AUTHENTICATED U.S. GOVERNMENT INFORMATION GPO

federal register

MONDAY, FEBRUARY 10, 1975

WASHINGTON, D.C.

Volume 40 ■ Number 28

Pages 6197–6312

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.

PETROLEUM—FEA amends allocation rules for "old oil" and small refiners 6197

NONDISCRIMINATION—Defense Civil Prepardness Agency rules on Federally assisted programs 6204

CO_2 FIXED FIRE EXTINGUISHING SYSTEMS—DOT/CG requires additional operating instructions; effective 5–15–75 6208

FREEDOM OF INFORMATION—
Emergency Loan Guarantee Board rules on availability 6201
Emergency Loan Guarantee Board proposal on search and duplication fees; comments by 2–18–75 6212

POSTAL SERVICE MANUAL—Postal Service amendments on hazardous materials and other matters 6206

ALIENS—Justice/INS proposal on visa petitions for physicians and nurses; comments by 3–14–75 6211

NATIONAL BANKS—Treasury/Comptroller reporting requirements for directors and principal officers; effective 3–1–75 6200

MERCHANT SHIPS—Commerce/MA revises construction specifications 6214

(Continued inside)

PART II:

OIL AND HAZARDOUS SUBSTANCES—CEQ issues national pollution contingency plan 6281

PART III:

PUBLIC AND PRIVATE NONPROFIT ORGANIZATIONS—GSA proposes uniform administrative standards for agreements; comments by 3–12–75 6303

February 10, 1975—Pages 6197–6312

reminders

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

Rules Going Into Effect Today

EPA—Asbestos manufacturing point source category; effluent guidelines and standards..... 1874; 1–9–75

List of Public Laws

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

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

ATTENTION: Questions, corrections, or requests for information regarding the contents of this issue only may be made by dialing 202–523–5266. For information on obtaining extra copies, please call 202–523–5240. To obtain advance information from recorded highlights of selected documents to appear in the next issue, dial 202–523–5022.

federal register

Area Code 202 Phone 523–5240

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

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

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

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

RADIO AND CABLE TELEVISION—FCC rules on broadcasting of lottery information; effective 1–30–75 6209

MEETINGS—
Commerce/NOAA: New York Bight Mesa Advisory Committee, 3–11–75 6217
DOD: Wage Committee, 3–4, 3–11, 3–18, and 3–25–75 .. 6213
Defense Science Board Task Force on "Specifications and Standards Improvement", 2–21 and 2–22–75 .. 6213
DDR & E High Energy Laser Review Group, Laser Hardened Materials and Structures Subpanel, 3–4 and 3–5–75 6213
Navy: Chief of Naval Operations Executive Panel Advisory Committee, 3–4 and 3–5–75 6213
EPA: Lake Michigan Coding Waters Studies Panel 6228
National Science Foundation: Division of Pre-College Education in Science, Project Directors, 2–13 through 2–15 and 2–20 through 2–22–75 6240
Federal Prevailing Rate Advisory Committee, 2–12–75 .. 6238
National Foundation on the Arts and the Humanities: Music Advisory Panel, 2–26 through 3–1–75 6240
FEA: Electric Utilities Advisory Committee, 2–27–75 6231
Wholesale Petroleum Advisory Committee, 2–24–75 .. 6231
NASA: Lunar Advisory Committee, 2–24 through 2–26–75 6239

contents

AGRICULTURAL MARKETING SERVICE
Rules
Limitation of handling and shipments:
Oranges (navel) grown in Ariz. and Calif. 6197

AGRICULTURAL STABILIZATION AND CONSERVATION SERVICE
Proposed Rules
Peanuts, 1975–1976; supply determinations 6211

AGRICULTURE DEPARTMENT
See Agricultural Marketing Service; Agricultural Stabilization and Conservation Service; Animal and Plant Health Inspection Service; Commodity Credit Corporation; Farmers Home Administration; Rural Electrification Administration.

AMERICAN REVOLUTION BICENTENNIAL ADMINISTRATION
Rules
Employee responsibilities and conduct 6205

ANIMAL AND PLANT HEALTH INSPECTION SERVICE
Notices
Environmental impact statement; availability; imported fire ant .. 6214

CIVIL AERONAUTICS BOARD
Notices
Hearings, etc.:
Capitol International Airways, Inc 6218
North Central Airlines, Inc 6219
Pan American World Airways, Inc. and Trans World Airlines, Inc 6222

COAST GUARD
Rules
Fire extinguishing systems; controls for CO_2 fixed; additional instructions 6208
Security zone:
Pennsylvania 6205

COMMERCE DEPARTMENT
See Maritime Administration; National Oceanic and Atmospheric Administration.

COMMODITY CREDIT CORPORATION
Notices
Commodity sales list for FY ending June 30, 1975 6214

COMPTROLLER OF THE CURRENCY
Rules
Reporting requirements; clarification; business interests of directors and principal officers of national banks 6200

CONSUMER PRODUCT SAFETY COMMISSION
Rules
Hazardous substances and articles; administration and enforcement regulations 6210

COUNCIL ON ENVIRONMENTAL QUALITY
Rules
Oil and hazardous substances pollution, national contingency plan 6281
Notices
Environmental impact statements; actions requiring preparation 6223

DEFENSE CIVIL PREPAREDNESS AGENCY
Rules
Nondiscrimination; definitions ... 6204

DEFENSE DEPARTMENT
See also Defense Civil Preparedness Agency; Navy Department.
Notices
Meetings:
Defense Science Board Task Force on "Specifications and Standards Improvement" 6213
DDR&E High Energy Laser Review Group, Laser Hardened Materials and Structures Subpanel 6213
Wage Committee 6213

EDUCATION OFFICE
Notices
Applications closing dates:
Special community service and continuing education projects 6217

EMERGENCY LOAN GUARANTEE BOARD
Rules
Information availability 6201
Proposed Rules
Fees in connection with information requests; establishment 6212

ENVIRONMENTAL PROTECTION AGENCY
Notices
Meetings:
Lake Michigan Coding Waters Study Panel 6228
Pesticide chemicals; tolerances, etc.; petitions:
BASF Wyandotte Corp 6227
Pesticides; registration applications 6227
Pesticides; specific exemptions and and experimental use permits:
Louisiana; DDT for Tobacco budworm control (2 documents) 6228, 6229

FARMERS HOME ADMINISTRATION
Rules
Income guidelines; individual and cooperative economic opportunity (EO) loans; deletion 6197
Operating loans for tobacco and peanut acreage allotments; deletion 6197

FEDERAL AVIATION ADMINISTRATION
Rules
Airworthiness directives:
Pratt & Whitney 6202
Sikorsky 6202
Restricted areas and VOR Federal airways 6203
Transition areas (2 documents ... 6202, 6203

FEDERAL COMMUNICATIONS COMMISSION
Rules
Frequency availability to nongovernment ship stations 6209
Radio broadcast services and cable television service; lotteries 6209
Notices
Hearings, etc.:
West Texas Microwave Co 6229

FEDERAL ENERGY ADMINISTRATION
Rules
Mandatory petroleum allocation regulations; amendment 6197
Mandatory petroleum price regulations; redesignation 6200

FEDERAL ENERGY ADMINISTRATION

Notices

Meetings:
- Electric Utilities Advisory Committee ... 6231
- Wholesale Petroleum Advisory Committee ... 6231

FEDERAL POWER COMMISSION

Rules

Natural gas:
- Just and reasonable national rates for sales of and new dedications to interstate commerce; correction ... 6204

Notices

Hearings, etc.:
- Alabama-Tennessee Natural Gas Co ... 6232
- Algonquin Gas Transmission Co ... 6232
- Carolina Power & Light Co ... 6232
- Champlin Petroleum Co., et al ... 6232
- El Paso Natural Gas Co ... 6233
- Indiana & Michigan Electric Co ... 6233
- Kentucky Utilities Co ... 6233
- Missouri Edison Co ... 6233
- National Fuel Gas Supply Corp ... 6234
- New England Power Co ... 6234
- Northern States Power Co. (2 documents) ... 6235
- Panhandle Eastern Pipe Line Co ... 6235
- Southern California Edison Co ... 6236
- Southern Natural Gas Co. and Mississippi River Transmission Corp ... 6236
- Southern Union Production Co., et al ... 6237
- Virginia Electric & Power Co ... 6238

FEDERAL PREVAILING RATE ADVISORY COMMITTEE

Notices

Meeting ... 6238

GENERAL SERVICES ADMINISTRATION

Proposed Rules

Uniform administrative standards for agreements with public and private institutions of higher education, hospitals, and other public and private nonprofit organizations ... 6303

HAZARDOUS MATERIALS REGULATIONS BOARD

Notices

Special permits issued ... 6218

HEALTH, EDUCATION, AND WELFARE DEPARTMENT

See Education Office.

IMMIGRATION AND NATURALIZATION SERVICE

Proposed Rules

Nonimmigrant (H-1) visa petitions for physicians and nurses; evidence ... 6211

INTERIM COMPLIANCE PANEL (COAL MINE HEALTH AND SAFETY)

Notices

Applications, etc.:
- Pine Coal Corp ... 6238

INTERIOR DEPARTMENT

See Land Management Bureau; Reclamation Bureau.

INTERNATIONAL TRADE COMMISSION

Notices

International commodity code, formulation ... 6239

Hearings, etc.:
- Sandler-Ette Footwear Manufacturing Corp ... 6239

INTERSTATE COMMERCE COMMISSION

Notices

Fourth section applications for relief ... 6249

Hearing assignments ... 6249

Motor carriers:
- Irregular route property carriers; gateway elimination ... 6250
- Temporary authority applications ... 6261

JUSTICE DEPARTMENT

See Immigration and Naturalization Service.

LAND MANAGEMENT BUREAU

Rules

Public land orders:
- Arizona (3 documents) ... 6207, 6208
- California ... 6208
- Idaho ... 6208

Notices

Survey plat filings; Florida ... 6213

MANAGEMENT AND BUDGET OFFICE

Notices

Clearance of reports; list of requests ... 6243

MARITIME ADMINISTRATION

Notices

Applications, etc.:
- Southern Ohio Bank ... 6214

Tanker construction program; revisions of standard specifications for merchant ship construction ... 6214

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

Notices

Meetings:
- Lunar Advisory Committee ... 6239

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

Notices

Meetings:
- Music Advisory Panel ... 6240

NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION

Notices

Seat belt warning system requirements, reconsideration ... 6218

NATIONAL LABOR RELATIONS BOARD

Rules

Miscellaneous amendments ... 6204

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

Notices

Meetings:
- New York Bight Mesa Advisory Committee ... 6217

NOAA Facility at Sand Point; hearing ... 6216

NATIONAL SCIENCE FOUNDATION

Notices

Meetings:
- Pre-college Education in Science Division ... 6240

NAVY DEPARTMENT

Notices

Meetings:
- Chief of Naval Operations Executive Panel Advisory Committee ... 6213

NUCLEAR REGULATORY COMMISSION

Notices

Applications, etc.:
- Commonwealth Edison Co. and Iowa-Illinois Gas & Electric Co. ... 6240
- Consumers Power Co ... 6241
- Public Service Co. of Oklahoma ... 6242

POSTAL SERVICE

Rules

Postal Service Manual:
- Miscellaneous amendments ... 6206
- Nonmailable matter ... 6206

RECLAMATION BUREAU

Notices

Environmental statement:
- WESCO Coal Gasification Project, et al; supplement ... 6214

RURAL ELECTRIFICATION ADMINISTRATION

Notices

Loan guarantee proposed:
- Sierra Telephone Co., Inc ... 6214

SECURITIES AND EXCHANGE COMMISSION

Notices

Registration of foreign investment companies under Investment Company Act of 1940, deadline for public comments ... 6248

Hearings, etc.:
- American Agronomics Corp ... 6243
- BBI, Inc ... 6243
- Chicago Board Options Exchange, Inc. (4 documents) ... 6244
- Fidelity Mortgage Investors ... 6244
- Mincomp Corp ... 6245
- Mobil Alaska Pipeline Co ... 6245
- Municipal Income Fund and Merrill Lynch, Pierce, Fenner & Smith Inc ... 6246
- Nicoa Corp ... 6248
- Royal Properties Inc ... 6248
- Winner Industries, Inc ... 6248

SELECTIVE SERVICE SYSTEM

Notices

Clemency program, temporary instruction on extension ... 6249

SMALL BUSINESS ADMINISTRATION

Notices

Guaranteed loans; establishment of maximum interest rates ... 6249

TRANSPORTATION DEPARTMENT

See Coast Guard; Federal Aviation Administration; Hazardous Materials Regulations Board; National Highway Traffic Safety Administration.

TREASURY DEPARTMENT

See Comptroller of Currency.

list of cfr parts affected

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

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

7 CFR

907 6197
1890j 6197
1890k 6197
PROPOSED RULES:
729 6211

8 CFR

PROPOSED RULES:
214 6211

10 CFR

211 6197
212 6200

12 CFR

23 6200

13 CFR

402 6201
PROPOSED RULES:
402 6212

14 CFR

39 (2 documents) 6202
71 (2 documents) 6202, 6203
73 6203

16 CFR

1500 6210

18 CFR

2 6204
154 6204

29 CFR

102 6204

32 CFR

1811 6204

33 CFR

127 6205

34 CFR

PROPOSED RULES:
258 6304

36 CFR

602 6205

39 CFR

111 (2 documents) 6206
112 6206
123 6206
124 6206
134 6207
144 6207
154 6207
156 6207
159 6207
161 6207
163 6207
165 6207
171 6207

40 CFR

1510 6282

43 CFR

PUBLIC LAND ORDERS:
5465 6208
5472 6208
5473 6207
5476 6208
5477 6207

46 CFR

34 6208
76 6209
95 6209
181 6209
193 6209

47 CFR

2 6209
73 6209
76 6209
83 6209

CUMULATIVE LIST OF PARTS AFFECTED—FEBRUARY

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

3 CFR

PROCLAMATIONS:
3443 (Amended by Proc. 4346) ---- 5127
4313 (Amended by Proc. 4345) ---- 4893
4344 ---- 4891
4345 ---- 4893
4346 ---- 5127
4347 ---- 5129
4348 ---- 5131
4349 ---- 5739
4350 ---- 5741

EXECUTIVE ORDERS:
July 22, 1915 (Amended by PLO 5470) ---- 5754
May 26, 1931 (Amended by PLO 5470) ---- 5754
5843 (Amended by PLO 5470) ---- 5754
11491 (Amended by E.O. 11838) ---- 5743
11616 (See E.O. 11491) ---- 5743
11636 (See E.O. 11491) ---- 5743
11803 (Amended by EO 11837) ---- 4895
11837 ---- 4895
11838 (See E.O. 11491) ---- 5743

4 CFR

303 ---- 5135

5 CFR

213 ---- 5493, 5747
870 ---- 5747
1001 ---- 5347

7 CFR

2 ---- 5135
102 ---- 5347
271 ---- 5747–5751
354 ---- 4897
724 ---- 5135
907 ---- 4903, 5531, 6197
910 ---- 5752
1822 ---- 5531
1890b ---- 5753
1890d ---- 5753
1890e ---- 5753
1890j ---- 6197
1890k ---- 6197
1890l ---- 5753
1890n ---- 5532

PROPOSED RULES:
729 ---- 6211
982 ---- 5163
1001 ---- 5373
1002 ---- 5373
1004 ---- 5373
1006 ---- 5373
1007 ---- 5373
1011 ---- 5373
1012 ---- 5373
1013 ---- 5373
1015 ---- 5373
1030 ---- 5373
1032 ---- 5163, 5373
1033 ---- 5373
1036 ---- 5373
1040 ---- 5373
1044 ---- 5373
1046 ---- 5373
1049 ---- 5373

7 CFR—Continued

PROPOSED RULES—Continued
1050 ---- 5373
1060 ---- 5373
1061 ---- 5373
1062 ---- 5133, 5373
1063 ---- 5373
1064 ---- 5373
1065 ---- 5373
1068 ---- 5373
1069 ---- 5373
1070 ---- 5373
1071 ---- 5373
1073 ---- 5373
1075 ---- 5373
1076 ---- 5373
1078 ---- 5373
1079 ---- 5373
1090 ---- 5373
1094 ---- 5373
1096 ---- 5373
1097 ---- 5373
1098 ---- 5373
1099 ---- 5373
1101 ---- 5373
1102 ---- 5373
1104 ---- 5373
1106 ---- 5373
1108 ---- 5373
1120 ---- 5373
1121 ---- 5373, 5784
1124 ---- 5373
1125 ---- 5373
1126 ---- 5373, 5784
1127 ---- 5373, 5784
1128 ---- 5373, 5784
1129 ---- 5373, 5784
1130 ---- 5373, 5784
1131 ---- 5373
1132 ---- 5373
1133 ---- 5373
1134 ---- 5373
1136 ---- 5373
1137 ---- 5373
1138 ---- 5373
1139 ---- 5373
1844 ---- 4919
1867 ---- 5538
1871 ---- 5539

8 CFR

100 ---- 4904
235 ---- 5347
299 ---- 5347

PROPOSED RULES
214 ---- 6211

9 CFR

94 ---- 4904

PROPOSED RULES:
50 ---- 5784
51 ---- 5787

10 CFR

211 ---- 5139, 6197
212 ---- 6200

PROPOSED RULES:
303 ---- 5452
305 ---- 5452
307 ---- 5452

12 CFR

23 ---- 6200
201 ---- 4904
522 ---- 5532
811 ---- 5532

PROPOSED RULES:
225 ---- 5794

13 CFR

104 ---- 5139
402 ---- 6201

PROPOSED RULES
402 ---- 6212

14 CFR

39 ---- 5347, 5348, 5754–5756, 6202
71 ---- 4905, 5140, 5348, 5493, 5494, 5756, 6202, 6203
73 ---- 6203
97 ---- 5494
103 ---- 5140
288 ---- 5141, 5756, 5758
399 ---- 4906

PROPOSED RULES:
45 ---- 5542
71 ---- 4937, 5167, 5373, 5542, 5543, 5793
103 ---- 5168
207 ---- 5371
208 ---- 5371
212 ---- 5371
214 ---- 5371

15 CFR

376 ---- 4907
804 ---- 5003
924 ---- 5349

16 CFR

304 ---- 5495
1500 ---- 6210

17 CFR

PROPOSED RULES:
200 ---- 4944
240 ---- 5169
250 ---- 5372
257 ---- 5372

18 CFR

2 ---- 6204
32 ---- 5142
154 ---- 6204

19 CFR

10 ---- 5146
171 ---- 5146
172 ---- 5146

20 CFR

404 ---- 5497
405 ---- 5760
618 ---- 5498
619 ---- 5502

PROPOSED RULES:
404 ---- 5163, 5540, 5789

21 CFR

27 ... 5762, 5772
121 ... 5350
135 ... 5147
310 ... 5351
442 ... 5355
1240 ... 5620
1250 ... 5620

24 CFR

201 ... 5356
232 ... 4908, 5775
570 ... 5356, 5952
1914 ... 4908, 4909, 5148
1915 ... 5149, 5151
2205 ... 5507

26 CFR

PROPOSED RULES:

1 ... 5537

28 CFR

2 ... 5357
15 ... 4910

29 CFR

102 ... 6204
529 ... 5775
1952 ... 4910
2300 ... 5779
2601 ... 5507

PROPOSED RULLS:

1910 ... 4930, 4932, 5792

31 CFR

PROPOSED RULES:

51 ... 5370

32 CFR

286 ... 4911
296 ... 4911
881 ... 5362
1811 ... 6204

33 CFR

117 ... 5147
127 ... 5147, 5508, 6205

PROPOSED RULES:

110 ... 5164
117 ... 5541
128 ... 5165
175 ... 5167
252 ... 5485
265 ... 5484
273 ... 5489

34 CFR

PROPOSED RULES

258 ... 6304

36 CFR

602 ... 6205

PROPOSED RULES:

603 ... 4938

37 CFR

1 ... 5158

39 CFR

111 ... 6206
112 ... 6206
123 ... 6206
124 ... 6206
134 ... 6207
144 ... 6207
154 ... 6207
156 ... 6207
159 ... 6207
161 ... 6207
163 ... 6207
165 ... 6207
171 ... 6207

40 CFR

35 ... 5363
52 ... 5508, 5523
85 ... 5524
240 ... 5159
241 ... 5159
415 ... 5523
1510 ... 6282

PROPOSED RULES:

85 ... 5169

41 CFR

Ch. 3 ... 4913
5A-1 ... 5781
9-7 ... 5781
9-16 ... 5781
Ch. 9 ... 5364
14-3 ... 5782
Ch. 109 ... 5364
114-30 ... 5525
114-38 ... 5526
114-39 ... 5525, 5526
114-40 ... 5526
114-42 ... 5526
114-45 ... 5526
114-46 ... 5527
114-47 ... 5527
114-52 ... 5527
114-60 ... 5527

42 CFR

72 ... 5620

43 CFR

4 ... 5527

PUBLIC LAND ORDERS:

1744 (Removed by PLO 5468) ... 5753
5463 ... 5365
5464 ... 5753
5465 ... 6208
5466 ... 5753
5467 ... 5753
5468 (Revoked PLO 1744 of October 6, 1958) ... 5753
5470 (Amends E.O. of July 22, 1915; Revoked in part E.O. of May 26, 1931, and E.O. 5843 of April 28, 1932) ... 5754

43 CFR—Continued

5471 ... 5754
5472 ... 6208
5473 ... 6207
5476 ... 6208
5477 ... 6207

PROPOSED RULES:

2 ... 5783

45 CFR

PROPOSED RULES:

205 ... 5541

46 CFR

34 ... 6208
76 ... 6209
95 ... 6209
181 ... 6209
193 ... 6209
531 ... 5528

47 CFR

1 ... 5365
2 ... 6209
5 ... 5366
13 ... 5366
21 ... 4914
73 ... 4915, 4916, 6209
76 ... 6209
81 ... 5366
83 ... 5366, 6209
87 ... 5366
89 ... 5159, 5367
91 ... 5159, 5367
93 ... 5159, 5367
95 ... 5367
97 ... 5367

PROPOSED RULES:

73 ... 4939-4942, 5794
76 ... 5371
81 ... 4942

49 CFR

1 ... 5159
225 ... 5368
571 ...
570 ... 5159
582 ... 4918
1033 ... 4918, 5161, 5369

PROPOSED RULES:

571 ... 4938, 5529
581 ... 4938
1100 ... 4942
1102 ... 5374
1104 ... 5374

50 CFR

28 ... 4917, 5530
33 ... 5530, 5531

PROPOSED RULES:

219 ... 4930

FEDERAL REGISTER PAGES AND DATES—FEBRUARY

Pages	*Date*
4891-5125	Feb. 3
5127-5345	4
5347-5492	5
5493-5737	6
5739-6196	7
6197-6312	10

rules and regulations

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

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

Title 7—Agriculture

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

[Navel Orange Reg. 337, Amdt. 1]

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

Limitation of Handling

This regulation increases the quantity of California-Arizona Navel oranges that may be shipped to fresh market during the weekly regulation period Jan. 31–Feb. 6, 1975. The quantity that may be shipped is increased due to improved market conditions for Navel oranges. The regulation and this amendment are issued pursuant to the Agricultural Marketing Agreement Act of 1937, as amended, and Marketing Order No. 907.

§ 907.637 Navel Orange Regulation 337.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 907, as amended (7 CFR Part 907), regulating the handling of Navel oranges grown in Arizona and designated part of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations and information submitted by the Navel Orange Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such Navel oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) The need for an increase in the quantity of oranges available for handling during the current week results from changes that have taken place in the marketing situation since the issuance of Naval Orange Regulation 337 (40 FR 4415). The marketing picture now indicates that there is a greater demand for Navel oranges than existed when the regulation was made effective. Therefore, in order to provide an opportunity for handlers to handle a sufficient volume of Navel oranges to fill the current market demand thereby making a greater quantity of Naval oranges available to meet such increased demand, the regulation should be amended, as hereinafter set forth.

(3) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this amendment until 30 days after publication thereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when informaion upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the act is insufficient, and this amendment relieves restriction on the handling of Navel oranges grown in Arizona and designated part of California.

(b) *Order, as amended.* The provisions in paragraph (b)(1)(i), and (ii) of § 907.637 (Navel Orange Regulation 337 (40 FR 4415)) are hereby amended to read as follows:

"(i) District 1: 1,435,000 cartons;
"(ii) District 2: 215,000 cartons."

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

Dated: February 5, 1975.

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

[FR Doc.75-3690 Filed 2-7-75;8:45 am]

CHAPTER XVIII—FARMERS HOME ADMINISTRATION, DEPARTMENT OF AGRICULTURE

SUBCHAPTER G—MISCELLANEOUS REGULATIONS

[AL-10 (440)]

PART 1890j—INCOME GUIDELINES—INDIVIDUAL AND COOPERATIVE ECONOMIC OPPORTUNITY (EO) LOANS

Deletion of Part

Part 1890j, "Income Guidelines—Individual and Cooperative Economic Opportunity (EO) Loans," (35 FR 14916), is deleted from Chapter XVIII, Title 7 of the Code of Federal Regulations. This Part has served its purpose, and no longer has any applicability.

