating in the proceeding of such comments and provide an opportunity for such persons to respond.

(e) At regular intervals, the FEA shall publish a list of all persons who have applied for an exception under this subpart, with a brief description of the factual situation and the relief requested.

§ 303.64 Contents.

(a) The application shall contain a full and complete statement of all relevant facts pertaining to the circumstances, act or transaction that is the subject of the application and to the FEA action sought. Such facts shall include the names and addresses of all affected persons (if reasonably ascertainable); a complete statement of the business or other reasons that justify the act or transaction; a description of the acts or transactions that would be affected by the requested action; and a full discussion of the pertinent provisions and relevant facts contained in the documents submitted with the application. Copies of all relevant contracts, agreements, leases, instruments, and other documents shall be submitted with the application.

(b) The applicant shall state whether he requests or intends to request that there be a conference or hearing regarding the application. Any request not made at the time the application is filed shall be made as soon thereafter as possible, to insure that the conference or hearing is held when it will be most beneficial. The request and the FEA's determination regarding it shall be made in accordance with Subpart N of this part, which determination is within FEA's discretion.

(c) The application shall include a discussion of all relevant authorities, including, but not limited to, FEA and EPA rulings, regulations, interpretations and decisions on appeals and exceptions relied upon to support the particular action sought therein.

(d) The application shall specify the exact nature and extent of the relief requested.

§ 303.65 FEA evaluation.

(a) *Processing.* (1) The FEA may initiate an investigation of any statement in an application or any other document submitted to it and may utilize in its evaluation any relevant facts obtained by such investigation. The FEA may solicit or accept submissions from third persons relevant to any application or other document provided that the applicant is afforded an opportunity to respond to all relevant third person submissions. In evaluating an application or other documents, the FEA may conduct its own investigation and consider any other source of information. The FEA on its initiative may convene a hearing or conference, if, in its discretion, it considers that such hearing or conference will advance its evaluation of the application.

(2) If the FEA determines that there is insufficient informaton upon which to base a decision and if upon request necessary additional information is not submitted by the applicant, the FEA may

dismiss the application without prejudice. If the failure to supply additional information is repeated or willful, the FEA may dismiss the application with prejudice. If the applicant fails to provide the notice required by § 303.63, the FEA may dismiss the application without prejudice.

(b) *Criteria.* (1) The FEA shall only consider an application for an exception when it determines that a more appropriate proceeding is not provided by this part.

(2) An application for an exception may be granted to alleviate or prevent special hardship, inequity or unfair distribution of burdens.

(3) An application for an exception shall be decided in a manner that is, to the extent possible, consistent with the disposition of previous applications for exception.

§ 303.66 Decision and order.

(a) Upon consideration of the application and other relevant information received or obtained during the proceeding, the FEA shall issue an order either granting or denying the application.

(b) The order shall include a written statement setting forth the pertinent facts and the legal basis upon which the order is issued. The order shall provide that any person aggrieved thereby may file an appeal with the FEA Office of Exceptions and Appeals in accordance with Subpart H of this part.

(c) The FEA shall serve a copy of the order upon the applicant, any other person who participated in the proceeding and upon any other person readily identifiable by the FEA as one who is aggrieved by such order. A copy of each order, with such modification as is necessary to insure the confidentiality of information protected from disclosure under 18 U.S.C. 1905 and 5 U.S.C. 552, will be on file in the public docket room described in § 303.13. If such copy contains information that has been claimed by an applicant or other person to be confidential, notice of the FEA's intention to place a copy in the docket room and an opportunity to respond shall be given to such person no less than five days prior to its placement in such room. The Office of Exceptions and Appeals shall publish periodically a digest of all orders issued.

§ 303.67 Timeliness.

(a) When the FEA has received all substantive information deemed necessary to process an application filed under this subpart, the FEA shall serve notice of that fact upon the applicant and all other persons who received notice of the proceeding pursuant to the provisions of § 303.63; and if the FEA fails to take action on the application within 90 days of serving such notice, the applicant may treat the application as having been denied in all respects and may appeal therefrom as provided in this subpart.

(b) Notwithstanding the provisions of paragraph (a) of this section, if the FEA fails to take action on the application within 150 days from the filing of the application, the applicant may treat it has having been denied in all respects and may appeal therefrom as provided in this subpart.

§ 303.68 Appeal.

Any person aggrieved by an order issued by the FEA under this subpart may file an appeal with the FEA Office of Exceptions and Appeals in accordance with Subpart H of this part. The appeal must be filed within 30 days of service of the order from which the appeal is taken or within 30 days of the date on which the applicant can treat the application as being denied in all respects. There has not been an exhaustion of administrative remedies until an appeal has been filed pursuant to Subpart H and the appellate proceeding is completed by the issuance of an order granting or denying the appeal.

Subpart F—Exemption

§ 303.70 Purpose and scope.

This subpart establishes the procedures for filing an application for exemption and the consideration of such by the FEA. The applicant must be seeking an exemption from no less than an entire part, or subpart thereof, of Parts 303, 305, 307 or 309 of this chapter.

§ 303.71 Procedures.

(a) An exemption may be effected only by amendment to the regulations. Although an application for an exemption is a request for a rulemaking, the application is not subject to the procedures of Subpart M of this part. If a rulemaking proceeding is convened, however, it shall be held in accordance with Subpart M.

(b) An application for an exemption shall be submitted separate and apart from any other application, appeal, petition or other request submitted in accordance with this part. If an application for exemption is included with any other application, appeal, petition, or other request, the application for exemption will not be processed, nor will it be severed for separate consideration.

§ 303.72 What to file.

A person filing under this subpart shall file an "Application for Exemption (ESECA)" which should be clearly labeled as such both on the application and on the outside of the envelope in which the application is transmitted, and shall be in writing and signed by the person filing the application.

The applicant shall comply with the general filing requirements stated in § 303.9 in addition to the requirements stated in this subpart.

§ 303.73 Where to file.

An application for exemption shall be filed with the Office of Exceptions and Appeals at the address provided in § 303.12.

§ 303.74 Contents.

The application shall contain a full and complete statement of all relevant facts pertaining to the circumstances, acts or transactions that are the subject of the application and to the FEA action sought. The application shall identify the part or parts, or subparts thereof, of this chapter from which the exemption is sought; describe the business or other reason that would justify such exemption; identify the persons or classes of persons and acts or transactions that would be aggrieved or affected by such exemption and describe the adverse impact; describe the benefit to the person making the application, or others, that would result if the exemption were effected; and explain the reasons why the action sought by the application cannot be accomplished by any other proceeding provided in this part. Upon request, the applicant shall submit copies of relevant contracts, agreements, leases, instruments, and other documents that are representative of those that would be affected by the granting of the requested exemption.

§ 303.75 FEA evaluation.

(a) *Processing.* All applications for exemption shall be evaluated by FEA to determine if the institution of a rulemaking proceeding is warranted and if the FEA action sought by the applicant could more appropriately be considered in any other proceeding provided by this part. The FEA may initiate an investigation of any statement in an application or any other document submitted to it and may utilize in its evaluation any relevant facts obtained by such investigation. The FEA may solicit or accept submissions from third persons relevant to any application for exemption or other document provided that the person making the request is afforded an opportunity to respond to all relevant third person submissions other than written comments or oral presentations in response to a rulemaking. In evaluating an application or other document, the FEA may conduct its own investigation and consider any other source of information.

(b) *Criteria.* (1) Rulemaking proceedings for the purpose of considering an application for exemption will be instituted only if the FEA is its discretion determines that such a proceeding would be appropriate. Among the factors that the FEA will evaluate in making a determination with respect to a rulemaking are—

(i) The impact that granting the exemption would have on the regulatory scheme and objectives;

(ii) The number of persons who would be exempted; and

(iii) The economic justification for such exemption.

(2) The FEA may summarily deny an application for exemption if—

(i) The exemption sought is not from each or all of Parts 303, 305 or 307, or a subpart thereof, of this chapter;

(ii) The granting of an exemption to the person making the application would not have sufficient national impact, economic or otherwise, to warrant rulemaking proceedings for the purpose of considering an amendment to the regulation;

(iii) It is determined that the statutory criteria cannot be met; or

(iv) It is determined that another proceeding provided by this part is more appropriate.

§ 303.76 Decision and order.

(a) Upon consideration of the application and other relevant information received or obtained during the proceeding, the FEA shall issue an appropriate order. If the application is not denied, the order shall provide for publication of a Notice of Proposed Rulemaking regarding the application in the FEDERAL REGISTER.

(b) The order shall include a written statement setting forth the pertinent facts and legal basis upon which the order is issued. The order denying the application shall state that any person aggrieved thereby may file an appeal with the Office of Exceptions and Appeals in accordance with Subpart H of this part.

§ 303.77 Timeliness.

(a) If the FEA fails to take action on any application filed under this subpart within 90 days of filing, the applicant may treat the application as having been denied in all respects and may appeal therefrom as provided in this subpart.

§ 303.78 Appeal.

Any person aggrieved by an order issued by the FEA under this subpart that denies an application for exemption may file an appeal with the Office of Exceptions and Appeals in accordance with Subpart H of this part. The appeal must be filed within 30 days of service of the order from which the appeal is taken or within 30 days of the date on which the applicant can treat the application as being denied in all respects. There has not been an exhaustion of administrative remedies until an appeal has been filed pursuant to Subpart H of this part and the appellate proceeding is completed by the issuance of an order granting or denying the appeal.

Subpart G—Interpretation

§ 303.80 Purpose and scope.

(a) This subpart establishes the procedures for the filing of a formal request for an interpretation and for the consideration of such request by the FEA. Interpretations shall be in writing and shall only be issued by the FEA General Counsel. Responses, which may include verbal or written responses, to general inquiries or to other than formal written requests for interpretation filed with the General Counsel are not interpretations and merely provide general information.

(b) A request for interpretation that includes, or could be construed to include, an application for an exception or an exemption may be treated solely as a request for interpretation and processed as such.

§ 303.81 What to file.

(a) A person filing under this subpart shall file a "Request for Interpretation (ESECA)" which should be clearly labeled as such both on the request and on the outside of the envelope in which the request is transmitted, and shall be in writing and signed by the person filing the request. The person filing the request shall comply with the general filing requirements stated in § 303.9 in addition to the requirements stated in this subpart.

(b) If the person filing the request wishes to claim confidential treatment for any information contained in the request or other documents submitted under this subpart, the procedures set out in § 303.9(f) shall apply.

§ 303.82 Where to file.

A request for interpretation shall be filed with the General Counsel at the address provided in § 303.12.

§ 303.83 Contents.

(a) The request shall contain a full and complete statement of all relevant facts pertaining to the circumstances, acts or transactions that are the subject of the request and to the FEA action sought. Such facts shall include the names and addresses of all affected persons (if reasonably ascertainable) and a full discussion of the pertinent provisions and relevant facts contained in the documents submitted with the request. Copies of all relevant contracts, agreements, leases, instruments, and other documents shall be submitted with the request.

(b) The request for interpretation shall include a discussion of all relevant authorities, including, but not limited to, FEA and EPA rulings, regulations, interpretations and decisions on appeals and exceptions relied upon to support the particular interpretation sought therein.

§ 303.84 FEA evaluation.

(a) *Processing.* (1) The FEA may initiate an investigation of any statement in a request or any other document submitted to it and may utilize in its evaluation any relevant facts obtained by such investigation. The FEA may solicit or accept submissions from third persons relevant to any request for interpretation or other document provided that the person making the request is afforded an opportunity to respond to all relevant third person submissions. In evaluating a request for interpretation or other document, the FEA may conduct its own investigation and consider any other source of information. The FEA on its own initiative may convene a conference, if, in its discretion, it considers that such conference will advance its evaluation of the request.

(2) The FEA shall issue its interpretation on the basis of the information provided in the request, unless that information is supplemented by other information brought to the attention of the General Counsel during the proceeding. The interpretation shall, therefore, depend for its authority on the accuracy of the factual statement and may be relied upon only to the extent that the facts of the actual situation correspond to those upon which the interpretation was based.

(3) If the FEA determines that there is insufficient information upon which to base a decision and if upon request necessary additional information is not submitted by the person requesting the interpretation, the FEA may refuse to issue an interpretation.

(b) *Criteria.* (1) The FEA shall base an interpretation on the FEAA and ESECA and the regulations and published rulings of the FEA as applied to the specific factual situation.

(2) The FEA shall take into consideration previously issued interpretations dealing with the same or a related issue.

§ 303.85 Decision and effect.

(a) Upon consideration of the request for interpretation and other relevant information received or obtained during the proceeding, the General Counsel may issue a written interpretation.

(b) The interpretation shall contain a written statement of the information upon which it is based and a legal analysis of and conclusions regarding the application of rulings, regulations and other precedent to the situation presented in the request.

(c) Only those persons to whom an interpretation is specifically addressed and other persons upon whom the FEA serves the interpretation and who are directly involved in the same transaction or act may rely upon it. No person entitled to rely upon an interpretation shall be subject to civil or criminal penalties stated in Subpart Q of this part for any act made in reliance upon the interpretation, notwithstanding that the interpretation shall thereafter be declared by judicial or other competent authority to be invalid.

(d) FEA at any time may rescind or modify an interpretation on its initiative. Rescission or modification may be effected by notifying persons entitled to rely on the interpretation that it is rescinded or modified. This notification shall include a statement of the reasons for the rescission or modification and, in the case of a modification, a restatement of the interpretation as modified.

(e) An interpretation is modified by a subsequent amendment to the regulations or ruling to the extent that it is inconsistent with the amended regulation or ruling.

§ 303.86 Appeal.

Any person aggrieved by an interpretation issued by the FEA under this subpart may file an appeal with the FEA Office of Exceptions and Appeals in accordance with Subpart H of this part. The appeal must be filed within 30 days of service of the interpretation from which the appeal is taken. There has not been an exhaustion of administrative remedies until an appeal has been filed pursuant to Subpart H and the appellate proceeding is completed by the issuance of an order granting or denying the appeal.

Subpart H—Appeal

§ 303.90 Purpose and scope.

(a) This subpart establishes the procedures for the filing of an administra-

tive appeal of FEA actions taken under Subparts B, C, E, F, G, J, K or P of this part and the consideration of such appeal by the FEA.

(b) A person who has appeared before the FEA in connection with a matter arising under Subparts B, C, E, F, G, J, K or P of this part has not exhausted his administrative remedies until an appeal has been filed under this subpart and an order granting or denying the appeal has been issued.

§ 303.91 Who may file.

Any person aggrieved by an order or interpretation issued by the FEA under Subparts B, C, E, F, G, J, K or P of this part may file an appeal.

§ 303.92 What to file.

(a) A person filing under this subpart shall file an "Appeal of Order (ESECA)" or an "Appeal of Interpretation (ESECA)" which should be clearly labeled as such both on the appeal and on the outside of the envelope in which the appeal is transmitted, and shall be in writing and signed by the person filing the appeal. The appellant shall comply with the general filing requirements stated in § 303.9 (other than § 303.9(e), as provided in § 303.96(c) of this subpart) in addition to the requirements stated in this subpart.

(b) If the appellant wishes to claim confidential treatment for any information contained in the appeal or other documents submitted under this subpart, the procedures set out in § 303.9(f) shall apply.

§ 303.93 Where to file.

The appeal of an order or interpretation shall be filed with the Office of Exceptions and Appeals at the address provided in § 303.12.

§ 303.94 When to file.

The time within which an appeal must be filed and, in the case of a prohibition order, the time before which an appeal cannot be filed is stated in the appeals section of each subpart, unless a subpart describes a proceeding for which there is not an administrative appeal.

§ 303.95 Notice.

(a) The appellant shall send by United States mail a copy of the appeal and any subsequent amendments or other documents relating to the appeal, or a copy from which confidential information has been deleted in accordance with § 303.9(f), to each person who is reasonably ascertainable by the appellant as a person who will be aggrieved by the FEA action sought, including those who participated in the prior proceeding, except as provided in paragraphs (b) and (c) of this section. The copy of the appeal shall be accompanied by a statement that the person may submit comments regarding the appeal to the FEA Office of Exceptions and Appeals within 10 days. The appeal filed with the FEA shall include certification to the FEA that the appellant has complied with the requirements of this paragraph and shall include the names and addresses of each person to whom a copy of the appeal was sent.

(b) Notwithstanding the provisions of paragraph (a) of this section, if an appellant determines that compliance with subsection (a) would be impracticable, the appellant shall:

(1) Comply with the requirements of paragraph (a) of this section with regard to those persons whom it is reasonable and possible to notify; and

(2) Include with the appeal a description of the persons or class or classes of persons to whom notice was not sent.

(c) The FEA may require the appellant to provide additional or alternative notice, or may determine that the notice required by paragraph (a) of this section is not impracticable, or may determine that notice should be published in the FEDERAL REGISTER. With respect to the appeal of a construction order, a prohibition order, or the modification or rescission of a prohibition order as a result to significantly changed circumstances that occurred during the interval between issuance of a prohibition order and service to Notice of Effectiveness, FEA shall provide notice of the appeal of those orders by publication in the FEDERAL REGISTER. Such notice shall state that aggrieved persons shall have 10 days from publication of the notice to file written comments regarding the appeal.

(d) The FEA shall serve notice on any other person reasonably identifiable by the FEA as one who will be aggrieved by the FEA action sought and may serve notice on any other person that written comments regarding the appeal will be accepted if filed within 10 days of service of that notice, except as stated in paragraph (c) of this section with respect to prohibition orders, construction orders, or the modification or rescission of such orders.

(e) Any person submitting written comments to the FEA with respect to an appeal filed under this subpart shall send a copy of the comments, or a copy from which confidential information has been deleted in accordance with § 303.9(f), to the appellant. The person shall certify to the FEA that it has complied with the requirements of this paragraph. The FEA may notify other persons participating in the proceeding of such comments and provide an opportunity for such persons to respond.

§ 303.96 Contents.

(a) The appeal shall contain a concise statement of grounds upon which it is brought and a description of the relief sought. It shall include a discussion of all relevant authorities, including, but not limited to, FEA rulings, regulations, interpretations and decisions on appeals and exceptions relied upon to support the appeal.

An appeal of a prohibition order, or of an order modifying a prohibition order that is applicable for the period ending prior to or on June 30, 1975 to make it applicable after June 30, 1975, may not contain an assertion of significantly changed circumstances, as that term is defined in this subpart, as modified in § 303.126(b)(2). An assertion of significantly changed circumstances relating to such orders should be made pursuant to Subpart J of this part.

If the appeal (other than the appeal of a prohibition order or of the modification of a prohibition order applicable for a period ending prior to or on June 30, 1975 to make it applicable after June 30, 1974) includes a request for relief based on significantly changed circumstances, there shall be a complete description of the events, acts, or transactions that comprise the significantly changed circumstances, and the appellant shall state why, if the significantly changed circumstance is new or newly discovered facts, such facts were not or could not have been presented during the prior proceeding. For purposes of this subpart, the term "significantly changed circumstances" shall mean—

(1) The discovery of material facts that were not known or could not have been known at the time of the prior proceeding;

(2) The discovery of a law, regulation, interpretation, ruling, order or decision on an appeal or exception that was in effect at the time of the proceeding upon which the order or interpretation is based and which, if such had been made known to FEA, would have been relevant to the proceeding and would have substantially altered the outcome; or

(3) A substantial change in the facts or circumstances upon which an outstanding and continuing order or interpretation affecting the appellant was issued, which change has occurred during the interval between issuance of the order or interpretation and the date of the appeal and was caused by forces or circumstances beyond the control of the appellant.

(b) A copy of the order or interpretation that is the subject of the appeal shall be submitted with the appeal.

(c) The appellant shall state whether to the best of his knowledge the same or a related issue, act or transaction that is the subject of the appeal has been or presently is being considered or investigated by any FEA or EPA office, other Federal agency, department or instrumentality; or by a state or municipal agency or court; or by any law enforcement agency, including, but not limited to, a consideration or investigation in connection with an FEA proceeding described in this part, other than the proceeding from which the appeal is taken, or under Subpart A of 40 C.F.R., Part 55 (which states the EPA regulations implementing section 3 of ESECA). In addition, the appellant shall state whether contact has been made by the appellant or a person acting on his behalf with any person who is employed by the FEA or EPA subsequent to service of the order or interpretation that is being appealed with regard to the issue, act or transaction that is the subject of the appeal; the name of the person contacted; whether the contact was verbal or in writing; the nature and substance of the contact; and the date or dates of the contact. An ap-

pellant shall comply with this paragraph in lieu of § 303.9(e).

(d) The appellant shall state whether he requests or intends to request that there be a conference or hearing regarding the appeal. Any request not made at the time the appeal is filed shall be made as soon thereafter as possible, to insure that the conference or hearing is held when it will be most beneficial. The request and the FEA's determination regarding it shall be made in accordance with Subpart N of this part, which determination is within FEA's discretion.

§ 303.97 FEA evaluation.

(a) *Processing.* (1) The FEA may initiate an investigation of any statement in an appeal or any other document submitted to it and may utilize in its evaluation any relevant facts obtained by such investigation. The FEA may solicit or accept submissions from third persons relevant to any appeal or other document provided that the appellant is afforded an opportunity to respond to all relevant third person submissions. In evaluating an appeal or other document, the FEA may conduct its own investigation and consider any other source of information. The FEA on its initiative may convene a conference or hearing if, in its discretion, it considers that such conference or hearing will advance its evaluation of the appeal.

(2) If the FEA determines that there is insufficient information upon which to base a decision and if, upon request, the necessary additional information is not submitted, the FEA may dismiss the appeal with leave to amend within a specified time. If the failure to supply additional information is repeated or willful, the FEA may dismiss the appeal with prejudice. If the appellant fails to provide the notice required by § 303.95, the FEA may dismiss the appeal without prejudice.

(3) *Failure to satisfy requirements.*

(i) If the appellant fails to satisfy the requirements of paragraph (b)(1) of this section, the FEA may issue an order summarily denying the appeal. The order shall state the grounds for the denial and a copy of the order shall be served upon the appellant and any other person who participated in the appellate proceeding.

(ii) The order denying the appeal shall become a final order of the FEA within 10 days of its service upon the appellant, unless within such 10-day period an amendment to the appeal that corrects the deficiencies identified in the order is filed with the Office of Exceptions and Appeals.

(iii) Within 10 days of the filing of such amendment, as provided in paragraph (b)(1) of this section, the FEA shall notify the appellant whether the amendment corrects the specified deficiencies. If the amendment does not correct the deficiencies, that notice shall be an order dismissing the appeal as amended. Such order shall be a final order of the FEA of which appellant may seek judicial review.

(b) *Criteria.* (1) An appeal may be summarily denied if—

(i) It is not filed in a timely manner, unless good cause is shown; or

(ii) It is defective on its face for failure to state, and to present facts and legal argument in support thereof, that the FEA action was erroneous in fact or in law, or that it was arbitrary or capricious.

(2) The FEA may deny any appeal if the appellant does not establish that—

(i) The appeal was filed by a person aggrieved by an FEA action;

(ii) The FEA's action was erroneous in fact or in law; or

(iii) The FEA's action was arbitrary or capricious. The denial of an appeal shall be a final order of FEA of which the appellant may seek judicial review.

§ 303.98 Decision and order.

(a) Upon consideration of the appeal and other relevant information received or obtained during the proceeding, the FEA shall enter an appropriate order, which may include the modification of the order or interpretation that is the subject of the appeal.

(b) The order shall include a written statement setting forth the pertinent facts and the legal basis of the order. The order shall state that it is a final order of the FEA of which the appellant may seek judicial review.

(c) The FEA shall serve a copy of the order upon the appellant, any other person who participated in the appellate proceeding and upon any other person reasonaby identifiable by the FEA as one who is aggrieved by such order.

(d) A copy of each order, with such modification as is necessary to insure the confidentiality of information protected from disclosure under 18 U.S.C. 1905 and 5 U.S.C. 552, will be filed in the public docket room described in § 303.13. If such copy contains information that has been claimed by an appellant or other person to be confidential, notice of the FEA's intention to place a copy in the public docket room and an opportunity to respond shall be given to such person no less than five days prior to its placement in such room.

§ 303.99 Appeal of a remedial order.

The appeal of a remedial order shall be in accordance with the procedures stated in this subpart, except:

(a) the appeal must be filed within 10 days of the service of the remedial order; and

(b) if the appeal is of a remedial order that was issued subsequent to a notice of probable violation that relates to an order or interpretation previously issued by the FEA, with respect to which there was an exhaustion of administrative remedies, no issues will be considered on the current appeal that were raised in that prior proceeding.

(c) If an issue raised on an appeal of a remedial order is also being considered in connection with any other FEA proceeding, the FEA may consolidate such issues and consider them in the appellate proceeding for the remedial order.

§ 303.100 Timeliness.

(a) When the FEA has received all substantive information deemed necessary to process any appeal filed under this subpart, the FEA shall serve notice of that fact upon the appellant and all other persons who received notice of the proceeding pursuant to the provisions of § 303.95, except those persons who received notice by publication of the notice in the FEDERAL REGISTER, or participated in the appellate proceeding by the filing of comments; and if the FEA fails to take action on the appeal within 90 days of serving such notice, the appellant may treat the appeal as having been denied in all respects and may seek judicial review thereof.

(b) Notwithstanding the provisions of paragraph (a) of this section, if the FEA fails to take action on the appeal within 120 days of the filing of the appeal, the appellant may treat it as having been denied in all respects and may seek judicial review thereof.

(c) If a powerplant or major fuel burning installation applies for a modification or rescission of a prohibition order in accordance with Subpart J of this part (other than a modification to a prohibition order that is applicable for a period ending prior to or on June 30, 1975 to make it applicable after June 30, 1975), any appeal of the prohibition order that is the subject of such application shall be suspended until 30 days after an order has been issued in accordance with Subpart J or until 30 days from the date on which the powerplant or major fuel burning installation may treat that application for modification or rescission as being denied in all respects pursuant to Subpart J. The 120-day period provided in paragraph (b) shall be suspended during the period the appeal is stayed.

Subpart I—Stay

§ 303.110 Purpose and scope.

This subpart establishes the procedures for the application for and granting of a stay by the FEA. An application for a stay will only be considered—

(a) Incident to or pending an appeal from an order of the FEA;

(b) Incident to an application for an exception from the application of any plicable requirements when the stay FEA regulations, rulings, or generally apsought is of the same regulation, ruling or generally applicable requirement from which the exception is sought;

(c) Incident to an application for modification or rescission of a prohibition order (other than the modification of an order that is applicable for a period ending prior to or before June 30, 1975 to make it applicable after June 30, 1975); or

(d) pending judicial review.

All FEA orders, regulations, rulings, and generally applicable requirements shall be complied with unless and until an application for a stay is granted.

§ 303.111 What to file.

(a) A person filing under this subpart shall file an "Application for Stay (ESECA)" which should be clearly labeled as such both on the application and on the outside of the envelope in which the application is transmitted, and shall be in writing and signed by the person filing the application. The applicant shall comply with the general filing requirements stated in § 303.9 in addition to the requirements stated in this subpart.

(b) If the applicant wishes to claim confidential treatment for any information contained in the application or other documents submitted under this subpart, the procedures set out in § 303.9(f) shall apply.

§ 303.112 Where to file.

(a) An application for stay of an FEA order incident to an appeal from such order shall be filed with the Office of Exceptions and Appeals at the address provided in § 303.12.

(b) An application for stay of the application of any or all FEA regulations, rulings, or generally applicable requirements incident to an application for an exception therefrom shall be filed with the Office of Exceptions and Appeals at the address provided in § 303.12.

(c) An application for stay of an FEA order or of the application of any FEA regulations, rulings or generally applicable requirements pending judicial review shall be filed with the office that issued the order of which judicial review is sought.

§ 303.113 Notice.

(a) When administratively feasible, the FEA shall notify each person reasonably identifiable by the FEA as one who would be aggrieved by the FEA action sought that the applicant has filed for a stay and that the FEA will accept written comment on the application.

(b) Any person submitting written comments to the FEA with respect to an application filed under this subpart shall send a copy of the comments, or a copy from which confidential information has been deleted in accordance with § 303.9 (f), to the applicant. The person shall certify to the FEA that it has complied with the requirements of this paragraph. The FEA may notify other persons participating in the proceeding of such comments and provide an opportunity for such persons to respond.

§ 303.114 Contents.

(a) The application shall contain a full and complete statement of all relevant facts pertaining to the act or transaction that is the subject of the application and to the FEA action sought. Such facts shall include, but not be limited to, all information that relates to the satisfaction of the criteria in § 303.115(b).

(b) The application shall include a description of the proceeding incident to which the stay is being sought. This description shall contain a discussion of all FEA and EPA actions relevant to the proceeding.

(c) The applicant shall state whether he requests or intends to request that there be a conference regarding the application. Any request not made at the time the application is filed shall be made as soon thereafter as possible, to insure that the conference is held when it will be most beneficial. The request and the FEA's determination regarding it shall be made in accordance with Subpart N of this part, which determination is within FEA's discretion.

§ 303.115 FEA evaluation.

(a) *Processing.* (1) The FEA may initiate an investigation of any statement in an application or any other document submitted to it and may utilize in its evaluation any relevant facts obtained by such investigation. The FEA may solicit or accept submissions from third persons relevant to any application or other document provided that the applicant is afforded an opportunity to respond to all relevant third person submissions. In evaluating an application or other documents, the FEA may conduct its own investigation and consider any other source of information. The FEA on its initiative may convene a conference, if, in its discretion, it considers that such conference will advance its evaluation of the application.

(2) If the FEA determines that there is insufficient information upon which to base a decision and if upon request the necessary additional information is not submitted by the applicant, the FEA may dismiss the application without prejudice. If the failure to supply additional information is repeated or willful, the FEA may dismiss the application with prejudice.

(3) The FEA shall process applications for stay as expeditiously as possible. When administratively feasible, the FEA shall grant or deny the application for stay within 10 business days after receipt of the application.

(4) Notwithstanding the provision for notice to third persons in § 303.113(a), the FEA may make a decision on an application for stay prior to the receipt of written comments.

(b) *Criteria.* The grounds for granting a stay are a showing that there is a likelihood of success on the merits and one or more of the following:

(1) A showing that irreparable injury will result in the event that the stay is denied;

(2) A showing that denial of the stay will result in a more immediate special hardship, inequity or unfair distribution of burdens to the applicant than to the other persons affected by the proceeding;

(3) A showing that it would be desirable for public policy or other reasons to perserve the status quo ante pending a decision on the merits of the appeal or exception; or

(4) A showing that it is impossible for the applicant to fulfill the requirements of the original order.

§ 303.116 Decision and order.

(a) Upon consideration of the application and other relevant information received or obtained during the proceeding, the FEA shall issue an order granting or denying the application.

(b) The order shall include a written statement setting forth the relevant facts and the legal basis of the decision, and the terms and conditions of the stay.

(c) The FEA shall serve a copy of the order upon the applicant, any other person who participated in the proceeding and upon any other person reasonably identifiable by FEA as one who is aggrieved by such decision.

(d) The grant or denial of a stay is not an order of the FEA subject to administrative review.

(e) In its discretion and upon a determination that such is in accordance with the objectives of the regulations and the FEAA or ESECA, the FEA may order a stay on its own initiative.

Subpart J—Modification or Rescission of Prohibition Orders and Construction Orders

§ 303.120 Purpose and scope.

(a) This subpart establishes the procedures for the filing by any powerplant or major fuel burning installation of an application for modification or rescission of a prohibition order or a construction order.

(b) A proceeding for modification or rescission of a prohibition order or a construction order may be commenced by FEA in response to an application or upon its initiative. Sections 303.124, 303.126, 303.127 and 303.129 of this subpart shall be applicable to the proceeding regardless of the manner in which the proceeding was initiated. Other sections of this subpart apply only to a proceeding commenced in response to an application.

§ 303.121 What to file.

(a) A powerplant or major fuel burning installation filing under this subpart shall file an "Application for Modification (or Rescission) of Prohibition Order (or Construction Order)" which should be clearly labeled as such, using the applicable terms, both on the application and on the outside of the envelope in which the application is transmitted, and shall be in writing and signed by the person filing the application. The applicant shall comply with the general filing requirements stated in § 303.9 in addition to the requirements stated in this subpart.

(b) If the applicant wishes to claim confidential treatment for any information contained in the application or other documents submitted under this subpart, the procedures stated in § 303.9(f) shall apply.

§ 303.122 Where to file.

An application for modification or rescission shall be filed with the FEA National Office at the address provided in § 303.12.

§ 303.123 When to file.

(a) *Prohibition orders.* (1) An application for modification of a prohibition order that is applicable for the period ending prior to or on June 30, 1975, to make it applicable for a period after

June 30, 1975, shall be filed by May 15, 1975.

(2) An application for modification or rescission of a prohibition order based on significantly changed circumstances, which circumstances occurred during the interval between issuance of the order and service of a Notice of Effectiveness, shall be filed within 30 days of service of such notice.

(3) An application for modification or rescission of a prohibition order based on significantly changed circumstances other than those stated in subparagraph (2) of this paragraph may be filed at anytime after the Notice of Effectiveness is served.

(b) *Construction orders.* An application for modification or rescission of a construction order may not be filed until the 30-day period within which a person may file an appeal has lapsed or, if an appeal has been filed, a final order has been issued.

§ 303.124 Notice.

(a) *Prohibition orders applicable for a period ending prior to or on June 30, 1975.* (1) Prior to issuance of an order or modifying or rescinding a prohibition order that is applicable for a period ending prior to or on June 30, 1975 (other than the modification described in subparagraph (2) of this paragraph), either in response to an application or on its initiative, FEA may publish notice of the intention to take any such action in the FEDERAL REGISTER and shall serve a copy of such notice on the powerplant or major fuel burning installation that would be affected by the proposed order. Any such notice shall describe the proposed action and provide a period of no less than 10 days from the date of its publication in which interested persons may file written data, views and arguments.

(2) Prior to issuance of an order modifying a prohibition order that is applicable for a period ending prior to or on June 30, 1975, to make it applicable after June 30, 1975, either in response to an application or on its initiative, FEA shall publish notice of the intention to take such action in the FEDERAL REGISTER and shall serve a copy of such notice on the powerplant or major fuel burning installation that would be affected by the proposed order. Such notice shall describe the proposed action and provide a period of no less than 10 days from the date of its publication in which interested persons may file written data, views or arguments, and shall set a date, time and place at which there shall be an opportunity for interested persons to make oral presentation of data, views and arguments in accordance with Subpart N of this part.

(b) *Prohibition orders applicable after June 30, 1975.* Prior to issuance of an order modifying or rescinding a prohibition order that is applicable after June 30, 1975, either in response to an application or on its initiative, FEA may publish notice of the intention to take such action in the FEDERAL REGISTER and shall serve a copy of any such notice on the powerplant or major fuel burning installation that would be affected by the proposed order. Any such notice shall describe the proposed action and provide a period of no less than 10 days from date of publication in which interested persons may file written data, views or arguments.

(c) *Construction orders.* Prior to issuance of an order modifying or rescinding a construction order, either in response to an application or on its initiative, FEA may publish notice of the intention to take such action in the FEDERAL REGISTER and shall serve a copy of any such notice on the powerplant that would be affected by the proposed order. Such notice shall describe the proposed action and provide a period of no less than 10 days from the date of its publication in which interested persons may file written data, views or arguments.

§ 303.125 Contents.

(a) An application (other than an application for modification of a prohibition order that is applicable for the period ending prior to June 30, 1975 to make it applicable after June 30, 1975) shall contain a full and complete statement of all relevant facts pertaining to the circumstances, acts or transactions that is the subject of the application and to the FEA action sought. Such facts shall include the names and addresses of all affected persons (if reasonably ascertainable); a description of the acts or transactions that would be affected by the requested action; and a full description of the pertinent provisions and relevant facts contained in any relevant documents. Copies of all contracts, agreements, leases, instruments, and other documents relevant to the application shall be submitted to the FEA upon its request. A copy of the prohibition order or construction order of which modification or rescission is sought shall be included with the application.

The application shall fully describe the events, acts, or transactions that comprise the significantly changed circumstances, as defined in § 303.126(b)(2), upon which the application for modification or rescission of a prohibition order or construction order is based. The application shall state why, if the significantly changed circumstance is new or newly discovered facts, such facts were not or could not have been presented during the prior proceeding.

(b) An application for modification of a prohibition order that is applicable for the period ending prior to or on June 30, 1975 to make it applicable after June 30, 1975 shall contain the information required to be submitted by § 303.35(a).

(c) The applicant shall state whether he requests or intends to request that there be a conference regarding an application (other than an application for modification of an order that is applicable for a period ending prior to or on June 30, 1975 to make it applicable after June 30, 1975). Any request not made at the time the application is filed shall be made as soon thereafter as possible, to insure that the conference is held when it will be most beneficial. The request and the FEA's determination regarding it shall be made in accordance with Subpart N of this part, which determination is in FEA's discretion.

(d) The application shall include a discussion of all relevant authorities, including, but not limited to, FEA or EPA rulings, regulations, interpretations, and decisions on appeal and exceptions relied upon to support the action sought therein.

§ 303.126 FEA evaluation.

(a) *Processing.* (1) The FEA may initiate an investigation of any statement in an application or any other document submitted to it and may utilize in its evaluation any relevant facts obtained by such investigation. The FEA may solicit or accept submissions from third persons relevant to any application for modification or rescission or other document provided that the applicant is accorded an opportunity to respond to all relevant third person submissions, other than written comments or oral presentations in response to a notice of intention to issue modification or rescission of an order. In evaluating an application for modification or rescission or other document, the FEA may conduct its own investigation and consider any other source of information. The FEA may on its initiative convene a conference, if, in its discretion, it considers that such will advance its evaluation of the application.

(2) If the FEA determines that there is insufficient information upon which to base a decision and if upon request the necessary additional information is not submitted, the FEA may dismiss the application without prejudice. If the failure to supply additional information is repeated or willful, the FEA may dismiss the application with prejudice.

(b) *Criteria.* (1) The decision with respect to modification of a prohibition order that is applicable for a period ending prior to or on June 30, 1975 to make it applicable after June 30, 1975, either in response to an application or on its initiative, shall depend on whether FEA can make the findings stated in § 305.3 (b) or § 305.4(b) of this chapter, as appropriate, and, with respect to major fuel burning installations, shall include a consideration of the factors stated in § 305.4 (c) and (d) of this chapter when applicable.

(2) FEA's decision with respect to modification or rescission of a prohibition order or a construction order, other than the modification described in subparagraph (1) of this paragraph, either in response to an application or on its initiative, shall be based on a determination that there are significantly changed circumstances. For purposes of this paragraph, the term "significantly changed circumstances" shall mean—

(i) The discovery of material facts that were not known or could not have been known at the time of the proceeding and action upon which the application is based—in particular, those that would substantially affect the findings

made by FEA in accordance with §§ 305.3(b), 305.4(b), or 307.3 (b) and (c) of this chapter, or the factors considered pursuant to §§ 305.4(c) and 307.3(d) of this chapter.