((42 U.S.C. 2942); delegation of authority by the Secretary of Agriculture, 7 CFR 2.23; delegation of authority by the Assistant Secretary for Rural Development, 7 CFR 2.70; Order of Director, OEO, 29 FR 14764, 33 FR 9850.)

Effective date: This deletion shall become effective on February 10, 1975.

Dated: January 31, 1975.

FRANK B. ELLIOTT,
Administrator,
Farmers Home Administration.

[FR Doc.75-3629 Filed 2-7-75;8:45 am]

[AL-928 (440); AL-934 (440)]

PART 1890k—OPERATING LOANS FOR TOBACCO AND PEANUT ACREAGE ALLOTMENTS

Deletion of Part

Part 1890k, "Operating Loans for Tobacco and Peanuts Acreage Allotments," (36 FR 1131), is deleted from Chapter XVIII, Title 7 of the Code of Federal Regulations. This Part has served its purpose and no longer has any applicability.

((U.S.C. 1989); delegation of authority by the Secretary of Agriculture, 7 CFR 2.23; delegation of authority by the Assistant Secretary for Rural Development, 7 CFR 2.70.)

Effective date: This deletion shall become effective on February 10, 1975.

Dated: January 31, 1975.

FRANK B. ELLIOTT,
Administrator,
Farmers Home Administration.

[FR Doc.75-3630 Filed 2-7-75;8:45 am]

Title 10—Energy

CHAPTER II—FEDERAL ENERGY ADMINISTRATION

PART 211—MANDATORY PETROLEUM ALLOCATION REGULATIONS

Emergency Amendment to Special Rule No. 3

On November 29, 1974, FEA issued the final rule for the allocation of old oil (39 FR 42246; December 4, 1974). Subsequent to the issuance of the rule, FEA concluded that, in light of the special needs of many small refiners, an amendment was necessary to assist those small refiners that would be required to purchase entitlements under the program to adjust on a graduated basis to their entitlement purchase obligations. Accordingly on December 16, 1974, FEA adopted Special Rule No. 3 for Subpart C of Part 211.

FEA has determined that extension of the first phase of Special Rule No. 3 is required, for the reasons set forth below. Accordingly, FEA is hereby adopting the amendment set forth herein effective immediately.

Special Rule No. 3 (the Special Rule) provided specified relief for all small refiners that would otherwise be required to purchase entitlements under the program for the first 30,000 barrels per day of their daily average volume of crude oil runs to stills. The Special Rule applied to the months of November and December 1974, and January 1975. For small refiners having run levels under

30,000 barrels per day, no purchases of entitlements were required for November 1974. For December 1974 and January 1975, such small refiners were required to purchase one-third (⅓) and two-thirds (⅔), respectively, of the entitlements they would otherwise be required to purchase under § 211.67(b). For small refiners with run levels in excess of 30,000 barrels per day, the Special Rule was applicable only to that number of entitlements which bears the same proportion to the total number of entitlements required to be purchased that 30,000 barrels per day bears to the average daily volume of crude oil runs to stills of that small refiner.

In adopting the Special Rule, FEA recognized that immediate imposition of the full entitlement purchase requirements of the program might have a severe short-term economic impact on certain small refiners which have been running a higher percentage of old oil in their refineries than the national average. In particular, many small refiners have recently had lower run levels than the industry average; phasing in the entitlement purchase requirements of the program as to small refiners would afford these refiners an interim period during which to bring their run levels back to more normal levels. FEA also realized that serious cash flow problems would be posed for some small refiners that are required to purchase entitlements. The Special Rule was intended to assist small refiners in arranging any necessary financing and instructuring their marketing operations with regard to compliance with the program. In addition, FEA expected that, at the outset of the program, changes would take place in the product prices of various refiners, depending on the impact of the program on each of them; delaying the impact of the program as to small refiners would permit these refiners to adjust their product prices so as to most effectively pass through their increased crude oil costs under the program. In adopting the Special Rule, FEA was aware that many small refiners will also have more difficulty in passing through these increased costs, due to their limited product slate.

One further significant consideration was present in the adoption of the Special Rule. To assure that small refiners were not placed in possible jeopardy during the processing of their exception requests, small refiners were given a reduction in their entitlement purchase requirements for a period that FEA felt was adequate to permit filing and evaluation of applications for exception prior to the point in time at which any significant purchase obligations would attach. In this connection, the FEA also announced that it was implementing an expedited exceptions procedure.

However, as of the current date, FEA has received relatively few exception requests from small refiners, due perhaps to the complexities inherent in the startup phase of the program and the difficulties in drafting the necessary applications, which have heretofore required a broad range of financial and other information concerning the applicant. In light of the present situation facing many small refiners, FEA has concluded that the underlying considerations which led to the adoption of the Special Rule are still applicable and that more time is necessary to allow small refiners to make the appropriate adjustments required by the entitlement program. Accordingly, FEA has decided that the first phase of the Special Rule should be extended for one more month. Further, since FEA believes that numerous small refiners may still need exceptions relief from the full operation of the program, the first phase exemption will also be extended automatically upon filing of an exception application on or prior to February 21, 1975 to prevent any possible financial or competitive injury to those small refiners during the processing of their applications.

FEA wishes to emphasize that it considers the exceptions process the appropriate vehicle for final relief for small refiners that are required to purchase entitlements and that may be severely adversely affected by the program. In this connection, FEA would like to reiterate its earlier announcement that it has instituted an expedited exceptions process for the program and expects to evaluate each application with considerable care to ensure that relief is granted where a refiner would suffer a severe hardship or a gross inequity under the program.

The Special Rule as amended extends through December 1974 the purchase requirement exemption for the first 30,000 barrels per day of each small refiner's crude runs provided initially for the month of November. In addition, entitlement purchase obligations for January and February 1975 are exempted to the same extent as were purchase obligations for December and January under the Special Rule as originally issued.

To confirm FEA's policy to effect a reduction in entitlement purchase obligations pending decision on a small refiner's exception request, the amended Special Rule provides for extension of the first phase (November and December) of the Special Rule's exemption for entitlement purchase obligations upon the following conditions: first, the small refiner shall have filed an exception application (including the information called for by Schedule A to the Special Rule) on or prior to February 21, 1975; second, the extension terminates upon issuance of the decision on the application; third, the extension may be terminated by FEA if it determines that a small refiner has significantly delayed the decision on its exception application by not submitting additional financial or other information requested by FEA within a reasonable time which FEA deems necessary for decision of the case. Under this procedure, small refiners that file exception applications on or prior to February 21, 1975 will be exempted from entitlement purchase requirements as to the first 30,000 barrels per day of their crude runs until a decision on their application is issued. The effect will be to preclude any significant impact of the program upon small refiners that might otherwise be required to purchase entitlements pending the decision on their exception applications.

Section 7(i)(1)(B) of the Federal Energy Administration Act of 1974 (Pub. L. 93-275) (FEAA) provides for waiver of the requirements of that section as to time of notice and opportunity to comment prior to promulgation of regulations where strict compliance with such harm or injury to the public health, harm or injury to the public helath, safety, or welfare. The FEA has determined for the reasons outlined above that strict compliance with the requirements of section 7(i)(1)(B) of the FEAA would thus cause serious harm and injury to the public safety and welfare. Accordingly, these requirements must be waived and this amendment is made effective immediately, prior to opportunity to comment thereon.

The review provisions of section 7(c)(2) of the FEAA are hereby waived for a period of fourteen days, as provided for in that section, upon a finding that there is an emergency situation which requires immediate action. FEA is submitting the text of this emergency amendment concurrently with its issuance to the Administrator of the Environmental Protection Agnecy for his review.

Because this amendment is being issued on an emergency basis, an opportunity for oral presentation of views will not be possible prior to its promulgation. A public hearing on the amendment, however, will be held beginning at 9:30 a.m. on Tuesday, March 4, 1975, in Room 3000, Federal Building, 12th and Pennsylvania Avenue NW., Washington, D.C., to receive comments 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. Such a request should be directed to Executive Communications, FEA, and must be received before 4:30 p.m., e.s.t., Monday, February 24, 1975. Such a request may be hand delivered to Room 3309, 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. 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 Friday, February 28, 1975. Each person selected to be heard will be so notified by the FEA before 5:30 p.m., Wednesday, February 26, 1975, and must submit 100 copies of his or her statement to Executive Communications, FEA, Room 3315, Federal Building, Washington, D.C. 20461, before 9 a.m., e.s.t., Monday, March 3, 1975.

The FEA reserves the right to select the persons to be heard at the hearing, to schedule their respective presentations, and to establish the procedures governing the conduct of the hearing. 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 Executive Communications, FEA, before 4:30 p.m., Friday, February 28, 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 needed 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 Administrator's Reception Area of the FEA, 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 buy a copy of the transcript from the reporter.

Interested persons are invited to submit data, views, or arguments with respect to the emergency amendment to Executive Communications, Federal Energy Administration, Box CD, Washington, D.C. 20461.

Comments should be identified on the outside envelope and on documents submitted to Executive Communications, FEA, with the designation "Emergency Amendment—Special Rule No. 3". Fifteen copies should be submitted. All comments received by February 28, 1975, and all relevant information will be considered by the Federal Energy Administration.

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.

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

In consideration of the foregoing, Part 211 of Chapter II, Title 10 of the Code of Federal Regulations, is amended as set forth below, effective immediately.

Issued in Washington, D.C., February 5, 1975.

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

The Appendix to Subpart C of Part 211 is amended by revising Special Rule No. 3 to read as follows:

SPECIAL RULE NO. 3

1. *Scope.* This Special Rule provides for a reduction in the entitlement purchase requirements of § 211.67(b) for specified volumes of old oil included in the adjusted crude oil receipts of small refiners for the months of November and December 1974, and January and February 1975.

2. *Reduction in entitlement purchase requirements for small refiners.* (a) Each small refiner with a volume of crude oil runs to stills of less than 30,000 barrels per day in the month concerned, that would otherwise be required to purchase entitlements under § 211.67(b): (i) shall not be required to purchase any entitlements for the months of November and December 1974; (ii) shall not be required to purchase in excess of one-third (⅓) of the number of entitlements otherwise required to be purchased by that small refiner under § 211.67(b) for the month of January 1975; and (iii) shall not be required to purchase in excess of two-thirds (⅔) of the number of entitlements otherwise required to be purchased by that small refiner under § 211.67(b) for the month of February 1975.

(b) Each small refiner with a volume of crude oil runs to stills in excess of 30,000 barrels per day in the month concerned, that is required to purchase entitlements under § 211.67(b): (i) shall not be required to purchase a number of entitlements for the months of November and December 1974, which is in the same portion to the total number of entitlements otherwise required to be purchased by that small refiner under § 211.67(b) in the particular month that 30,000 barrels per day is to the daily average volume of that small refiner's crude oil runs to stills for that month; (ii) shall not be required to purchase in excess of one-third (⅓) of that proportion (as calculated in (i) above) of the total number of entitlements otherwise required to be purchased under § 211.67(b) for the month of January 1975; and (iii) shall not be required to purchase in excess of two-thirds (⅔) of that proportion (as calculated in (i) above) of the total number of entitlements otherwise required to be purchased under § 211.67(b) for the month of February 1975.

3. *Filing of applications for exception.* The provisions of subparagraphs (a)(1) and (b)(1) of paragraph 2 of this special rule shall remain in effect as to the entitlement purchase obligations of a small refiner for months subsequent to December 1974 upon the following conditions:

(a) The small refiner shall have filed an application for exception purusant to and in compliance with Subpart D of Part 205 on or prior to February 21, 1975. Any such application shall include the information set forth in Schedule A to this special rule.

(b) The provisions of this paragraph 3 shall cease to be applicable to that small refiner as to entitlements issued subsequent to the date of the issuance of the initial decision upon that small refiner's application for exception.

(c) FEA may in its discretion order that the provisions of this paragraph 3 shall cease to be applicable to any small refiner that has filed an application for exception in compliance with subparagraph (a) of this paragraph 3, if FEA determines that the small refiner has delayed to any significant extent the issuance of a decision on its application by failure to furnish to FEA within a reasonable time financial or other information requested and deemed necessary by the FEA in connection with the analysis of its application.

4. *Adjustment to number of entitlements issuable to refiners and eligible firms.* The total number of entitlements exempted from the purchase requirements of § 211.67(b) pursuant to paragraphs 2 and 3 of this special rule shall be deducted, on a pro-rata basis, from the number of entitlements otherwise issuable to and available for sale by each refiner and each eligible firm which has entitlements available for sale in the month concerned.

5. *Provisions of Subpart C.* The provisions of Subpart C of Part 211 (including, without limitation, the reporting requirements of § 211.66) shall remain in full force and effect except as expressly modified by the provisions of this special rule.

SCHEDULE A

INFORMATION REQUIRED TO BE SUBMITTED IN CONNECTION WITH EXCEPTION APPLICATIONS PRODUCTION AND REFINING OF CRUDE OIL

(1) Schedules of the following information on a quarterly basis for the period January 1, 1973 through December 31, 1974:

(a) Total refinery capacity;

(b) Crude oil runs (as that term is defined in 10 CFR 211.62);

(c) Volumes of crude oil receipts (as that term is dened in 10 CFR 211.62), specifying the volumes of crude oil received under the FEA Refiners' Buy/Sell List and the volume received from sources in which the applicant has a beneficial or operating interest. In addition, for each month since September 1, 1974 provide an indication of the percentage of crude oil receipts represented by old oil.

(d) The weighted average cost of the crude oil received from all sources.

(e) The nature and duration of any crude oil processing agreements.

(f) The nature of any crude oil exchange agreements including any agreements under which crude oil is exchanged for refined petroleum products; and

(g) A description of any sales of crude oil specifying the volume sold, the name of each purchaser and the weighted average price per barrel.

(2) A schedule for each quarter of 1975 showing the applicant's projected crude oil receipts, its anticipated sources of crude oil, the percentage of old oil which it anticipates receiving and the nature of any crude oil processing agreements the applicant expects to utilize.

PURCHASE AND SALE OF REFINED PRODUCTS

(3) A schedule showing the following data on a quarterly basis for the period January 1973 through December 1974:

(a) The types of refined petroleum products sold; and

(b) For each product which constitutes 10% of the total sales volume (1) the weighted average selling price per gallon and (2) the volume sold.

COMPETITIVE POSITION

(4) A discussion of the reasons underlying the applicant's inability to increase the prices of the products which it sells so as to reflect the crude oil cost increases which it expects to incur as a result of the Crude Oil Entitlements Program. Such a discussion should include the following types of information:

(a) A list of the applicant's major competitors;

(b) A description of the historical relationships between the prices of the applicant's refined products and those of the firms listed in (a); and

(c) A detailed description of the present competitive price posture of the applicant and the firms listed in (a) to the extent that such information is available to the applicant.

FINANCIAL DATA

(5) Complete financial statements and Forms 10-K (if available) for the fiscal years 1968 through the most recently completed fiscal year, and any available quarterly financial statements for the current fiscal year.

(6) A schedule specifying the firm's operating cost per barrel of crude oil processed in both 1973 and 1974, an explanation of the composition of these costs and the manner in which these figures are derived.

(7) A pro-forma profit and loss statement for each fiscal quarter of 1975 prepared under the assumptions that: (i) the FEA Crude Oil Entitlements Program (10 CFR 211.67) is in effect during that entire period; (ii) the national old oil supply ratio is 40 percent; and (iii) the price of each entitlement is $5. These pro-forma statements should take into account the entitlement adjustment for small refiners set forth in 10 CFR 211.67(e) if applicable, and any other appropriate adjustments as required under § 211.67 shoud be made. An explanation of any other assumptions employed in the peparation of these statements should be provided.

(8) Copies of the following documents:

(a) Contracts between the firm and the purchasers of its refined petroleum products which in any way restrict the firm's ability to pass through the added costs of entitlements to such purchasers in the form of higher prices;

(b) Existing agreements between the firm and financial lending institutions; and

(c) Copies of all Forms FEO-96 which the firm has filed to date.

[FR Doc.75-3644 Filed 2-7-75;8:45 am]

PART 212—MANDATORY PETROLEUM PRICE REGULATIONS

Redesignation of Section Numbers of Subpart K

On December 19, 1974, the Federal Energy Administration issued a new Subpart K, containing regulations covering the pricing of natural gas liquids and products produced from natural gas liquids, including propane, pursuant to authority granted by the Emergency Petroleum Allocation Act of 1973, to become effective on January 1, 1973. (39 FR 44407; December 24, 1974). Subsequent to the issuance of these regulations, FEA became aware that the individual sections in the new Subpart K had been numbered using a sequence which is out of phase with the numbering sequence used for previously existing subparts.

FEA has therefore determined that a corrective amendment to the regulations to redesignate the section numbers of Subpart K is warranted, and FEA is hereby redesignating each section number in Subpart K to comport with the numbering sequence previously used in Part 212. References to the section numbers of Subpart K which appear in various sections of FEA's mandatory petroleum price regulations are also being revised to reflect the redesignation of the sections of Subpart K. No other revisions of the regulations are contained in this amendment.

Since this amendment is issued solely to correct an error in section designations and is purely technical in nature, FEA finds that good cause exists to issue this corrective amendment immediately, without notice, opportunity for comment, or delay in the effective date of the amendment.

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

In consideration of the foregoing, Part 212 of Chapter II, Title 10 of the Code of Federal Regulations, is amended as set forth below, effective immediately.

Issued in Washington, D.C., February 4, 1975.

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

1. Section 212.83 is amended in paragraph (c)(1)(iii)(C) to read as follows:

§ 212.83 Allocation of refiner's increased costs.

* * * * *

(c) *Allocation of increased product costs*—(1) *General rule.* * * *

(iii) * * *

(C) May apply to propane the increased product costs attributable to propane produced from natural gas as determined pursuant to the provisions of § 212.166 of Subpart K of this part; and

* * * * *

§ 212.141 [Amended]

2. Section 212.141 is amended by redesignating the section as § 212.161 and by revising paragraphs (b)(2)(ii), and (iii) to read as follows:

§ 212.161 Applicability and Relationship to other Subparts.

* * * * *

(b) * * *

(2) * * *

(ii) *Calculation of increased product costs.* Such refiners shall calculate the increased product costs of all natural gas liquids (except natural gas liquids which are separated from natural gas at the well head of an oil well, and purchased as crude oil) and the increased product costs attributable to natural gas liquid products pursuant to §§ 212.166 and 212.167 of this subpart, and shall add the amount of increased product costs so determined to the amount of increased product costs incurred in each month of measurement and determined to be allocable to other than special products under the refiner's cost allocation formulae of § 212.83(c)(1), provided that the amount of such increased product costs allocable to propane prices is limited pursuant to the provisions of § 212.167(c) and § 212.83(c)(1)(iii).

(iii) *Calculation of increased non-product costs.* Such refiners shall calculate increased non-product costs attributable to natural gas processing pursuant to § 212.165, and shall add the amount of increased non-product costs so determined to the amount of increased non-product costs incurred in each month of measurement and determined to be allocable to prices charged for covered products pursuant to § 212.87(b), provided that the inclusion of such increased non-product costs determined pursuant to § 212.165 in prices charged by such refiners shall constitute the charging of an allowable price in excess of base price which will make such refiners subject to the profit margin limitation of § 212.82(d).

* * * * *

§§ 212.142—212.146 [Amended]

3. Section 212.142 is amended by redesignating the section as § 212.162.

4. Section 212.143 is amended by redesignating the section as § 212.163.

5. Section 212.144 is amended by redesignating the section as § 212.164.

6. Section 212.145 is amended by redesignating the section as § 212.165.

7. Section 212.146 is amended by redesignating the section as § 212.166 and by revising paragraph (a) to read as follows:

§ 212.166 Increased product costs.

(a) The first sale price of natural gas liquids or natural gas liquid products may be increased in each month as provided in § 212.167 to reflect, on a dollar-for-dollar basis, increased product costs since May, 1973 attributable to the production of such natural gas liquids or natural gas liquid products.

* * * * *

§ 212.147—212.150. [Amended]

8. Section 212.147 is amended by redesignating the section as § 212.167.

9. Section 212.148 is amended by redesignating the section as § 212.168.

10. Section 212.149 is amended by redesignating the section as § 212.169.

11. Section 212.150 is amended by redesignating the section as § 212.170.

[FR Doc.75-3619 Filed 2-7-75;8:45 am]

Title 12—Banks and Banking

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

PART 23—STATEMENTS OF BUSINESS INTERESTS OF DIRECTORS AND PRINCIPAL OFFICERS OF NATIONAL BANKS

Clarification of Reporting Requirements

The Comptroller of the Currency is amending the regulation governing statements of business interests of directors and principal officers of national

banks (12 CFR Part 23, 39 FR 41735, December 2, 1974). The amendment (a) eliminates collection of information relating to deposits; and (b) makes clear that extensions of credit to reporting individuals, as well as to their business enterprises, must be reported.

Under this amendment a director or principal officer no longer will be required to report deposits held by a national bank for a business enterprise in which he has an interest. Similarly, a reporting person will not file a Form CC–9030–29 for any personal or family trust nor for any charitable, social, fraternal, civic, governmental or recreational organization if the only connection of such trust or organization with the bank is a depository relationship.

This amendment also deletes certain references to a business enterprise in §§ 23.2 and 23.3, thereby focusing those sections on the definitions of transactions. These changes clarify the requirement that a director or principal officer report on a separate Form CC–9030–29 extensions of credit by the bank made to him or for his benefit, as well as extensions of credit to, or for the benefit of, his business enterprises. Transactions between a reporting individual and the bank other than those which involve extensions of credit need not be reported.

Since this amendment merely clarifies ambiguous provisions and relaxes certain reporting requirements, it is hereby determined that further proposed rulemaking and public participation procedures are not in the public interest. Accordingly, this amendment will become effective March 1, 1975, as part of the original regulation.

Part 23 of 12 CFR is amended as follows:

1. In § 23.2, paragraphs (b), (e)(2), and (h)(2) are revised to read as follows:

§ 23.2 Definitions.

For purposes of this part:

* * * * *

(b) The term "business enterprise" means a corporation, association, business trust, partnership, joint venture, pool, syndicate, sole proprietorship or any other form of business not specifically listed herein, whether or not such enterprise has engaged in transactions with the designated bank. The term "business enterprise" also includes any personal or family trust and any charitable, social, fraternal, civic, governmental or recreational association, trust, club, agency or other organization if, and only if, such enterprise has engaged in any transaction with the designated bank, other than making a deposit or soliciting or receiving contributions, during the last year. The term "business enterprise" excludes: (1) The designated bank; (2) a corporation, partnership, or joint venture which is 50 percent or more owned by the designated bank; joint venture which is 50 percent or more owned by the designated bank; and (3) a holding company whose control of the designated bank is registered with or approved by the Board of Governors of the Federal Reserve System, pursuant to sections 3 or 5 of the Bank Holding Company Act, (12 U.S.C. 1842, or 1844), or any of such holding company's subsidiaries the control of which has been registered with or approved by the Board of Governors of the Federal Reserve System pursuant to section 3, 4, or 5 of the Bank Holding Company Act, (12 U.S.C. 1842, 1843 or 1844).

* * * * *

(e) The term "excluded transaction" means:

* * * * *

(2) An extension of credit or agreement which is of such insignificance both to the designated bank and to the business enterprise involved that the senior management of both should not be expected in the normal course of business to be aware of the transaction.

* * * * *

(h) The term "material change" means:

* * * * *

(2) The creation, or termination, or significant change in the terms or conditions of any extension of credit or agreement.

* * * * *

2. § 23.3 is revised to read as follows:

§ 23.3 Filing of statement.

Every director or principal officer of a national bank is required to maintain on file with the bank as prescribed in this regulation one or more Forms CC–9030–29. The director or principal officer shall complete and file Forms CC–9030–29 with the designated bank within 30 days after becoming a director or principal officer, or by March 1, 1975, whichever is later. Thereafter, the reporting person shall complete and file with the designated bank a new Form CC–9030–29 within 30 days after the occurrence of any material change. The reporting person shall include on the Forms, in accordance with applicable instructions, the required information concerning any business enterprise in which he, his spouse, or his minor children have an interest and any extension of credit or agreement which is not an excluded transaction. If the reporting person has no interest in any business enterprise, he shall complete and file a Form CC–9030–29 so stating.

Effective date: This amendment becomes effective on March 1, 1975.

Dated: February 4, 1975.

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

[FR Doc.75-3633 Filed 2-7-75;8:45 am]

Title 13—Business Credit and Assistance

CHAPTER IV—EMERGENCY LOAN GUARANTEE BOARD

PART 402—RULES REGARDING AVAILABILITY OF INFORMATION

The Emergency Loan Guarantee Board has amended its Rules Regarding Availability of Information, effective immediately, in order to comply with recent amendments to section 552 of Title 5, United States Code, known as the Freedom of Information Act, by prescribing time limits for responses to requests, extensions thereof, and defining the unusual circumstances which permit such extensions.