(ii) The discovery of a law, regulation, interpretation, ruling, order or decision on appeal or exception that was in effect at the time of the proceeding upon which the application or order is based and which, if such had been made known the FEA, would have been relevant to the proceeding and would have substantially altered the outcome; or

(iii) There has been a substantial change in the facts or circumstances upon which was based an outstanding and continuing prohibition order or, upon which was based an outstanding and continuing construction order, which change occurred during the interval between issuance of the order and service of the Notice of Effectiveness, or occurred during the interval after service of the Notice of Effectiveness and the application for modification or rescission of a prohibition order, or during the interval between issuance of a construction order and the date of the application for modification or rescission of it, and was caused by forces or circumstances beyond the control of the applicant.

§ 303.127 Decision and order.

(a) Upon consideration of the application and other relevant information received or obtained during the proceeding, the FEA shall issue an appropriate order.

(1) If the appropriate order is a modification of a prohibition order that is applicable for a period ending prior to or on June 30, 1975 to make it applicable after June 30, 1975, such order shall not become effective (i) until (A) the Administrator of EPA notifies the FEA under section 119(d)(1)(B) of the Clean Air Act that the affected powerplant or major fuel burning installation will be able on and after July 1, 1975 to burn coal and to comply with all applicable air pollution requirements without a compliance date extension or (B) if no notification is given, the date which the Administrator of EPA certifies pursuant to section 119(d)(1)(B) of the Clean Air Act is the earliest date that the powerplant or major fuel burning installation will be able to comply with all applicable requirements of such section 119, and (ii) until FEA has served the affected powerplant or major fuel burning installation a Notice of Effectiveness. Upon receipt of notification or certification by the Administrator of EPA, in accordance with the procedures described in this paragraph, FEA shall issue a Notice of Effectiveness.

(2) Prohibition orders as modified shall not be effective during any period certified by the Administrator of EPA under section 119(d)(3)(B) of the Clean Air Act.

(b) (1) *Prohibition orders applicable for a period ending prior to or on June 30, 1975 modified to make them applicable after June 30, 1975.* The order shall include a written statement of the pertinent facts, a recitation of the conclusions regarding the findings to be made by FEA in accordance with §§ 305.3(b) or 305.4(b) of this chapter, as appropriate, and a summary of the rationale for each, and a statement of the legal basis upon which the order is issued. The order shall provide that any person aggrieved thereby may file an appeal with the Office of Exceptions and Appeals in accordance with Subpart H of this part. The order shall state that it will not become effective prior to a date set in accordance with section 119 of the Clean Air Act and service of a Notice of Effectiveness by FEA, and that it will not be effective for any period certified by the Administrator of EPA pursuant to section 119(d)(3)(B) of such Act.

(2) *Other prohibition orders.* The order shall include a written statement setting forth the pertinent facts and legal basis of the order. The order shall provide that any person aggrieved thereby may file an appeal with the FEA Office of Exceptions and Appeals in accordance with Subpart H of this part. If appropriate, it shall state that the modified prohibition order will not be effective for any period certified by the Administrator of EPA pursuant to section 119(d)(3)(B) of the Clean Air Act.

(c) *Construction orders.* The order shall include a written statement setting forth the pertinent facts and legal basis of the order. The order shall provide that any person aggrieved thereby may file an appeal with the FEA Office of Exceptions and Appeals in accordance with Subpart H of this part.

(d) The FEA shall serve a copy of the order upon the applicant or, if the action was initiated by FEA, upon the affected powerplant or major fuel burning installation, and any other person who participated in the proceeding by filing written comments or making oral presentation. Notice of issuance of an order modifying or rescinding a prohibition order or a construction order shall be published in the FEDERAL REGISTER.

§ 303.128 Timeliness.

(a) *Prohibition orders applicable for a period ending prior to or on June 30, 1975.* If the FEA fails to take action on an application for modification or rescission of a prohibition order that is applicable for a period ending prior to or on June 30, 1975 within 30 days of filing, the applicant may treat the application as having been denied in all respects and may appeal therefrom as provided in this subpart.

(b) *Prohibition orders for a period ending after June 30, 1975.* If the FEA fails to take action on an application for modification or rescission of a prohibition order for a period ending after June 30, 1975 within 30 days of filing, the applicant may treat the application as having been denied in all respects, and may appeal therefrom as provided in this subpart.

(c) *Construction orders.* If FEA fails to take action on an application for modification or rescission of a construction order within 30 days of filing, the applicant may treat the application as having been denied in all respects and may appeal therefrom as provided in this subpart.

(d) In any event, the applicant may treat the application as having been denied in all respects and may seek appeal therefrom as provided in this subpart if FEA fails to issue an order granting or denying the application within 150 days of the filing of such application.

(e) For purposes of this section, the term "action" includes service of a "Notice of Intention to Modify (or Rescind) Prohibiton Order (or Construction Order)" on the applicant.

§ 303.129 Appeal.

(a) Any person aggrieved by an order issued by the FEA under this subpart may file an appeal with the FEA Office of Exceptions and Appeals in accordance with Subpart H of this part.

(b)(1) The appeal of an order (including an order modifying a prohibition order that is applicable for a period ending prior to or on June 30, 1975 to make it applicable after June 30, 1975) shall be filed within 30 days of service of the order from which the appeal is taken or within 30 days of the date on which the applicant can treat the application as being denied in all respects.

(2) The appeal of an order denying an application to modify a prohibition order that is applicable for a period ending prior to or on June 30, 1975 to make it applicable after June 30, 1975 shall be filed within 10 days of service of a Notice of Effectivenes under this subpart.

(c) There has not been an exhaustion of administrative remedies until an appeal has been filed pursuant to Subpart H of this part and the appellate proceeding is completed by the issuance of an order granting or denying the appeal.

Subpart K—Modification or Rescission of Orders (Other Than Prohibition Orders or Construction Orders) and Interpretations

§ 303.130 Purpose and scope.

(a) This subpart establishes the procedures for the filing of an application for modification or rescission of an FEA order (other than a prohibition order or construction order) or an interpretation. Modification or rescission is a summary proceeding that will be initiated only if the criteria described in § 303.135(b) are satisfied.

(b) A proceeding for modification or rescission of an order (other than a prohibition order or construction order) or an interpretation may be commenced by FEA in response to an application or on its initiative. Sections 303.133(c)(2), 303.135(a)(1), 303.136 (b) and (c), and 303.138 of this subpart shall be applicable to the proceeding regardless of the manner in which the proceeding was initiated. Other sections of this subpart apply only to a proceeding commenced in response to an application.

§ 303.131 What to file.

(a) A person filing under this subpart shall file an "Application for Modifica-

tion (or Rescission)" which should be clearly labeled, using the appropriate terms, as such both on the application and on the outside of the envelope in which the application is transmitted, and shall be in writing and signed by the person filing the application. The applicant shall comply with the general filing requirements stated in § 303.9 in addition to the requirements stated in this subpart.

(b) If the applicant wishes to claim confidential treatment for any information contained in the application or other documents submitted under this subpart, the procedures set out in § 303.9(f) shall apply.

§ 303.132 Where to file.

All applications for modification or rescission filed under this subpart shall be filed with the Office of Exceptions and Appeals at the address provided in § 303.12.

§ 303.133 Notice.

(a) The applicant shall send by United States mail a copy of the application and any subsequent amendments or other documents relating to the application, from which confidential information has been deleted in accordance with § 303.9(f), to each person who is reasonably ascertainable by the applicant as a person who will be aggrieved by the FEA action sought, including persons who participated in the prior proceeding. The copy of the application shall be accompanied by a statement that the person may submit comments regarding the application to the FEA office with which the application was filed within 10 days. The application filed with the FEA shall include certification to the FEA that the applicant has complied with the requirements of this paragraph and shall include the names and addresses. The applicant shall comply with the general filing requirements stated in § 303.9 in addition to the requirements stated in this subpart.

(b) If the applicant wishes to claim confidential treatment for any information contained in the application or other documents submitted under this subpart, the procedures set out in § 303.9(f) shall apply.

§ 303.132 Where to file.

All applications for modification or rescission filed under this subpart shall be filed with the Office of Exceptions and Appeals at the address provided in § 303.12.

§ 303.133 Notice.

(a) The applicant shall send by United States mail a copy of the application and any subsequent amendments or other documents relating to the application, from which confidential information has been deleted in accordance with § 303.9(f), to each person who is reasonably ascertainable by the applicant as a person who will be aggrieved by the FEA action sought, including persons who participated in the prior proceeding. The copy of the application shall be accompanied by a statement that the person may submit comments regarding the application to the FEA office with which the application was filed within 10 days. The application filed with the FEA shall include certification to the FEA that the applicant has complied with the requirements of this paragraph and shall include the names and addresses of each person to whom a copy of the application was sent.

(b) Notwithstanding paragraph (a) of this section, if an applicant determines that compliance with paragraph (a) would be impracticable, the applicant shall:

(1) Comply with the requirements of subsection (a) of this section with regard to those persons whom it is reasonable and possible to notify; and

(2) Include with the application a description of the persons or class or classes of persons to whom notice was not sent.

The FEA may require the applicant to provide additional or alternative notice, or may determine that the notice required by paragraph (a) of this section is not impracticable, or may determine that notice should be published in the FEDERAL REGISTER.

(c)(1) The FEA shall serve notice on any other person readily identifiable by the FEA as one who will be aggrieved by the FEA action sought and may serve notice on any other person that written comments regarding the application will be accepted if filed within 10 days of service of that notice.

(2) If FEA on its initiative commences a proceeding for the modification or rescission of an order (other than a prohibition order or construction order) or an interpretation, it shall give notice, either by service of a written notice or by verbal communication, which communication shall be promptly confirmed in writing, on each person who was served the order or interpretation that FEA proposes to modify. A reasonable period of time shall be given for each person notified to file a written response or give a verbal communication, if promptly confirmed in writing.

(d) Any person submitting written comments to the FEA with respect to an application filed under this subpart shall send a copy of the comments, or a copy from which confidential information has been deleted in accordance with § 303.9(f), to the applicant. The person shall certify to the FEA that it has complied with the requirements of this subsection. The FEA may notify other persons participating in the proceeding of such comments and provide an opportunity for such persons to respond.

§ 303.134 Contents.

(a) The application shall contain a full and complete statement of all relevant facts pertaining to the circumstances, acts or transactions that are the subject of the application and to the FEA action sought. Such facts shall include the names and addresses of all affected persons (if reasonably ascertainable); a complete statement of the business or other reasons that justify the act or transaction; a description of the acts or transactions that would be affected by the requested action; and a full description of the pertinent provisions and relevant facts contained in any relevant documents. Copies of all contracts, agreements, leases, instruments, and other documents relevant to the application shall be submitted to the FEA upon its request. A copy of the order or interpretation of which modification or rescission is sought shall be included with the application.

(b) The applicant shall state whether he requests or intends to request that there be a conference regarding the application. Any request not made at the time the application is filed shall be made as soon thereafter as possible, to insure that the conference is held when it will be most beneficial. The request and the FEA's determination regarding it shall be made in accordance with Subpart N of this part, which determination is in FEA's discretion.

(c) The applicant shall fully describe the events, acts, or transactions that comprise the significantly changed circumstances, as defined in § 303.135(b)(2), upon which the application is based. The applicant shall state why, if the significantly changed circumstance is new or newly discovered facts, such facts were not or could not have been presented during the prior proceeding.

(d) The application shall include a discussion of all relevant authorities, including, but not limited to, FEA or EPA rulings, regulations, interpretations and decisions on appeal and exception relied upon to support the action sought therein.

§ 303.135 FEA evaluation.

(a) *Processing.* (1) The FEA may initiate an investigation of any statement in an application or any other document submitted to it and may utilize in its evaluation any relevant facts obtained by such investigation. The FEA may solicit or accept submissions from third persons relevant to the application for modification or rescission or other document provided that the applicant is afforded an opportunity to respond to all relevant third person submissions. In evaluating an application for modification or rescission or other document, the FEA may conduct its own investigation and consider any other source of information. The FEA on its initiative may convene a conference if, in its discretion, it considers that such conference will advance its evaluation of the application.

(2) If the FEA determines that there is insufficient information upon which to base a decision and if upon request the necessary additional information is not submitted, the FEA may dismiss the application without prejudice. If the failure to supply additional information is repeated or willful, the FEA may dismiss the application with prejudice. If the applicant fails to provide the notice required by § 303.133, the FEA may dismiss the application without prejudice.

(3) *Failure to satisfy requirements.* (i) If the applicant fails to satisfy the requirements of paragraph (b)(1) of this section, the FEA shall issue an order denying the application. The order shall state the grounds for the denial.

(ii) The order denying the application shall become final within 10 days of its service upon the applicant, unless within such 10-day period an amendment to correct the deficiencies identified in the order is filed with the Office of Exceptions and Appeals.

(iii) Within 10 days of the filing of such amendment, the FEA shall notify the applicant whether the amendment corrects the specified deficiencies. If the amendment does not correct the deficiencies, the notice shall be an order dismissing the application as amended. Such order shall be a final order of the FEA of which the applicant may seek judicial review.

(b) *Criteria.* (1) An application for modification or rescission of an order (other than a prohibition order or construction order) or an interpretation shall be processed only if—

(i) The application demonstrates that it is based on significantly changed circumstances; and

(ii) The 30-day period within which a person may file an appeal has lapsed or, if an appeal has been filed, a final order has been issued.

(2) For purposes of this subpart, the term "significantly changed circumstances" shall mean—

(i) The discovery of material facts that were not known or could not have been known at the time of the proceeding and action upon which the application is based;

(ii) The discovery of a law, regulation, interpretation, ruling, order or decision on appeal or exception that was in effect at the time of the proceeding upon which the application is based and which, if such had been made known to the FEA, would have been relevant to the proceeding and would have substantially altered the outcome; or

(iii) There has been a substantial change in the facts or circumstances upon which an outstanding and continuing order or interpretation of the FEA affecting the applicant was issued, which change has occurred during the interval between issuance of such order or interpretation and the date of the application and was caused by forces or circumstances beyond the control of the applicant.

§ 303.136 Decision and order.

(a) Upon consideration of the application and other relevant information received or obtained during the proceeding, the FEA shall issue an order granting or denying the application.

(b) The order shall include a written statement setting forth the pertinent facts and the legal basis of the order. The order shall state that it is a final order of which the applicant may seek judicial review.

(c) The FEA shall serve a copy of the order upon the applicant, any other person who participated in the proceeding and upon any other person readily identifiable by the FEA as one who is aggrieved by such order.

§ 303.137 Timeliness.

(a) If the FEA fails to take action on any application filed under this subpart within 90 days of filing, the applicant may treat the application as having been denied in all respects and may appeal therefrom as provided in this subpart.

§ 303.138 Appeal.

The denial of an application for modification or rescission filed under this subpart shall be a final order of FEA of which the applicant may seek judicial review.

Subpart L—Rulings

§ 303.150 Purpose and scope.

This subpart establishes the criteria for the issuance of interpretative rulings by the General Counsel. All rulings shall be published in the FEDERAL REGISTER. Any person is entitled to rely upon such ruling to the extent provided in this subpart.

§ 303.151 Criteria for issuance.

(a) A ruling may be issued, in the discretion of the General Counsel, whenever there have been a substantial number of inquiries with regard to similar factual situations or a particular section of the regulations.

(b) The General Counsel may issue a ruling whenever it is determined that it will be of assistance to the public in applying the regulations to a specific situation.

§ 303.152 Modification or rescission.

(a) A ruling may be modified or rescinded by:

(1) Publication of the modification or rescission in the FEDERAL REGISTER; or

(2) A rulemaking proceeding in accordance with Subpart M of this part.

(b) Unless and until a ruling is modified or rescinded as provided in subsection (a) of this section, no person shall be subject to the sanctions or penalties stated in Subpart Q of this part for actions taken in reliance upon the ruling, notwithstanding that the ruling shall thereafter be declared by judicial or other competent authority to be invalid. Upon such declaration, no person shall be entitled to rely upon the ruling.

§ 303.153 Comments.

A written comment on or objection to a published ruling may be filed at any time with the General Counsel at the address provided in § 303.12.

§ 303.154 Appeal.

There is no administrative appeal of a ruling.

Subpart M—Rulemaking

§ 303.160 Purpose and scope.

(a) This subpart establishes the procedures that govern a rulemaking proceeding. The initiation of a rulemaking proceeding is within the sole discretion of the FEA.

(b) Rulemaking by the FEA shall be in accordance with the Administrative Procedure Act (5 U.S.C. 551, *et seq.* (1970)) and the FEAA.

§ 303.161 What to file.

(a) *Comments in connection with a rulemaking.* Any comments filed in connection with a rulemaking shall be filed in accordance with the instructions in the Notice of Proposed Rulemaking published in the FEDERAL REGISTER. Such comments shall be in writing and signed by the person filing them.

(b) *Petition for rulemaking.* (1) Any person may at any time file a petition regarding any FEA regulation or amendment thereto or, by letter, request that a rulemaking proceeding be instituted. Such petition or request shall be signed by the person filing it.

(2) Upon due consideration of a petition for rulemaking, expressly designated as such, the FEA shall either: (i) institute a rulemaking as proposed or as modified in its discretion; (ii) notify the petitioner in writing that it does not intend to institute a rulemaking as proposed or as modified and stating the reasons therefore; or (iii) notify the petitioner in writing that the matter is under continuing consideration and that no decision can be made at that time because of the inadequacy of available information, changing circumstances or other reasons as set forth in such notice.

§ 303.162 Where to file.

All comments filed in connection with a rulemaking shall be submitted in accordance with the instructions in the Notice of Proposed Rulemaking. Any other petition or request shall be filed with the General Counsel at the address provided in § 303.12.

Subpart N—Conferences, Hearings, and Public Hearings

§ 303.170 Purpose and scope.

This subpart establishes the procedures for requesting and conducting an FEA conference, hearing, or public hearing. Such proceedings shall be convened in the discretion of the FEA, consistent with the requirements of the FEAA and ESECA.

§ 303.171 Conferences.

(a) The FEA in its discretion may direct that a conference be convened, on its initiative or upon request by a person, when it appears that such conference will materially advance the proceeding. The determination as to who may attend a conference convened under this subpart shall be in the discretion of the FEA, but a conference will usually not be open to the public.

(b) A conference may be requested in connection with any proceeding of the FEA by any person who might be aggrieved by that proceeding. The request may be made in writing or verbally, but must include a specific showing as to why such conference will materially advance the proceeding. The request shall be addressed to the FEA office that is conducting the proceeding.

(c) A conference may only be convened after actual notice of the time,

place, and nature of the conference is provided to the person who requested the conference.

(d) When a conference is convened in accordance with this section, each person may present views as to the issue or issues involved. Documentary evidence may be presented at the conference, but will be treated as if submitted in the regular course of the proceedings. A transcript of the conference will not usually be prepared. However, the FEA in its discretion may have a verbatim transcript prepared.

(e) Because a conference is solely for the exchange of views incident to a proceeding, there will be no formal reports or findings unless the FEA in its discretion determines that such would be advisable.

§ 303.172 Hearings.

(a) The FEA in its discretion may direct that a hearing be convened, on its initiative or upon request by a person, when it appears that such hearing will materially advance the proceeding. The determination as to who may attend a hearing convened under this subpart shall be in the discretion of the FEA, but a hearing will usually not be open to the public.