1. Effective immediately the Emergency Loan Guarantee Board's Rules Regarding Availability of Information are amended in the following respects:

§ 402.2 is amended by adding the following definition:

§ 402.2 [Amended]

"Unusual Circumstances." For purposes of this Part "unusual circumstances" means, but only to the extent reasonably necessary to the proper processing of the particular request—

(i) The need to search for and collect the requested records from field facilities or other establishments that are separate from the Board's office processing the request;

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

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

§ 402.4(c) is deleted in its entirety and the following is substituted:

§ 402.4 [Amended]

* * * * *

(c) *Actions on requests.* The Secretary of the Board shall within 10 days (excepting Saturdays, Sundays and legal public holidays) determine whether to comply with such request for records and shall immediately notify in writing the person making such request of such determination and the reasons therefor and the right of such person to appeal that determination, as provided in § 402.6. In unusual circumstances the time limit for the Secretary's determination may be extended by written notice to the person making such request setting forth the reasons for such extension and the date on which the determination is expected to be dispatched. No such notice shall specify a date that will result in an extension of more than 10 days; provided however, that the total days of extension under this section and § 402.6(b) shall not exceed, in the aggregate, 10 days.

§ 402.6(b) is deleted in its entirety and the following is substituted:

§ 402.6(b) [Amended]

* * * * *

(b) The Executive Director of the Board shall make a determination with respect to any appeal within 20 days after the receipt of such appeal. In unusual circumstances, action on such appeal may be deferred by written notice to the person making such appeal setting

forth the reasons for the extension and the date on which the determination is expected to be dispatched. No such notice shall specify a date that will result in an extension for more than ten days; provided however, that the total days of extension under this section and § 402.4(c) shall not exceed, in the aggregate, 10 days. The granting or the denial of a request upon appeal shall constitute final Board action. If the appeal is denied in whole or in part, the Executive Director shall notify in writing the person making such request of the provisions for judicial review of that determination under section 552(a)(4) of Title 5, United States Code.

2. The provisions of section 553 of Title 5, United States Code, relating to notice and public participation and to deferred effective dates, are not followed in connection with the adoption of this action because the rules involved are procedural in nature and accordingly do not constitute substantive rules subject to the requirements of such section.

Dated: January 31, 1975.

ALAN N. VINICK,
Secretary,
Emergency Loan Guarantee Board.

[FR Doc.75-3682 Filed 2-7-75;8:45 am]

Title 14—Aeronautics and Space

CHAPTER I—FEDERAL AVIATION ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

[Docket No. 75 NE-6; Amdt. 39-2088]

PART 39—AIRWORTHINESS DIRECTIVE

Pratt & Whitney JT8D Aircraft Engines

Amendment 39-1835 (39 FR 16388), AD 74-10-12, requires operators of certain JT8D engines, exposed to a possible intermix of different type material second, third, and fourth stage turbine nozzle guide vanes, to determine if there is sufficient axial clearance between the turbine stators and their respective turbine rotors. If the clearance is below the minimum limit, the engine must be removed within the next 25 hours time in service and unapproved vanes removed. If the clearance is above the minimum, the engine shall be inspected prior to the accumulation of 6000 hours time in service after the effective date of the AD and any unapproved vanes removed.

It has come to our attention that certain serial number engines that have been listed were not exposed to the vane intermix, while others not listed were exposed. Therefore, the AD is being amended to delete and add engine serial numbers.

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

In consideration of the foregoing, and pursuant to the authority delegated to be by the Administrator (31 FR 13697), § 39.13 of Part 39 of the Federal Aviation Regulations, Amendment 39-1835 (39 FR 16388), AD 74-10-12, is amended by changing the applicability paragraph by:

A. Deleting the following serial numbers from Group I, JT8D-9 and -9A engines affected: 665152, 665170, 665219, 665245, 665289, 665324, 665334, 665347, 665371, 665372, 665390, 665404, 665413, 665424, 665430, 665435, 665447, 665472, 665480, 665491, 665494, 665530, 665537, 665550, 665558, 665559, 665561, 665629, 665634, 665658, 665660, 665669, 665703, 665704, 674299, 674318, 674329, 674341, 674373, 674375, 674381, 674390, 674409, 674431, 674488.

B. Adding the following serial numbers to Group I, JT8D-9 and -9A engines affected: 665323, 665377, 674344.

C. Deleting the following serial numbers from Group II, JT8D-7 and -7A engines affected: 649494, 649528, 653660, 653748, 654153, 654605, 654608, 654666, 654724, 654757, 654793, 654842, 654865, 654895, 654915, 654976, 654987, 654997, 655048, 655060, 655073.

D. Adding the following serial numbers to Group II, JT8D-7 and -7A engines affected: 653683, 654898, 654925.

This amendment becomes effective February 20, 1975.

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

Issued in Burlington, Massachusetts, on January 31, 1975.

WILLIAM E. CROSBY,
Acting Director, New England Region.

[FR Doc.75-3684 Filed 2-7-75;8:45 am]

[Docket No. 75-NE-3; Amdt. 39-2082]

PART 39—AIRWORTHINESS DIRECTIVES

Sikorsky S-55 and S-62A Helicopters Certificated In All Categories, Including Military Types

A crack has been found in a lug of a main rotor spindle of an aircraft that is the military counterpart of the Sikorsky S-62 helicopter. Since this condition is likely to exist or develop in other helicopters of the same design, an Airworthiness Directive is being issued to require inspections of the main rotor spindle lug areas and replacement, if necessary, of the spindles.

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

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:

SIKORSKY AIRCRAFT. Applies to S-55, S-55B, S-55C and S-62A Helicopters certificated in all categories, including military type HRS-1, HRS-3, CH-19, H-19B, H-19C, H-19A, R-19D, H04S§3G, UH-19D, H19D5, UH-19B, UH-19D helicopters, equipped with P/N S10-10-3325-1 and S10-10-3325-2 main rotor spindles.

(a) Within the next 10 hours' time in service after the effective date of this AD, unless already accomplished within the preceding 50 hours' time in service, conduct a dye penetrant inspection of the exposed areas of the lugs of the main rotor spindles.

(b) If a crack is found during the above inspection, replace the cracked spindle with a spindle that has been inspected in accordance with paragraph (a) above and found to be free of cracks, prior to flight.

(c) Report in writing any cracks found during the inspection of paragraph (a) to: Chief, Engineering and Manufacturing Branch, Federal Aviation Administration, New England Region, 12 New England Executive Park, Burlington, Massachusetts 01803. Each report must include the length and location of the cracks and the total time in service of the spindle.

Sikorsky message SST62A6C74.3 covers this inspection.

This amendment becomes effective February 19, 1975.

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

Issued in Burlington, Massachusetts, on January 28, 1975.

WILLIAM B. CROSBY,
Acting Director,
New England Region.

[FR Doc.75-3685 Filed 2-7-75;8:45 am]

[Airspace Docket No. 74-SW-44]

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

Designation of Transition Area

The purpose of this amendment to Part 71 of the Federal Aviation Regulations is to designate a 700-foot transition area at La Pryor, Tex.

On December 20, 1974, a notice of proposed rulemaking was published in the FEDERAL REGISTER (39 FR 44036) stating the Federal Aviation Administration proposed to designate the La Pryor, Tex., transition area.

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

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., June 19, 1975, as hereinafter set forth.

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

LA PRYOR, TEX.

That airspace extending upward from 700 feet above the surface within a 5-mile radius of La Paloma Ranch Airport (latitude 28°53'30" N., longitude 99°51'09" W.) and within 3.5 miles each side of the 353° bearing from the La Pryor, Tex., NDB (latitude 28°55'47" N., longitude 99°51'16" W.) extending from the 5-mile radius area to 11.5 miles northwest of the La Pryor, Tex., NDB.

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

Issued in Forth Worth, Tex., on January 31, 1975.

ALBERT H. THURBURN,
Acting Director, Southwest Region.

[FR Doc.75-3686 Filed 2-7-75;8:45 am]

[Airspace Docket No. 74-SO-70]

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

Alteration of Transition Area

On July 12, 1974, a Notice of Proposed Rule Making was published in the FEDERAL REGISTER (39 FR 25668), stating that the Federal Aviation Administration was considering an amendment to Part 71 of the Federal Aviation Regulations that would alter the Knoxville, Tenn., transition area.

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

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

In § 71.181 (40 FR 441), the Knoxville, Tenn., transition area is amended as follows:

"* * * excluding the portion within Morristown, Tenn., transition area * * *" is deleted and "* * * within a 6.5-mile radius of Monroe County Airport, Madisonville, Tenn. (latitude 35°42'45" N., longitude 84°22'47" W.); excluding the portion within the Athens and Morristown, Tenn., transition areas * * *" is substituted therefor.

(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 30, 1975.

DUANE W. FREER,
Acting Director, Southern Region.

[FR Doc.75-3687 Filed 2-7-75;8:45 am]

[Airspace Docket No. 74-SO-99]

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

PART 73—SPECIAL USE AIRSPACE

Temporary Alteration of Federal Airway and Designation of Temporary Restricted Areas

On November 20, 1974, a Notice of Proposed Rule Making (NPRM) was published in the FEDERAL REGISTER (39 FR 40784) stating that the Federal Aviation Administration (FAA) was considering amendments to Parts 71 and 73 of the Federal Aviation Regulations that would designate temporary restricted areas in the vicinity of Onslow Beach, Camp LeJeune, N.C., to contain a military joint training exercise, AGATE PUNCH, scheduled from 0800 G.m.t., April 14, 1975, to 2300 G.m.t., April 26, 1975. Two of the restricted areas would contain airspace at or above 14,500 feet MSL, and they would therefore be included in the continental control area for the duration of their time of designation. During the period of the exercise, a portion of VOR Federal Airway, V-139, would also be reduced in width to three nautical miles on its east side.

On January 8, 1975, a Supplemental Notice of Proposed Rule Making was published in the FEDERAL REGISTER (40 FR 1518) that would alter the original Notice by changing the time of designation proposed for Restricted Areas R-5315 A, B, C and D and by proposing that an additional Restricted Area, R-5315E, be designated for use during AGATE PUNCH.

Interested persons were afforded an opportunity to participate in the proposed rule making through the submission of comments. Only one comment was received and it was favorable.

In consideration of the foregoing, Parts 71 and 73 of the Federal Aviation Regulations are amended, effective 0901 G.m.t., March 27, 1975, as hereinafter set forth.

§ 71.123 [Amended]

1. § 71.123 (40 FR 307) is amended as follows:

In V-139 "* * * From Wilmington, N.C., New Bern, N.C.; * * *" is deleted and "* * * From Wilmington, N.C., 7 miles wide from 13 miles NE of Wilmington to 44 mies NE of Wilmington (4 miles W and 3 miles E) New Bern, N.C.; * * *" is substituted therefor for the duration of Exercise AGATE PUNCH from 0800 G.m.t., April 15, to 2300 G.m.t., April 27, 1975.

§ 71.151 [Amended]

2. In § 71.151 (40 FR 343) the following temporary restricted areas are included for the duration of their time of designation from 0800 G.m.t., April 15, to 2300 G.m.t., April 27, 1975.

a. R-5315A Exercise Agate Punch.
b. R-5315C Exercise Agate Punch.

§ 73.53 [Amended]

3. In § 73.53 (40 FR 687) the following temporary restricted areas are added:

a. R-5315A Exercise Agate Punch.

Boundaries. Beginning at Lat. 34°17'45" N., Long. 77°37'50" W.; thence via the 13 nautical mile arc of Wilmington, N.C. VORTAC (Lat. 34°21'05" N., Long. 77°52'29" W.); to Lat. 34°28'00" N., Long. 77°39'00" W.; to Lat. 34°50'30" N., Long. 77°13'00" W.; to Lat. 34°49'30" N., Long. 77°10'00" W.; thence south along the westerly and southerly boundaries of R-5306C, E and D and W-122 to point of beginning.

Designated altitudes. 1,000 feet AGL to FL 180.

Time of designation. Continuous, 0800 G.m.t., April 15 to 2300 GMT, April 27, 1975.

Controlling agency. Federal Aviation Administration, Washington ARTC Center.

Using agency. COMSECONDFLT, Norfolk, Va.

b. R-5315B Exercise Agate Punch.

Boundaries. Beginning at Lat. 34°56'00" N., Long. 77°01'00" W.; to Lat. 34°43'15" N., Long. 76°47'30" W.; to Lat. 34°42'00" N., Long. 76°54'45" W.; to Lat. 34°51'00" N., Long. 77°05'30" W.; to Lat. 34°49'30" N., Long. 77°-10'00" W.; to Lat. 34°52'30" N., Long. 77°04'-30" W.; to point of beginning.

Designated altitudes. 1,000 feet AGL to 3,000 feet MSL.

Time of designation. Continuous, 0800 G.m.t., April 15 to 2300 GMT, April 27, 1975.

Controlling agency. Federal Aviation Administration, Washington ARTC Center.

Using agency. COMSECONDFT, Norfolk, Va.

c. R-5315C Exercise Agate Punch.

Boundaries. Beginning at Lat. 34°43'15" N., Long. 76°47'30" W.; to Lat. 34°38'15" N., Long. 76°41'30" W.; to Lat. 34°37'30" N., Long. 76°56'20" W.; thence north and east along the easterly and southerly boundaries of R-5306C and B to point of beginning.

Designated altitudes. 1,000 feet AGL to FL 180.

Time of designation. Continuous, 0800 GMT, April 15 to 2300 GMT, April 27, 1975.

Controlling agency. Federal Aviation Administration, Washington ARTC Center.

Using agency. COMSECONDFLT, Norfolk, Va.

d. R-5315D Exercise Agate Punch.

Boundaries. A circular area with a 3-nautical mile radius centered on OLF Camp Davis (Lat. 34°31'00" N., Long. 77°32'30" W.)

Designated altitudes. Surface to 1,000 feet AGL.

Time of designation. Continuous, 0800 GMT, April 15 to 2300 GMT, April 27, 1975.

Controlling agency. Federal Aviation Administration, Washington ARTC Center.

Using agency. COMSECONDFLT, Norfolk, Va.

e. R-5315E Exercise Agate Punch.

Boundaries. A circular area with a 3-nautical mile radius centered at Lat. 34°33'-25" N., Long. 77°20'30" W., excluding that airspace within existing R-5306D.

Desingated altitudes. Surface to 1,000 feet AGL.

Time of designation. Continuous, 0800 GMT, April 15 to 2300 GMT, April 27, 1975.

Controlling agency. Federal Aviation Administration Washington ARTC Center.

Using agency. COMSECONDFLT, Norfolk, Va.

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

Issued in Washington, D.C., on February 4, 1975.

F. L. CUNNINGHAM,
Acting Chief, Airspace and Air Traffic Rules Division.

[FR Doc.75-3688 Filed 2-7-75;8:45 am]

Title 18—Conservation of Power and Water Resources

CHAPTER I—FEDERAL POWER COMMISSION

[Docket No. R-389-B]

PART 2—GENERAL POLICY AND INTERPRETATION

PART 154—RATE SCHEDULES AND TARIFFS

Opinion and Order on Rehearing Affirming and Modifying in Part Opinion No. 699 and Granting and Denying in Part Petition for Rehearing; Correction

DECEMBER 18, 1974.

Just and reasonable national rates for sales of natural gas from wells commenced on or after January 1, 1973, and new dedications of natural gas to interstate commerce on or after January 1, 1973.

In the Opinion And Order On Rehearing Affirming In Part And Modifying In Part Opinion No. 699 And Granting In Part And Denying In Part Petitions For Rehearing issued December 4, 1974, and Published in the FEDERAL REGISTER on December 11, 1974 39 FR 43199.

Page 43212, Column 2, Paragraph 3, change period to comma at end of paragraph and add "where such sales are made pursuant to a temporary small producer certificate which imposes a refund obligation upon the small producer. See Opinion No. 699 at 108, _____ FPC _____ at _____."

KENNETH F. PLUMB,
Secretary.

[FR Doc.3641 Filed 2-7-75;8:45 am]

Title 29—Labor

CHAPTER I—NATIONAL LABOR RELATIONS BOARD

PART 102—RULES AND REGULATIONS, SERIES 8

Miscellaneous Amendments

By virtue of the authority vested in it by the National Labor Relations Act, approved July 5, 1935,[1] the National Labor Relations Board hereby issues the following further amendments to its Rules and Regulations, Series 8, as amended, which it finds necessary to carry out the provisions of said Act.

1. Section 102.16 is revised to read as follows:

§ 102.16 Hearing; change of date or place.

Upon his own motion or upon proper cause shown by any other party, the regional director issuing the complaint may extend the date of such hearing or may change the place at which it is to be held.

2. Section 102.68 is revised to read as follows.

§ 102.68 Record; what constitutes; transmission to Board.

The record in the proceeding shall consist of: the petition, notice of hearing with affidavit of service thereof, motions, rulings, orders, the stenographic report of the hearing and of any oral argument before the regional director, stipulations, exhibits, documentary evidence, affidavits of service, depositions, and any briefs or other legal memoranda submitted by the parties to the regional director or to the Board, and the decision of the regional director, if any. Immediately upon issuance by the regional director of an order transferring the case to the Board, or upon issuance of an order granting a request for review by the Board, the regional director shall transmit the record to the Board.

3. Section 102.69(g) is revised to read as follows:

§ 102.69 Election procedure; tally of ballots; objections; certification by regional director; report on challenged ballots; report on objections; exceptions; action of the Board; hearing.

* * * * *

(g) The notice of hearing, motions, rulings, orders, stenographic report of the hearing, stipulations, exceptions, documentary evidence, together with the objections to the conduct of the election or conduct affecting the results of the election, any report on such objections, any report on challenged ballots, exceptions to any such report, any briefs or other legal memoranda submitted by the parties, the decision of the regional director, if any, and the record previously made as described in § 102.68, shall constitute the record in the case. Materials other than those set out above shall not be a part of the record; except that in a proceeding in which no hearing is held, a party filing exceptions to a regional director's report on objections or challenges, a request for review of a regional director's decision on objections or challenges, or any opposition thereto, may append to its submission to the Board copies of documents it has timely submitted to the regional director and which were not included in the report or decision. Immediately upon issuance of a report on objections or challenges, or both, upon issuance by the regional director of an order transferring the case to the Board, or upon issuance of an order granting a request for review by the Board, the regional director shall transmit the record to the Board.

4. Section 102.71(a) is revised to read as follows:

§ 102.71 Dismissal of petition; refusal to proceed with petition; requests for review by Board of action of the regional director.

(a) If, after a petition has been filed and at any time prior to the close of hearing, it shall appear to the regional director that no further proceedings are warranted, the regional director may dismiss the petition by administrative action and shall so advise the petitioner in writing, setting forth a simple statement of the procedural or other grounds for the dismissal, with copies to the other parties to the proceeding. Any party may obtain a review of such action by filing a request therefor with the Board in Washington, D.C., in accordance with the provisions of subsection (c) of this section. A request for review from an action of a regional director pursuant to this subsection may be granted only upon one or more of the following grounds:

(1) That a substantial question of law or policy is raised because of (i) the absence of, or (ii) a departure from, officially reported Board precedent.

(2) There are compelling reasons for reconsideration of an important Board rule or policy.

(3) The request for review is accompanied by documentary evidence previously submitted to the regional director raising serious doubts as to the regional director's factual findings, thus indicating that there are factual issues which can best be resolved upon the basis of a record developed at a hearing.

(4) The regional director's action is, on its face, arbitrary or capricious.

(5) The petition raises issues which can best be resolved upon the basis of a record developed at a hearing.

* * * * *

These amendments shall become effective on February 10, 1975.

Dated: Washington, D.C. February 5, 1975.

By direction of the Board.

ROBERT VOLGER,
Acting Executive Secretary.

[FR Doc.75-3637 Filed 2-7-75;8:45 am]

Title 32—National Defense

CHAPTER XVIII—DEFENSE CIVIL PREPAREDNESS AGENCY

PART 1811—NONDISCRIMINATION IN FEDERALLY ASSISTED PROGRAMS OF THE DEFENSE CIVIL PREPAREDNESS AGENCY

Definitions

In § 1811.2 of 32 CFR Part 1811, as published in the FEDERAL REGISTER of January 20, 1975 (40 FR 3212) paragraph (a) designated the title of DCPA manual number CPG 1-9. This manual provides detailed information to States and their political subdivisions regarding nondiscrimination in Federally assisted programs of the Defense Civil Preparedness Agency. The title is being changed so as to be more descriptive of the scope of the manual. Therefore, in 32 CFR Part 1811,

[1] 49 Stat. 449; (29 U.S.C. 151-166), as amended by act of June 23, 1947 (61 Stat. 136; (29 U.S.C. 151-167)), act of October 22, 1951 (65 Stat. 601; (29 U.S.C. 158, 159, 168)), and act of September 14, 1959 (73 Stat. 519; (29 U.S.C. 141-168).

paragraph (a) is revised. § 1811.2 is revised to read as follows:

§ 1811.2 Definitions.

* * * * *

(a) "CPG 1-9" means DCPA publication number CPG 1-9 entitled "nondiscrimination in federally assisted programs of the defense civil preparedness agency."

* * * * *

(32 CFR 300.14, 29 FR 19294, Dec. 31, 1964.)

Dated this 31st day of January 1975.

JOHN E. DAVIS,
Director,
Defense Civil Preparedness Agency.

[FR Doc.75-3670 Filed 2-7-75;8:45 am]

Title 33—Navigation and Navigable Waters

CHAPTER I—COAST GUARD, DEPARTMENT OF TRANSPORTATION

[CGD 3-75-2-R]

PART 127—SECURITY ZONE

Establishment of Security Zone, Marcus Hook, Pa.

Captain Dudley C. Goodwin, United States Coast Guard, Captain of the Port, Philadelphia, Pennsylvania, issued the following order establishing a Security Zone around the M. T. Corinthos at the BP Dock at Marcus Hook, Pa., effective February 3, 1975.

This amendment to the Coast Guard's security zone regulation establishes the remains of the M/T Corinthos at the BP Dock as a Security Zone. This Security Zone is established to protect evidence required by a Coast Guard Board of Inquiry into the circumstances surrounding an explosion on the Corinthos.

This amendment is issued without publication of a notice of proposed rulemaking and this amendment is effective in less than 30 days from the date of publication because good cause exists and public procedures on this amendment are impracticable because immediate action is necessary to protect the evidence.

In consideration of the foregoing, Part 127 of Title 33 of the Code of Federal Regulations is amended by adding § 127.317 to read as follows:

§ 127.317 Marcus Hook, Pa.—Delaware River.

The area within the following boundary is a security zone:

The M/T Corinthos and the area within the floating boom surrounding the vessel.

(46 Stat. 220, as amended, 6(B), 80 Stat. 937; (40 U.S.C. 191), (49 U.S.C. 1655(B)); E.O. 10173, E.O. 10277, E.O. 10352, E.O. 11249; 3 CFR, 1949-1953 Comp. 356, 778, 873, 3 CFR, 1964, 1965 Comp. 349, 33 CFR Part 6, 49 CFR 1.46(B)).

Effective date: This amendment becomes effective on February 3, 1975.

Dated: February 4, 1975.

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

[FR Doc.75-3636 Filed 2-7-75;8:45 am]

Title 36—Parks, Forests, and Public Property

CHAPTER VI—AMERICAN REVOLUTION BICENTENNIAL ADMINISTRATION

PART 602—EMPLOYEE RESPONSIBILITIES AND CONDUCT

The following are adopted as the American Revolution Bicentennial Administration (ARBA) regulations regarding employee responsibilities and conduct. The regulations were approved by the Civil Service Commission on January 29, 1975, and are effective February 10, 1975.

Sec.
602.101 Adoption of regulations.
602.102 Review of statements of employment and financial interests.
602.103 Disciplinary and other remedial action.
602.104 Gifts, entertainment, and favors.
602.105 Outside employment and other activity.
602.106 Financial interest.
602.107 Miscellaneous statutory provisions.
602.108 Special provisions of Administration regulations governing special Government employees.
602.109 Statements of employment and financial interests.
602.110 Supplementary statements.
602.111 Use of Government property.
602.112 Misuse of information.
602.113 General conduct prejudicial to the Government.
602.114 Interpretation and advisory services.

AUTHORITY: E.O. 11222; 3 CFR 1964-1965 Comp., p. 306; 5 CFR 735.104.

§ 602.101 Adoption of regulations.

Pursuant to 5 CFR 735.104(f), the American Revolution Bicentennial Administration (referred to hereinafter as the Administration) hereby adopts the following sections of Part 735 of Title 5, Code of Federal Regulations: §§ 735.101-102; 735.201a; 735.202 (a), (d), (e), (f) 735.305(a); 735.306; 735.403(a); 735.404-411; and 735.412 (b) and (d). These adopted sections are modified and supplemented as set forth in this part.