(b) A hearing may only be requested in connection with an application for an exception, or an appeal. Such request may be by the applicant, appellant, or any other person who might be aggrieved by the FEA action sought. The request shall be in writing and shall include a specific showing as to why such hearing will materially advance the proceeding. The request shall be addressed to the Office of Exceptions and Appeals as provided in § 303.12.

(c) The FEA will designate an agency official to conduct the hearing, and will specify the time and place for the hearing.

(d) A hearing may only be convened after actual notice of the time, place, and nature of the hearing is provided both to the applicant or appellant and to any other person reasonably identifiable by the FEA as one who will be aggrieved by the FEA action involved. The notice shall include, as appropriate:

(1) A statement that such person may participate in the hearing; or

(2) A statement that such person may request a separate conference or hearing regarding the application or appeal.

(e) When a hearing is convened in accordance with this section, each person may present views as to the issue or issues involved. Documentary evidence may be presented at the hearing, but will be treated as if submitted in the regular course of the proceedings. A transcript of the hearing will not usually be prepared. However, the FEA in its discretion may have a verbatim transcript prepared.

(f) The official conducting the hearing may administer oaths and affirmations, rule on the presentation of information, receive relevant information, dispose of procedural requests, determine the format of the hearing, and otherwise regulate the course of the hearing.

(g) Because a hearing is solely for the exchange of views incident to a proceeding, there will be no formal reports or findings unless the FEA in its discretion determines that such would be advisable.

§ 303.173 Public hearings.

(a) A public hearing shall be convened prior to issuance of a prohibition order applicable after June 30, 1975 and prior to the modification of a prohibition order that is applicable for a period ending prior to or on June 30, 1975 to make such order applicable after June 30, 1975.

(b) A public hearing shall be convened incident to a rulemaking:

(1) When the proposed rule or regulation is likely to have a substantial impact on the Nation's economy or large numbers of individuals or businesses; or

(2) When the FEA determines that a public hearing would materially advance the consideration of the issue. A public hearing may be requested by any interested person in connection with a rulemaking proceeding, but shall only be convened on the initiative of the FEA unless otherwise required by statute.

(c) A public hearing may be convened incident to any other proceeding when the FEA in its discretion determines that such public hearing would materially advance the consideration of the issue.

(d) A public hearing may only be convened after publication of a notice in the FEDERAL REGISTER, which shall state the time, place, and nature of the public hearing.

(e) Interested persons may file a request to participate in the public hearing in accordance with the instructions in the notice published in the FEDERAL REGISTER. The request shall be in writing and signed by the person making the request. It shall include a description of the person's interest in the issue or issues involved and of the anticipated content of the presentation. It shall also contain a statement explaining why the person would be an appropriate spokesperson for the particular view expressed.

(f) The FEA shall appoint a presiding officer to conduct the public hearing. An agenda shall be prepared that shall provide, to the extent practicable, for the presentation of all relevant views by competent spokespersons.

(g) A verbatim transcript shall be made of the hearing. The transcript, together with any written comments submitted in the course of the proceeding, shall be made available for public inspection and copying in the public docket room described in § 303.13.

(h) The information presented at the public hearing, together with the written comments submitted and other relevant information developed during the course of a proceeding, shall provide the basis for the FEA decision.

Subpart O—Complaints

§ 303.180 Purpose and scope.

This subpart establishes the procedures for the filing and consideration of complaints relating to alleged violations of the regulations stated in Parts 303, 305 or 307 of this chapter.

§ 303.181 What to file.

A person filing under this subpart shall file a "Complaint (ESECA)" which should be clearly labeled as such both on the complaint and on the outside of the envelope in which the complaint is transmitted, and shall be in writing and signed by the person filing the complaint. The complainant shall comply with the general filing requirements stated in § 303.9 in addition to the requirements stated in this subpart. Verbal complaints that otherwise satisfy the requirements of this subpart will be accepted, but written verification may be requested by the FEA.

§ 303.182 Where to file.

A complaint shall be filed with the FEA National Office at the address provided in § 303.12.

§ 303.183 Contents.

The complaint shall contain a full and complete statement of all relevant facts pertaining to the act or transaction that is the subject of the complaint and to the FEA action sought. Such facts shall include the names and addresses of all persons involved (if reasonably ascertainable) and a description of the events that led to the complaint. It shall include a statement describing the regulation, ruling, order or interpretation that allegedly has been violated.

§ 303.184 FEA evaluation.

(a) *Processing.* The FEA may initiate an investigation of any statement in a complaint or any other document submitted to it and may utilize in its evaluation any relevant facts obtained by such investigation. The FEA may solicit or accept submissions relevant to a complaint or other document from third persons to the proceeding. In evaluating a complaint, the FEA may consider any other source of information. The FEA on its initiative may order a conference if, in its discretion, it considers such conference will advance its evaluation of the complaint.

(b) *Confidentiality of information.* Information received in the investigation of a complaint, including the identity of the complainant and any other person who provides information during the proceeding, shall remain confidential to the extent it is covered by the investigatory file exception to public disclosure contained in 5 U.S.C. 552 unless, upon proper notice to the complainant and an opportunity to respond, the FEA determines that disclosure would be in the public interest.

§ 303.185 Decision.

After consideration of a written complaint, unless written verification of a verbal complaint was not requested, and of other relevant information received or obtained during the proceeding, the FEA may:

(a) Issue a notice of probable violation or remedial order for immediate compliance in accordance with the provisions of Subpart P of this part;

(b) Determine that no violation has occurred or that a notice of probable violation or a remedial order for immediate compliance would not be appropriate; or

(c) Take such other action as it deems appropriate.

Subpart P—Notice of Probable Violation and Remedial Order

§ 303.190 Purpose and scope.

(a) This subpart establishes the procedures for determining the nature and extent of violations of the FEA regulations stated in Parts 303, 305, and 307 of this chapter and the procedures for issuance of a notice of probable violation, a remedial order, or a remedial order for immediate compliance.

(b) When any report required by the FEA or any audit or investigation discloses, or the FEA otherwise discovers, that there is reason to believe a violation of any provision of Parts 303, 305, or 307 of this chapter, or any order issued thereunder, has occurred, is continuing or is about to occur, the FEA may conduct proceedings to determine the nature and extent of the violation and may issue a remedial order thereafter. The FEA may commence such proceeding by serving a notice of probable violation or by issuing a remedial order for immediate compliance.

§ 303.191 Notice of probable violation.

(a) The FEA may begin a proceeding under this subpart by issuing a notice of probable violation if the FEA has reason to believe that a violation has occurred, is continuing, or is about to occur.

(b) Within 10 days of the service of a notice of probable violation, the person upon whom the notice is served may file a reply with the FEA office that issued the notice of probable violation at the address provided in § 303.12. The FEA may extend the 10-day period for good cause shown.

(c) The reply shall be in writing and signed by the person filing it. The reply shall contain a full and complete statement of all relevant facts pertaining to the act or transaction that is the subject of the notice of probable violation. Such facts shall include a complete statement of the business or other reasons that justify the act or transaction, if appropriate; a detailed description of the act or transaction; and a full discussion of the pertinent provisions and relevant facts reflected in any documents submitted with the reply. Copies of all relevant contracts, agreements, leases, instruments, and other documents shall be submitted with the reply. When the notice of probable violation pertains to only one step of a larger integrated transaction, the facts, circumstances, and other relevant information regarding the entire transaction shall be submitted.

(d) The reply shall include a discussion of all relevant authorities, including, but not limited to FEA and EPA rulings, regulations, interpretations, and decisions on appeal and exception relied upon to support the particular position taken.

(e) The reply should indicate whether the person requests or intends to request a conference regarding the notice. Any request not made at the time of the reply shall be made as soon thereafter as possible to insure that the conference is held when it will be most beneficial. A request for a conference must conform to the requirements of Subpart N of this part, which determination is within FEA's discretion.

(f) If a person has not filed a reply with the FEA within the 10-day period provided, and the FEA has not extended the 10-day period, the person shall be deemed to have conceded the accuracy of the factual allegations and legal conclusions stated in the notice of probable violation.

(g) If the FEA finds, after the 10-day period provided in § 303.191(b), that no violation has occurred, is continuing, or is about to occur, or that for any reason the issuance of a remedial order would not be appropriate, it shall notify in writing, the person to whom a notice of probable violation has been issued that the notice is rescinded.

§ 303.192 Remedial order.

(a) If the FEA finds, after the 10-day period provided in § 303.191(b), that a violation has occurred, is continuing, or is about to occur, the FEA may issue a remedial order. The order shall include a written statement setting forth the relevant facts and the legal basis of the remedial order.

(b) A remedial order issued under this section shall be effective upon issuance, in accordance with its terms, until stayed, suspended, modified, or rescinded. A remedial order shall remain in effect notwithstanding the filing of an application to modify or rescind it under Subpart K.

(c) A remedial order may be referred at any time to the Department of Justice for appropriate action in accordance with Subpart Q of this part.

§ 303.193 Remedial order for immediate compliance.

(a) Notwithstanding the provisions of §§ 303.191 and 303.192, the FEA may issue a remedial order for immediate compliance, which shall be effective upon issuance and until rescinded or suspended, if it finds that:

(1) there is a strong probability that a violation has occurred, is continuing or is about to occur;

(2) irreparable harm will occur unless the violation is remedied immediately; and

(3) the public interest requires the avoidance of such irreparable harm through immediate compliance and waiver of the procedures afforded under §§ 303.191 and 303.192.

(b) A remedial order for immediate compliance shall be served promptly by telex or telegram upon the person against whom such order is issued, with a copy of the remedial order for immediate compliance served by registered or certified mail. The order shall contain a written statement of the relevant facts and the legal basis for the remedial order for immediate compliance, including the findings required by paragraph (a) of this section.

(c) The FEA may rescind or suspend a remedial order for immediate compliance if it appears that the criteria set forth in paragraph (a) of this section are no longer satisfied. When appropriate, however, such a suspension or rescission may be accompanied by a notice of probable violation issued under § 303.191.

(d) If at any time in the course of a proceeding commenced by a notice of probable violation the criteria set forth in subsection (a) of this section are satisfied, the FEA may issue a remedial order for immediate compliance, even if the 10-day period for reply specified in § 303.191 (b) has not expired.

(e) At any time after a remedial order for immediate compliance has become effective, the FEA may refer such order to the Department of Justice for appropriate action in accordance with Subpart Q of this part.

§ 303.194 Remedies.

A remedial order or a remedial order for immediate compliance may require the person to whom it is directed to take such action as the FEA determines is necessary to eliminate or to compensate for the effects of a violation.

§ 303.195 Appeal.

(a) No notice of probable violation issued pursuant to this subpart shall be deemed to be an action of which there may be an administrative appeal pursuant to Subpart H of this part.

(b) Any person to whom a remedial order or a remedial order for immediate compliance is issued under this subpart may file an appeal with the FEA Office of Exceptions and Appeals in accordance with Subpart H of this part. The appeal must be filed within 10 days of service of the order from which the appeal is taken.

Subpart Q—Investigations, Violations, Sanctions and Judicial Actions

§ 303.200 Investigations.

(a) *General.* The FEA may, in its discretion, initiate investigations relating to compliance by any person with any rule, regulation, or order promulgated by the FEA under the authority of sections 2 and 12 of ESECA, any decree of court relating thereto, or any other agency action. The FEA encourages voluntary cooperation with its investigations. When the circumstances warrant, however, the FEA may issue subpoenas in accordance with and subject to § 303.8. The FEA may conduct investigative conferences and hearings in the course of any investigation in accordance with Subpart N of this part, which determination is within FEA's discretion.

(b) *Investigators.* Investigations will be conducted by representatives of the FEA who are duly designated and authorized for such purposes. Such representatives have the authority to administer oaths and receive affirmations in any matter under investigation by the FEA.

(c) *Notification.* Any person who is under investigation by the FEA in accordance with this section and who is requested to furnish information or documentary evidence shall be notified as to the general purpose for which such information or evidence is sought.

(d) *Termination.* When the facts disclosed by an investigation indicate that further action is unnecessary or unwarranted at that time, the investigative file will be closed without prejudice to further investigation by the FEA at any time that circumstances so warrant.

(e) *Confidentiality.* Information received in an investigation under this section, including the identity of the person investigated and any other person who provides information during the investigation, shall, unless otherwise determined by the FEA, remain confidential to the extent it is covered under the investigatory file exception to public disclosure contained in 5 U.S.C. 522.

§ 303.201 Violations.

Any practice that circumvents or contravenes or results in a circumvention or contravention of the requirements of any provision of Parts 303, 305, or 307 of this chapter or any order issued pursuant thereto is a violation of the FEA regulations stated in such parts and is unlawful.

§ 303.202 Sanctions.

(a) *General.* Any person who violates any provision of Parts 303, 305, or 307 of this chapter or any order issued pursuant thereto shall be subject to penalties and sanctions as provided herein.

(1) The provisions herein for penalties and sanctions shall be deemed cumulative and not mutually exclusive.

(2) Each day that a violation of the provisions of Parts 303, 305, or 307 of this chapter or any order issued pursuant thereto continues shall be deemed to constitute a separate violation within the meaning of the provisions of this part relating to criminal fines and civil penalties.

(b) *Criminal Fines.* Any person who willfully violates any provision of Parts 303, 305, or 307 of this chapter or any order issued pursuant thereto shall be subject to a fine of not more than $5,000 for each violation. Criminal violations are prosecuted by the Department of Justice upon referral by the FEA.

(c) *Civil Penalties.* (1) Any person who violates any provision of Parts 303, 305, or 307 of this chapter or any order issued pursuant thereto shall be subject to a civil penalty of not more than $2,500 for each violation. Actions for civil penalties are prosecuted by the Department of Justice upon referral by the FEA.

(2) When the FEA considers it to be appropriate or advisable, the FEA may compromise and settle, and collect civil penalties.

(d) *Other Penalties.* Willful concealment of material facts, or false or fictitious or fraudulent statements or representations, or willful use of any false writing or document containing false, fictitious or fraudulent statements pertaining to matters within the scope of the ESECA or FEAA by any person shall subject such person to the criminal penalties provided in 18 U.S.C. 1001 (1970).

§ 303.203 Injunctions.

Whenever it appears to the FEA that any person has engaged, is engaged, or is about to engage in any act or practice constituting a violation of any regulation or order issued under Parts 303, 305, or 307 of this chapter, FEA may request the Attorney General to bring a civil action in the appropriate district court of the United States to enjoin such acts or practices and, upon a proper showing, a temporary restraining order or a preliminary or permanent injunction shall be granted without bond. The relief sought may include a mandatory injunction commanding any person to comply with any provision of such order or regulation, the violation of which is prohibited by section 12(a) of ESECA.

2. Chapter II of 10 Code of Federal Regulations is amended to add Part 305, which reads as follows:

PART 305—COAL UTILIZATION

Sec.

§ 305.1 Scope.

(a) *Applicability.*

This part applies to certain powerplants and major fuel burning installations that FEA is authorized to prohibit from burning natural gas or petroleum products as their primary energy source.

(b) *Purpose.*

This part, together with Part 303 of this chapter, establishes the methods and procedures by which FEA will exercise its powers under section 2 of ESECA to prohibit a powerplant or major fuel burning installation from burning natural gas or petroleum products as its primary energy source.

§ 305.2 Definitions.

For purposes of this part:

"Action" means a prohibition order, or modification or rescission of such order, issued by FEA pursuant to sections 2 (a) and (b) of ESECA.

"Air pollution requirements" means any emission limitation, schedule or timetable for compliance, or other requirement, which is prescribed under any Federal, State, or local law or regulation, including the Clean Air Act (except for any requirement prescribed under subsections (c) or (d) of section 119, section 110(a)(2)(F)(v), or section 303 of such Act), and which limits stationary source emissions resulting from combustion of fuels (including a prohibition on, or specification of, the use of any fuel or any type, grade, or pollution characteristic).

"Clean Air Act" means the Clean Air Act, as amended, 42 U.S.C. 1857, et seq. (1970), as amended by Pub. L. 93-319, 88 Stat. 246.

"Coal" includes coal derivatives.

"Compliance date extension" means an extension issued by the Administrator of EPA in accordance with section 119(c) of the Clean Air Act as a result of which a powerplant or major fuel burning installation may not, until January 1, 1979, be prohibited, by reason of the application of any air pollution requirement, from burning coal which is available to that source, except as otherwise provided in section 119(d)(3) of that Act.

"EPA" means the Environmental Protection Agency.

"ESECA" means the Energy Supply and Environmental Coordination Act of 1974 (Pub. L. 93-319).

"FEA" means the Federal Energy Administration, including the Administrator of FEA or his delegate.

"Interested person" includes members of the public, as well as any person with an interest sought to be protected under ESECA.

"Major fuel burning installation" means an installation or unit other than a powerplant that has or is a fossil-fuel fired boiler, burner, or other combuster of fuel or any combination thereof at a single site, and includes any person who owns, leases, operates, controls or supervises any such installation or unit.

"Natural gas" includes dry gas and casinghead gas.

"Person" means any association, firm, company, corporation, estate, individual, joint-venture, partnership, or sole proprietorship or any other entity however organized including charitable, educational, or other eleemosynary institutions, and the Federal Government, including corporations, departments, Federal agencies, and other instrumentalities, and State and local governments, and includes any officer, director, owner or duly authorized representative thereof. The FEA may, in regulations and in any forms issued in this part, treat as a person:

(a) A parent and the consolidated and unconsolidated entities (if any) which it directly or indirectly controls, (b) a parent and its consolidated entities, (c), an unconsolidated entity, or (d) any part of a person.

"Petroleum product" means crude oil, residual fuel oil or any refined petroleum product, as that last term is defined in section 3(5) of the Emergency Petroleum Allocation Act of 1973.

"Powerplant" means one or more fossil-fuel fired steam electric generating units that produce electric power for purposes of sale or exchange, and includes any person who owns, leases, operates, controls or supervises any such unit or units.

"Primary energy source" means, with respect to a powerplant or major fuel burning installation that utilizes fossil fuels, the fuel that is or will be used for all purposes except for the minimum amounts required for start-up, testing, flame stabilization and control.

"Proceeding" means the process and activity, and any part thereof, instituted by the FEA, either on its initiative or in response to an application submitted by a powerplant or major fuel burning installation, that may lead to an action by FEA.

"Prohibition order" means a directive issued by FEA pursuant to sections 2 (a) and (b) of ESECA that prohibits a powerplant or major fuel burning installation from burning natural gas or petroleum products as its primary energy source.

"Stationary source fuel or emission limitation" means any emission limitation, schedule or timetable of compliance, or other requirement, which is prescribed under the Clean Air Act (other than sections 119, 111(b), 112, or 303) or contained in an applicable implementation plan (other than a requirement imposed under authority described in section 110(a)(2)(F)(v)), and which limits, or is designed to limit, stationary source emissions resulting from combustion of fuels, including a prohibition on, or specification of, the use of any fuel of any type, grade, or pollution characteristic.

"Temporary Suspension" means a suspension issued to any person by the Administrator of EPA in accordance with section 119(b) of the Clean Air Act that results in the temporary suspension of any stationary source fuel or emission limitation as it applies to such person during any period beginning June 22, 1974, and ending on or before June 30, 1975.

Throughout this part the use of a word or term in the singular shall include the plural and the use of the male gender shall include the female gender.

§ 305.3 Powerplants.

(a) Any powerplant shall be prohibited from using natural gas or petroleum products as its primary energy source, by means of the issuance of a prohibition order to such powerplant, if the findings stated in paragraph (b) of this section are made by FEA. FEA may, at its discretion, make these findings for an individual fossil-fuel fired steam generating unit that produces electric power for sale or exchange or for combinations thereof.

(b) No powerplant shall be prohibited from burning natural gas or petroleum products as its primary energy source unless FEA finds that:

(1) The powerplant on June 22, 1974, had the "capability and necessary plant equipment" to burn coal. For purposes of this finding, "capability and necessary plant equipment" is defined to include, but not be limited to, necessary coal handling facilities and appurtenances—internal and external; adequate facilities for the storage of coal; and other equipment such as a boiler, unloaders, conveyors, crushers, pulverizers, scales, burners, soot blowers, and special coal-burning instrumentation and controls. The absence of any one or combination of these facilities or equipment is not grounds, however, for concluding that the plant lacked the capability and the necessary plant equipment to burn coal.

(2) The prohibition of the utilization of natural gas or petroleum products is "practicable and consistent with the purposes of ESECA." For purposes of this finding—

(i) The determination of the "practicability" of a prohibition shall include an analysis of the reasonableness of additional costs associated with burning coal, including its cost, costs of equipment for coal burning, and costs of complying with the requirements of section 119 of the Clean Air Act. The analysis shall be based on the facts concerning the requirements of section 119 that are available to FEA prior to the time of issuance of the order. The analysis also will take into account the susceptibility of natural gas and petroleum products to volatile changes in price and to interruptions of supply.

(ii) The prohibition shall be considered to be "consistent with the purposes" of ESECA if it serves to discourage the use of natural gas and petroleum products and to encourage increased or continued use of coal by powerplants.

(3) Coal and coal transportation facilities will be available during the period the prohibition is in effect. For purposes of this finding—

(i) The availability of coal shall be evaluated by determining anticipated demand for coal, the type of coal (which may include, but is not limited to, rank, Btu's, moisture, volatiles, ash and sulphur content) that it is anticipated that the powerplant will be able to utilize, the location of such coal, the practicability of its production, including the possibility of new mines being opened, and State or local laws or policies limiting the extraction or utilization of such coal.

(ii) The availability of coal transportation facilities shall be determined by evaluating the means and ease with which coal is or could be transported to the powerplant, including the availability of rolling stock and tracks, barges, pipelines and other relevant means of transportation.

(4) The prohibition will not "impair the reliability of service" in the area served by the powerplant. For purposes of this finding—

(i) Whether there will be an impairment of the "reliability of service" shall be determined by evaluating the length of time of scheduled outage, if any, associated with any prohibition order in relation to other scheduled outages of electric power generating units that are part of the electric power generation system, and the reserve capacity margins of other systems with which the powerplant is interconnected.

(ii) "Impairment" means unreasonable risk of loss of load.

(c) A powerplant may be prohibited from using natural gas or petroleum products as its primary energy source as a result of FEA action taken on its initiative or at the conclusion of a proceeding initiated by an application.

(d) Prior to issuance of a prohibition order to a powerplant that is applicable for the period ending prior to or on June 30, 1975, FEA shall take into account the likelihood that such powerplant will be permitted to burn coal after June 30, 1975. FEA may consider, in determining "likelihood," the potentiality that environmental or economic constraints would prevent the powerplant from burning coal after June 30, 1975.

§ 305.4 Major fuel burning installations.

(a) A major fuel burning installation may be prohibited from using natural gas or petroleum products as its primary energy source by means of the issuance of a prohibition order to such installation if the findings stated in paragraph (b) of this section are made by FEA. FEA may, at its discretion, make these findings for an individual fossil-fuel boiler, burner or other combuster of fuel, or for combinations thereof at a single site.

(b) No major fuel burning installation shall be prohibited from burning natural gas or petroleum products as its primary energy source unless FEA finds that:

(1) The major fuel burning installation fires at a rate of 50 million Btu's per hour or greater and on June 22, 1974, had the capability and necessary plant equipment to burn coal. For purposes of this finding, "capability and necessary plant equipment" is defined to include, but not be limited to, necessary coal handling facilities and appurtenances—internal and external; adequate facilities for the storage of coal; and other equipment such as a boiler, unloaders, conveyors, crushers, pulverizers, scales, burners, soot blowers, and special coal-burning instrumentation and controls. The absence of any one or combination of these facilities or equipment is not grounds, however, for concluding that the installation lacked the capability and the necessary plant equipment to burn coal.

(2) The prohibition of the utilization of natural gas and petroleum products is "practicable and consistent with the purposes of ESECA." For purposes of this finding—

(i) The determination of the "practicability" of a prohibition shall include an analysis of the reasonableness of additional costs associated with burning coal, including its cost, costs of equipment for coal burning, and costs of complying with the requirements of section 119 of the Clean Air Act. The analysis shall be based on the facts concerning the requirements of section 119 that are available to FEA prior to the time of issuance of the order. The analysis also will take into account the susceptibility of natural gas and petroleum products to volatile changes in price and to interruptions of supply.

(ii) The prohibition shall be considered to be "consistent with the purposes" of ESECA if it serves to discourage the use of natural gas and petroleum products and to encourage the use of coal as a primary energy source by major fuel burning installations.

(3) Coal and coal transportation facilities will be available during the period the prohibition is in effect. For purposes of this finding—

(i) The availability of coal shall be evaluated by determining the anticipated demand for coal, the type of coal (which may include, but is not limited to, rank, Btu's, moisture, volatiles, ash and sulfur content) that it is antcipated that the major fuel burning installation will be able to utilize, the practicability of its production, including the possibility of new mines being opened during the period the prohibition order is in effect, and State or local laws or policies limiting the extraction or the utilization of such coal.

(ii) The availability of coal transportation facilities shall be determined by evaluating the means and ease with which coal is or could be transported to the major fuel burning installation, including the availability of rolling stock and tracks, barges, pipelines and other relevant means of transportation.

(c) In selecting a major fuel burning installation for an order prohibiting that installation from burning natural gas or petroleum products as its primary energy source, the FEA shall consider, among other factors, the following: the location of the installation, the production or output of the installation, purpose for which coal would be burned, the quantity of natural gas or petroleum product presently burned, the practicability of burning coal given the short-term variation of demand for output by the installation, and the burden a prohibition order would place on existing coal supply and means of delivery.

(d) Prior to issuance of a prohibition order to a major fuel burning installation that is applicable for the period ending prior to or on June 30, 1975, FEA shall take into account the likelihood that such installation will be permitted to burn coal after June 30, 1975. FEA may consider, in determining "likelihood," the potentiality that environmental or economic constraints would prevent the installation from burning coal after June 30, 1975.

(e) A major fuel burning installation may be prohibited from burning natural gas or petroleum products as its primary energy source as a result of FEA action taken on its own initiative or at the conclusion of proceedings initiated by an application.

§ 305.5 Public participation.

(a) *Prohibition orders that are applicable for a period ending prior to or on June 30, 1975.* No powerplant or major fuel burning installation shall be issued an order that is applicable for a period ending prior to or on June 30, 1975, prohibiting that powerplant or installation from burning natural gas or petroleum products as its primary energy source unless prior to issuance of such order there has been published in the FEDERAL REGISTER a notice of FEA's intent to issue a prohibition order and an opportunity given to interested persons to make written presentation of data, views and arguments regarding such order.

(b) *Prohibition orders applicable after June 30, 1975.* No powerplant or major fuel burning installation shall be issued an order that is applicable after June 30, 1975 (or modification of an order to make it applicable after June 30, 1975), prohibiting that powerplant or installation from burning natural gas or petroleum products as its primary energy source unless prior to issuance of such order there has been published in the FEDERAL REGISTER a notice of FEA's intent to issue a prohibition order and an opportunity given to interested persons to make oral and written presentation of data, views, and arguments.

§ 305.6 Consultation with EPA.

Prior to issuance of a prohibition order to a powerplant or a major fuel burning installation that is applicable for a period ending prior to or on June 30, 1975, the FEA shall consult with the Administrator of EPA.

§ 305.7 Effective date of prohibition orders.

(a) *Prohibition orders that are applicable for a period ending prior to or on June 30, 1975.* A prohibition order issued to a powerplant or major fuel burning installation that is applicable for a period ending prior to or on June 30, 1975, shall not become effective: (1) Until the date that the Administrator of EPA certifies, pursuant to section 119(d)(1)(A) of the Clean Air Act, is the earliest date the powerplant or installation will be able to comply with the air pollution requirements that will be applicable to it; and (2) until FEA has served the affected powerplant or major fuel burning installation a Notice of Effectiveness, as provided in §§ 303.10(b) and 303.37(b) of this chapter. Such order will not be effective for any period certified by the Administrator of EPA pursuant to section 119(d)(3)(B) of such Act.

(b) *Prohibition orders applicable after June 30, 1975.* A prohibition order that is applicable after June 30, 1975 (or modification of an order that is applicable for the period ending prior to or on June 30, 1975, to make it applicable after June 30, 1975), issued to a powerplant or major fuel burning installation shall not become effective: (1) Until either; (i) the Administrator of EPA notifies the FEA, in accordance with section 119(d)(1)(B) of the Clean Air Act, that the powerplant or installation will be able on and after July 1, 1975, to burn coal and to comply with all applicable air pollution requirements without a compliance date extension, or (ii) if no notification is given, the date that the Administrator of EPA certifies pursuant to section 119(d)(1)(B) of the Clean Air Act is the earliest date that the powerplant or installation will be able to comply with all applicable requirements of section 119 of that Act; and (2) until FEA has served the affected powerplant or major fuel burning installation a Notice of Effectiveness, as provided in §§ 303.10(b) and 303.37(b) of this chapter. Such order (or modification) will not be effective during any period certified by the Administrator of EPA under section 119(d)(3)(B) of such Act.

§ 305.8 Modification, rescission and suspension of prohibition orders.

(a) FEA may modify or rescind any prohibition order at any time up to and including December 31, 1978. A modification or rescission of a prohibition order may be the result of an FEA action taken on its own initiative or at the conclusion of proceedings initiated by an application. A prohibition order shall be rescinded or modified to the extent that FEA determines that the findings set out in §§ 305.3(b)(2)–(4) and 305.4(b)(2) and (3) of this part are no longer supported in fact.

(b) The modification or rescission of any prohibition order (other than the modification of an order that is applicable for a period ending prior to or on June 30, 1975, to make it applicable after June 30, 1975) shall be preceded by an opportunity for interested persons to make written presentation of data, views and arguments.

(c) Upon notification by the Administrator of EPA, in accordance with section 119(d)(3)(B) of the Clean Air Act, FEA shall notify the powerplant or major fuel burning installation affected that the prohibition order applicable to it is suspended for the time period certified by the Administrator of EPA by service of a notice of the suspension of a prohibition order.

§ 305.9 Procedures.

(a) All applications for a prohibition order or modification or rescission thereof shall be filed with the FEA in accordance with Subparts B and J, respectively, of Part 303 of this chapter.

(b) Procedures pertaining to issuance of prohibition orders or the modification or rescission thereof (e.g., notice, hearings, content of order, process of evaluation, appeal) are stated in Subparts B and J, respectively, of Part 303 of this chapter.

3. Chapter II of 10 Code of Federal Regulations is amended to add Part 307, which reads as follows:

PART 307—NEW POWERPLANTS

Sec.
307.1 Scope.
307.2 Definitions.
307.3 Use of coal as the primary energy source.
307.4 Public participation.
307.5 Identification of powerplants in the early planning process.
307.6 Procedures.

§ 307.1 Scope.

(a) *Applicability.* This part applies to certain powerplants (other than powerplants utilizing a combustion gas turbine or a combined cycle unit) that are in the early planning process.

(b) *Purpose.* This part, together with Part 303 of this chapter, establishes the methods and procedures by which FEA will exercise its powers under section 2 of ESECA to require a powerplant in the early planning process to be designed and constructed to be capable of using coal as its primary energy source.

§ 307.2 Definitions.

For purposes of this part—

"Action" means a construction order, or modification or rescission of such order, issued by FEA pursuant to section 2 of ESECA.

"Clean Air Act" means the Clean Air Act, as amended, 42 U.S.C. 1857, et seq. (1970), as amended by Pub. L. 93-319, 88 Stat. 246.

"Coal" includes coal derivatives.

"Construction order" means a directive issued by FEA pursuant to section 2(c) of ESECA that requires a powerplant in the early planning process to be designed and constructed to be capable of using coal as its primary energy source.

"Early planning process" means a state in the design and construction of a powerplant to be determined in accordance with § 307.3(b) of this part.

"EPA" means the Environmental Protection Agency.

"ESECA" means the Energy Supply and Environmental Coordination Act of 1974 (Pub. L. 93-319).

"FEA" means the Federal Energy Administration, including the Administrator of FEA or his delegate.

"Interested person" includes members of the public, as well as any person with an interest sought to be protected under ESECA.

"Natural gas" includes dry gas and casinghead gas.

"Person" means any association, firm, company, corporation, estate, individual, joint-venture, partnership, or sole proprietorship or any other entity however organized including charitable, educational, or other eleemosynary institutions, and the Federal Government including corporations, departments, Federal agencies, and other instrumentalities, and State and local governments, and includes any officer, director, owner or duly authorized representative thereof. The FEA may, in regulations and in any forms issued in this part, treat as a person:

(a) A parent and the consolidated and unconsolidated entities (if any) which it directly or indirectly controls, (b) a parent and its consolidated entities, (c) an unconsolidated entity, or (d) any part of a person.

"Petroleum product" means crude oil, residual fuel oil or any refined petroleum product, as that last term is defined in section 3(5) of the Emergency Petroleum Allocation Act of 1973.

"Powerplant" means one or more fossil-fuel fired steam electric generating units that produce electric power for purposes of sale or exchange, and includes any person who owns, leases, operates, controls, or supervises any such unit or units.

"Primary energy source" means, with respect to a powerplant that utilizes fossil fuels, the fuel that is or will be used for all purposes except the minimum amounts required for start-up, testing, flame stabilization and control.

"Proceeding" means the process and activity, and any part thereof, instituted by the FEA, either on its initiative or in response to an application submitted by a powerplant in the early planning process, that may lead to an action by FEA.

Throughout this part the use of a word or term in the singular shall include the plural and the use of the male gender shall include the female gender.

§ 307.3 Use of coal as the primary energy source.

(a) Any powerplant in the early planning process (other than a combustion gas turbine or combined cycle unit) may be required by FEA to be designed and constructed to be capable of using coal as its primary energy source, by means of the issuance of a construction order to such powerplant, subject to the findings stated in paragraphs (b) and (c) of this section. Subject to such findings, FEA may, at its discretion, issue a construction order for an individual fossil-fuel fired steam generating unit that produces electric power for sale or exchange, or for combinations thereof. The requirement that a powerplant be capable of using coal as its primary energy source shall be satisfied if the powerplant is designed and constructed to use only coal as its primary energy source, or to use two or more fuels interchangeably, one of which is coal, as its primary energy source.

(b) A powerplant will not be required to be designed and constructed to be capable of using coal as its primary energy source unless FEA finds that such powerplant is in the early planning process. For purposes of this finding, "early planning process" means either of the following time periods:

(1) Before the formation of a contract, express or implied, for the design of a powerplant or before the commencement of the design of the powerplant, if such design is not to be performed in accordance with a contract; or

(2) After commencement of design of the powerplant, but not later than the commencement of field erection of boiler steel.

(c) No powerplant in the early planning process may be required to be designed and constructed to be capable of using coal as its primary energy source if FEA finds that:

(1) The design or construction of a powerplant with the capability of using coal as its primary energy source is likely to result in an impairment of the reliability or adequacy of service to be provided by such powerplant. For purposes of this finding whether there is likely to be an impairment of the "reliability or adequacy of service" shall be determined by evaluating the length of any delay in the commencement of the sale or exchange of electric power, if any, and the effect of such delay, if any, on reserve capacity margin within the electric power generation system or any combination of such systems to determine if there is an unreasonable risk of loss of load.

(2) An adequate and reliable supply of coal is not reasonably expected to be available. For purposes of this finding—

(i) The availability of an adequate supply of coal shall be determined on the basis of an evaluation of the anticipated demand for coal by the new powerplant, the type of coal (which may include, but is not limited to, rank, Btu's, moisture, volatiles, ash and sulfur content) that it is anticipated the powerplant will be able to utilize, the location of such coal, the practicability of its production including the possibility that new mines will be opened before the powerplant commences the sale or exchange of electric power, and any State or local laws or policies limiting the extraction or the utilization of coal.

(ii) The availability of a reliable supply of coal shall be determined on the basis of an evaluation of the supply's susceptability to interruption and the nature of the supply contract that the powerplant reasonably could be expected to enter into.

(d) In making the evaluation whether a powerplant in the early planning process should be required to be designed and constructed to be capable of using coal as its primary energy source, FEA shall consider, among other factors—

(1) the existence and effects of any contractual commitment for the construction of such powerplant;

(2) the capability of the powerplant (as defined in § 307.2 to include owner) to recover any increase in projected capital investment required as a result of a construction order;

(3) the potential loss of revenue resulting from a delay in the commencement of the sale or exchange of electric power resulting from a construction order, to the extent that electric power will have to be purchased from another powerplant; and

(4) the relevant regulations or policies of any State or local agency with jurisdiction over the sale or exchange of electric power by powerplants.

(e) A powerplant in the early planning process may be required to be designed and constructed to be capable of using coal as its primary energy source on the basis of FEA action taken on its initiative or at the conclusion of proceedings initiated by an application.

§ 307.4 Public participation.

(a) No powerplant in the early planning process shall be issued a construction order requiring such powerplant to be designed and constructed to be capable of using coal as its primary energy source unless prior to issuance of the order there has been published in the FEDERAL REGISTER a notice of FEA's intent to issue a construction order, and an opportunity has been given to interested persons to make written presentation of data, views and arguments regarding such action.

(b) Before issuance of an order modifying or rescinding a construction order, FEA may publish in the FEDERAL REGISTER a notice of its intention to issue such order. The notice shall provide interested persons with an opportunity to make written presentation of data, views and arguments regarding such action.

§ 307.5 Identification of powerplants in the early planning process.

(a) The identification of powerplants in the early planning process shall be accomplished by requiring that such plants file with FEA, at the address provided in § 303.12 of this chapter, an Identification Report in accordance with paragraph (b) of this section and by a review of information otherwise on file with or provided to the Federal government. FEA will require additional information from a powerplant subsequent to the filing of an Identification Report to determine if such powerplant meets the criteria and other considerations stated in this part pertaining to issuance of a construction order.

(b) (1) An Identification Report shall be filed by each powerplant (defined to mean a single unit or several units by § 307.2), other than a combustion gas turbine or combined cycle unit, which is in the early planning process either because the—

(1) formation of a contract, express or implied, for the design of a powerplant has not occurred; or the design of the powerplant has not commenced, if such design is not to be performed in accordance with a contract; or

(2) design of the powerplant has commenced, but field erection of boiler steel has not begun.

The initial Report shall be filed within 30 days of the issuance of Part 307 of this chapter. Thereafter, any powerplant that enters the early planning process at any time in a month shall file an Identification Report with the FEA, at the address provided in section 303.12 of this chapter, by the fifteenth day of the subsequent month.

(2) The Identification Report shall contain the information required by FEA Form ____

§ 307.6 Procedures.

(a) All applications for a construction order or modification or rescission thereof shall be filed with the FEA in accordance with Subparts C and J, respectively, of Part 303 of this chapter.

(b) Procedures pertaining to issuance of construction orders, the modification or rescission thereof, (e.g., notice, hearings, content of order, process of evaluation, appeal) are stated in Subparts C and J respectively, of Part 303 of this chapter.

[FR Doc.75-3332 Filed 2-3-75;9:04 am]

federal register

WEDNESDAY, FEBRUARY 5, 1975

WASHINGTON, D.C.