§ 602.102 Review of statements of employment and financial interests.

Each statement of employment and financial interests submitted under this part shall be reviewed by the General Counsel. When this review indicates a conflict between the interests of an employee or special Government employee of the Administration and the performance of his services for the Government, the General Counsel shall have the indicated conflict brought to the attention of the employee or special Government employee, grant the employee or special Government employee an opportunity to explain the indicated conflict, and attempt to resolve the indicated conflict. If the indicated conflict cannot be resolved, the General Counsel shall forward a written report on the indicated conflict to the Administrator, American Revolution Bicentennial Administration.

§ 602.103 Disciplinary and other remedial action.

(a) An employee or special Government employee of the Administration who violates any of the regulations in this part or adopted under § 602.101 may be disciplined. The disciplinary action may be in addition to any penalty prescribed by law for the violation. In addition to or in lieu of disciplinary action, remedial action to end conflicts or appearance of conflicts of interest may include but is not limited to:

(1) Changes in assigned duties;

(2) Divestment by the employee or special Government employee of his conflicting interest; or

(3) Disqualification for a particular assignment.

§ 602.104 Gifts, entertainment, and favors.

The Administration authorizes the exception to 5 CFR 735.202(a) set forth in 5 CFR 735.202(b)(1)-(4).

§ 602.105 Outside employment and other activity.

(a) An employee of the Administration may engage in outside employment or other outside activity not incompatible with the full and proper discharge of the duties and responsibilites of his Government employment. An employee who engages in outside employment shall report that fact in writing in advance to the Administrator.

(b) Employees of the Administration may engage in teaching, writing, and lecturing provided, however, employees shall not receive compensation or anything of monetary value for any consultation, discussion, writing, lecturing or appearance, the subject matter of which is devoted substantially to the specific responsibilities, programs, or operations of the Administration or which draws substantially on official data or ideas which have not been published or otherwise publically released by the Administration. The foregoing limitaion on the receipt of compensation or anything of monetary value shall not be construed as applying to amounts received for reimbursement for travel and other expenses incurred in performing the outside employment.

§ 602.106 Financial interest.

(a) An employee shall not:

(1) Have a direct or indirect financial interest that conflicts, or appears to conflict with his Government duties and responsibilities; or

(2) Engage in, directly or indirectly, a financial transaction as a result of, or primarily relying on, information obtained through his Government employment.

(b) This section does not preclude an employee from having a financial interest or engaging in financial transactions to the same extent as a private citizen not employed by the Government so long as it is not prohibited by law, the Executive Order, this section, or the Administration regulations.

§ 602.107 Miscellaneous statutory provisions.

The Administration authorizes the adoption of the regulations regarding miscellaneous statutory provisions as set forth in 5 CFR 735.210.

§ 602.108 Specific provisions of Administration regulations governing special Government employees.

(a) Special Government employees of the Administration shall adhere to the standards of conduct applicable to employees as set forth in this part and adopted under § 602.101 (except 5 CFR 735.203(b)).

(b) Special Government employees of the Administration may teach, lecture, or write in a manner not inconsistent with 5 CFR 735.203(c).

(c) Pursuant to 5 CFR 735.305(b), the Administration authorizes the same exceptions concerning gifts, entertainment, and favors for special Government employees as are authorized for employees by § 602.104.

§ 602.109 Statements of employment and financial interests.

(a) Employees in the following named positions shall submit statements of employment and financial interests:

(1) Deputy Administrator and Assistant Administrators

(2) Division Directors (GS–13 and above)

(b) Each statement of employment and financial interests required by this section shall be submitted to the Administrator, American Revolution Bicentennial Administration, Washington, D.C. 20276.

(c) An employee who believes that his position has been improperly included in this section as one requiring the submission of a statement of employment and financial interests may obtain a review of his complaint under the Adminisraion's grievance procedure.

§ 602.110 Supplementary statements.

Notwithstanding the filing of the annual supplementary statement of employment and financial interests on June 30 as required by 5 CFR 735.406, each employee shall at all times avoid acquiring a financial interest that could result, or taking an action that would result, in a violation of the conflicts-of-interest provisions of section 208 of title 18, United States Code, or the regulations in this part or adopted under § 602.101.

§ 602.111 Use of Government property.

An employee shall not directly or indirectly use, or allow the use of, Government property of any kind, including property leased to the Government, for other than officially approved activities. An employee has a positive duty to protect and conserve Government property, including equipment, supplies, and other property entrusted or issued to him.

§ 602.112 Misuse of information.

For the purpose of furthering a private interest, an employee shall not, directly or indirectly use, or allow the use of, official information obtained through or in connection with his Government employment which has not been made available to the general public.

§ 602.113 General conduct prejudicial to the Government.

An employee shall not engage in criminal, infamous, dishonest, immoral or notoriously disgraceful conduct, or other conduct prejudicial to the Government.

§ 602.114 Interpretation and advisory services.

In accordance with 5 CFR 735.105, the General Counsel, American Revolution Bicentennial Administration, is designated as counselor to provide counseling and interpretations on questions of conflicts of interest and other matters covered by the regulations, and to serve as the Administration's designee to the Civil Service Commission for such purposes. Each Assistant Administrator is designated as deputy counselor for Administration employees within his jurisdiction. An employee who wishes advice or guidance on questions of conflicts of interest and on other matters covered by the regulations should consult his appropriate deputy counselor for assistance, or may refer his request for guidance directly to the Administration's counselor.

NOTE: This Part was approved by the Civil Service Commission on January 29, 1975 and is effective February 10, 1975.

JOHN W. WARNER,
Administrator.

FEBRUARY 3, 1975.

[FR Doc.75-3488 Filed 2-7-75; 8:45 am]

Title 39—Postal Service

CHAPTER I—U.S. POSTAL SERVICE

PART 111—GENERAL INFORMATION ON POSTAL SERVICE

Nonmailable Matter

The purpose of this document is to amend the headings of Parts 123 and 124 contained in § 111.5, which lists the entire contents of Chapter I of the Postal Service Manual, in conformity with the complete revision of Parts 123 and 124 of the Postal Service Manual, described elsewhere in today's issue of the FEDERAL REGISTER.

Accordingly, effective immediately, in 39 CFR 111.5 paragraphs (b)(3) and (b)(4) are revised to read as follows:

§ 111.5 Contents of Chapter I of Postal Service Manual.

* * * * *

(b) Subchapter 120—Preparation for mailing.

* * * * *

(3) Part 123—Nonmailable matter—written, printed and graphic matter.

(4) Part 124—Nonmailable matter—articles and substances; special mailing rules.

* * * * *

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

ROGER P. CRAIG,
Deputy General Counsel.

[FR Doc. 75-3650 Filed 2-7-75; 8:45 am]

PART 111—GENERAL INFORMATION ON POSTAL SERVICE

Postal Service Manual; Miscellaneous Amendments

Chapter I of the Postal Service Manual, which has been incorporated by reference in the FEDERAL REGISTER (see 39 CFR 111.1), has been amended by the issuance of Post Office Services (Domestic) Transmittal Letter 34, Issue 97, dated February 7, 1975.

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

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

PART 112—DOMESTIC MAIL SERVICE

1. Part 112 is amended to delete Swan Islands from the list of territories and possessions of the United States. These islands are under the jurisdiction of Honduras.

PART 123—NONMAILABLE MATTER—WRITTEN, PRINTED AND GRAPHIC MATTER

PART 124—NONMAILABLE MATTER—ARTICLES AND SUBSTANCES; SPECIAL MAILING RULES

2. On June 5, 1974, there was published n the FEDERAL REGISTER (39 FR 19958) a notice of proposed rulemaking to revise completely parts 123 and 124 of title 39, Code of Federal Regulations. The period for receiving comments, originally ending on June 20, 1974, was extended to August 15, 1974, at the request of parties preparing comments (39 FR 24244), and the proposed September 1, 1974, effective date was cancelled when it became clear that the regulations would not be ready for publication by that time (39 FR 32036). Parts 123 and 124 are closely interrelated regulations that are concerned with matter the mailability of which is conditioned or prohibited by law. The regulations have been revised in an effort to treat differently "written, printed and graphic" materials (Part 123), which potentially involve First Amendment considerations, from "articles and substances" (Part 124). All comments submitted with respect to the proposed revised regulations were given due consideration.

As a result of comments received, the following changes are made:

a. In § 124.151 (proposed § 124.1(e)(1)) a new sentence is added at the end providing that hazardous materials subject to 49 CFR must be marked with the shipping name as set forth in 49 CFR 172.5.

b. In § 124.153 (proposed § 124.1(e)(3)) a new sentence is added at the end providing that any package transported by

aircraft must bear the appropriate Department of Transportation hazardous materials label.

c. In § 124.242a (proposed § 124.2(d)(2)) the second sentence is amended to provide that overseas and air mail are restricted to items with a flash point at or above 100° F, instead of only above 100° F.

d. In § 124.25 (proposed § 124.2(e)) the next to the last sentence is amended to more accurately refer to packaging requirements of title 49 CFR.

e. In § 124.282 (proposed § 124.2(h)(1)) a reference to 42 CFR 72.25 is added.

f. In § 124.544a (proposed § 124.5(d)(4)(i)) the proposed requirement that would have limited the use of regular mail to prescription medicines containing controlled substances listed in Schedule II in amounts not exceeding a 34-day supply or 100 dosage units, whichever is less, has been changed to permit the use of regular mail for amounts not exceeding 100 dosage units.

g. In § 124.544b (proposed § 124.5(d)(4)(ii)) the proposed requirement that would have limited the use of regular mail to prescription medicines containing controlled substances listed in Schedules III, IV and V in amounts not exceeding a 100 day supply or 200 dosage units, whichever is less, has been changed to permit the use of regular mail for up to 300 dosage units.

Certain minor printing errors were also corrected and other minor editorial corrections and revisions were made where necessary.

In addition, new § 123.424 is added, consistent with Pub. L. 93-583, enacted January 2, 1975, exempting from the anti-lottery provisions an advertisement, list of prizes or information concerning a lottery conducted by a State contained in a newspaper published in that State, or the mailing to addresses within a State of tickets or other materials concerning a lottery conducted by that State.

As so modified and revised, parts 123 and 124 are hereby adopted.

PART 134—THIRD CLASS

3. Section 134.44c is amended to allow the permit indicia to be carried on the detached address card when merchandise samples are mailed using the detached address card procedure.

PART 144—POSTAGE METERS AND METER STAMPS

4. Section 144.13d is amended to update a meter manufacturer's mailing address.

5. Section 144.223 is amended to establish a corresponding requirement to § 144.962 which requires meter manufacturers to perform semi-annual inspections. Some meter users have refused meter manufacturers access to their meters, thereby weakening the effectiveness of such checks in detecting improper use of meters and faulty meters.

6. Section 144.351b is amended to simplify procedures for issuance of a receipt for postage printed in excess of the amount set in a postage meter.

PART 154—CONDITIONS OF DELIVERY

7. Section 154.143 is amended to provide for the immediate return to the sender of Treasury checks undeliverable because the addressee has moved and failed to file a change of address.

PART 156—RURAL SERVICE

8. Section 156.21 and 156.22 are amended to provide rural route extensions from an average of at least one family being served per 0.67 mile of additional travel, including retrace, to an average of one family being served per one mile of additional travel, including retrace.

PART 159—UNDELIVERABLE MAIL

9. Section 159.311 is amended to provide for the immediate return to the sender of Treasury checks undeliverable because the addressee has moved and failed to file a change of address.

10. Section 159.852 is amended to raise the minimum size of sale lots because of increased costs of auction sales.

PART 161—REGISTERED MAIL

11. Section 161.749 is amended to include the prohibition against cutting pouch straps, the removal of the damaged pouches from service, and the requirement for reporting the damage to the Inspection Service.

PART 153—COD MAIL

PART 171—MONEY ORDERS

12. Various sections relating to COD money orders in Part 163 and substantially all of Part 171 are amended in conformity with an improved money order system previously adopted by the Postal Service. The domestic part of this improved system went into effect on October 13, 1973 (see notice at 38 FR 29651). All military post offices were converted to the new system on November 13, 1973, and the international part of the system went into effect on March 30, 1974 (see notice at 39 FR 12071). The money order system has been operating under interim regulations during an initial period of testing. That period having now been completed, the Postal Service hereby adopts permanent regulations governing the clerk issuance, accounting, and reporting procedures for its money order system.

PART 165—CERTIFICATES OF MAIL, RETURN RECEIPTS, AND RESTRICTED DELIVERY

13. Section 165.3 is amended to delete the present endorsements *Deliver to Addressee Only* and *Deliver to Addressee or Order* and substitute the single endorsement *Restricted Delivery* for all such mail. Mail so endorsed will be delivered to the addressee only, unless the addressee specifically authorizes in writing another person to receive his restricted delivery mail. The existing exceptions to the delivery of restricted delivery mail described in § 165.341 are revised in minor respects and retained.

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

PART 111—GENERAL INFORMATION ON POSTAL SERVICE

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

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

* * * * *

AMENDMENTS TO POSTAL SERVICE MANUAL

Transmittal Letter, Letter 34, Issue 97; Date, February 7, 1975; FR publication, 40 FR_____.

These amendments are effective immediately.

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

ROGER P. CRAIG,
Deputy General Counsel.

[FR Doc.75-3649 Filed 2-7-75;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 5477]

ARIZONA

Partial Revocation of Reclamation Withdrawals

By virtue of the authority contained in section 3 of the Act of June 17, 1902, as amended and supplemented, (43 U.S.C. 416 (1970)), it is ordered as follows:

The departmental orders of July 2, 1902, January 31, 1903, September 30, 1904, June 18, 1914, and March 14, 1929, and any other order or orders which withdrew lands for reclamation purposes, are hereby revoked so far as they affect the following described lands:

GILA AND SALT RIVER MERIDIAN

T. 9 S., R. 23 W.,
Sec. 10, lots 1 thru 6, SE¼NE¼, E½SE¼;
Sec. 11, Tract A, lots 1 thru 7, S½N½, SW¼SE¼, N½NE¼;
Secs. 12, 13, 14, 15.

The areas described aggregate, 3,402.27 acres in Yuma County.

Of the lands described above, the E½W½W½SW¼SW¼NW¼ sec. 12, T. 9 S., R. 23 W., is appropriated for a canal right-of-way established by the Bureau of Reclamation pursuant to subsection P, section 4, of the Act of December 5, 1924, (43 U.S.C. 417 (1970)), and shall not be open to disposition under the public land laws. The remaining lands have been conveyed out of Federal ownership, or transferred to the jurisdiction of the military, and are not subject to use or disposition under the public land laws.

JACK O. HORTON,
Assisant Secretary of the Interior.

FEBRUARY 4, 1975.

[FR Doc.E5-3672 Filed 2-7-75;8:45 am]

[Public Land Order 5473]

ARIZONA

Modification of Reclamation Withdrawals To Permit Grant of Right-of-Way

By virtue of the authority contained in section 3 of the Act of June 17, 1902,

32 Stat. 388, as amended and supplemented, (43 U.S.C. 416 (1970)), it is ordered as follows:

The departmental orders of January 31, 1903, September 8, 1903, and March 14, 1929, withdrawing lands in Arizona for reclamation purposes, are hereby modified to the extent necessary to permit the location of a right-of-way under section 2477, U.S. Revised Statutes, (43 U.S.C. 932), by Yuma County, Arizona, over the following described lands, as delineated on a map filed by the Yuma County Department of Public Works with the Bureau of Land Management in Arizona 7378, for the construction of a public road:

GILA AND SALT RIVER MERIDIAN

T. 10 N., R. 19 W., Sec. 14, N½NE¼NE¼ (50' x 1044.33').

The area described contains 1.20 acres in Yuma County.

JACK O. HORTON,
Assistant Secretary of the Interior.

FEBRUARY 4, 1975.

[FR Doc.75-3673 Filed 2-7-75;8:45 am]

APPENDIX—PUBLIC LAND ORDERS

[Public Land Order 5472, Arizona 6882]

ARIZONA

Withdrawal of National Forest Lands

By virtue of the authority vested in the President by the Act of June 4, 1897, (16 U.S.C. 473) (1970), and pursuant to Executive Order No. 10355 of May 26, 1952 (17 FR 4831), it is ordered as follows:

1. Subject to valid existing rights, the following described national forest lands are hereby withdrawn from appropriation under the mining laws, 30 U.S.C. Ch. 2, but not from leasing under the mineral leasing laws, in aid of programs of the Department of Agriculture:

KAIBAB NATIONAL FOREST

GILA AND SALT RIVER MERIDIAN

Three Lakes Game Preserve

T. 37 N., R. 2 E.,
Sec. 6, SW¼NE¼NE¼, SE¼NW¼NE¼; E½SW¼NE¼, W½SE¼NE¼; NW¼NE¼SE¼, NE¼NW¼SE¼.

Lamb's Lake Game Preserve

T. 38 N., R. 1 E.,
Secs. 13 and 14, those lands included in M.S. No. 1655.

The areas described aggregate 178.03 acres in Coconino County.

2. The withdrawal made by this order does not alter the applicability of the public land laws governing the use of the national forest lands under lease, license or permit or governing the disposal of their mineral or vegetative resources other than under the mining laws.

JACK O. HORTON,
Assistant Secretary of the Interior.

JANUARY 31, 1975.

[FR Doc.75-3616 Filed 2-7-75;8:45 am]

[Public Land Order 5465; Riverside 1451]

CALIFORNIA

Partial Revocation of Reclamation Project Withdrawal

By virtue of the authority contained in section 3 of the Act of June 17, 1902, (43 U.S.C. 416) (1970), it is ordered as follows:

1. The Departmental Order of October 19, 1920, withdrawing lands for the Yuma Project, now the All American Canal Project, is hereby revoked so far as it affects the following described land:

SAN BERNARDINO MERIDIAN

T. 7 S., R. 8 E.,
Sec. 18, S½ of lots 1 and 2 of SW¼.

The area described contains 76.83 acres in Riverside County.

2. At 10 a.m. on March 8, 1975, the lands shall be open to operation of the public land laws generally, subject to valid existing rights, the provisions of existing withdrawals, and the requirements of applicable law. All valid applications received on or prior to 10 a.m. on March 8, 1975, shall be considered as simultaneously filed at that time. Those received thereafter shall be considered in the order of filing.

3. The lands will be open to location under the United States mining laws at 10 a.m. on March 8, 1975. They have been and will continue to be open to applications and offers under the mineral leasing laws.

Inquiries concerning the lands should be addressed to the Bureau of Land Management, Room E-2841, Federal Office Building, 2800 Cottage Way, Sacramento, California 95825.

JACK O. HORTON,
Assistant Secretary of the Interior.

JANUARY 31, 1975.

[FR Doc.75-3617 Filed 2-7-75;8:45 am]

[Public Land Order 5476]

IDAHO

Withdrawal for National Forest Administrative Site

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952 (17 FR 4831), it is ordered as follows:

1. Subject to valid existing rights, the following described national forest lands are hereby withdrawn from location and entry under the mining laws (30 U.S.C. Ch. 2), but not from leasing under the mineral leasing laws, in aid of programs of the Department of Agriculture:

ST. JOE NATIONAL FOREST

BOISE MERIDIAN

T. 43 N., R. 9 E.,
Sec. 19, E½SE¼SE¼SE¼;
Sec. 20, W½SE¼NW¼, W½NE¼SW¼, NW¼SW¼, S½SW¼;
Sec. 29, SW¼SW¼NE¼, NW¼;
Sec. 30, E½E½NE¼NE¼, E½NE¼SE¼NE¼, SE¼SE¼NE¼.

The area described aggregates 360 acres in Shoshone County.

2. The withdrawal made by this order does not alter the applicability of those public land laws governing the use of the national forest lands under lease, license or permit, or governing the disposal of their mineral or vegetative resources other than under the mining laws.

JACK O. HORTON,
Assistant Secretary of the Interior.

FEBRUARY 4, 1975.

[FR Doc.75-3674 Filed 2-7-75;8:45 am]

Title 46—Shipping

CHAPTER I—COAST GUARD, DEPARTMENT OF TRANSPORTATION

(CGD 74-100R)

CO_2 FIXED FIRE EXTINGUISHING SYSTEMS

Controls; Requirements for Additional Instructions

A notice of proposed rulemaking (CGD 74-100) was published in the FEDERAL REGISTER of Wednesday, May 8, 1974 (39 FR 16364). It proposed a revision of the existing regulations concerning specifications for controls of CO_2 fixed fire extinguishing systems.

The purpose of this amendment is to modify the requirements pertaining to the posting of operating instructions for fixed carbon dioxide fire extinguishing systems. This modification will require the posted instructions to be of a more detailed nature.

During the thirty day comment period, three comments were received. One commenter requested clarification of the definition of "releasing control device." The term "releasing control device" refers to all pull boxes, stop valve controls, and cylinder valves. This clarification was made in the regulation. A second commenter expressed concern that the posting of alternate means of releasing the extinguishing system may encourage persons to enter hazardous areas on small vessels. It is felt that this comment has merit. Accordingly, the wording of the regulation has been altered to exclude all systems in which the CO_2 cylinders are within the protected space. This exempts the systems normally found on small vessels. The final commenter suggested changing the terminology "primary or secondary means of release." To clarify the intent of the regulation this provision was altered to read "manual release or stop value controls."

In consideration of the foregoing, Parts 34, 76, 95, 181, and 193 of Title 46 of the Code of Federal Regulations are amended as follows:

PART 34—FIREFIGHTING EQUIPMENT

1. By revising § 34.15-10(h) to read:

§ 34.15-10 Controls—T/ALL.

* * * * *

(h) Complete but simple instructions for the operation of the systems must be located in a conspicuous place at or near all pull boxes, stop valve controls and in the CO_2 cylinder storage room. On

systems in which the CO_2 cylinders are not within the protected space, these instructions must also include a schematic diagram of the system and instructions detailing alternate methods of discharging the system should the manual release or stop valve controls fail to operate. Each control valve to branch lines must be marked to indicate the related space served.

* * * * *

PARTS 76, 95, 181, AND 193 [AMENDED]

2. By revising §§ 76.15–10(h), 95.15–10(h), 181.20–15(d), and 193.15–10(h) to read the same as § 34.15–10(h)

(46 U.S.C. 375, 390b, and 391a (49 U.S.C. 1655(b)); 49 CFR 1.46(b) and 1.46(o)(4))

Effective date: This amendment is effective on May 15, 1975.

Dated: February 3, 1975.

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

[FR Doc.75-3634 Filed 2-7-75;8:45 am]

Title 47—Telecommunication

CHAPTER I—FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 19946]

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

PART 83—STATIONS ON SHIPBOARD IN THE MARITIME SERVICES

Search and Rescue Communications, Order Extending Time for Filing Reply Comments

By the Chief, Safety and Special Radio Services Bureau.

In the Matter of Amendment of Parts 2 and 83—to make available the frequency 157.1 MHz for use by non-Government ship stations; to require that 157.1 MHz be fitted in VFH equipment installed in ship stations; and to designate 156.3 for search and rescue communications.

1. Northern Pacific Marine Radio Council (NPMRC) has requested a 45-day extension of time within which to file comments in the above-captioned rule making proceeding [December 6, 1974; 39 FR 42689], in order to permit solicitation of the views of its members considering the effects of the holiday season on the originally allowed time. The Coast Guard has informally joined in this request.

2. Accordingly, *it is ordered*, That the time for filing comments in the proceeding in Docket No. 19946 is extended to February 19, 1975, and the time for filing reply comments is extended to March 3, 1975. This action is taken pursuant to authority delegated by section 0.331(b)(4) of the rules.

Adopted: January 30, 1975.

Released: February 4, 1975.

[SEAL] CHARLES A. HIGGINBOTHAM,
Chief, Safety and Special Radio Services Bureau.

[FR Doc.75-3645 Filed 2-7-75;8:45 am]

[FCC 75-129]

PART 73—RADIO BROADCAST SERVICES
PART 76—CABLE TELEVISION SERVICE

State Lotteries

In the Matter of Amendment of Part 73 (Radio Broadcast Services) and Part 76 (Cable Television Service) of the rules.

By the Commission: 1. The Commission has under consideration § 73.122 for AM stations, § 73.292 for FM stations, § 73.656 for TV stations, and § 76.213 for cable television systems. These provisions contain the Commission's rules concerning lotteries.

2. On January 2, 1975, Congress modified the scope of the Federal statute prohibiting broadcasts of advertisements of or information concerning lotteries set forth in section 1304 of Title 18 of the criminal code by enacting a new provision (Pub. L. 93–583) for broadcasts about lawful State conducted lotteries. The new law set forth in 18 U.S.C. section 1307 exempts in specific circumstances described therein the broadcast of advertisements of or information concerning a State conducted lottery acting under authority of State law from the prohibitions contained in section 1304 when such information is broadcast: (1) by a radio or television broadcast station licensed to a location in that State or (2) by a radio or television broadcast station licensed to a location in an adjacent State also conducting such a lottery.[1]

3. For the purposes of the new exemption a lottery is defined as "the pooling of proceeds derived from the sale of tickets or chances and allotting those proceeds or parts thereof by chance to one or more chance takers or ticket purchasers. 'Lottery' does not include the placing or accepting of bets or wagers on sporting events or contests." See 18 U.S.C. section 1307(d). In addition, it should be noted that the legislative history indicates the word "adjacent" used in the exemption is intended to mean adjoining or contiguous, i.e., having a common boundary, at least in part. Further it should be noted that it is the licensed location of a station, rather than the actual location of a transmitter or studio, to which the statute refers in providing a limited exemption from the prohibitions of section 1304.