Volume 40 ■ Number 25

PART III

DEPARTMENT OF DEFENSE

Engineers Corps, Department of the Army

■

WATER RESOURCES

Planning Assistance; Framework and River Basin Study Programs; Aquatic Plant Control

DEPARTMENT OF DEFENSE

Corps of Engineers, Department of the Army

[33 CFR Part 265]

PLANNING ASSISTANCE TO STATES

Proposed Policies and Procedures

Notice is hereby given that the Secretary of the Army, acting through the Chief of Engineers, is proposing a regulation to provide policies and guidelines for the Corps of Engineers implementation of section 22, Pub. L. 93-251, which authorizes the Chief of Engineers to participate with States in the preparation of comprehensive plans for water and related resources.

Prior to adoption of the proposed regulation, consideration will be given to any comments submitted to the Chief of Engineers, Office of the Chief of Engineers, ATTN: DAEN-CWP-A, Washington, D.C. 20314, on or before March 24, 1975.

Until the final regulation is published in the FEDERAL REGISTER, elements of the Office of the Chief of Engineers and field operating agencies having Civil Works responsibilities will utilize this proposed regulation as interim guidance in the execution of studies conducted under the section 22 program.

Dated: January 14, 1975.

J. W. MORRIS,
Major General, USA,
Director of Civil Works.

PART 265—PLANNING ASSISTANCE TO STATES

Sec.
265.10 Purpose.
265.11 Applicability.
265.12 References.
265.13 Legislative provisions.
265.14 Basic policies.
265.15 General guidelines.
265.16 Program management.
265.17 Funding.

AUTHORITY: Sec. 22, Pub. L. 93-251, Water Resources Development Act of 1974, (88 Stat 20).

§ 265.10 Purpose.

This regulation provides basic policies and general guidelines for Corps of Engineers' participation in the program authorized by section 22 of the Water Resources Development Act of 1974 (Pub. L. 93-251).

§ 265.11 Applicability.

This regulation is applicable to all OCE elements and all field operating agencies having Civil Works responsibilities.

§ 265.12 References.

(a) Section 22, Public Law 93-251, 7 March 1974.

(b) "Coastal Zone Management Act of 1972", Public Law 92-583, 27 October 1972.

(c) Section 214, Public Law 89-298, 27 October 1965.

(d) Section 204, Public Law 91-611, 31 December 1970.

§ 265.13 Legislative provisions.

(a) Specifically, section 22 provides for the following:

(1) The Secretary of the Army, acting through the Chief of Engineers, is authorized to cooperate with any State in the preparation of comprehensive plans for the development, utilization and conservation of the water and related resources of drainage basins located within the boundaries of such State and to submit to Congress reports and recommendations with respect to appropriate Federal Participation in carrying out such plans.

(2) There is authorized to be appropriated not to exceed $2,000,000 annually to carry out the provisions of this section except that not more than $200,000 shall be expended in any one year in any one State.

(b) Both Congressional Committees on Public Works reported to their respective bodies of Congress prior to enactment of the measure, that

"[i]n view of the success of the previous (section 214) program, the Committee feels that it is now desirable and proper to extend the same assistance to all of the States. This legislation is particularly desirable in view of the provisions of the Water Resources Planning Act of 1965 which provides for increased participation by the States in water resources planning and in the formulation of comprehensive river basin plans in connection with the River Basin Commissions established under that Act. The cooperative program authorized by this section will constitute a valuable compliment to the program being carried out under the Water Resources Planning Act." (House Report No. 93-541, p. 94 and Senate Report No. 93-615, p. 119).

(c) Stripped of connecting language sec. 22 provides authority for the Secretary of the Army, acting through the Chief of Engineers "* * * to cooperate with any State in the preparation of comprehensive plans for * * * drainage basins located within the boundaries of such State and to submit to Congress reports and recommendations with respect to appropriate Federal participation in carrying out such plans."

§ 265.14 Basic policies.

(a) The first phrase "to cooperate with any State in the preparation of comprehensive plans" is taken to mean the following: (1) The State must have a planning program for the development, utilization or conservation of the water and related resources underway or laid out in sufficient detail so that the relationship of a State's request for Corps input for some particular aspect of the program may be appraised. All Corps input must be an integral part of the State program for developing their plans for water and related resources of drainage basins located in the State. (2) The input from the Corps is to be on an effort or service sharing basis in lieu of an outright grant basis. It is anticipated that such effort will normally be in the area of Corps' expertise such as comprehensive basin planning or other areas in which the Corps normally has legislative authority. However, other areas may be investigated on a case by case basis if they are necessary in the State's decision making process.

(b) "Drainage basins located within the boundaries of such State" does not mean that the drainage basin must fall entirely within the State. For the purpose of this Act, Coastal zone areas may also be included in the general heading of "drainage basins."

(c) The third aspect of the authorizing language pertains to the reporting process. Under this process, upon completion of the pertinent portion of the State's planning effort and with the concurrence of the State, the Corps will prepare a report of survey type scope on those aspects of the study for which there is a Federal interest, The Corps' report will be processed to Congress following the customary survey report procedures including sponsorship requirements, cost-sharing, etc. and will include recommendations for authorization as appropriate. If no Federal interest is found to exist, no report is necessary. Funds for preparing the Corps report will come from sec. 22 funds.

(d) The term "State" means a State, the District of Columbia, Puerto Rico and the Virgin Islands. However, in the case of New York and Puerto Rico, specific legislative authorities have been previously provided, consistent with section 22. Funding requests for these States should be submitted under either the previous (section 214, PL 89-298 for New York State and section 204, PL 91-611 for Puerto Rico) authorities or section 22, but not both in the same year.

§ 265.15 General Guidelines.

(a) Mutually understood goals will be agreed upon with the State before the Corps enters into a cooperative planning effort.

(b) Duplication of effort must be avoided. This authority is not to be used to insert additional funds into ongoing or pending Federal programs such as comprehensive studies, regular surveys, flood plain information programs, small projects under continuing authorities or other specific authorizations. In determination of eligibility, the section 22 program is to furnish information to states for their planning purposes. An exception to this rule is Corps assistance under the Coastal Zone Management Act of 1972 (Pub. 92-583). Corps participation under section 22 may be used for these studies but must not offset the required state contribution to the National Oceanic and Atmospheric Administration (NOAA)-administered grant program. Under the NOAA program, the state must finance at least one-third of the annual costs. Guidelines and procedures to be implemented by the Corps pursuant to this Act will be furnished separately.

(c) Inter-agency disputes must be avoided, as for example, those which might arise from diversions of activities to section 22 from the comprehensive studies being handled under coordinated budget procedures with full state participation.

(d) Corps activities under section 22 within one State should not extend to areas which clearly involve the interests of other States, unless all States involved agree that the activities reflect coordinated response to the needs of those states.

(e) All Corps—State activities are to be conducted through the lead Corps Division for each state as noted in Appendix A. The responsibility may be delegated by the Division Engineer to a District office to act as lead Corps contact for that State. Division Engineers will insure the adequacy of support of the lead office in their coordinating role. For those states that fall within two or more Corps Districts or Divisions, extra effort will be required by the lead office. This is especially critical due to the nature of funding for the program. All affected Divisions and Districts should be regularly represented and be permitted to participate in activities concerning areas within their Division or District.

(f) The lead office will contact each state for which the office is responsible to advise them of the program and to obtain an expression of interest. If interest is expressed a meeting should be encouraged to discuss potential areas of assistance with the state representatives and appropriate representatives of other affected Corps Districts and Divisions. Based on these contacts and meetings, the State should submit a request for assistance to the lead office for transmittal through appropriate channels to OCE. Upon transmittal of the request to OCE, an information copy should be furnished to affected Divisions and/or Districts if different from the lead office. OCE will review and approve all requests and allocate funds to the lead Division with an information copy to all affected Divisions and Districts.

§ 265.16 Program Management.

Program management and funding will be the responsibility of the Planning Division, DAEN–CWP. Accordingly, all planning and funding matters, submitted in triplicate, in accordance with instructions contained herein, will be to HQDA (DAEN–CWP–E, C or W, as appropriate) WASH DC 20314. Division Engineers are to designate an individual within the Division Office to manage and coordinate the activities under this program. Overall OCE program coordination and selection of studies to be undertaken, when funding requests exceed available funds, will be by DAEN–CWP–A.

§ 265.17 Funding.

Funding requests submitted to OCE should list each study by state, study name, lead Corps District, priority of study state-wide, District capability and contain a brief description of the nature of the study. Division submissions must further list the state-wide priorities into Division-wide priorities. Budget requests for a 5-year program beginning with FY 77 will be submitted as required by appropriate budget circulars and regulations. Annual budget requests for purposes of Congressional justification will be contained under the general title of "Coordination Studies with Other Agencies", and will be the responsibility of OCE.

RUSSELL J. LAMP,
Colonel, Corps of Engineers,
Executive.

APPENDIX A

LEAD COORDINATING DIVISIONS

1. By State.

Alabama—SAD	Nebraska—MRD
Alaska—NPD	Nevada—SPD
Arizona—SPD	New Hampshire—NED
Arkansas—SWD	New Jersey—NAD
California—SPD	New Mexico—SWD
Colorado—MRD	New York—NAD
Connecticut—NED	North Carolina—SAD
Delaware—NAD	North Dakota—MRD
District of Columbia—NAD	Ohio—ORD
Florida—SAD	Oklahoma—SWD
Georgia—SAD	Oregon—NPD
Hawaii—POD	Pennsylvania—NAD
Idaho—NPD	Puerto Rico—SAD
Illinois—NCD	Rhode Island—NED
Indiana—ORD	South Carolina—SAD
Iowa—NCD	South Dakota—MRD
Kansas—SWD	Tennessee—ORD
Kentucky—ORD	Texas—SWD
Louisiana—LMV	Utah—SPD
Maine—NED	Vermont—NED
Maryland—NAD	Virginia—NAD
Massachusetts—NED	Virgin Islands—SAD
Michigan—NCD	Washington—NPD
Minnesota—NCD	West Virginia—ORD
Mississippi—LMV	Wisconsin—NCD
Missouri—MRD	Wyoming—MRD
Montana—MRD	

2. By Division.

NED:
- Connecticut
- Maine
- Massachusetts
- New Hampshire
- Rhode Island
- Vermont

NAD:
- Delaware
- District of Columbia
- Maryland
- New Jersey
- New York
- Pennsylvania
- Virginia

SAD:
- Alabama
- Florida
- Georgia
- North Carolina
- Puerto Rico
- South Carolina
- Virgin Islands

ORD:
- Indiana
- Kentucky
- Ohio
- Tennessee
- West Virginia

NCD:
- Illinois
- Iowa
- Michigan
- Minnesota
- Wisconsin

LMV:
- Louisiana
- Mississippi

MRD:
- Colorado
- Missouri
- Montana
- Nebraska
- North Dakota
- South Dakota
- Wyoming

SWD:
- Arkansas
- Kansas
- New Mexico
- Oklahoma
- Texas

NPD:
- Alaska
- Idaho
- Oregon
- Washington

SPD:
- Arizona
- California
- Nevada
- Utah

POD:
- Hawaii

3. Key to Division Abbreviations.

NED—Division Engineer,
New England Division,
424 Trapelo Road,
Waltham, Mass. 02154.

NAD—Division Engineer,
North Atlantic Division,
90 Church St.,
New York, N.Y. 10007.

SAD—Division Engineer,
South Atlantic Division,
510 Title Bldg.,
30 Pryor St., S.W.,
Atlanta, Ga. 30303.

ORD—Division Engineer,
Ohio River Division,
P.O. Box 1159,
Cincinnati, Ohio.

NCD—Division Engineer,
North Central Division,
536 S. Clark St.,
Chicago, Ill. 60605.

LMV—Division Engineer,
Lower Mississippi River Division,
P.O. Box 80,
Vicksburg, Miss. 39180.

MRD—Division Engineer,
Missouri River Division,
P.O. Box 103 Downtown Station,
Omaha, Nebraska 68101.

SWD—Division Engineer,
Southwestern Division,
1114 McAllister St.,
Dallas, Tex. 75202.

NPD—Division Engineer,
North Pacific Division,
Rm. 210, Custom House,
Portland, Oregon 97209.

SPD—Division Engineer,
South Pacific Division,
630 Sansome St., Rm. 1216,
San Francisco, Calif. 94111.

POD—Division Engineer,
Pacific Ocean Division,
Bldg. 96,
Ft. Armstrong,
Honolulu, Hawaii 96813.

[FR Doc.75-3412 Filed 2-4-75;8:45 am]

[33 CFR Part 252]

FRAMEWORK AND RIVER BASIN STUDY PROGRAMS: LEVEL A AND LEVEL B STUDIES

Proposed Policies and Procedures

Notice is hereby given that the Secretary of the Army, acting through the Chief of Engineers, is proposing a regulation to provide general guidance for Corps of Engineers participation in multi-agency studies of Level A scope (Framework and Assessments) and Level B scope (Regional or River Basin) as defined by the Water Resources Council.

Prior to adoption of the proposed regulation, consideration will be given to any comments submitted to the Chief of Engineers, Office of the Chief of Engineers, ATTN: DAEN–CWP–A, Washington, D.C. 20314, on or before March 24, 1975.

Until the regulation is adopted and so published in the FEDERAL REGISTER, elements of the Office of the Chief of Engineers and field operating agencies having Civil Works responsibilities will utilize the proposed regulation as interim guidance for Corps participation in Level A and Level B studies conducted under the general direction of the Water Resources Council.

Dated: February 1, 1975.

J. W. MORRIS,
Major General, USA,
Director of Civil Works.

PART 252—FRAMEWORK AND BASIN STUDY PROGRAMS

Sec.

AUTHORITY: Pub. L. 89–80, Water Resources Planning Act, 22 July 1965 (42 U.S.C. 1962).

§ 252.10 Purpose.

This regulation provides general guidance for Corps of Engineers' participation in multi-agency studies of Level A scope (Framework and Assessment) and Level B scope (Regional or River Basin) as defined by the Water Resources Council (WRC).

§ 252.11 Applicability.

This regulation is applicable to all OCE elements and all field operating agencies having Civil Works responsibilities.

§ 252.12 References.

(a) Section 209, Pub. L. 92–500, (86 Statute 843, 33 U.S.C. 1289), Federal Water Pollution Control Act Amendment of 1972, 18 October 1972.

(b) Public Law 89–80, Water Resources Planning Act, (79 Statute 244–254) 22 July 1965.

(c) Water Resources Council Policy Statement, Water and Related Land Resources Planning, 22 July 1970, (available from Water Resources Council, 2120 L Street NW., Washington, D.C. 20037).

(d) Water Resources Council, Statement of Purpose, Policy, and Objectives, 13 June 1974, (available from the Water Resources Council).

(e) Water Resources Council, The New Approach, 31 May 1974, contained in the Second Annual Report to the Congress of the United States on Level B planning (Appendix A).

(f) Water Resources Council, "75 Water Assessment, The Example," July 1974 (available from the Water Resources Council).

(g) ER 1105–2–10, "Intensive Management".

§ 252.13 Types of studies.

(a) *General.* There are generally three types of studies in the Federal water and related land planning programs. These are Level A Assessments and Framework Studies; Level B Regional or River Basin Studies; and Level C Implementation Studies. While the sequential lettering of these studies implies an order of procedure for those studies that are interrelated, studies are not restricted to that particular sequence. Level C or Implementation Studies may be undertaken in areas where the problems and potential solutions are well defined and the intermediate Level B study is not needed or has not yet been completed. In addition, Level C studies of a specific basin or area may be conducted prior to or concurrent with Level B Studies unless it is apparent that interrelationships require a broader analysis to avoid potentially adverse and irreversible decisions.

(b) *Level A Studies.* Assessments and Framework Studies are the broadest comparison of water and related land planning problems in major regions of the nation. Generally, the assessment will involve a continuing program with reports prepared at five year intervals to serve as a national guide to more detailed studies. Assessments are characterized by utilization of available data organized around major policy and broad socio-economic trends to determine their implications on more detailed planning studies. Required outputs of Level A Studies are identified in reference § 252.12(f).

(c) *Level B Studies.* (1) Level B studies are made at the Regional or River Basin level for water and related land resources where problems are of a complex, interdisciplinary nature necessitating an intermediate planning step between Level A and Level C studies. Level B studies are designed to resolve long range problems identified in a Level A study, by focusing on mid-term problems and solutions and recommending plans and programs to be pursued by appropriate Federal, State, or local entities. Water quality, water quantity and land management problems are the focus for integration. The primary characteristic of Level B Studies is that they are largely based on judgemental planning, no new data collection, strong public involvement, and increased participation and leadership by the states.

(2) Level B plans provide for an interpretation of national and regional projections; identify alternative plans (methods) and programs; and identify alternative programs for management and use of water and related resources by including multiobjective and multipurpose considerations in each plan or program. The measures or programs included in each Level B plan must recognize and be based on reasonable assumptions of investment capabilities of agencies designated to carry out such programs or plans, whether the agencies are Federal, State, or local. Alternative levels of investment and their impacts may be shown where appropriate.

(3) The required outputs of a Level B study have not been clearly defined by WRC. However, Level B planning will generally result in programs, plans, and implementation studies needed within a 15–25 year time frame, a statement of long-term and unresolved issues, and recommendations for new policies or changes in existing policies.

§ 252.14 Program legislative and executive authorities.

(a) Title I of the Water Resources Planning Act, Pub. L. 89–80 encourages the conservation, development, and utilization of water and related land resources of the Nation on a comprehensive and coordinated basis by all levels of government and non-governmental entities and individuals. This Act applies to both Level A and Level B studies. Title II, section 201(b) of the Act provides the general authority for River Basin Commissions, including Federal and State members, to participate in preparing assessments and river basin plans.

(b) The WRC Policy Statement (reference § 252.12(c)) further states that multi-agency water and related land resources planning shall be perrfomed under guidance of the Water Resources Council. Study leaders shall be designated by river basin commissions in their areas or by the Water Resources Council in other areas. Federal agencies, including the Corps of Engineers, engaged in this type of planning are participants in multi-agency studies.

§ 252.15 Program policy.

As a member of the Water Resources Council, the Department of the Army endorses the policies and procedures established by the Council for Level A and Level B studies. A summary of these policies, with appropriate references, is provided below. In addition, policies on the management aspects of Corps participation in Level A and Level B studies are contained in § 252.16.

(a) The WRC Statement of Purpose, Policy and Objectives (reference § 252.12 (d)) will guide the Council's development and implementation of policies, programs and activities in the future. The Statement of Purpose defines the broad framework and legislative basis for the Council's functions and activities; the Statement of Policy is a summary of the criteria, assumptions and activities that will guide and carry out implementation of the purpose of the Water Resources Council; and the Statement of Objectives sets out a schedule of specific, desired accomplishments for the relative near-term future (12–18 months).

(b) The WRC Second Annual Report to Congress on Level B Planning outlines the new approach to Level B studies adopted in 1973, (Appendix A). The new approach stresses the importance of Level B planning, the issues to be addressed, the study participants, funding and the relationships between water and land management problems including land use, coastal zones management, and rural area development. It also advanced some study limitations on time, funds and data input. Although primarily directed toward section 209, Pub. L. 92–500, the new approach is generally applicable for all Level B planning.

(c) The Corps of Engineers' role in Level A and Level B studies will usually be that of a participant but in some cases the coordinating field entity may request the Corps to assume the role of study leadership. In areas of the nation where there is no coordinating entity, the Corps may be directly named as study sponsor by the Water Resources Council. All Level A regional sponsors operate under a Regional Work Agreement which is an agreement between the sponsor and the Water Resources Council. When there is no organized regional entity, the current WRC approach is to delegate a strong leadership role to the affected State or States. Although the Corps role in Level A and Level B studies will generally be as a participant, the level of responsibility will vary on a case-by-case basis.

§ 252.16 Program management.

The Water Resources Council has the primary responsibility for managing and coordinating Level A and Level B studies nationwide. The Council assigns particular studies to appropriate regional entities, such as River Basin Commissions. When the Corps participates in a Level A or Level B study, the following management responsibilities are to be exercised:

(a) *Office, Chief of Engineers.* OCE will not normally be involved in the management and coordination of Corps participation in specific Level A and Level B Studies (see § 252.17). However, OCE will be involved as a participant through the Water Resources Council in the selection of Level A and Level B studies, the development of criteria for study, and selection and formulation of budget recommendations. The primary responsibility to effect the above coordination rests with the Army Representative to the Water Resources Council, designated by the Secretary of the Army.

(b) *Division Engineers.* (1) Division Engineers are responsible for intensive management of Corps participation in Level A and Level B studies conducted within respective Division boundaries (ref ER 1105-2-10). This responsibility includes, but is not limited to insuring that appropriate Division and District personnel are assigned to work with the regional entity designated by the Water Resources Council as the study leader, to assist the study leader, as requested, in developing study schedules, funding requirements, areas of responsibility and to assist in the conduct of the study generally in accordance with the guidelines provided by the Water Resources Council. Division Engineers are also to monitor fiscal and physical progress of Corps effort, with appropriate use of milestones, and are to assure that Corps responsibilities are fulfilled.

(2) In cases where the Corps is assigned a leadership role in a Level A or Level B study, Division Engineers are to be personally and directly involved in the study, and are to insure that the Army Representative to the Water Resources Council is kept apprised of significant activities and actions (see § 252.17).

(c) *District Engineers.* District Engineers are responsible for accomplishing assignments made by their Division Engineers, insuring that appropriate personnel are designated to represent the Corps in Level A and Level B studies. For the most part, work assignments given to the Corps by the study leader will be delegated to District Engineers based on capability, location, and available expertise in the particular areas of required effort.

§ 252.17 Reporting requirements.

There are no recurring report requirements for field operating agencies prescribed by this regulation. However, through their intensive management, Division Engineers are to keep the Chief of Engineers informed, in accordance with the following guidelines:

(a) Letters containing information warranting the personal attention of the Army Representative to the Water Resources Council or the Director of Civil Works are to be sent to HQDA (DAEN-CWZ-A) WASH DC 20314.

(b) Letters outlining problems or significant actions concerning policy matters should be sent to HQDA (DAEN-CWR-W) WASH DC 20314. In all cases where an OCE position is desired, the Division Engineer should present his recommended course of action.

(c) Letters outlining problems or significant actions concerning planning procedures and application of Federal planning criteria are to be addressed to HQDA (DAEN-CWP-P) WASH DC 20314.

§ 252.18 Review of Level A and B Study Reports.

The Chief of Engineers will review Level A and Level B study reports as requested by the Water Resources Council. The review will be conducted by various elements of OCE, including BERH, as deemed appropriate by DAEN-CWR-W. When Division Engineers review or prepare draft reports as input to a Level A or Level B study, informal OCE review may be requested on particular aspects as deemed appropriate, based on interfaces identified with Corps programs. Review of selected portions of draft reports should be requested through DAEN-CWR-W.

§ 252.19 Program funding.

At this time, funding procedures for Level A and Level B studies are being revised. Information pertaining to budgetary submissions to OCE is contained in ER 11-2-101 and annual Engineer Circulars. Further guidance on funding requests will be furnished when available.

For the Chief of Engineers.

RUSSELL J. LAMP,
Colonel, Corps of Engineers,
Executive.

APPENDIX A

SECOND ANNUAL REPORT TO THE CONGRESS OF THE UNITED STATES ON LEVEL B (SECTION 209) PLANNING

United States Water Resources Council
Washington, D.C. 20037

Honorable GERALD R. FORD,
President of the Senate
Washington, D.C. 20510.

MAY 31, 1974.

DEAR MR. PRESIDENT: On behalf of the President, I am pleased to transmit the second annual report required by section 209 of the Federal Water Pollution Control Act Amendments of 1972. Section 209 directs the President, acting through the Water Resources Council, to prepare a Level B plan for all basins in the United States and to report annually to the Congress on progress.

During the past year considerable effort was expended by the Council in developing a position on implementing section 209. Representatives of Member Departments and Agencies of the Council, the States, and the River Basin Commissions cooperated effectively with each other in evolving a new approach to Level B planning. The new approach is based largely on judgmental planning; strong compact central management; immediate and iterative plan formulation (involving public review and feedback); no new original data collection; and increased emphasis on participation and leadership of the States. As a result, Level B study time periods and costs will be substantially lower than those of river basin studies of prior years. We are presently testing this new approach. The results of these tests will greatly influence future activities under the section 209 program.

The enclosed report provides background information on Council activities in connection with Level B planning during the past year.

Sincerely,

JACK HORTON,
Acting Chairman.

Identical letter to Carl Albert, Speaker of the House.

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INTRODUCTION

The first annual report to the Congress in response to section 209 of the Federal Water Pollution Control Act Amendments of 1972 (Pub. L. 92-500) was submitted to the Senate and to the House of Representatives by letter from the Chairman of the Water Resources Council (WRC), dated May 15, 1973.

In response to a letter inquiry from the Chairman, House Committee on Public Works, the Chairman, WRC, by letter of July 12, 1973, stated: "As you know, the Environmental Protection Agency and other Federal agencies are working closely to establish the coordination and program design for the implementation of Pub. L. 92-500. The results of this review will be reflected in next year's report."

Because of this commitment and in response to a directive of September 21, 1973, from the Chairman, WRC, the Director of WRC organized a Task Committee to develop a position on implementing section 209. Membership of that Committee consisted of the Director as Chairman and representatives of the Departments of Interior, Agriculture, and Army, the Environmental Protection Agency, and the River Basin Commissions (RBC's). Four Work Groups, which included State representatives, provided the basis for the Task Committee's proposed section 209 implementation program.

Section 209 provides for development of Level B plans for all river basins or regions in the United States by January 1, 1980. $200 million have been authorized in the Act for this purpose. This impetus, together with the proliferation of interrelated programs, dictates the necessity of utilizing Level B planning as an important and essential vehicle for integrating the many water and land programs.

The tremendous changes of the last ten years or so have engendered the current criticism that the results of the comprehensive planning program, based on concepts and methodology of the 1960's, are overly expensive and of limited value to decisionmakers. Changes are needed because of very fast-moving events affecting public desires and preferences. It was with this background that the Task Committee developed the new approach to Level B planning, which was adopted by the Council on October 17, 1973.

THE NEW APPROACH

Task Committee's report. The Task Committee's proposed program, as adopted by the Council, for the new Level B planning approach, has the following main characteristics:

Section 209 is recognized as an important and essential vehicle for integrating all related land and water planning programs. A Level B study, conducted under the mandates of the Water Resources Planning Act of 1965 (Pub. L. 89-80) and section 209 of the Federal Water Pollution Control Act

Amendments of 1972 (Pub. L. 92-500) and organized and funded to guarantee the participation of key entities with natural resource responsibilities and capabilities, is the most effective device for achieving the integration of a wide range of natural resource planning programs.

Studies are to address major Federal and non-Federal issues requiring near and mid-term (15 to 25 years) solutions and are to identify major data gaps, unmet needs, and requirements for additional studies by others (both Federal and non-Federal) in implementation of Level B plans.

A strong participating and leadership role by the States is essential for effective Level B planning. It is the policy of both the President and the Congress to strengthen the role of the States in natural resource decisionmaking.

The need for minimal Federal funding to the States is acknowledged and provided for in the proposed program in order to insure timely State planning inputs.

Commitments by the States to address critical State issues and to delineate components of the study objectives that relate to State needs and opportunities are required.

It is recognized that water quality problems are inseparable from water quantity and land management problems and that local, State, and Federal commitments on water and land resources should not be made without jointly concurrent consideration.

An accelerated Level B program would contribute to integrated and balanced water quality programs (a) by emphasizing and defining, on a river basin or regional basis, abatement programs to be implemented by the States and appropriate Federal agencies; and (b) by supplementing and thereby increasing the effectiveness of pollution abatement measures outlined in Areawide Waste Treatment Management Plans prepared under section 208 and section 303(e) of Pub. L. 92-500.

A Level B planning program will support land use, coastal zone management, and rural area development planning efforts. It is believed to be the only program sufficiently developed at this time (or in the immediate future) to integrate existing programs.

A 2-year limitation is placed on each Level B study.

A typical section 209 study is estimated to cost approximately $750,000 to $1,000,000.

The program looks to RBC's for leadership in areas where RBC's are organized and to other WRC designated persons or entities for leadership in areas where RBC's do not exist. In all cases, however, the States concerned would be expected to be partners in Level B planning and would provide leadership in predetermined geographical and functional areas.

To hold costs and study time down, a Level B study is to be based largely on judgmental planning; strong central management; immediate and iterative plan formulation (involving public review and feedback); no new original data collection; and increased emphasis on participation and leadership of the States.

The comparatively vast amount of relevant information, plans, analyses, etc., now available, as a result of comprehensive basin and other planning, permits the exercise of a higher degree of judgment than was possible—say 10 years ago. Accordingly, despite continuing gaps in information and data, it should be possible at the start of a Level B study for a compact study team, under a study manager, to formulate an immediate or initial plan and/or alternatives based upon thorough review and use of available material. The objective is to progress quickly to the planning process as such, which—as explained in the first annual report—is an iterative process.

The States, in particular, must be major participants and leaders and must have a major role in the initiation, coordination, and conduct of Level B studies, because, if nothing else, this will facilitate the acceptance of the resulting, jointly-developed plans. Funding requirements for all participants in a Level B study must be recognized and provided for on a timely basis.

All needs of a Level B study area cannot be addressed because of the constraints on time and funds. Further, some needs can be met more effectively through Level C and other planning. These items will be specifically identified as recommended actions in the study report.

PTS-POS process. Experience of the last ten years, particularly in basin planning, has revealed that proposals to study (PTS) and plans of study (POS) need to be separately financed to achieve the most effective Level B planning at minimum costs. The PTS-POS process requires that funds be made available to the Council in advance for funding the preparation of those PTS in detail that are specifically authorized by the Council. Authorizations will be given only when it appears that the completed PTS will have an excelent chance of approval as a basis for actual conduct of a new study start in the proposed Level B study area.

The end product. Each Level B study will produce a total report that consists of four types of documents: (1) study report; (2) environmental impact statement (EIS); (3) technical (backup) papers; and (4) a brochure.

Current thinking is that the study report is to be limited to 100 pages, including tables, figures, illustrations, etc., in order to induce reading thereof by busy top-level decisionmakers in the Administration and in the Congress. It is to be written so that there will be little demand by reviewers for backup documents. The EIS is not included in the 100 pages of the study report. Planning in connection with environmental quality and the other objective, national economic development, of the recently adopted principles and standards should be very helpful in preparing the EIS.

Technical papers are to serve as backup in the detail files of individual study participants; no general distribution will be made but they will be available for review on loan. In order to conserve limited Level B funds for actual planning, there is to be no printing of expensive reports, such as the shelf-length appendices of past basin studies.

The executive summary in the form of a brochure is intended for easy understanding by the public. Its form may be that of a folded highway map and will, among other things, show where additional information and backup data are available for examination on site or on loan.

The end product will have substantial intrinsic value for many users because the recommended Basin or Regional Plan should:

Show which programs and projects are to be recommended for detailed (Level C) planning and sequences.

Minimize duplication of future efforts and land use conflicts.

Maximize multipurpose opportunities.

Save money because of coordinated efforts.

Serve to crystallize public opinion as to desired alternative futures.

Application to ongoing Level B Studies. On the basis that ongoing studies should embody the concepts and methodology of the new approach to Level B (Section 209) planning as nearly as feasible, a meeting was held in December 1973, among the Study Managers of the nine ongoing studies, RBC Chairmen and personnel, State representatives, and WRC staff to discuss application of the new approach. Possible modifications in the various plans of study were suggested and are now being explored in the field. Obviously, the more advanced the study, the less the opportunity for modification. Some examples of possible changes are described below.

With reference to Table I, scheduled early-completion dates of the Connecticut, Long Island Sound, and Southeastern New England (SENE) studies make changes difficult at this stage. This is so because the nature of study results and the basin plans have been generally determined. However, the end products of these studies will conform with the new approach. In particular, the study report format will be changed accordingly and a brochure will be produced for each study with the aim of expediting review and decisionmaking. Level B funds will not be spent for printing many volumes of material whose use as a basis for reaching decisions is limited. Of course, this approach will apply to all Level B studies, including new starts.

While the Pacific Northwest is not typical—especially in geographic extent of the study area—this study has already been rescoped to reduce total study costs by about 50 percent. This was accomplished by focusing only on major problems and priority areas. In other words, all needs will not be addressed in what amounts to eleven Level B studies going on concurrently over most of a vast area of over 274,000 square miles.

Eighty percent of the estimated total cost for the Platte study has been budgeted through FY 1974. Reduction in costs seem unlikely, but the new approach may be feasible in some subdivisions of the Platte River Basin where plan formulation has not been initiated.

TABLE I.—*Ongoing level B studies*

Study	Drainage area	Start [1]	Complete	Estimated Federal cost (thousands)
Connecticut	11,280	July 1973	Fiscal year 1975	$854
Hawaii	6,450	Fiscal year 1973	Fiscal year 1976	1,200
Long Island Sound	2,000	Fiscal year 1972	Fiscal year 1975	3,613
Minneapolis-St. Paul	2,820	Fiscal year 1974	Fiscal year 1976	970
Mammee	6,500	do	do	1,562
Monongahela	7,380	do	do	[2] 208
Platte	40,800	Fiscal year 1972	do	2,675
Pacific Northwest	274,400	do	Fiscal year 1977	[3] 3,104
Southeastern New England	4,407	do	Fiscal year 1975	3,594

[1] The dates shown are those when organization for study was established and work actually began. In some cases e.g., the Connecticut study, funds were made available in advance of the dates shown.

[2] The estimated amount needed by the Ohio River Basin Commission for coordination of many ongoing studies by other Federal and non-Federal entitities, costing in the range of $3.5 to $4.0 million, in order to produce a study report of the level B scope.

[3] $6,030 originally.

The ongoing effort in the Monongahela is designed to coordinate the many planning activities now underway by various State and Federal agencies. The organization and methodology being employed in the Monongahela study are considered to be fully consistent with the new approach to Level B planning.

It would be possible to apply the new approach to other studies that were started in FY 1974 that is, to the Minneapolis-St. Paul, Maumee, and Hawaii studies. The current POS of the Minneapolis-St. Paul study largely conforms, but rescoping of recreation and fish and wildlife studies might be followed up in subsequent Level C or implementation studies.

Early formulation of an "Initial" or "Sketch" Plan in the Maumee study may permit substantial reductions in the large sum presently budgeted for Plan Formulation. The initial plan will then be progressively refined and narrowed down through the iterative process, as previously explained. However, it should be noted that the study costs increase with increasing number of iterations. Tentatively, it is expected that an Initial Plan for the Maumee will be put together by mid-summer of 1974.

The current POS for the Hawaii study generally conforms to the new approach but some streamlining in the organization for study may be effected by substantially reducing the number of functional Task Forces. It should be recognized that the State of Hawaii has appropriated $580,000 for the study as compared with the estimated Federal cost of $1.2 million.

THE 209 PROGRAM

The President's Fiscal Year 1975 budget request reflects the application of $500,000 in additional funds to improve and demonstrate the value of Level B planning (includes $100,000 of redirected FY 1974 funds). A major part of these total funds will be utilized to achieve improvements in some of the ongoing Level B studies through possible changes, previously discussed, and through reorientation of plans, programs, and recommendations that more nearly conform to the public priorities and preferences that have evolved over the last few years. The remaining funds will be utilized to evolve five to seven proposals to study (PTS) for national, high-priority areas in advance of actual authorizations for the conduct of studies in those areas. The idea is that it is worth spending a relatively small amount in advance to develop the best possible proposals (for purposes of comparative evaluations and establishing priorities on a national basis) before committing large sums for full-blown studies. By this approach, emphasis and focus will be placed on where it belongs—on major problems and priorities of a complex, multidisciplinary nature involving many Federal and non-Federal agencies and interests. To achieve this will require that the PTS be as complete as practicable. Among other things, a particular proposal will be required to quantify and explain in sufficient detail why a Level B scope rather than another type of study, such as a Level C, is necessary.

Designations by the Governors under section 208 (Pub. L. 92-500) as well as other sources of recommendations, particularly from the River Basin Commissions, will be considered in the selection of the initial five to seven study areas for which PTS will be developed under the new approach. In accordance with published EPA guidelines and AWTM planning under section 208, the Governors have until the middle of March 1974 to designate the high priority areas. However, many tentative designations of high priority areas are already on hand, as reported last year. The Governors have indicated considerable interest in the 209 program by their responses to recent letters notifying them that the Council is accepting proposals from them for Level B planning in connection with the formulation of the FY 1976 budget request.

It is anticipated that the five to seven study areas for which the initial set of PTS will be developed will be identified and approved by the Council shortly after April 1, 1974. After identification of the initial five to seven study areas, compact study teams in the field, composed of a limited number of Federal and non-Federal representatives, will evolve the PTS for those areas through firmly coordinated efforts, including consultations with many relevant interests, under the River Commissions and the Council. These teams will be required to do considerable "homework" on the studies by thorough review and best use of the large amount of relevant information and material now presumed to be available in each study area. Conflicts of interest and major problems will be highlighted for each area of study. In preparing the PTS, commitments will be sought—and made whenever practicable—from all proposed study participants, particularly from the proposed non-Federal partners on estimates of manpower and funding requirements. In comparative evaluations of the PTS that are evolved, lack of or weak commitments in a particular study area will weigh heavily against that area in preparing follow-up recommendations for the authorizations and actual conduct of Level B studies. The experience gained from the efforts of improving processes and results of the ongoing Level B studies and from evolving the initial set of five to seven PTS will be of great value and will be utilized in formulating the Level B (section 209) Planning Program for Fiscal Year 1976.

The firm, Wendell Associates, Consultants on Governmental Affairs, was employed in late 1973 to provide advice concerning the Council's responsibilities and activities under section 209 and the interrelationships with and among the several other current and pending statutes and programs that require or relate to water and land resources planning.

The consultants concluded that " * * * even if the land use planning programs contemplated by pending legislation can get underway within the next year or two, the first usable results from them cannot be available until 1980 or thereafter * * * Accordingly, the Water Resources Council, both through its specific charge under section 209 of the FWPCA to produce basin plans by 1980, and more broadly through its statutory mandate under the Water Resources Planning Act, is the only agency equipped and directed to coordinate the planning required under the many far-reaching programs of the several agencies which involve or affect water resources. The accomplishment of this task will not detract from the performance of their separate missions by each Federal agency. Instead it should enhance the planning activities under each such program by providing a common basis pursuant to which the work of each agency will be effective. In the absence of the coordination which the Water Resources Council must give, the end product of specific planning programs could be made impossible of realization for lack of the resources which a particular plan presumes to be available, or because incompatible action has already been taken under a plan that was developed on other premises."