[1] The new law also contains exemptions permitting the publication of information about a lawful State conducted lottery in newspapers published in the State and for the use of the mails to send tickets and other material concerning a lawful State conducted lottery to addresses within the State conducting the legal State lottery.

4. In more concrete terms, the new law permits a broadcast station licensed to a location in New York, which now conducts a lawful State lottery, to broadcast advertisements of or information concerning the New York State lottery as well as the lawful State lotteries of Massachusetts, Connecticut, New Jersey and Pennsylvania, since these States are adjacent to New York and since they also conduct a lawful State lottery. The exemption, however, would not permit a broadcast station licensed to a location in New York to broadcast information concerning the Maine or Michigan state lotteries since those states are not adjacent States to New York. Nor would the exemption permit a station licensed to a location in Virginia to broadcast information concerning the Maryland state lottery, since although Virginia is adjacent to Maryland, Virginia does not conduct a State lottery. Although the language of the new statute appears clear, the preceding example is included in the appended revised lottery rules to assist in understanding its basic application.

5. Finally, it should be emphasized that the exemption to the provisions of section 1304 provided by Pub. L. 93–583 is limited to the specific circumstances described therein, and that the general prohibition of broadcasts regarding lotteries set forth in section 1304 is applicable to broadcasts about all other lotteries.

6. In order to conform the Commission's lottery rules to the new lottery exemption set forth in section 1307, §§ 73.122, 73.292 and 73.656 are, in effect, eliminated and their substance, as revised is set forth in a new § 73.1209, found in Subpart H of the rules applying to all broadcast services.

7. In 1970, the Commission adopted rules which in effect imposed the restrictions of section 1304 on cablecasts originated by cable systems. These rules are also being modified to reflect the exemptions contained in the statute. See § 76.213.

8. The amendments hereby adopted are issued pursuant to the authority contained in sections 4(i) and 303(r) of the Communications Act of 1934, as amended.

9. The amendments adopted simply conform existing lottery rules to the recent amendment of Chapter 61 of Title 18 of the United States Code by the addition of new section 1307. Therefore the notice and effective date requirements set forth in 5 U.S.C. 553 are inapplicable.

10. Accordingly, *it is ordered*, That §§ 73.122, 73.292, 73.656, and 76.213 are amended as set forth below.

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

Adopted: January 30, 1975.

Released: February 5, 1975.

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

Effective January 30, 1975, Parts 73 and 76 of 47 CFR is amended as follows:

§§ 73.122, 73.292, and 73.656 [Amended].

1. Sections 73.122, 73.292 and 73.656 are revised to read:

See § 73.1209 of this chapter which applies to all broadcast stations.

2. A new § 73.1211 is added to read:

§ 73.1211 Broadest of lottery information.

(a) No licensee of an AM, FM or television broadcast station, except as in paragraph (c) of this section, shall broadcast any advertisement of or information concerning any lottery, gift enterprise, or similar scheme, offering prizes dependent in whole or in part upon lot or chance, or any list of the prizes drawn or awarded by means of any such lottery, gift enterprise or scheme, whether said list contains any part or all of such prizes. (18 U.S.C. 1304, 62 Stat. 763).

(b) The determination whether a particular program comes within the provisions of paragraph (a) of this section depends on the facts of each case. However, the Commission will in any event consider that a program comes within the provisions of paragraph (a) of this section if in connection with such program a prize consisting of money or other thing of value is awarded to any person whose selection is dependent in whole or in part upon lot or chance, if as a condition of winning or competing for such prize, such winner or winners are required to furnish any money or other thing of value or are required to have in their possession any product sold, manufactured, furnished or distributed by a sponsor of a program broadcast on the station in question. (See 21 FCC 2d 846).

(c) The provisions of paragraphs (a) and (b) of this section shall not apply to an advertisement, list of prizes or other information concerning a lottery conducted by a State acting under authority of State law when such information is broadcast: (1) by a radio or television broadcast station licensed to a location in that State, or (2) by a radio or television broadcast station licensed to a location in an adjacent State which also conducts such a lottery. (18 U.S.C. 1307, 88 Stat. 1916).

(d) For the purposes of paragraph (c) of this section, "lottery" means the pooling of proceeds derived from the sale of tickets or chances and allotting those proceeds or parts thereof by chance to one or more chance takers or ticket purchasers. It does not include the placing or accepting of bets or wagers on sporting events or contests.

NOTE.—Pursuant to the exemption set out in paragraph (c) of this section, a broadcast station licensed to a location in a State that conducts a State Lottery may broadcast advertisements of or information concerning such lottery in its State of license and advertisements of or information concerning such lotteries conducted in any adjacent State. (See 18 U.S.C. 1307, FCC 75). The exemption would, for example, permit a broadcast station licensed to a location in New York, which now conducts a lawful state lottery, to broadcast advertisements of or information concerning the New York State Lottery as well as the lawful State Lotteries of Massachusetts, Connecticut, New Jersey and Pennsylvania, since these States are adjacent to New York, and also conduct a State Lottery. The exemption, however, would not permit a broadcast station licensed to a location in New York to broadcast information concerning the Maine or Michigan State lotteries since those states are not adjacent States to New York. Nor would the exemption permit a station licensed to a location in Virginia to broadcast information concerning the Maryland State Lottery, since although Virginia is adjacent to Maryland, Virginia does not conduct a State lottery.

3. Section 76.213 (a), (c), (d) is amended to read:

§ 76.213 Lotteries.

(a) No cable television system, except as in paragraph (c), when engaged in origination cablecasting shall transmit or permit to be transmitted on the origination cablecasting channel or channels any advertisement of or information concerning any lottery, gift enterprise, or similar scheme, offering prizes dependent in whole or in part upon lot or chance, or any list of the prizes drawn or awarded by means of any such lottery, gift enterprise, or scheme, whether said list contains any part or all of such prizes.

* * * * *

(c) The provisions of paragraphs (a) and (b) of this section shall not apply to advertisements or lists of prizes or information concerning a lottery conducted by a State acting under the authority of State law when such information is transmitted:

(1) by a cable system located in that State,

(2) by a cable system located in an adjacent State which also conducts such a lottery, or

(3) by a cable system located in another State which is integrated with a cable system described in (1) or (2) herein, if termination of the receipt of such transmission by the cable system in such other State would be technically infeasible.

(d) For the purposes of paragraph (c) *lottery* means the pooling of proceeds derived from the sale of tickets or chances and allotting those proceeds or parts thereof by chance to one or more chance takers or ticket purchasers. It does not include the placing of accepting of bets or wagers on sporting events or contests.

[FR Doc.75-3647 Filed 2-7-75;8:45 am]

Title 16—Commercial Practices

CHAPTER II—CONSUMER PRODUCT SAFETY COMMISSION

SUBCHAPTER C—FEDERAL HAZARDOUS SUBSTANCES ACT REGULATIONS

PART 1500—HAZARDOUS SUBSTANCES AND ARTICLES, ADMINISTRATION AND ENFORCEMENT REGULATIONS

Test Methods for Simulating Use and Abuse of Toys, Games and Other Articles Intended for Use by Children

Correction

In FR Doc. 75-225 appearing at page 1480 in the issue for Tuesday, January 7, 1975, make the following Changes:

1. On page 1485 in § 1500.51(g)(1), in the fourth line the word now reading "contract" should be changed to read "contact".

2. On page 1485 in § 1500.52(a) the fifth line at the top of the second column, now reading "centimeters) shall be applied evenly" should be moved to § 1500.52(e)(3) after the fifth line ending "(3.46 kilogram-"

3. On page 1486 in § 1500.52(f)(3) the line now reading "to the test object of component. A 15-" should read "to the test object or component. A 15-".

4. On page 1487 in the third column, the first line of the authority cite, should read "(Secs. 2(f)(1)(D), (q)(1)(A), (s), (3)(e)(1),".

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 JUSTICE

Immigration and Naturalization Service

[8 CFR Part 214]

NONIMMIGRANT (H–1) VISA PETITIONS FOR PHYSICIANS AND NURSES

Evidence Submitted in Support of Visa Petition

Pursuant to section 553 of Title 5 of the United States Code (80 Stat. 383), notice is hereby given of the proposed amendment of 8 CFR 214.2(h)(2)(iii) pertaining to the evidence to be submitted in support of a visa petition to accord a physician or nurse nonimmigrant classification as an alien of distinguished merit and ability under section 101(a)(15)(H)(i) of the Immigration and Nationality Act, as amended.

Current § 214.2(h)(2)(iii) requires that a visa petition to accord a physician or nurse H–1 nonimmigrant classification shall be accompanied by a statement from the petitioner certifying whether to the best of his information and belief the beneficiary is fully qualified under the laws governing the place of intended employment to perform the desired services; whether under those laws the petitioner is permitted to employ the beneficiary to perform such services, and whether under those laws the beneficiary is permitted to substantially perform the desired services. It is believed to be in the public interest to require the petitioner to submit certain relevant evidence from the state licensing authorities. It is, therefore, proposed to amend § 214.2(h)(2)(iii) to require that visa petitions to accord a physician or nurse H–1 nonimmigrant classification should be accompanied by evidence that a permanent license to practice medicine or professional nursing, as appropriate, has been issued to the beneficiary by the licensing authority having jurisdiction over the place of intended employment, or a written statement from such licensing authority that, based on the facts known to it, a temporary license or permit will be issued to the beneficiary once the beneficiary establishes residence in the area of intended employment. It is proposed to further amend that section to provide that if the state or other place where the desired services of the beneficiary are to be performed does not issue temporary licenses or permits, the petitioner shall submit a written statement from the Attorney General of such state or other place to the effect that the desired services may be performed without a license or permit; the submission of such statement by the petitioner shall be waived if the Service has previously obtained such a statement.

In accordance with the provisions of section 553 of Title 5 of the United States Code (80 Stat. 383), interested persons may submit to the Commissioner of Immigration and Naturalization, Room 7100–C, 425 Eye Street NW., Washington, D.C. 20536, written data, views, or arguments, in duplicate, with respect to the proposed rule. Such representations may not be presented orally in any manner. All relevant material received before March 14, 1975, will be considered.

In light of the foregoing, it is proposed to amend Part 214 of Chapter I of Title 8, Code of Federal Regulations, as follows:

PART 214—NONIMMIGRANT CLASSES

It is proposed to amend § 214.2(h)(2)(iii) to read as follows:

§ 214.2 **Special requirements for admission, extension, and maintenance of status.**

* * * * *

(h) *Temporary employees.*

* * * * *

(2) *Petition for alien of distinguished merit and ability.* * **

(iii) *Physicians and nurses.* A petitioner seeking to accord a physician or nurse a classification under section 101(a)(15)(H)(i) of the Act shall attach to the petition evidence that the beneficiary has obtained a full and unrestricted license to practice medicine or professional nursing in the country where he obtained his medical or nursing education, or that such education was obtained in the United States or Canada, or that he is a physician who successfully passed the examination given by the Educational Commission for Foreign Medical Graduates; also, evidence that a permanent license to practice medicine or professional nursing has been issued to the beneficiary by the licensing authority having jurisdiction over the place of intended employment, or a written statement from such authority that based upon the facts known to the licensing authority such authority will issue the beneficiary a temporary license or permit once the beneficiary establishes residence in the area of intended employment. If the state or other place where the desired services are to be performed does not issue temporary licenses or permits, the petitioner shall submit a written statement from the Attorney General of such state or other place to the effect that the desired services may be performed without a license or permit; however, the submittal by the petitioner of such Attorney General's statement shall be waived if the Service has previously obtained such a statement. If the laws governing the place where the services will be performed impose any limitations on the services to be rendered by the beneficiary, the petitioner shall submit a written statement describing the limitations and asserting whether he will observe them. The district director shall consider any such limitations in determining whether the services which the beneficiary would perform are of an exceptional nature requiring a person of distinguished merit and ability.

* * * * *

(Sec. 103, 66 Stat. 173; (8 U.S.C. 1103))

Dated: February 5, 1975.

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

[FR Doc.75–3642 Filed 2–7–75;8:45 am]

DEPARTMENT OF AGRICULTURE

Agricultural Stabilization and Conservation Service

[7 CFR Part 729]

PEANUTS

Notice of Proposed Determination for 1975–76 Marketing Year

Pursuant to section 358(c) of the Agricultural Adjustment Act of 1938, as amended, (7 U.S.C. 1358(c)), the Secretary of Agriculture is preparing to determine whether the supply of any type or types of peanuts for the 1975–76 marketing year will be insufficient to meet the estimated demand for cleaning and shelling purposes. Section 358(c)(2) of the Act, as amended, reads in part as follows:

Notwithstanding any other provision of law, if the Secretary of Agriculture determines, on the basis of the average yield per acre of peanuts by types during the preceding five years, adjusted for trends in yields and abnormal conditions of production affecting yields in such five years, that the supply of any type or types of peanuts for any marketing year, beginning with the 1951–52 marketing year, will be insufficient to meet the estimated demand for cleaning and shelling purposes at prices at which the Commodity Credit Corporation may sell for such purposes peanuts owned or controlled by it, the State allotments for those States producing such type or types of peanuts shall be increased to the extent determined by the Secretary to be required to meet such demand but the allotment for any State may not be increased under this provision above the 1947 harvested acreage of peanuts for such State. The total increase so determined shall be apportioned among such States for distribution among farms producing peanuts of such type or types on the basis of the average acreage of peanuts of such type or types in the three years immediately preceding the year for which the

allotments are being determined. The additional acreage so required shall be in addition to the national acreage allotment, the production from such acreage shall be in addition to the national marketing quota, and the increase in acreage allotted under this provision shall not be considered in establishing future State, county or farm acreage allotments.

Prior to determining whether the supply of any type or types of peanuts for the 1975–76 marketing year will be insufficient under section 358(c) of the Act to meet the estimated demand for cleaning and shelling, consideration will be given to data, views and recommendations relating thereto which are submitted in writing to the Director, Tobacco and Peanut Division, Agricultural Stabilization and Conservation Service, United States Department of Agriculture, Washington, D.C. 20250. To be sure of consideration, any such submission must be postmarked not later than March 12, 1975.

All written submissions made pursuant to this notice will be made available for public inspection at the office of the Director, during regular business hours (8:15 a.m. to 4:45 p.m.) (7 CFR 1.27(b)).

Signed at Washington, D.C. on: February 4, 1975.

GLENN A. WEIR,
Acting Administrator, Agricultural Stabilization and Conservation Service.

[FR Doc.75-3691 Filed 2-7-75;8:45 am]

EMERGENCY LOAN GUARANTEE BOARD

[13 CFR Part 402]

ESTABLISHMENT OF FEES IN CONNECTION WITH REQUEST FOR INFORMATION UNDER THE FREEDOM OF INFORMATION ACT

Notice of Proposed Rulemaking

Notice is hereby given in accordance with administrative rulemaking procedures of 5 U.S.C. 553 that the Emergency Loan Guarantee Board, pursuant to the requirements of 5 U.S.C. 552(a)(4)(A) proposes to adopt the following amendment to its rules regarding availability of information in order to adopt a fee schedule for searching and duplication of records requested under the Freedom of Information Act.

Subject to the receipt of comments, it is proposed that 13 CFR 402.4 be amended by ending the second sentence of paragraph (b) after the word "difficulty," deleting all that follows, redesignating paragraph (c) as paragraph (d) and adding the following new paragraph (c):

§ 402.4 [Amended]

* * * * *

(c) *Fees.* A fee based upon $5 per hour for the time required to locate such records and prepare them for inspection, plus 10 cents per standard page for any copying thereof shall be paid by any person requesting records other than published records described in § 402.3. In addition, the cost of postage and any packaging or special handling shall be paid by the requester. Documents shall be provided without charge or at a reduced charge where the Board determines that waiver or reduction of the fee is in the public interest because furnishing the information can be considered as primarily benefiting the general public.

Any person who wishes to submit written data, views, or arguments concerning the proposed fee schedule may do so by filing them with the Secretary, Emergency Loan Guarantee Board, c/o Department of the Treasury, Office of the General Counsel, Washington Building, Room 1001, Washington, D.C. 20220.

All written submissions made pursuant to this notice will be made available for public inspection at the Washington Building, 15th & G Street NW., Room 1001, Washington, D.C., during regular hours of business (9 a.m. to 5:30 p.m., Monday through Friday, except holidays).

Subject to the receipt of comments pursuant to this notice, on or before February 18, 1975, the proposed amendment will become effective on February 19, 1975, but will later be revised (under the procedures of 5 U.S.C. 553), if necessary, to reflect comments received after the effective date but prior to the end of thirty days from the date of this notice.

ALAN N. VINICK,
Secretary,
Emergency Loan Guarantee Board.

[FR Doc.75-3683 Filed 2-7-75;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 DEFENSE

Department of the Navy

CHIEF OF NAVAL OPERATIONS EXECUTIVE PANEL

Rescheduled Advisory Committee Meeting

Pursuant to the provisions of the Federal Advisory Committee Act (5 U.S.C. App. I), notice is hereby given that the Chief of Naval Operations Executive Panel Advisory Committee will hold a closed meeting on March 4 and 5, 1975, at the Naval Intelligence Support Center, Suitland, Maryland. The session will commence at 9 a.m. and terminate at 5:30 p.m.

The agenda will consist of matters which are classified in the interest of national security, including intelligence systems and applications, weapons and ship design, and long-range Navy plans and policy. For that reason, the Secretary of the Navy has determined in writing that meetings of the Chief of Naval Operations Executive Panel Advisory Committee should be closed to the public because they are concerned with matters listed in section 552(b) of Title 5, United States Code.

The above meeting has been scheduled in lieu of the one previously announced to take place on February 6 and 7, 1975.

Dated: February 3, 1975.

H. B. ROBERTSON, Jr.,
Rear Admiral, JAGC, U.S. Navy
Acting Judge Advocate General.

[FR Doc.75-3669 Filed 2-7-75;8:45 am]

Office of the Secretary

DEFENSE SCIENCE BOARD TASK FORCE ON SPECIFICATIONS AND STANDARDS IMPROVEMENT

Advisory Committee Meeting

Pursuant to the provisions of Pub. L. 92-463, effective January 5, 1973, notice is hereby given that the Defense Science Board Task Force on "Specifications and Standards Improvement" will meet in open session on Friday and Saturday 21-22 February 1975 at Hughes Aircraft, Building 373, Room 9567, El Segundo, California.

The mission of the Defense Science Board is to advise the Secretary of Defense and Director of Defense Research and Engineering on overall research and engineering and to provide long range guidance in these areas to the Department of Defense.

The primary responsibility of the Task Force is to provide an evaluation of current DoD Specifications and Standards and the related DoD organization, system and procedures to serve as a basis for DoD policy decisions to reduce costs in systems/equipment design and acquisition.

At this meeting, the Task Force will evaluate the impact on acquisition costs of Military Specification MIL-D-1000, Drawings, Engineering and Associated Lists; review environmental and reliability specifications with a view toward consolidation and removing specification tiering; discuss, critique and offer alternatives to the DoD feedback process as it pertains to specifications and standards; discuss and recommend actions aimed at the tailoring of specifications; discuss specification relationships between prime and subcontractors, and discuss and review other pertinent and related subjects as may come before the group.

Due to the limited time and space availability, it is requested that persons interested in attending the DSB Task Force meeting provide written notice to the address listed below by February 14, 1975. Notice should include information with respect to interest and degree of participation.

Mr. Lester Fox, Director, Defense Materiel Specifications and Standards Office,
Cameron Station,
Alexandria, Virginia 22314.

Telephone inquiries may also be made to Mr. Fox at (292) 274-7061.

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

FEBRUARY 5, 1975.

[FR Doc.75-3624 Filed 2-7-75;8:45 am]

DDR&E HIGH ENERGY LASER REVIEW GROUP, LASER HARDENED MATERIALS AND STRUCTURES SUBPANEL

Closed Meetings

Pursuant to the provisions of section 10 of Pub. L. 92-463, dated October 6, 1972, notice is hereby given that closed meetings of the DDR&E High Energy Laser Review Group, Laser Hardened Materials and Structures Subpanel will be held starting at 0830 on Tuesday and Wednesday, March 4 and 5, 1975, at Wright-Patterson Air Force Base, Ohio.

The subject matter of the meetings is classified in accordance with subparagraph (1) of section 552(b) of Title 5 of the U.S. Code.

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

FEBRUARY 5, 1975.

[FR Doc.75-3643 Filed 2-7-75;8:45 am]

WAGE COMMITTEE

Closed Meetings

Pursuant to the provisions of section 10 of Pub. L. 92-463, effective January 5, 1973, notice is hereby given that meetings of the Department of Defense Wage Committee will be held on:

Tuesday, March 4, 1975
Tuesday, March 11, 1975
Tuesday, March 18, 1975
Tuesday, March 25, 1975

These meetings will convene at 9:45 a.m. and will be held in Room 1E-801, The Pentagon, Washington, D.C.

The Committee's primary responsibility is to consider and make recommendations to the Assistant Secretary of Defense (Manpower and Reserve Affairs) on all matters involved in the development and authorization of wage schedules for Federal prevailing rate employees pursuant to Pub. L. 92-392.

At these scheduled meetings, the Committee will consider wage survey specifications, wage survey data, local reports and recommendations, statistical analyses and proposed pay schedules derived therefrom.

Under the provisions of section 10(d) of Pub. L. 92-463, the Assistant Secretary of Defense (Manpower and Reserve Affairs) has determined that these meetings will be closed to the public because the matters considered are related to the internal personnel rules and practices of the Department of Defense (5 U.S.C. 552 (b)(2)) and the wage survey data considered by the Committee have been obtained from private industry with the guarantee of confidentiality (5 U.S.C. 552 (b)(4)).

However, members of the public who may wish to do so, are invited to submit material in writing to the Chairman concerning matters felt to be deserving of the Committee's attention. Additional information concerning these meetings may be obtained by contacting the Chairman, Department of Defense Wage Committee, Room 3D-281, The Pentagon, Washington, D.C.

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

FEBRUARY 4, 1975.

[FR Doc.75-3623 Filed 2-7-75;8:45 am]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[ES 11020]

FLORIDA

Amendment to Notice of Filing of Plat of Survey

JANUARY 31, 1975.

In FR Document 74-28542 appearing on page 42698 in the issue for Friday,

December 6, 1974, there appeared an amendment of the notice of filing of the plat of survey for islands and omitted lands in T. 16 S., R. 28 E., Tallahassee Meridian, Volusia County, Florida. The last paragraph of that notice of amendment should read:

The total land area encompassed by the survey is over 50 percent swamp in character within the interpretation of the Swamp Land Act of September 28, 1850. Title to these lands inured to the State of Florida as of that date, and these lands are, therefore, open only to selection by the State under that Act.

LOWELL J. UDY,
Director, Eastern States.

[FR Doc.75-3675 Filed 2-7-75;8:45 am]

Bureau of Reclamation

WESTERN GASIFICATION CO.

Supplement on Dates of Public Hearings on Draft Environmental Statement

The public hearings, as announced in the FEDERAL REGISTER on Friday, February 7, 1975 (40 FR 5799), on the draft environmental statement for the proposed WESCO Coal Gasification Project and expansion of the Navajo Mine by Utah International, Inc. (INT DES 74-107), scheduled for March 11, 1975, in Window Rock, Arizona, and March 12, 1975, in Farmington, New Mexico, are revised as follows in order to allow additional time for the hearings in Window Rock. The public hearings will be held in Window Rock, Arizona, at the Window Rock Civic Center on March 11 and 12, 1975, and in Farmington, New Mexico, at the City Council Meeting Room, 800 Municipal Drive, on March 13, 1975, to receive views and comments from interested organizations or individuals relating to the environmental impacts of this project. All hearings will be held from 10 a.m. to 12 Noon, from 1:30 p.m. to 5 p.m. and from 7 p.m. to 10 p.m. All other information in the referenced notice remains as published on February 7, 1975.

The Bureau of Reclamation regrets the uncontrollable circumstances which delayed the submission of this document for publication.

Dated: February 7, 1975.

E. F. SULLIVAN,
Acting Commissioner of Reclamation.

[FR Doc.75-3832 Filed 2-7-75;9:28 am]

DEPARTMENT OF AGRICULTURE

Commodity Credit Corporation

[Amendment 7]

SALES OF CERTAIN COMMODITIES

Monthly Sales List

The CCC Monthly Sales List for the fiscal year ending June 30, 1975, published in 39 FR 24684 is amended as follows:

1. The last sentence of section 1(b) entitled "General" published in 39 FR 24684 as amended in 39 FR 43413 is revised to read as follows: "Interest at 10½ percent will be charged for delinquent payments on consignment and track grain sales from the date of sale to the date payment is received."

2. The provisions of section 29 entitled "Butter-Unrestricted Use Sales" published in 39 FR 32042 as amended in 40 FR 3020 are deleted.

Effective date: 2:30 p.m. January 31, 1975.

Signed at Washington, D.C., on February 4, 1975.

GLENN A. WEIR,
Acting Executive Vice President, Commodity Credit Corporation.

[FR Doc.75-3692 Filed 2-7-75;8:45 am]

Animal and Plant Health Inspection Service

IMPORTED FIRE ANT COOPERATIVE FEDERAL-STATE CONTROL AND REGULATORY PROGRAM

Availability of Addendum to Environmental Impact Statement

Pursuant to the National Environmental Policy Act (Pub. L. 91-190, (42 U.S.C. 4321, et seq.)) and Executive Order 11514 (35 FR 4247) of March 7, 1970, in providing timely public information on Federal plans and programs with environmental impact, notice is hereby given of the public availability of an addendum to the Environmental Impact Statement on the Imported Fire Ant Cooperative Federal-State Control and Regulatory Program (USDA-APHIS-ADM-73-2).

Copies of the addendum have been furnished to the Council on Environmental Quality and to those agencies, organizations, and individuals who submitted comments on the draft of said statement.

Copies of the addendum may be obtained or examined at any of the following locations:

Deputy Administrator, Plant Protection and Quarantine Programs, Animal and Plant Health Inspection Service, U.S. Department of Agriculture, 14th and Independence Avenue, Room 302-E, Washington, D.C. 20250.

Director, Southeastern Region, PPQ, APHIS, U.S. Department of Agriculture, 3505 25th Avenue, P.O. Box 989, Gulfport, MS 39501.

Director, South Central Region, PPQ, APHIS, U.S. Department of Agriculture, 2100 Boca Chica Boulevard, Suite 400, Brownsville, TX 78520.

Done at Washington, D.C., this 4th day of February 1975.

JAMES O. LEE, Jr.,
Acting Deputy Administrator, Plant Protection and Quarantine Programs.

[FR Doc.75-3628 Filed 2-7-75;8:45 am]

Rural Electrification Administration

SIERRA TELEPHONE CO., INC.

Proposed Loan Guarantee

Under the authority of Pub. L. 93-32 (87 Stat. 65) and in conformance with applicable agency policies and procedures as set forth in the proposed REA Bulletin 320-22, "Guarantee of Loans for Telephone Facilities," published in the FEDERAL REGISTER, September 16, 1974, (39 FR 33228-33229) notice is hereby given that the Administrator of REA will consider providing a guarantee supported by the full faith and credit of the United States of America for a loan in the approximate amount of $5,950,000 to Sierra Telephone Company, Inc., Oakhurst, California. The loan funds will be used to finance the construction of facilities to extend telephone service to new subscribers, and improve telephone service for existing subscribers.

Legally organized lending agencies capable of making, holding and servicing the loan proposed to be guaranteed may obtain information and details of the proposed project from Mr. Harry H. Baker, Jr., President, Sierra Telephone Co., Inc., P.O. Box 219, Oakhurst, California 93644.

To assure consideration, proposals must be submitted on or before March 12, 1975 to Mr. Harry H. Baker, Jr. The right is reserved to give such consideration and make such evaluation or other disposition of all proposals received, as Sierra Telephone Co., Inc., and REA deem appropriate. Prospective lenders are advised that it is anticipated that financing for this project will be available from the Federal Financing Bank under a standing loan commitment agreement with the Rural Electrification Administration.

Copies of the proposed REA Bulletin 320-22 are available from the Director, Information Services Division, Rural Electrification Administration, U.S. Department of Agriculture, Washington, D.C. 20250.

Dated at Washington, D.C., this 3rd day of February, 1975.

DAVID A. HAMIL,
Administrator, Rural Electrification Administration.

[FR Doc.75-3631 Filed 2-7-75;8:45 am]

DEPARTMENT OF COMMERCE

SOUTHERN OHIO BANK

Approval of Applicant as Trustee

Notice is hereby given that The Southern Ohio Bank, with offices at 515 Main Street, Cincinnati, Ohio, has been approved as Trustee pursuant to Pub. L. 89-346 and 46 CFR 221.21-221.30.

Dated: January 20, 1975.

BURT KYLE,
Director, Office of Domestic Shipping.

[FR Doc.75-3694 Filed 2-7-75;8:45 am]

TANKER CONSTRUCTION PROGRAM

Revisions of Section 70 of the Standard Specifications for Merchant Ship Construction

Pursuant to the Final Opinion and Order of the Maritime Subsidy Board in

Docket A–75 (served August 30, 1973), notice is hereby given that the following revisions to section 70 of the Standard Specifications for Merchant Ship Construction have been adopted by the Maritime Subsidy Board:

(1) Revise Article 4(c)(3, (d), and (e) to require a new standard for oil content meters and oily water separators (15 ppm).

(2) Add a clarifying sentence to Article 2 for emergency cargo transfer to permit a reduction in the calculated oil outflow in the case of bottom damage.

(3) Revise Article 4(c) to permit recirculation as an alternative to requiring automatic oil/water separator shutdown in the event of high oil content.

(4) Revise Article 4(f) to standardize shore connections to meet IMCO and USCG requirements.

(5) Add a clarifying sentence to Article 4(e) indicating alternative designs that may be used in the bilge and ballasting system of tank vessels.

(6) Add a clarifying sentence to Article 6(a) indicating design alternatives for sewage treatment plant.

(7) Substitute in Article 7 known stack emission purity standards for the presently required Environmental Protection Agency standards since there are no Environmental Protection standards for stack emissions at present.

(8) Add a new Article 8 detailing inert gas system requirements to comply with Docket A–75.

(9) Add a new Article 9 to reference the collision avoidance radar system required by Docket A–75.

Further, the following revisions to section 70 were adopted by the Board as a result of comments received pursuant to notice by the Board's proposed revisions to section 70, published in the FEDERAL REGISTER of July 29, 1974 (39 FR 27483):

(10) Retitle Article 4 to read "Bilge, Ballast and Cargo/Ballast Systems" instead of "Bilge and Ballast Systems."

(11) Revise the wording of paragraph 4(a)(1) to clarify the intent of that subsection.

(12) Include in the first paragraph of Article 6(c) requirements for holding tanks for grey water.

Section 70 of the Maritime Administration Standard Specifications consolidates all pollution abatement features of cargo and tanker construction and operation to control oil, sewage and air pollution. A complete text of the revised section 70 is published herein as an attachment to this notice.

Dated: February 5, 1975.

By Order of the Maritime Subsidy Board,

JAMES S. DAWSON, Jr.,
Secretary, Maritime Subsidy Board.

STANDARD SPECIFICATION FOR MERCHANT SHIP CONSTRUCTION

SECTION 70: POLLUTION ABATEMENT SYSTEMS AND EQUIPMENT

1. General (a) It is the general intent of this section to specify appropriate pollution control measures to be taken in the design and operation of all merchant ships in order to protect and enhance the quality of the marine environment from ship-generated pollutants, such as oil, sewage, garbage and smoke.

(b) All vessels shall be so equipped and operated as to prevent the discharge of oil into or upon the navigable waters of the United States, adjoining shorelines and waters of the Contiguous Zone in such quantities as to cause a film or sheen upon or discoloration of the surface of the water or upon adjoining shorelines. (Implementation of section 11 of the "Water Quality Improvement Act of 1970" as published in the FEDERAL REGISTER of September 11, 1970.)

(c) All vessels equipped with toilets and urinals shall be provided with marine sanitation devices designed to prevent the discharge of untreated or inadequately treated sewage into or upon the navigable waters of the United States. (Implementation of section 13 of the "Water Quality Improvement Act of 1970" as published in the FEDERAL REGISTER of June 23, 1972.)

2. Cargo Oil Tanks on Tank Vessels: The size and arrangement of cargo tanks shall be such as to limit the oil outflow from tanks assumed to be breached by collision or grounding to a value of 30,000 cubic meters or 400 times the cube root of the deadweight 400 DWT, which ever is larger, but in no case exceeding 40,000 cubic meters. The oil outflow shall be calculated in accordance with the Intergovernmental Maritime Consultative Organization (IMCO) Resolution A. 246(VII) adopted 15 October 1971 by IMCO Assembly. Credit may be taken for reduction in oil outflow in case of bottom damage when a cargo transfer system is installed as prescribed in Article 3(c).

3. Cargo Piping Systems on Tank Vessels: (a) Remote shut-down of all main cargo pumps shall be provided at the loading and discharge manifold on the deck, port and starboard, and at the centralized cargo control station.

(b) Quick closing valves with means of local control shall be fitted at the loading and discharge manifold.

(c) To reduce the calculated oil outflow due to grounding, an emergecny cargo transfer system may be installed having a high suction in each cargo tank, and capable of transferring cargo oil from a breached tank to any other segregated ballast tanks or other available cargo tanks. The pipes for the emergency suction should be installed at a point 3m (10 feet) below the load waterline, but not less than 6m (20 feet) from the bottom of the tank. Manual control of these valves shall be provided on the deck as well as remote control from the centralized control station. The requirements of this paragraph are not mandatory, except when this cargo transfer system is used to reduce the calculation for oil outflow. (By the use of this system larger tanks may be used.)

(d) Means shall be provided to contain any oil spillage around each oil loading and discharge manifold and oil transfer connection area.

4. Bilge Ballast Systems and Cargo/Ballast Systems: (a) General.

(1) All bilge and ballast systems shall be so arranged as to assure that all oily bilge or ballast water will be discharged either overboard, through an approved oily water separator, or directly into a designated slop tank which decants the effluent to 15 ppm or to a shore ballast reception and treatment facility.

(2) Cargo/ballast systems on tank vessels shall be so arranged to insure that oily ballast water or tank washings are: (1) decanted or discharged overboard via an appropriate oil content meter; (2) retained on board for "Load-on-Top"; or, (3) discharged ashore to a reception and treatment facility.

(3) Vessels shall be fitted with slop tanks having a capacity to retain on board all oily wastes and oily bilge slops that may accumulate while operating in the navigable waters of the United States.

(b) General Cargo Vessel.

A 100 percent segregated ballast system shall be provided for ballasting and deballasting of the designated segregated ballast tanks in order to maintain the vessel's stability characteristic in accordance with the damaged stability requirements presented in section 1 for one compartment flooding without the use of oily ballast in the fuel or liquid cargo tanks. Means shall be provided for both direct sea flooding and pump discharge to the segregated ballast tanks. The system shall be served by a clean ballast pump with standby service from a bilge and ballast pump or a general service or bilge pump.

At no time shall ballast water be placed in fuel tanks or cargo oil tanks.

Remote liquid level indicators shall be provided at the ballast control station for all segregated ballast tanks.

(c) Tank Vessels.

Tank vessels shall be designed to meet one of the three design alternatives described below:

(1) All tank vessels shall be designed to allow for deballasting and tank cleaning operations by means of the "Load-on-Top" method. The method shall allow the oily ballast and tank washings to be pumped to a designated slop tank or tanks. All decanted ballast water discharged overboard shall not contain oil in excess of the maximum limits prescribed for the receiving waters.

(2) All tank vessels not equipped to handle deballasting and tank cleaning operations by the Load-on-Top method shall be designed for segregated ballast operation. In such cases sufficient tankage for all weather operations in ballast condition shall be assigned exclusively for segregated ballast.

(3) Alternatively, an effective oil/water separator system of full flow capacity equivalent to at least one main cargo oil pump shall be installed with automatic shut-down or recirculation of effluent when the oil content of the effluent exceeds 15 ppm. (See Article 1(b)).

(d) Oily Water Separators.

Approved separators installed in the bilge and ballast system shall be capable of producing an effluent containing not more than 15 ppm. (See Article 1(b)).

(e) Oil Content Meters.

An oil content meter shall be installed in each bilge, oily ballast and tank washing overboard discharge line. The oil content meter shall be fitted with an alarm device set at a preset valve to shut-down the pump or operate an appropriate valve in the discharge line to recirculate the flow automatically when the oil content in the overboard discharge exceeds 15 ppm. The meter will be considered as meeting this standard of 15 ppm if the standard can be met in certified laboratory tests. (See Article 1(b)).

(f) Shore Connection.

Discharge stations shall be fitted for the bilge and ballast system on the main deck, port and starboard, to enable oily bilge and ballast water to be piped to shore facilities. Remote control of the bilge and ballast pumps shall be provided at the discharge stations on the main deck.

To enable flexible piping at shore reception facilities to be connected with the ships discharge pipe lines for residues from machinery bilges, both lines shall be fitted with a standard discharge connection in accordance with the following table:

Standard dimensions of flanges for discharge connections

Description:	Dimension
Outside diameter	215 mm (8½ in.).
Inner diameter	According to pipe outside diameter.
Bolt circle diameter	183 mm (7³⁄₁₆ in.).
Slots in flange	6 holes 22 mm (⅞ in.) in diameter equi-distantly placed on a bolt circle of the above diameter, slotted to the flange periphery. The slot width to be 22 mm (⅞ in.).
Flange thickness	20 mm (¾ in.)
Bolts and nuts:	
Quantity, diameter	6, each of 20 mm (¾ in.) in diameter and of suitable length.

The flange is designed to accept pipes up to a maximum internal diameter of 125 mm (5 in.) and shall be of steel or other equivalent material having a flat face. This flange, together with a gasket of oilproof material, shall be suitable for a service pressure of 6 kg/cm² (85 PSI)

The steel materials used shall meet the material specifications of standard B 16.5 Steel Pipe Flanges and Flanged Fittings of the American National Standards Institute (ANSI).

(g) Overboard Discharge Piping.

Overboard discharge piping from oily/water separators and "Load-on-Top" operation shall be fitted with at least two shut-off valves as close to the shell as possible.

5. Fuel Oil System: All overflow piping in the fuel oil system discharging overboard shall be fitted with an alarm with indicators at the filling station and control console.

6. Sewage Treatment and Liquid Waste Disposal Systems: (a) General.

Any vessel equipped with toilets, showers, lavatories, laundries or a galley shall be provided with suitably sized holding tanks to retain the sewage and liquid waste while in port or in restricted waters. In lieu of holding tanks an approved sewage treatment plant which will meet the requirements of the U.S. Coast Guard may be provided to handle human wastes.

(b) Sewage Treatment Plant.

The design and operation of the sewage treatment plants shall meet the standards of the Environmental Protection Agency and U.S. Coast Guard.

Where sewage treatment plants are used to handle human body wastes only, holding tanks shall also be provided to handle other wastes (grey water).

The marine sanitation device shall be capable of discharging to dockside facilities. Provisions shall be made to facilitate internal cleaning.

(c) Holding Tanks.

When provided, holding tanks shall be of sufficient capacity to retain all accumulated drains from urinals, toilets, showers, lavatories, laundries and galleys and shall be capable of holding 56 cubic meters (15,000 gallons) of accumulated sewage and liquid wastes, or have a five day capacity based on the total ship complement at .26 cubic meters (70 gallons)/day/person. When using recirculation or vacuum flush systems, holding capacity for these low flow systems will be based on individual system requirements. Holding tanks for "grey" water, where no sewage solids are discharged into the tank, shall only be fitted with manholes, air vents to the weather deck, an overflow to the sea above the deep water line, and all necessary piping connections. When organic solids are discharged into the tank, air shall be supplied to the tank to keep solids in suspension.

Each tank shall be fitted with means to discharge to dockside facilities.

Provision shall be made to prevent the accumulation of noxious and explosive gases in the holding tanks and vents.

The tanks shall be equipped with manholes, air vents to the weather deck, an overflow to the sea above the deep load water line, and all necessary piping connections. All air vents that terminate above the weather deck shall be located where odors will not be objectionable.

Sufficient air shall be supplied to the sewage holding tank in order to prevent the contents from becoming anaerobic and to keep the solids in suspension. A pressure regulator and shut-off valve shall be provided to control the air flow into the tank. The capacity of air required shall not be less than .7 cubic meters (25 CFM) at 34 kPa (5 psig) per 28 m³ (1000 ft.³) tank capacity.

Each holding tank shall be fitted with a floatless type level indicator and a separate high level alarm. The remote level indicators and alarm annunciators shall be placed on the engine room control console. The level control electrodes should not be in direct contact with sewage and the unit should be arranged for easy access and maintenance.

On vessels where the engine room is aft, or where it is impractical to have the sewage system distributed throughout the ship, a holding tank or a small independent sewage treatment system shall be provided for the engine room toilets and lavatory drains.

Provisions shall be made for the use of water and steam for tank cleaning purposes.

(d) Piping.

All liquid wastes from urinals, toilets, showers, lavatories and laundries shall be led to the sewage treatment tank. Sewage drains shall be led to the treatment plant or holding tank independent of other drains. Shore connections fitted with 102 mm (4" pipe) shall be located on the main deck, port and starboard, to enable sewage and liquid waste to be pumped to shore facilities.

(e) Pumps.

Each sewage system shall be equipped with two (2) sewage pumps connected in parallel. The pumps shall take suction from the holding tanks or sewage treatment plant and shall be capable of discharging overboard independently of other drain lines and to the shore connection. The sewage pumps shall be of the non-clog marine type, suitable for handling raw sewage and either sea or fresh water as required.

7. Stack Emission. (a) General.

All stack emissions shall meet the air purity standards established by the ports of call of the vessel, the standards of the San Francisco Bay Area or the standards of New York City, whichever are most restrictive for the operation intended.

(b) Smoke Indicator.

Each boiler shall be equipped with a combination visual-photo-electric smoke indicator which shall clearly indicate the absence or presence of smoke. The indicator shall be provided with an alarm which actuates when the smoke intensity exceeds the value established by Article 7(a) above. The indicator shall be provided with an auto-semi-auto pressurized lens cleaning system to insure cleanliness of the lens. The indicator shall be visible in the vicinity of the Central Control Console. A recorder shall be coordinated with the smoke intensity alarm to record the duration of pollution above the standards established by Article 7(a) above.

8. Inert Gas Systems: All tankers over 100,000 DWT and having tank sizes greater than 10,000 cubic meters shall be equipped with an approved inert gas system to prevent tanker casualties from fire and explosion.

9. Collision Avoidance Radar: All tankers must be equipped with a collision avoidance radar system which complies with the requirements of § 91.4 of this specification.

[FR Doc.75-3693 Filed 2-7-75;8:45 am]

National Oceanic and Atmospheric Administration

DRAFT ENVIRONMENTAL IMPACT STATEMENT

Public Hearing

In accordance with section 1500.7 of the Council on Environmental Quality Guidelines issued pursuant to the National Environmental Policy Act of 1969, and in compliance with Department Administrative Order 216-6, the Commerce Department's National Oceanic and Atmospheric Administration (NOAA) will hold a public hearing on the Draft Environmental Impact Statement for the proposed NOAA Western Regional Headquarters Facility. The hearing will begin at 10 a.m. on Saturday, February 22, 1975, at the View Ridge Elementary School, 7047 50th Avenue Northeast, Seattle, Washington. The purpose of the hearing is to receive comments on the Draft Environmental Impact Statement for the proposed NOAA Facility at Sand Point and to answer questions related to the development.

Hearing presentations should, if possible, include written comments summarizing the substance of the presentation. Those wishing to submit such comments prior to the hearing may address them to the Northwest Administrative Service Office, NOAA, 1700 Westlake North, Seattle, Washington 98109. Inquiries concerning the hearing should be directed to the Sand Point Coordinator, NOAA, at the same address, phone: (206) 442-1703. Copies of the Draft Environmental Impact Statement may be picked up at the Northwest Administrative Service Office after January 30th.

The length of individual presentations may be limited to ten minutes by the hearing officer, depending upon the number of presentations to be heard, in order to allow sufficient time for all presentations. Comments from government representatives will be heard in the morning, the remaining groups and individuals in the afternoon. A question and discussion period will follow the conclusion of the formal presentations. Dale C. Gough, Administrative Service Office Director, will convene and conduct the hearing.

ROBERT L. CARNAHAN,
Acting Assistant Administrator for Administration.

[FR Doc.75-3668 Filed 2-7-75;8:45 am]

NEW YORK BIGHT MESA ADVISORY COMMITTEE

Public Meeting

Pursuant to section 10(a)(2) of 5 U.S.C. App. I and section 8(b) of Office of Management and Budget Circular No. A-63 (March 27, 1974), the National Oceanic and Atmospheric Administration announces the New York Bight MESA Advisory Committee meeting scheduled for March 11, 1975, in Stony Brook, New York.

AGENDA

9:30 a.m.—Greeting: Dr. R. L. Swanson, Project Manager and Panel Chairman.
9:45 a.m.—The Implications of Ocean Dumping from a Biological Standpoint: Dr. Kneeland McNulty.
10:15 a.m.—The Implications of Ocean Dumping from a Chemical Standpoint: Dr. Douglas Segar.
10:45 a.m.—Break.
11 a.m.—Questions and Discussion.
11:30 a.m.—Environmental Protection Agency Presentation.
12 noon—Lunch.
1 p.m.—Recommendations to the Committee from the Scientific and Technical Advisory Panel.
1:45 p.m.—Recommendations to the Committee from the User Information Advisory Panel.
2:30 p.m.—Break.
2:45 p.m.—Recommendations to the Committee from the Citizens and Industrial Advisory Panel.
3:30 p.m.—Framing of Advisory Committee Recommendations.
4:30 p.m.—Adjournment.

Agenda items are subject to change as priorities dictate.

Interested persons are invited to attend and to submit written statements before or after the meeting or by mailing such statements within five days after the date of the meeting to: Executive Secretary, New York Bight MESA Advisory Committee, MESA Project Office, Building J—Room 121, State University of New York, Stony Brook, New York, 11794. Interested persons will be permitted to make oral statements to each Panel during the period reserved for questions and discussion, subject to the procedures which follow. Persons must register with the Panel meeting rapporteur, prior to the start of the meeting, in the Panel meeting room and provide their name, legal address, a list of any affiliations relevant to the topic(s) to be addressed, and a brief, written description of their proposed topic(s). Because of limited time available, it may be necessary to limit the number of persons permitted to speak to five, to limit the length of oral statements to no more than five minutes each, and to give preference to individuals based upon the relevance of their proposed topic(s), as judged by the Panel Chairman. The submission of written versions or oral statements within five days after the date of the meeting to the address above is encouraged. All statements received in typewritten form will be forwarded with the minutes of the meeting to Committee and Panel members for their consideration.

R. L. CARNAHAN,
Acting Assistant Administrator for Administration.

[FR Doc.75-3618 Filed 2-7-75;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of Education

SPECIAL COMMUNITY SERVICE AND CONTINUING EDUCATION PROJECTS

Closing Date for Receipt of Applications

Notice is hereby given that pursuant to the authority contained in title V, parts B and C of the Economic Opportunity Act, as amended, applications are being accepted for Follow Through grants or contracts in the following three categories: (1) non-competing continuation grants or contracts for carrying out Follow Through programs, (2) non-competing grants or contracts for research and demonstration, and (3) grants or contracts for technical assistance to Follow Through programs.

In order to be assured of consideration for funding from appropriations for Fiscal Year 1975, applications for projects under the first two categories listed above should be received by the U.S. Office of Education Application Control Center on or before March 10, 1975.

All other applications must be received by the U.S. Office of Education Application Control Center on or before March 10, 1975.

A. *Applications sent by mail.* An application sent by mail should be addressed as follows: U.S. Office of Education, Application Control Center, 400 Maryland Avenue SW., Washington, D.C. 20202, Attention: 13.433. An application sent by mail will be considered to be received on time by the Application Control Center if:

(1) The application was sent by registered or certified mail not later than March 5, 1975, as evidenced by the U.S. Postal Service postmark on the wrapper or envelope, or on the original receipt from the U.S. Postal Service; or

(2) The application is received on or before the closing date by either the Department of Health, Education, and Welfare, or the Office of Education mail rooms in Washington, D.C. (In establishing the date of receipt, the Commissioner will rely on the time-date stamp of such mail rooms or other documentary evidence of receipt maintained by the Department of Health, Education, and Welfare, or the Office of Education).

B. *Hand delivered applications.* An application to be hand delivered must be taken to the U.S. Office of Education Application Control Center, Room 5673, Regional Office Building Three, 7th and D Streets SW., Washington, D.C. Hand delivered applications will be accepted daily between the hours of 8 a.m. and 4 p.m. Washington, D.C. time except Saturdays, Sundays, or Federal holidays. Applications will not be accepted after 4 p.m. on the closing date.

C. *Program information and forms.* Information and application forms may be obtained from the Division of Follow Through, Bureau of School Systems, Office of Education, Room 3636, 7th and D Streets SW., Washington, D.C. 20202.