In their report the consultants made the following recommendations:

In order to perform its statutory responsibilities of coordination and to assist in avoiding the conflicts and waste which could otherwise result, the Water Resources Council should proceed as soon as possible to identify the interrelationships and points of contact among water and other resources planning processes and requirements and among water and other resources plans and programs. It should analyze these interrelationships. Then it should proceed to develop guidelines, principles and standards by which the several agencies can prosecute their planning activities in a coordinated fashion. In addition, the Water Resources Council itself will have need of these same guidelines, principles and standards in the basin planning authorized by section 209 of the Water Pollution Control Act.

In this connection, considerable work has been done or is underway. Additional use will be made during calendar 1974 of consultant services to delineate more clearly program responsibilities and interrelationships as a basis for improving section 209 program guidance and execution.

[33 CFR Part 273]

AQUATIC PLANT CONTROL PROGRAM

Proposed Policies and Procedures

Notice is hereby given that the Secretary of the Army, acting through the Chief of Engineers, is proposing a regulation to provide revised policies, procedures and guidelines to implement section 302 of the Rivers and Harbors Act of 1965. This legislative authority authorizes the Corps of Engineers to conduct a comprehensive program for the control and progressive eradication of obnoxious aquatic plants from the nations waters.

Prior to adoption of the proposed regulation, consideration will be given to any comments submitted to the Chief of Engineers, Office of the Chief of Engineers, ATTN: DAEN-CWP-A, Washington, D.C. 20314, on or before March 24, 1975.

Until the regulation is adopted and so published in the FEDERAL REGISTER, elements of the Office of the Chief of Engineers and field operating agencies having civil works responsibilities will utilize the proposed regulation as interim guidance in the implementation of the Aquatic Plant Control Program.

Dated: February 1, 1975.

J. W. MORRIS,
Major General, USA,
Director of Civil Works.

PART 273—AQUATIC PLANT CONTROL PROGRAM

Sec.
273.10 Purpose.
273.11 Applicability.
273.12 References.
273.13 Program policy.
273.14 Planning procedures.
273.15 Annual work plans.
273.16 Operations.
273.17 Annual budget request.

AUTHORITY: Section 302, Title III, Pub. L. 89-298, River and Harbor Act of 1965, (33 U.S.C. 610), October 27, 1965.

§ 273.10 Purpose.

This regulation prescribes policies, procedures and guidelines for research, planning and operations for the Aquatic Plant Control Program under authority of section 302 of the Rivers and Harbors Act of 1965.

§ 273.11 Applicability.

This regulation is applicable to all OCE elements and all field operating agencies having civil works responsibilities.

§ 273.12 References.

(a) Section 302, Pub. L. 89-298, (79 Stat. 1092), Rivers and Harbors Act of 1965, (Appendix A).

(b) Pub. L. 92-516, Federal Insecticide, Fungicide and Rodenticide Act of 1972, (86 Stat. 973), 21 October 1972.

(c) 40 CFR 165.1, Pesticide and Pesticide Containers, FEDERAL REGISTER Vol. 39, No. 85, 1 May 1974.

(e) Pub. L. 91-596, Occupational Safety and Health Act of 1970, (84 Stat. 1609, 29 U.S.C. 668), 29 December 1970.

(f) 29 CFR 1960, Safety and Health Provisions for Federal Employees, FEDERAL REGISTER, Vol. 39, No. 9, 9 October 1974.

(g) ER 11-2-240, "Civil Works Activities, Construction and Design."

(h) ER 70-2-3, "Civil Works Research and Development Management System."

(i) ER 1105-2-507, "Preparation and Coordination of Environmental Statements." (33 CFR 209.410)

§ 273.13 Program policy.

(a) *Program orientation.* The Aquatic Plant Control Program is designed to deal primarily with weed infestations of major economic significance including those that have reached that stage (such as water-hyacinth) and those that have that potential (such as alligatorweed and Eurasian watermilfoil) in navigable waters, tributaries, streams, connecting channels and allied waters. This does not imply that the infestation must have countrywide distribution. However, the infestation should constitute a known problem of economic importance in the area involved. Initial planning should constitute investigation of a specific problem weed or weed complex, not generalized surveys of aquatic vegetation. The common submersed aquatics and floating or emergent, wetland, marsh, and swamp vegetation do not generally meet those criteria for special problems merely because they may qualify as "obnoxious aquatic plants" under the language of the legislation authorizing the program.

(b) *Work not eligible under this program.* Weed control for operation and maintenance of reservoirs, channels, harbors, or other water areas of authorized projects under jurisdiction of the Corps of Engineers or other Federal agencies will not be undertaken as a part of the Aquatic Plant Control Program, except as such areas may be used for experimental purposes in research performed for the program.

(c) *Applied research.* Applied research developed by OCE with the assistance of the Interagency Aquatic Plant Control Research Advisory Committee and the appropriate Division Engineer will be an all Federal cost. This research will be accomplished through contracts with Federal, State and private research institutions. A research planning meeting will be held the last quarter of each calendar year to provide professional presentation of current research projects, review of current operation activities, and review new research proposals. Requested programs, estimated cost, and other information will be developed in the field and submitted to HQDA (DAEN-CWP-V) Washington, DC 20314, for approval and financing as prescribed by ER 70-2-3.

(d) *Planning.* Planning will be an all Federal cost item, will be developed by reporting officers in acordance with their needs and will be fully justified for funds requested. Normally, the program will be initiated with a reconnaissance report (§ 273.14(a)) and will be accomplished under a State design memorandum (§ 273.14(b)). Supplement design memorandums will be used to implement changes in the program. These memorandums will establish a continuing program and will be used to enable the Chief of Engineers to allot available funds on a priority basis in accordance with the urgency of the needs of each area.

(e) *Criteria for recommending a Federal project.* (1) A recommendation favorable to adoption of the project under the authority provided by section 302, as amended, will be warranted when the following conditions exist:

(i) The problem and practical measures of improvement are of such nature that there is a clear and definite Federal interest warranting Federal participation under the purview of this special authority.

(ii) The proposed work will result in an independent and complete-within-itself project.

(iii) Analysis based on sound economic principles clearly demonstrates that the project will provide information and/or control of aquatic plants.

(iv) Each separable element of the project, as well as the entire project, is economically justified.

(iv) Local interests are legally and financially able and willing to meet fully all requirements of local cooperation.

(2) Recommendations for preparation of a detailed planning report for new work on a new problem in a District or Division where control of other aquatic plant problems is currently underway should consider whether such new work represents an equal or higher priority of need for allocation of funds in the same State.

§ 273.14 Planning procedures.

Investigation of new problems and/or additional control operations not covered by previously approved plans will begin with preparation of a preliminary report based on reconnaissance-type investigations. If it is determined that further planning of a more detailed nature is warranted, aproval of a reconnaissance report by HQDA (DAEN-CWP-V) Washington, D.C. 20314 will be followed by further investigations. Normally, a detailed State design memorandum encompassing all aspects of the problem and a proposed plan of action for dealing with it will be prepared.

(a) *Reconnaissance reports.* Investigations for reconnaissance reports will be limited to readily available data and information. Field surveys and office studies should be limited to minimum essentials for further detailed planning. The reconnaissance report will be used for the overall program planning and should contain adequate information for these purposes.

(1) *Authorization.* Preparation of a reconnaissance report will be authorized by OCE granting of work allowances and allotment of funds based on requests submitted by reporting officers. Funds for such reports may be requested in annual submissions of budget requests and subsequently to DAEN-CWP-V as required to meet unanticipated needs. Since the program is proceeding under a limited budget, costs should be limited to minimum requirements. Only in exceptional cases will more than $3,000 be made available for a reconnaissance report on a problem in any one district.

(2) *Content of reports.* Where findings and conclusions are unfavorable to undertaking further detailed planning, a brief letter report summarizing the problem and findings should be submitted to OCE to provide a basis for answering outstanding inquiries. Where findings and conclusions are favorable, a more detailed report should include, but not be limited to, the information contained in Appendix B.

(b) *State design memorandum.* When authorized to prepare a detailed planning report, the reporting officer will proceed with necessary investigations and develop plans and data in sufficient detail to assure a complete and fully operable aquatic plant control operation. The report will be in the form of a State design memorandum (SDM). The SDM will be prepared by the District, reviewed by the Division, then forwarded to DAEN-CWP-V for review and approval. The data presented will be used to set priorities and request funds to finance activities on various projects. Fund requirements are divided into four categories: applied research; planning; control operations; and development.

(c) *Review of the proposed design Memoranda.* Review of State design memoranda should insure that:

(1) The work involved is not the type normally provided by local entities or private interests as a local responsibility.

(2) The cost of control operation will be shared between the Federal Government (70 percent) and the State receiving the benefit (30 percent).

(3) The actual control operation can be done by Federal, State, and/or private company facilities, under agreements specifying the details and standards of work to be performed.

(d) *Environmental impact statement requirements.* Programs which involve pest control operations, such as aquatic plant control, and affect either man's health or his environment (soil, flora, fauna, aesthetics, water resources), are candidates for review and possible preparation of an environmental impact statement (EIS) under the National En-

vironmental Policy Act. (The information outlined in Appendix C should be included in the analysis section of an EIS in addition to the treatment prescribed by 33 CFR 209.410.)

§ 273.15 Annual work plans.

Reporting officers will prepare and submit to DAEN–CWP–V a detailed description of anticipated Aquatic Plant Control projects for the next calendar year. Submissions must reach OCE by 15 December of the preceding calendar year, in the format prescribed by Appendix D.

§ 273.16 Operations.

Operational activities will be conducted by reporting officers in accordance with approved annual work plans and State design memoranda. Questions should be referred to HQDA (DAEN–CWO–M) WASH DC 20314.

(a) *Certification of pesticide applicators.* Activities will be subject to the provisions of the Federal Insecticide, Fungicide and Rodenticide Act of 1972, (reference § 273.12(b) and (c)), regarding the training and certification of pesticide supervisors and/or applicators.

(b) *Safety in use of herbicides.* Use of herbicides will be in accordance with the Occupational Safety and Health Act of 1970, reference § 273.12(d) and (e). Some herbicides are toxic chemicals and must be used with utmost care. Operators and applicators are required to use respiratory protective devices to prevent inhalation of toxic dusts, vapors, or gases; protective clothing to protect the skin; and eye protection. Some of the primary precautions which must be observed in handling herbicides are listed in Appendix E. Questions concerning safety should be referred to HQDA (DAEN–SO) Washington, D.C. 20314.

§ 273.17 Annual budget request.

The Aquatic Plant Control Program is a continuing activity funded under Construction, General, subject to monetary limitations of $5,000,000 on annual appropriations authorized for the program. Recommendations and supporting data will be submitted in accordance with ER 11–2–240. The amounts requested should be the minimum requirements for the purpose of the authorized program to meet essential needs and should be within the Division's capability to utilize within the budget year taking into account the forseeable avalability of local funds to meet cost-sharing requirements for control operations.

For the Chief of Engineers.

RUSSELL J. LAMP,
Colonel, Corps of Engineers,
Executive.

APPENDIX A

AQUATIC PLANT CONTROL PROGRAM LEGISLATIVE AUTHORITY

Section 104 of the Rivers and Harbors Act, approved 3 July 1958 (72 Stat. 297, 300), as amended by section 104 of the Rivers and Harbors Act of 1962 (76 Stat. 1173, 1180), and as amended by section 302 of the Rivers and Harbors Act, approved 27 October 1965 (79 Stat. 1092) states as follows:

SEC. 302. (a) There is hereby authorized a comprehensive program to provide for control and progressive eradication of waterhyacinth, alligatorweed, Eurasian watermilfoil, and other obnoxious aquatic plant growths, from the navigable waters, tributary streams, connecting channels, and other allied waters of the United States, in the combined interest of navigation, flood control, drainage, agriculture, fish and wildlife conservation, public health, and related purposes, including continued research for development of the most effective and economic control measures, to be administered by the Chief of Engineers, under the direction of the Secretary of the Army, in cooperation with other Federal and State agencies. Local interests shall agree to hold and save the United States free from claims that may occur from control operations and to participate to the extent of 30 per centum of the cost of such operations. Costs for research and planning undertaken pursuant to the authorities of this section shall be borne fully by the Federal Government.

(b) There are authorized to be appropriated such amounts not in excess of $5,000,000 annually, as may be necessary to carry out the provisions of this section. Any such funds employed for control operations shall be allocated by the Chief of Engineers on a priority basis, based upon the urgency and need of each area, and the availability of local funds.

APPENDIX B

INFORMATION REQUIREMENTS FOR AQUATIC PLANT CONTROL PROGRAM REPORTS

1. Location and brief description of problem area if necessary for understanding environmental factors, including a suitable map (appendix).

2. Statement of problem with brief description of physical factors pertaining thereto, including identication my common and scientific name of the plant or plants concerned, origin of infestation and likely source of reinfestation; extent of infestation including estimated surface area, depth or density; nature of physical and economic damages occasioned by presence of the infestation; and other information clarifying the nature and magnitude of the problem. Explanation should be given of how and why the infestation meets the principal criteria governing the program.

3. Preliminary plan of procedure, if any, for control operations or engineering works, including control methods, materials, equipment and procedures that may be employed. If sufficient information is not available to outline a preliminary plan for operation control, the report should include a brief statement of the special problems in control methods that need to be resolved before detailed planning can be undertaken.

4. Preliminary project cost estimates broken down into planning and operation costs for Federal and non-Federal budgeting. The report should present sufficient data concerning cost estimates for review by item and unit price.

5. Preliminary economic evaluation with approximation of benefits and brief summary of supporting data classified as general or local.

6. Discussion of availability of authority for State participation in the program, the interest of State agencies in such participation, and the likelihood of State funds being available for cost-sharing required for any control operations.

7. Cost estimate for subsequent preparation of a detailed planning report, and estimated length of time to complete after receipt of funds, and schedule of funding by fiscal years.

APPENDIX C

INFORMATION REQUIREMENTS FOR AQUATIC PLANT CONTROL PROGRAM ENVIRONMENTAL IMPACT STATEMENTS

1. Description of the problem.

a. *Pests.* Identify the pest to be controlled by common name. Be as specific as possible.

b. *Location and size of infestation.* Describe the target area as specifically as possible.

c. *Severity of infestation.* Discuss the degree and importance of the pest problem.

d. *History of infestation.* Discuss obvious development as established.

e. *Criteria for identification of the treatment areas.* Include technical details as established.

f. Possible cumulative effects of the proposed action in relation to other Federal or non-Federal pesticides application in the treatment area.

g. *Relationship to environmental situation.* Non-target organisms and integrated pest management programs.

2. Program Accomplishments:

a. *Goals.* Discuss practical control levels.

b. Monitoring accomplishment level.

3. Identification of each chemical:

a. *Name.* Use common or coined names, and/or chemical name.

b. *Active ingredient.* Give name and percentage.

c. *Status of Federal registration.* Give registration number.

4. Application:

a. *Form applied.* Dust, granule, emulsion, bait solution, gas, etc.

b. *Choice of equipment and techniques.* Discuss general details of method of application.

c. *Use Strength.* Give concentration of the active ingredient as applied.

d. *Rate.* Give rate of application in pounds per acre or other rate.

e. *Frequency.* Discuss probable frequency of application.

f. *Acreage or other descriptive unit.* Discuss area of proposed control.

g. *Site description.* Lake, river, drainage canal, irrigation canal, etc.

h. *Sensitive areas.* Discuss areas of potential contamination.

i. *Container disposal.* Discuss disposal requirements.

j. *Safety precautions.* Discuss hazards of exposure.

5. Alternative measures: Discuss details of alternative methods of control.

APPENDIX D

ANNUAL WORK PLAN

Aquatic Plant Control Program

(Example)

District: Vicksburg. Year Ending: 1 December 1974.

Division: Lower Mississippi Valley. Date Submitted: 15 December 1974.

1. *Status of contracts scheduled for award in current fiscal year.*

Contract	Scheduled award date	Actual award date
Plant control operations.....	July 1973.....	July 31, 1973

2. *Comparison of scheduled and actual current FY obligations and expenditures to date.*

	Approved Mar. 28, 1974	Actual	Difference
Obligations.....	$4.7	$3.2	−$1.5
Expenditures.....	4.1	2.9	−1.2

3. *Explanation of difference.* Not applicable.

4. *Outlook for meeting programmed objectives.*

a. *Programmed objectives.* Full utilization of work allowance.

b. *Outlook.* We expect to meet our programmed objectives.

5. *Problems and corrective action taken or proposed action.* Not applicable.

6. *Status of over-all program progress.* Contract for plant control operations was awarded in July 1973 to take advantage of last part of plant growing season. Plant control operations began in October 1973 and have been completed for this fiscal year. Surplus funds in the amount of $21,700 will be revoked.

APPENDIX E

PREVENTIVE SAFETY MEASURES IN HANDLING OF HERBICIDES

1. Follow the label on each container before using the contents. The manufacturers are required by law to list recommendations and precautions.

2. Weather conditions are important. Winds could carry toxic sprays and dusts to areas not under your control, causing accidental poisoning to the public or domestic animals.

3. Smoking is not permitted while herbicides are being handled.

4. All herbicides must be handled in well ventilated areas to minimize inhalation of toxic vapors.

5. Shower and washing facilities must be near herbicides mixing areas.

6. Any contamination of the skin, particularly with liquid concentrations or solutions, must be immediately washed off with detergent and water.

7. Protective clothing is used in conjunction with respiratory protective devices to prevent skin contact and inhalation of herbicides. Recommended articles of protective clothing are rubber aprons, coveralls, chemical splash goggles, safety shoes and hard hats. A lightweight water and chemical resistant throw away type protective clothing that is impervious to herbicides is now available. In warm geographical areas this type of lightweight protective clothing would be beneficial in reducing physical stress to applicators. Additional protection is afforded by protective skin cream.

8. Clothing contaminated by spillage must be removed immediately and thoroughly laundered before wearing. Special care is required to prevent contamination of the inside of gloves.

9. Approved respirators must be worn while herbicides are being mixed, and when dusts or liquids are being handled or sprayed. Care should be exercised when selecting the respirator type to insure that it is designated specifically for the substance to be used. Each canister must be labeled and approved by the Bureau of Mines or HEW (NIOSH). Filters or canisters must be changed after 8 hours use and more often if odor of the herbicide is detected. (Always have extra cartridges available when needed.)

10. Herbicide storage, mixing and formulation facilities.

a. All herbicides must be stored in a dry, well ventilated, separate room, building or covered area not accessible to authorized personnel or the public and placed under lock and key.

b. Identification signs should be placed on rooms, buildings, and fences to advise of the contents and warn of their hazardous nature.

c. Where applicable, label the outside of each storage with the "Danger," "Poison", and "Pesticide Storage" signs.

d. Fire extinguishers must be installed near door of material storage room. Diluted oil based herbicides are flammable and must be stored separate from other materials.

e. All herbicide storage, mixing and formulation areas must have adequate ventilation in order to reduce inhalation of toxic vapors. Sparkproof lighting fixtures should be installed in closed storage areas to eliminate ignition hazards.

11. Empty herbicide containers must be disposed of properly. Do not burn them. When herbicides or defoliants volatize, the resulting vapors may be poisonous to humans, and they may damage nearby plants, crops or shrubbery; also, herbicides or defoliants containing chlorates may be a serious fire hazard when heated.

12. Glass herbicide containers should be disposed of by breaking. Chop holes in top, bottom, and sides of metal containers or crush them so they cannot collect water or be reused. After breaking or puncturing them, bury the containers at least 18 inches deep in an isolated area provided for this purpose, away from water supplies or high water tables. Records to locate such buried herbicides within the landfill site should be maintained. Post warning signs.

13. Safety programs developed for the safe handling and mixing of toxic chemicals should be coordinated with the Safety Office prior to implementation.

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