D. *Enactment of Pub. L. 93-644.* Applicants have constructive notice of the amendments to the Economic Opportunity Act affecting Follow Through which were enacted by section 8(a) of Pub. L. 93-644 (the "Community Services Act") on January 4, 1975. Among the changes made by those amendments are: extension of the legislative authority for Follow Through through fiscal year 1977, transfer of legislative authority for the administration of Follow Through from the Director of the Office of Economic Opportunity to the Secretary of Health, Education, and Welfare, and elimination of statutory geographic allotment criteria applicable to Follow Through.

E. *Applicable regulations.* Regulations for the Follow Through program were published as Notice of Proposed Rule Making, March 5, 1974 (39 FR 8341). A permanent final regulation, to be published and to be effective before the end of the current fiscal year, will govern the Follow Through program. Other regulations applicable to this program are contained in the Office of Education General Provisions Regulations (45 CFR Part 100a).

F. *Funding criteria.* Projects for Follow Through grants will be funded according to criteria set forth in §§ 158.15, 158.42, and 158.52 of the Notice of Proposed Rule Making published in the FEDERAL REGISTER for the Follow Through program on March 5, 1974 (39 FR 8341). It is anticipated that a permanent final regulation for the Follow Through program, to be published and to become effective before the end of the current fiscal year, will contain funding criteria essentially the same as those published in the Notice of Proposed Rule Making.

G. *Separate Identification of Cost of Entering Grades.* Applicants for Follow Through grants under section 551(a) of the Economic Opportunity Act as amended (grants to local agencies and other organizations for the purpose of carrying out Follow Through programs) are requested to submit with their applications a budget which separately identifies, to the extent possible, the cost of the entry grade so as to facilitate adjustments due to limitations on available funds.

(Catalog of Federal Domestic Assistance No. 13.433; Follow Through)

(Title V, Parts B and C of the Economic Opportunity Act as amended (Pub. L. 93-644, section 8(a)).

Dated: February 3, 1975.

T. H. BELL,
U.S. Commissioner of Education.

[FR Doc.75-3731 Filed 2-7-75;8:45 am]

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

[Docket No. 74-39; Notice 04]

FEDERAL MOTOR VEHICLE SAFETY STANDARDS

Reconsideration of Seat Belt Warning System Requirements

This notice responds to petitions for reconsideration of an amendment of 49 CFR 571.208, *Standard No. 208; Occupant crash protection*, that established optional seat belt warning system requirements until February 24, 1975, when the new optional requirements become mandatory. The petitions received from Peugeot, Inc., and Renault, Inc., to extend the optional period until June 3, 1975 (180 days following publication of the final rule), are denied.

The "Motor Vehicle and School Bus Safety Amendments of 1974" (15 U.S.C. § 1410(b)) require that, within 120 days of their enactment, Standard No. 208 must have been amended so that it does not have the effect of requiring, or providing that a manufacturer is permitted to comply with the standard by means of, a "continuous buzzer" warning system. This means that Standard No. 208 must not specify any "continuous buzzer" as a requirement or as an option after February 24, 1975.

The NHTSA concludes that these provisions clearly prohibit as a matter of law the Peugeot and Renault proposals to extend until June 3, 1975, the period for use of the present continuous buzzer. Accordingly the petitions of Peugeot and Renault for such an extension of the present options are denied.

(Secs. 103, 119, Pub. L. 89-563, 80 Stat 718 (15 U.S.C. 1392, 1407); Sec. 109, Pub. L. 93-492, 88 Stat 1470 (15 U.S.C. 1410(b)); delegation of authority at 49 CFR 1.51).)

Issued on February 3, 1975.

JAMES B. GREGORY,
Administrator.

[FR Doc.75-3600 Filed 2-7-75;8:45 am]

Hazardous Materials Regulations Board

UNION CARBIDE CORP., INC. ET AL.

Special Permits Issued

Pursuant to Docket No. HM-1, Rule-making procedures of the Hazardous Materials Regulations Board, issued May 22, 1968 (33 FR 8277) 49 CFR Part 170, following is a list of new DOT Special Permits upon which Board action was completed during January 1975.

Special permit No.	Issued to—Subject	Mode or modes of transportation
SP 6026	Union Carbide Corp., Bound Brook, N.J., to ship a Class B poisonous solid in a six-ply DOT Specification 44D extensible kraft paper bag having a minimum total basis weight of 320 pounds.	Motor vehicle, Rail freight.
SP 6027	Dow Chemical Co., Midland, Michigan, to ship Methyl bromide, liquid; and Methyl bromide and chloropicrin mixture liquid in a non-DOT specification portable tank having a design pressure of 175 psig and a capacity of 3,567 gallons.	Cargo vessel, Motor vehicle.
SP 6049	Monsanto Co., St. Louis, Missouri, to ship Elemental phosphorus in marine portable tanks, with external steam coils, each having a design capacity of 3,200 gallons.	Cargo vessel, Motor vehicle, Rail freight.
SP 6050	Ozark-Mahoning Co., Tulsa, Oklahoma, to ship Hexafluorophosphoric acid in 55-gallon capacity DOT Specification 6D cylindrical steel overpack with an inside specification 2SL polyethylene container. Maximum net weight 550 pounds.	Cargo vessel, Motor vehicle.
SP 6060	Shippers registered with the Board, to ship certain corrosive liquids in non-DOT Specification stainless steel drums, tight-head, with rated capacity not exceeding 55-gallons.	Motor vehicle, Rail freight.
SP 6061	Monsanto Co., St. Louis, Missouri, to ship certain flammable solids in DOT Specification 37A steel drums, authorized for reuse one time.	Cargo vessel Motor vehicle, Rail freight.
SP 6062	Sandia Laboratories, Albuquerque, N.M., to ship Argon or helium in DOT Specification 3AA1800 or 3AA2000 cylinders forming an integral part of a leak transfer standard.	Motor vehicle, Rail freight, Rail express.
SP 6065	National Aeronautics and Space Administration or the K2 Expeditionary Force, to make a onetime shipment of Oxygen in a limited number of non-DOT Specification seamless, aluminum high-pressure cylinders reinforced with continuous fiberglass filament winding embedded in epoxy resin.	Cargo vessel, Motor vehicle.

ALAN I. ROBERTS,
Secretary.

[FR Doc.75-3632 Filed 2-7-75;8:45 am]

CIVIL AERONAUTICS BOARD

[Order 75-2-18, Docket 27471]

CAPITOL INTERNATIONAL AIRWAYS, INC.

Order of Investigation and Suspension

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 5th day of February, 1975.

By tariff revisions[1] filed January 10, 1975, for effectiveness February 10, 1975, Capitol International Airways, Inc. (Capitol) proposes new charges for cancellation of passenger charter contracts prior to departure. The cancellation charges, proposed as fixed percentages of the total charter price, would be set at 10 percent for cancellation 61 to 89 days before departure; 25 percent for cancellations less than 61 days prior to departure; and 10 percent for cancellations at any time if the canceling charterer engages another carrier to perform the transportation contemplated in its contract with Capitol.[2]

In support of its proposal, Capitol alleges that the proposed charges are more favorable to the customer than those of other carriers. It alleges that liquidated damage cancellation conditions have been an important consideration for agents and chartering organizations proposing to contract for charter availability; and that its principal area of operation is dominated by large wholesalers who are capable of blocking a very significant proportion of a carrier's lift capability. Capitol further contends that, unless a firm commitment is secured by a substantial cancellation penalty, duplicating reservations and space blocking can occur on an indiscriminate basis. Because of the long lead time required in booking charters, this can allegedly create disastrous and last-minute gaps in a carrier's charter flight program. It asserts that in some markets a single cancellation may create an open ferry leg which could add in excess of $25,000 per flight to the overall cost of operation.

The carrier claims that its business experience in the charter market makes it painfully clear that, absent a substantial cancellation charge, a higher "no show" and cancellation fallout rate will develop, as it has in the scheduled airline industry, and that this will be severely detrimental to the economic viability of the low cost charter industry. Finally, Capitol alleges that its proposed charges are the minimum necessary to assure that charterers make firm and not frivolous contracts for the company's charter availability.

No complaints have been filed.

Upon consideration of the tariff filing and all other relevant matters, the Board finds that the proposed charges may be unjust, unreasonable, unjustly discriminatory, unduly preferential, unduly prejudicial, or otherwise unlawful, and should be investigated. The Board has also concluded to suspend the proposed charges as they would apply in interstate and overseas air transportation pending investigation.

As Capitol contends, the Board has permitted carriers to apply flat percentage charges for charter cancellations. However, we are not persuaded that the levels here proposed are either necessary to accomplish the stated purpose or reasonable. The maximum charge generally applied by charter operators is 10 percent for cancellation within two months

[1] Revisions to Capitol's Tariff C.A.B. No. 160 (Capitol Airways, Inc. series).

[2] In effect, this latter charge is applicable only with respect to cancellations earlier than 89 days prior to departure.

of departure, which would appear sufficient to safeguard against frivolous charter contracts. Capitol has provided no data which would indicate that the costs actually incurred as a result of cancellation by the charterer warrant charges in the magnitude of 25 percent, or even 10 percent when the cancellation occurs more than two months prior to departure. Neither has Capitol advanced any basis for imposing a charge, whatever the level, simply because the charterer engages a different carrier upon its cancellation with Capitol. In the absence of more explicit information, the Board concludes that the charges here proposed may constitute an unwarranted penalty for the charterer.

Accordingly, pursuant to the Federal Aviation Act of 1958, as amended, and particularly sections 204(a), 403, 404, and 1002 thereof,

It is ordered, That:

1. An investigation is instituted to determine whether the provisions of rule No. 44 on 1st Revised Page 13–A of Capitol International Airways, Inc's C.A.B. No. 160 (Capitol Airways, Inc., Series) and rules, regulations, or practices affecting such provisions, are or will be, unjust, unreasonable, unjustly discriminatory, unduly preferential, unduly prejudicial, or otherwise unlawful, and, if found to be unlawful, to determine and prescribe the lawful provisions and rules, regulations, and practices affecting such provisions in interstate transportation, the lawful minimum and/or maximum provisions in overseas transportation, and to take appropriate action to prevent the use of such provisions in foreign transportation;

2. Pending hearing and decision by the Board, the provisions of Rule 44 on 1st Revised Page 13–A of Capitol International Airways, Inc.'s C.A.B. No. 160 (Capitol Airways, Inc., series) are suspended insofar as they apply to interstate and overseas air transportation and their use deferred to and including May 10, 1975, unless otherwise ordered by the Board, and that no changes be made therein during the period of suspension except by order or special permission of the Board;

3. The investigation ordered herein be assigned for hearing before an Administrative Law Judge of the Board at a time and place hereafter to be designated; and

4. Copies of this order be served upon Capitol International Airways, Inc., which is hereby made a party to this proceeding.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] EDWIN Z. HOLLAND,
Secretary.

[FR Doc.75-3666 Filed 2-7-75;8:45 am]

[Order 75-2-22; Docket 25705]

NORTH CENTRAL AIRLINES, INC.

Application for Realignment of Route 86; Order Amending Certificate

Adopted by the Civil Aeronautics Board at its office in Washington, D.C. on the 5th day of February, 1975.

By Order 74–7–63, July 16, 1974, all interested persons were directed to show cause why the Board should not amend the certificate of public convenience and necessity for route 86 held by North Central Airlines so as to realign the carrier's system by consolidating its existing nine segments into one segment and by eliminating certain operating restrictions.

Objections have been filed by United Air Lines, Northwest Airlines, Frontier Airlines and North Central itself. Replies, accompanied by motions for leave to file, were submitted by Allegheny Airlines and the Flint, Michigan, Airport Commission. Subsequently, North Central moved for leave to reply to the objecting carriers which prompted United to move for leave to file a reply to North Central contingent upon the Board's acceptance of the latter's pleading. We have decided to grant the motions of Allegheny and the Flint Airport Commission and to accept their respective replies but to deny the motion of North Central. Consequently, United's contingent motion will be dismissed as moot. Allegheny and the Flint Airport Commission assert—correctly, in our estimation—that North Central, in its statement of objections to Order 74–7–63, raised matters regarding certain markets not previously in controversy in this realignment. Accordingly, good cause is demonstrated for acceptance of the otherwise unauthorized replies.[1] On the other hand, North Central's justification for receipt of its responsive pleading is not persuasive in that it relies upon the fact that the Board provided for replies in the *Allegheny Route Realignment* order to show cause.[2] Nowhere in its motion does North Central allege that the objective carriers have made errors of fact or raised new matters not previously before the Board. In these circumstances, there is no purpose to be served by burdening the record with further responsive documents.

Upon consideration of the matters contained in the foregoing pleadings and all the relevant facts, we conclude that the tentative findings and conclusions set forth in Order 74–7–63 should be made final, except to the extent modified herein, and that an amended certificate in the form attached hereto should be issued to North Central.

Objections of Northwest

Northwest has renewed its objections to grant of nonstop authority in the Bismarck/Mandan (hereinafter Bismarck)-Grand Forks market and unrestricted one-stop authority in the Bismarck-Minneapolis/St. Paul (Twin Cities) market. In support thereof, it is alleged that North Central would be able to mount a Bismarck-Twin Cities operation via Grand Forks directly competitive with Northwest's nonstop, one-stop and two-stop service via Fargo and/or Jamestown (OAG, November 1, 1974). While North Central is presently authorized to offer one-stop Bismarck-Twin Cities service over the segment junction points Aberdeen and Minot, it is argued that the greater traffic pool available to support service over Grand Forks would induce North Central to institute directly competitive service in the Bismarck-Twin Cities market.[3] Moreover, it is asserted that grant of nonstop Bismarck-Grand Forks authority to North Central would preclude Northwest, which must stop at the bifurcation point, Fargo, from obtaining similar authority because of the small size of the market (280 true O&D).

In view of Northwest's continuing objection and the fact that the level of traffic between Grand Forks and Twin Cities may induce North Central to provide service directly competitive with Northwest's, we will restrict North Central's one-stop Bismarck-Twin Cities authority by excluding Grand Forks as an intermediate stop.[4] We will not, however, place any restriction upon North Central's Bismarck-Grand Forks authority. The tenor or Northwest's pleading suggests that its objection to nonstop authority for North Central in this market is lodged primarily to bolster its case in favor of a Bismarck-Twin Cities restriction rather than to preserve any future rights in this tiny Bismarck-Grand Forks market itself. We note, in this connection, that Northwest has not directed our attention to any pending application or motion to consolidate which constitutes a necessary predicate for any claim to comparative consideration. See Order 73–5–68, May 11, 1973. Moreover, we cannot conclude that the liberalization of North Central's authority in this realignment will, as a matter of economics, prevent any liberalization of Northwest's authority at some time in the future.[5]

---

[1] To the extent that the motions of Allegheny and the Flint Airport Commission rely upon the fact that replies were explicitly authorized by Order 73–10–24, October 4, 1973, in the Allegheny Route Realignment, we reject that justification. The Allegheny Realignment was substantially more complex and involved decisions by the Board in its order to show cause that had not been suggested by the pleadings. Procedural variations authorized in that case were the exception rather than the rule.

[2] See n. 1, *supra*. In the Frontier Route Realignment order to show cause, Order 73–12–45, December 11, 1973, which was issued two months after the Allegheny order, no replies were authorized.

[3] A total of 44,780 true O&D passengers traveled on the routing over Grand Forks as opposed to 34,350 over Minot and 29,750 over Aberdeen. (Consistent with Order 74–7–63, all O&D figures mentioned herein are for the year ended September 30, 1973. O&D Survey, Table 8.)

[4] North Central has neither suggested nor demonstrated that there is a need for additional service in the market. In this regard, it may be noted that Northwest provides two nonstops and one two-stop eastbound and one nonstop and three one-stops westbound; in both directions the flights are well spaced throughout the day. OAG, November 1, 1974.

[5] The Bismarck-Grand Forks market generates less than one daily passenger and the size and service in the local market would clearly not be determinative in deciding whether or not to modify Northwest's existing authority in the reasonably near future. Consequently, the case cited by Northwest to support its economic preclusion argument (Remanded Atlanta-Detroit/Cleveland/Cincinnati Investigation, Docket 20724), which involved competitive service between large hubs, is inapposite.

Objections of Frontier

Frontier has interposed objections to grant of nonstop authority in the Bismarck-Kansas City market and unrestricted one-stop authority in the Denver-Minot market. In support thereof, Frontier alleges, in the first case, that North Central should not receive authority superior to Frontier's one-stop Bismarck-Kansas City authority[6] and, in the second case, that unrestricted one-stop Denver-Minot authority will expose Frontier's one- and multi-stop service to diversion.[7] The Board is requested to maintain the mandatory stop at Twin Cities on flights between Denver and Minot. For the following reasons, we find that Frontier's objections cannot be sustained.[8]

First, the Bismarck-Kansas City market is extremely small, having generated fewer than 10 daily passengers for the year ended September 30, 1973. Consistent with Board precedent, this is the type of market in which we believe it is ordinarily desirable to give the primary local service carrier unrestricted operating flexibility. See Order 73-12-45, December 11, 1973, p. 5. Moreover, Frontier has historically possessed extremely circuitous authority (one-stop via Denver) and has not participated in traffic to any measurable degree.[9] Upon finalization of Frontier's route realignment, the carrier's best authority will be one-stop via Scottsbluff, or almost 50 percent more circuitous than North Central's present best authority, which is one-stop via Sioux City (North Central's one-stop authority is only 3 miles longer than the Bismarck-Kansas City nonstop distance). Therefore, Frontier's authority is essentially unusable vis-a-vis North Central's so that, in accord with Board precedent, improvement in North Central's authority is warranted on this basis in all but a technical sense. See Order 73-12-45 as p. 6. In view of North Central's historic participation, the improbability of diversion from Frontier, the past and prospective authority of each carrier and the size of the market, the proposed improvement is clearly warranted.

Second, it does not appear that Frontier's objection to "unrestricted" one-stop authority between Denver and Minot is well-founded. North Central will be precluded from offering one-stop service over Rapid City, the most logical and least circuitous intermediate, because all Denver-Rapid City flights are two-stop restricted. Service between Denver and Minot over Pierre or Bismarck, the next least circuitous intermediates, is also restricted.[10] Therefore, North Central's best authority in terms of both circuity and available traffic would be one-stop over Aberdeen, a distance of 749 miles with an available true O&D traffic pool of 8,340.[11] In contrast, Frontier's existing one-stop service over Rapid City entails a trip length of 613 miles and affords access to 32,990 true O&D passengers.[12] As a matter of economic reality, North Central will not be in a position to mount an operation in the Denver-Minot market that could divert a measurable amount of traffic from Frontier's nonstop and noncircuitous one-stop service. Accordingly, Frontier's objection mus tbe overruled.

Objections of United

United has objected to the improved authority proposed by the Board in eleven markets: Omaha-Grand Rapids/Lansing/Muskegon/Saginaw-Bay City-Midland (herinagter Saginaw/South Bend; Denver-Grand Rapids/Lansing/Muskegon; and New York-Flint/Muskegon/Saginaw.

1. *Omaha Markets.* United takes issue with our statement in Order 74-7-63, at 5, that "no single-carrier service, either single-plane or on-line connecting" is offered in the Omaha markets and, in support of its argument, refers to Attachment A to its response dated November 14, 1973, and includes as exhibits copies of its city timetables distributed to the general public in the cities in question. Attachment A (Exhibit 2 in its statement of objections) indicated nothing more than the fact that a United flight serving Omaha and a United flight serving a Michigan/Indiana point would connect somewhere. As United is undoubtedly aware, the only published connecting schedules commonly noticed by the Board are those appearing in the Official Airline Guide and it was upon these that the Board relied in its order to show cause. United has now offered copies of its city timetables in Exhibit 3 which do, indeed, indicate that on-line connections of varying quality are available over Chicago; these timetables may be discussed herein to the extent that they are relevant.[13]

More to the point, United alleges that it provides a level of service commensurate with the size of the Omaha markets, that it carriers virtually all of the local and connecting on-line O&D traffic and that award of better than two-stop authority to North Central cannot be justified. We disagree. Because of the operation of other restrictions upon North Central's flexibility, one-stop restrictions in the five Omaha markets are more than adequate to protect United from unwarranted diversion. Accordingly, our proposed nonstop authority in the Muskegon, Saginaw and South Bend markets will be modified to one-stop.

Realistically, North Central cannot be expected to mount one-stop operations in these markets for other than aircraft routing purposes because the traffic flow is so thin [14] and there are no strong intermediates available. For example, neither Chicago, Milwaukee, Twin Cities nor Madison can serve as the sole intermediate because of proposed restrictions between each of those points and Omaha or between each and the Michigan/Indiana points. See Order 74-7-63, Appendix E. Service over any other point—Rochester, for example—would not be supported by appreciable traffic and would be more circuitous than United's one-stop connections over Chicago. In sum, if and when the Omaha-Michigan/Indiana markets merit single-plane service, United, by virtue of superior authority (one-stop over Chicago), historic participation and access to more traffic, will be able to tap the markets without fear of directly competitive service by North Central.

2. *Denver Markets.* In the Denver-Grand Rapids/Lansing/Muskegon markets United has renewed its objection to the Board's proposal to grant one-stop authority (provided that the one-stop may not be Twin Cities). We have determined that United's position has merit although not necessarily for the reasons offered by United.

---

[6] Frontier characterizes his grant of nonstop authority as an inadvertent exclusion from those city-pairs subject to a one-stop restriction on the ground that North Central itself did not seek nonstop rights. In its detailed response to Order 73-9-66, September 17, 1973, North Central did request nonstop authority between Bismarck and Kansas City (Exhibit NCA-B-200, p. 7) but Frontier did not answer in opposition. Nevertheless, Frontier's objection will be considered herein on the merits.

[7] Frontier incorrectly characterizes its best Denver-Minot authority as one-stop. By Order 74-5-73, May 14, 1973, the Board granted exemption authority for Frontier to overfly Bismarck on flights between points on segment 7 and points on segment 8 thereby permitting nonstop Denver-Minot service which Frontier does, in fact, provide. OAG, November 1, 1974. Moreover, the Board has proposed to make such authority permanent in the Frontier Route Realignment, Order 73-12-45.

[8] Frontier requests a hearing in the event its two proposed restrictions are not adopted. However, Frontier has presented no testimony, statistical data, or evidentiary support for its objections as required by the terms of the Show Cause. In our judgment, the policy upon which we proposed to modify North Central's authority is well established in Board practice, the facts are readily apparent so that no dispositive factual issues need be resolved, and an evidentiary hearing would serve no useful purpose.

[9] For year ended September 30, 1973, Frontier carried only 100 of the 2510 local and connecting on-line O&D passengers while North Central carried the balance. O&D Survey, Table 10.

[10] Denver-Pierre: one-stop; Denver-Bismarck: two-stop. Order 74-7-63, Appendix E.

[11] Denver-Minot, 6,070; Denver-Aberdeen, 1,660; Aberdeen-Minot, 610.

[12] Denver-Minot, 6,070; Denver-Rapid City, 25,100; Rapid City-Minot, 1,820. As noted at n. 7, *supra*, Frontier also operates a daily Denver-Minot nonstop round trip which serves Winnipeg, Canada, beyond Minot.

[13] For the record, it should be noted that United chose not to pay for publication of these connections in the OAG, undoubtedly because of the small size of the markets. If the markets were generating at least 850 local O&D passengers per quarter, in view of the absence of single-plane service, publication in the OAG would have been automatic with no charge to United.

[14] Omaha-Grand Rapids, 2240; Lansing, 1510; Muskegon, 470; Saginaw, 1330; South Bend, 1860. See Order 74-7-63, Appendix B.

First, in United's other three Denver-Michigan/Indiana markets (i.e., Flint, Saginaw and South Bend), North Central itself proposed two-stop unrestricted authority to which United did not object.[16] There is no apparent explanation for North Central's request for one-stop authority in three city-pair markets when it had voluntarily limited itself to two-stop authority in three others under essentially identical circumstances. Since the Board's realignment program is directed primarily toward removal of specific named intermediate points in order to afford some operating flexibility, restricting North Central to two-stop authority in all Denver-Indiana markets certificated to United will not detract from our principal objective.

Second, the Denver markets are much larger than the Omaha markets and, with one-stop authority, North Central might be encouraged to enter into competition with United. For example, a Denver-Green Bay-Grand Rapids service would afford access to more than 17,000 true O&D passengers.[17] While United now carries virtually all Denver-Grand Rapids traffic, North Central carries virtually all Denver-Green Bay and Green Bay-Grand Rapids traffic, offering daily single-plane service in both markets.[17] It would seem to be a relatively easy matter to alter this service pattern to accommodate at least one daily Denver-Grand Rapids one-stop through round trip which, coincidentally, would entail a trip length only 48 miles longer than United's one-stop connecting service over Chicago but with a considerable saving in time for the passenger who would not have to change planes. This is the type of potential competitive impact which the Board has sought to avoid in realigning routes under nonhearing procedures. Accordingly, North Central's Denver-Grand Rapids/Lansing/Muskegon authority will be restricted to two-stop as requested by United.

3. *New York/Newark Markets.* In the third group of markets—New York-Flint/Muskegon/Saginaw—United seeks to have the Board retain the present Milwaukee stop requirement imposed upon all flights serving New York by virtue of North Central's separate Milwaukee-New York segment.[18] United alleges, inter alia, that the proposed improvement (two-stop authority in New York-Flint, one-stop in New York-Muskegon/Saginaw) is not supported by the Board's realignment rationale and that more than $3 million of United's revenues would be subject to diversion. In its answer to United's pleading, the Flint Airport Commission expresses its support for the Board's tentative decision.

We have determined to accdee to United's objections. As in the case of the Denver markets, supra, some of the services North Central could operate pursuant to the authority proposed in the show cause order would afford access to sufficiently large pools of traffic, and would be sufficiently noncircuitous, to raise a distinct possibility that they might become significantly competitive with United's existing services. For instance, a Muskegon-Kalamazoo-New York service by North Central would have access to a total of 19,300 O&D passengers and would be only 2 percent more circuitous than United's best connecting service over Cleveland. Similarly, a Saginaw-Jackson-New York service would have access to 29,080 O&D passengers and would be only 15 percent more circuitous than United's nonstop flight. Finally, a Flint-Saginaw-Jackson-New York service, although 24 percent more circuitous than United's existing one-stop flight via Cleveland, would have access to 44,790 O&D passengers.[19] We do not undertake to determine whether such services would in fact, or would probably, inflict significant diversion on United; it is enough here that the possibility of such diversion is sufficiently plausible that the Board does not consider it appropriate to employ nonhearing procedures to grant improved authority in potential competitive markets. Accordingly, North Central's existing Milwaukee stop restriction will be retained in these markets as it has been in all of North Central's other Michigan/Indiana/Ohio-New York competitive markets.[20]

Objections of North Central

North Central's objections and Allegheny's reply thereto are directed toward nine markets[21] which were also in controversy in the *Allegheny Route Realignment.* In our order on reconsideration, Order 74-10-60, October 10, 1974, we refused to accede to North Central's objection to improvement of Allegheny's authority in these nine markets which was couched in terms of (1) the Ashbacker doctrine and (2) the Board's allegedly erroneous reliance upon North Central's initial acquiescence. We stated that, first, the Ashbacker doctrine was not applicable and, second, that our decision to improve Allegheny's authority by removing named stop restrictions (Indianapolis, in each case) was based upon consideration of the "merits in light of the carrier's route structure and the dissimilarity of North Central's route structure." Order 74-10-60 at 12. We did, however, assert that North Central's case for improved authority would be fully examined on the merits in its own realignment proceeding. Upon consideration of the facts enumerated below, we have determined to retain the Milwaukee stop restriction in the Grand Rapids-New York, South Bend-New York and Chicago - Cincinnati/Columbus/Dayton markets but to grant North Central the authority it seeks in the Grand Rapids/South Bend-Columbus/Dayton markets.[22]

The Grand Rapids/South Bend-Columbus/Dayton markets are minor markets and, as such, do not present competitive considerations of a significant magnitude. Nevertheless, we have retained named intermediate points in several such markets when it has appeared that a competitor's objections were well-grounded. Here, however, they are not. In the two Grand Rapids markets, North Central presently offers some single-plane service while Allegheny does not serve these two markets at all (OAG, November 1, 1974) and is, in fact, suspended completely at Grand Rapids.[23] In addition, North Central participates to a much greater degree in local and connecting on-line O&D in the two markets than does Allegheny,[24] which fact also supports its requests for improved authority. Thus, while Allegheny has possessed less circuitous authority, it has made no effort to serve the Grand Rapids markets while North Central has. Accordingly, we discern no reason to "protect" Allegheny by restricting North Central.[25]

Similarly, the South Bend-Columbus/Dayton markets are extremely small, having generated only 1390 and 670 true O&D passengers in the year ended September 30, 1973. No single-plane service is offered by any carrier but United carried virtually all of the on-line local and connecting passengers by necessarily circuitous connections. As in the case of Grand Rapids, Allegheny is now suspended at South Bend.[26] Grant of unre-

---

[16] North Central's current best single-plane authority in these Denver markets is:
Flint: three-stop (Twin Cities+1+Detroit).
Grand Rapids: two-stop (Twin Cities+1).
Lansing: two-stop (Twin Cities+1).
Muskegon: two-stop (Twin Cities+1).
Saginaw: three-stop (Twin Cities+1+Detroit).
South Bend: two-stop (Twin Cities+).

[17] Denver-Green Bay, 3190; Denver-Grand Rapids, 7560; Green Bay-Grand Rapids, 6400.

[17] Denver-Green Bay, one three-stop round trip and one additional two-stop flight eastbound; Green Bay-Grand Rapids, three nonstop round trips.

[18] Twin Cities-Milwaukee Long-Haul Investigation, Order 70-6-36, decided June 4, 1970.

[19] Although the hypothetical two-stop Flint-New York service described above may appear somewhat improbable, the fact that United's existing Flint-New York flight is operated pursuant to a Board adequacy-of-service order is entitled to substantial weight on the other side.

[20] Since the Milwaukee restriction will patently suffice to preclude any competitive impact on United, we will not require an additional stop in the Flint-New York or South Bend-New York markets.

[21] Chicago - Cincinnati/Columbus/Dayton; Grand Rapids-Columbus/Dayton/New York; and South Bend-Columbus/Dayton/New York.

[22] Grand Rapids-Columbus, one-stop; Grand Rapids-Dayton, nonstop; South Bend-Columbus/Dayton, nonstop.

[23] Order 74-1-5, January 2, 1974.

[24] O&D Survey, Table 10 (Y.E. September 30, 1973). In the Columbus market, North Central and United each carried about 40 percent of such traffic, Allegheny about 10 percent. In the Dayton market, United, North Central and Allegheny carried about 70, 21, and 6 percent, respectively.

[25] We note that United, which possesses one-stop authority over Chicago, the segment junction point, did not object to improvement of Allegheny's authority in these markets and, presumably, will not object to improvement of North Central's.

[26] See n. 23, *supra.*

stricted authority in these two markets to North Central could hardly have competitive implications but might, on the positive side, encourage the carrier to offer some improved single-plane service beyond the two markets to points north and northwest. In contrast, Allegheny's system lies largely to the east of Ohio; therefore, in the unlikely event that Allegheny were to route aircraft over these markets, its effort would undoubtedly be to flow passengers in an entirely different direction. For the foregoing reasons and in view of other general principles of the Board's realignment policy, North Central will receive the authority it seeks in the Grand Rapids/South Bend-Columbus/Dayton markets.

North Central's request for unrestricted one-step authority in the Grand Rapids/South Bend-New York markets will be denied.[27] Irrespective of our action in the *Allegheny Route Realignment*, the authority of, and service provided by, United in these markets warrants retention of the Milwaukee stop requirement. First, it must be noted that North Central agreed to such a restriction not solely on the basis of Allegheny's objection but also (perhaps primarily) on the basis of United's objection.[28] Second, we have already considered and accepted United's objections to removal of the Milwaukee stop restriction in other relatively large Michigan-New York markets; the reasoning, discussed above, is equally applicable to the instant markets.[29] Finally, United has objected to improvement in North Central's authority in these markets even though it did not object to improvement in Allegheny's and this factor must be considered as militating against grant of North Central's request.

Last, we have decided to retain the Milwaukee stop restriction in the Chicago-Cincinnati/Columbus/Dayton markets, principally for reasons similar to those articulated in connection with our discussion of the New York-Michigan markets. Again, these are large markets [30] and North Central's best authority under its own proposal, one-stop unrestricted, would be only slightly circuitous.[31] Although North Central's penetration of these markets would necessarily be quite limited in view of the volume of nonstop service they now receive from other carriers, we cannot say for certain that the competitive impact would be completely negligible in the particular context of a grant of improved authority by nonhearing procedures. In a case where hearing procedures were to be or had already been followed, of course, different standards would apply.

Technical Amendments

North Central suggests four additional minor changes which it characterizes as technical amendments. The first involves effectuation of the final decision in the *Wisconsin Points Dehyphenation Case*, Docket 21115, Order 74–7–45, July 11, 1974, while the other three involve minor modifications of the restrictions in the Fargo-Detroit/Twin Cities/Milwaukee markets. These four changes will be adopted.

Requirement of a Hearing

Finally, United has again questioned the appropriateness and legality of show cause procedures to realign route systems, implying that the Board may not deny its requests for the retention of restrictions absent a hearing. This issue has been considered in some detail and United's arguments have been rejected. See Order 74–10–60, October 10, 1974, at 3–4. We believe that all statutory mandates have been fulfilled, both to the letter and in spirit, and that the procedures utilized are otherwise fully consistent with general principles of due process.

For purposes of determining a license fee in accordance with the schedules set forth in section 389.25 of the Board's Organization Regulations (14 CFR 389.25), it is found that the additional gross transport revenues for the first full year of operations by North Central, as a result of the new authority granted herein, will be within the $100,000 to $1,000,000 range.[32]

Accordingly, *It is ordered*, That:

1. The tentative findings and conclusions set forth in Order 74–7–63, July 16, 1974, as modified herein, be and they hereby are made final;

2. An amended certificate of public convenience and necessity for route 86 in the form attached hereto be issued to North Central Airlines, Inc.;[33]

3. Such certificate shall be signed on behalf of the Board by its Secretary, shall have affixed thereto the seal of the Board and shall be effective 60 days after service of this order: *Provided, however*, That the effective date of said amended certificate shall be postponed automatically until further Board order if the appropriate license fee is not paid pursuant to section 389.21(b) of the Regulations;

4. The motion of Allegheny Airlines, Inc. for leave to file an unauthorized reply and the motion of the Flint, Michigan, Airport Commission for leave to file an unauthorized answer be and they hereby are granted;

5. The motion of North Central Airlines, Inc. for leave to file an unauthorized reply be and it hereby is denied;

6. The contingent motion of United Air Lines, Inc. for leave to file an otherwise unauthorized document be and it hereby is dismissed; and

7. A copy of this order shall be served upon the parties listed in Appendix B.[34]

This order shall be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] EDWIN Z. HOLLAND,
Secretary.

[FR Doc.75-3667 Filed 2-7-75;8:45 am]

[Order 75-1-133; Docket 27114 et al.]

PAN AMERICAN WORLD AIRWAYS, INC. AND TRANS WORLD AIRLINES, INC.

Application for Approval of Route Agreement; Order; Correction

Adopted by the Civil Aeronautics Board at its office in Washington, D.C. on the 30th day of January 1975.

In FR Doc. 75-3166, appearing at 40 FR 5184, on page 40 FR 5188, ordering paragraph 1, should read as follows (italic word added):

1. Pan American World Airways be and it hereby is exempted from section 401 of the Act, the Board's rules and regulations, and the terms, conditions, and limitations of its certificate for route 130 insofar as they would otherwise prevent Pan American from serving Bombay, India and points in Taiwan and Okinawa subject to the condition that Pan American shall not perform single-plane service (including single-flight number) in any Taiwan/Okinawa city-pair market currently authorized in the certificates of Northwest which did *not* receive single-plane service by TWA as reflected in TWA's general schedule No. 51 on file with the Board effective November 1, 1974;

[SEAL] EDWIN Z. HOLLAND,
Secretary.

[FR Doc.75-3665 Filed 2-7-75;8:45 am]

---

[27] We will, however, eliminate the requirement that South Bend-New York flights serve a second intermediate point in addition to Milwaukee. Since North Central will have would be anomalous and, obviously, is ununrestricted authority between South Bend and Milwaukee and between Milwaukee and New York, the imposition of an additional stop requirement on flights serving both South Bend and New York over Milwaukee necessary. See n. 20, *supra*.

[28] See Reply of North Central, dated August 27, 1973 at p. 8 (leave to file granted by Order 73-9-66, September 17, 1973).

[29] The Grand Rapids/South Bend-New York markets are significantly larger than the Flint/Muskegon/Saginaw-New York markets; therefore, North Central's incentive to initiate one-stop service, albeit over a weak, slightly circuitous intermediate such as Jackson, will be fairly great.

[30] Chicago-Cincinnati: 202,370 true O&D; Chicago-Columbus, 182,910; Chicago-Dayton, 120,400.

[31] Under its proposal, North Central's least circuitous one-stop authority in the Chicago-Columbus/Dayton markets would be via South Bend. In the Chicago-Cincinnati market, because of a one-stop restriction on South Bend-Cincinnati flights, the carrier's least circuitous one-stop service would be via eBnton Harbor or alamazoo, entailing a relatively small increase in mileage.

[32] North Central requested the Board to find that revenues realized would be under $100,000; however, we cannot accept such a conservative estimate in light of the extent of liberalization of the carrier's authority.

[33] Filed as part of original document.

[34] Appendices A, B, C filed as part of original document.

COUNCIL ON ENVIRONMENTAL QUALITY

ENVIRONMENTAL IMPACT STATEMENTS

Administrative Actions Requiring Statements

The following lists, filed with the Council by the Department of Defense, Corps of Engineers, Tennessee Valley Authority, the Department of Transportation, and the United States Coast Guard pursuant to Council Guideline 40 CFR 1500.6(e), indicate those administrative actions that DOD, COE, TVA, DOT, and USCG have determined will require the preparation of environmental impact statements under NEPA.

DEPARTMENT OF DEFENSE

ASSISTANT SECRETARY OF DEFENSE

Quarterly CEQ Report
Unified and Specified Commands
July 1, to September 30, 1974

1. Final statements: None filed during reporting period.
2. Draft statements: None.
3. Statements under Preparation:

Subject	Projected date	CINC
Tinian, Mariana Islands, Crested Iale.	USAF comments on CEIS being used to prepare DEIS. Due December 1974.	CINCPAC

4. List of Actions for which a statement is not required:
a. Actions which normally require a statement. None.
b. Actions similar to those for which a significant number of statements have been filed. None.
c. Actions previously announced as requiring a statement. None.
d. Actions for which the CEQ requested a statement. None.
5. List of actions for which statements are not yet timely:

CINCPAC

a. Camp Butler, Japan—AV8A training facility.
b. Hickam AFB, Hawaii—Fire training facility.
c. Clark AFB, Philippines—Central Supervisory Utility Control System.
d. Kadena AB, Japan—Central Supervisory Utility Control System.
e. Schofield Barracks, Hawaii—Kolekole Quarry.
f. Guam—200-man USAR center.

DEFENSE SUPPLY AGENCY

RCS DD-H&E (Q) 1326

1 SEPTEMBER 1973 TO 30 SEPTEMBER 1974

1. Final Statements: None
2. Draft Statements: None
3. Statements Under Preparation: None
4. List of actions for which a statement is not required: a. Actions which normally require a statement: (1) Expanded boiler plant capacity at one location and reduced total number of plants, Defense Depot Ogden, Ogden, Utah (DDOU). Date of Determination: FY 74. Reason for Determination: Number of plants reduced. Expanded plant meets EPA standards.

(2) Installed refuse compaction and transfer station—DDOU. Date of Determination: FY 74. Reason for Determination: Eliminated open pit burning. Compacted refuse delivered to Weber County incinerator which meets EPA emission standards.

(3) Expanded storm sewer—DDOU. Date of Determination: FY 74. Reason for Determination: Improved control of runoff. Reduced overflow.

(4) Constructed 18 units of family housing (in progress)—DDOU. Date of Determination: FY 74. Reason for Determination: Replaces a like number of substandard units. New units heated by natural gas. Existing boiler plant to be closed reducing air emissions.

b. Actions similar to those for which a significant number of statements have been filed: None.

c. Actions previously announced as requiring a statement: None.

d. Actions for which the CEQ requested a statement: None.

5 List of actions for which statements are not yet timely: None.

Department of the Army—July 1, 1974 to September 30, 1974

	Date Filed
(a) Final statements: *Subject*	
Project Eagle—expanded, Supplement A—Disposal of GB Agent in Underground Tanks.	Notice published in FEDERAL REGISTER (F.R.) Aug. 2, 1974.
(b) Draft statements:	
1. Land acquisition, Fort Carson, Colo.	Notice published in F.R. Sept. 13, 1974.
2. Construction and operation, parachute drop zone and short-field landing strip, Fort Richardson, Ark.	Approved by DA on Oct. 16, 1974. Filed with CEQ that date.
(c) Statements under Preparation:	*Date Scheduled*
1. South approach, Golden Gate Bridge, Presidio of San Francisco, Calif. Draft statement reported in F.R. of May 6, 1974.	Unscheduled (final).
2. Family housing project (400 units) Fort Bragg, N.C.	Unscheduled (draft).
3. Real estate acquisition, 3 phases, Fort Hood, Tex.	2d quarter 1975 (draft).
4. Military operations and activities, 4th Infantry Division (Mech.) and Fort Carson, Colo.	4th quarter 1975 (draft).
5. Family housing project, Fort Campbell, Ky.	Rescheduled to 3d quarter 1975 (draft).
6. Co-use of monument land by White Sands Missile Range and National Park Service, U.S. Army Air Defense Center and Fort Bliss, Tex.	3rd quarter 1975 (draft).
7. Military operations, Fort Polk, La.	3d quarter 1975 (draft).
8. Land acquisition, Fort Riley, Kans.	Unscheduled (draft).
9. Family housing project, Fort Belvoir, Va.	1st quarter 1975 (draft).
10. Family housing project, Aliamanu Military Reservation, Hawaii, 2950 units.	4th quarter 1975 (draft).
11. Project Eagle—expanded:	
Supplement B—disposal of GB agent 1 in 1-ton containers.	4th quarter 1974 (final).
Supplement C—WETEYE bombs.	2d quarter 1975 (final).
Supplement D—Honest John warhead.	1st quarter 1975 (final).
12. Dredging project, Badger Army Ammunition Plant, Baraboo, Wash.	1st quarter 1975 (draft).
13. Project Eagle phase III, disposal of obsolete phosgene (carbonyl chloride).	Unscheduled.
14. Demilitarization of toxic munitions at USAMC installations:	
Without explosives	1st quarter 1975 (final).
With explosives	3d quarter 1975 (final).
15. Division stationing plan, Fort Ord, Calif.	Unscheduled.
(d) List of Actions for which a statement is not required:	
1. Actions which normally require a statement.	None.
2. Actions similar to those for which a significant number of statements have been filed:	*Date of Determination*
a. Family housing, Lightning Field, Schofield Barracks, Oahu, Hawaii.	Sept. 1974.
b. Brief reason for determination: This project's size (640 family housing units) was large enough to justify careful investigation of its environmental effects. However, the commander, based on his study, determined that no significant environmental impacts would be caused by the project.	
a. Family housing construction program, Fort Stewart, Ga.	Do.

Department of the Army—July 1, 1974 to September 30, 1974—Continued

(d) List of Actions for which a statement is not required—Continued

2. Actions similar to those for which a significant number of statements have been filed—Continued

	Date of Determination
b. Brief Reason for Determination: This long-range program for the construction of approximately 3,000 military family housing units on a 750 acre site at Fort Stewart was carefully assessed and the commander determined that it will cause no significant adverse effects which cannot be avoided. Design of the project will include measures to minimize all avoidable adverse environmental effects.	
a. Family housing construction program, Fort Polk, La.	Do.
b. Brief reason for determination: This long-range program for the construction of 3,000 to possibly 4,000 family housing units is to provide housing for officers, enlisted men and their families. The construction will be accomplished on the military reservation. Design of the project will include features to minimize all avoidable adverse environmental effects. A careful assessment of the project was made and the commander determined that it would cause no significant adverse environmental impact.	
a. Proposed legislative change to Clean Air Act.	Oct. 1974.
b. Brief reason for determination: The proposed change to the Clean Air Act would exclude military designed tactical vehicles from post 1974 emission standards. The small number of vehicles involved and their locations will not have a significant impact on ambient air quality.	
a. Control of blackbirds, Fort Campbell, Ky. and Milan Army Ammunition Plant, Tenn.	Oct. 21, 1974.
b. Brief reason for determination: The project proposed spraying the starlings and other blackbirds with a biodegradable detergent wetting agent which, when associated with certain weather conditions, subjects the birds to a quick death. The material used will have insignificant impact on nontarget animals and will not degrade air or water quality or damage plant life. The animals are destructive to the local farmers, produce filth and are generally hazardous to high speed aircraft and to the health of the local inhabitants and their live stock. A negative declaration was published in the FEDERAL REGISTER on Oct. 21, 1974.	
a. Renewal of lease, Fort Bliss, Tex.....	3d quarter 1974.
b. Brief reason for determination: This 66,000 acre maneuver area (No. 2) has been leased by the Army from private landowners for a significant period of time. The environmental assessment of the proposed action to renew the leases concluded that the action including the land use would not cause a significant impact on the environment.	
a. Joint training exercise Gallant crew 1975, Fort Bliss, Tex.	3d quarter 1974.

Department of the Army—July 1, 1974 to September 30, 1974—Continued

(d) List of Actions for which a statement is not required—Continued

	Date of Determination
2. Actions similar to those for which a significant number of statements have been filed—Continued	
b. Brief reason for determination: This training exercise including men, equipment and weapons systems is scheduled to be conducted at Fort Bliss during April 1975. An environmental assessment of the proposed action concluded that by restricting the use of approximately 250,000 acres of range, the activity would not cause a significant environmental impact.	
3. Actions previously announced as requiring a statement.	None.
4. Actions for which the CEQ requested a statement.	None.
5. List of actions for which statements are not yet timely.	None.

Department of the Navy

July to September 1974

(a) Final statements: Subject: "U.S. Navy Atlantic Fleet Air Combat Maneuvering Range, Atlantic Ocean Training Area". Date filed: 9 July 1974. Subject: "TRIDENT Support Site, Bangor, Washington". Date filed: 19 July 1974. Subject: "Camping Facility, Naval Air Station, Miramar, California". Date filed: 27 August 1974.

(b) Draft statements: Subject: "Berthing Pier No. 7, U.S. Naval Station, San Diego, California". Date filed: 30 July 1974. Subject: "Navy Family Housing, U.S. Naval Weapons Station, Charleston, S.C.". Date filed: 13 September 1974.

(c) Statements under preparation: Subject: Final EIS for "Berthing Pier No. 7, U.S. Naval Station, San Diego, California". Projected date: November 1974. Subject: Final EIS for "Land Acquisition and Construction of Two Helicopter Outlying Fields, Naval Air Station, Whiting Field, Milton, Florida". Projected date: January 1975. Subject: Final EIS for "Naval Submarine Base, New London, Groton, Connecticut". Projected date: January 1975.

Subject: Final EIS for "Improvement/Addition of Ship Berthing Spaces, Naval Station, Norfolk, Virginia.". Projected date: January 1975. Subject: Final EIS for "Off-Road Vehicle Use, Naval Weapons Center, China Lake, California". Projected date: February 1975. Subject: Final EIS for "Abrasive Blasting of Ships Hulls" Projected date: June 1975. Subject: Final EIS for "Continued Use of Farallon de Medinilla Bombardment Range, Marianas Islands". Projected date: December 1974. Subject: Draft EIS for "Proposed New Ammunition Facility at the Naval Air Station, North Island, San Diego, California". Projected date: November 1974. Subject: Draft EIS for "Uniformed Services University of the Health Sciences, Bethesda, Md.". Projected date: November 1974. Subject: Draft EIS for "Naval Personnel Administrative Complex, Belle Chasse, Louisiana.". Projected date: January 1975. Subject: Draft EIS for "Navy Family Housing at Forth Story, (Virginia Beach), Virginia.". Projected date: January 1975.

(d) List of actions for which a statement is not required: Subject: "CH-53E Helicopter System". Date of determination: 11 July 1974. Brief Reason for determination: Action did not constitute a "major Federal action significantly affecting the quality of the human environment" as operational usage does not indicate any direct or secondary impact and engines utilized will be designed for minimal pollutant (exhaust) emissions.

Subject: "Community Support Facilities and Land Acquisition, Naval Submarine Base, New London (Groton), Connecticut". Date of determination: 9 August 1974. Brief reason for determination: Action was discussed in the Draft EIS for "Naval Submarine Base, New London" filed on June 19, 1974 and accordingly did not require decision for Draft EIS.

Subject: "DD 963 Class Ships". Date of determination: 9 August 1974. Brief reason for determination: Not considered a major Federal action significantly affecting the quality of the human environment as this class ships will incorporate the latest in pollution abatement devices as:

(1) Utilization of gas turbine engines (burning distillate fuels) which are significantly cleaner (with respect to exhaust pollutants) than their predecessor;

(2) Sewage collection/incineration systems facility no overhead discharge in port or while operating in the contiguous zone;

(3) Trash compacted for ultimate disposal ashore whenever feasible;

(4) Oily ballast minimized through revised refueling procedures;

(5) Oily bilge discharge minimized through provision of 9,000 gallon capacity holding tanks; and

(6) Plans for backfitting with oil/water separators and oil content monitors when such devices are approved for military use.

Subject: "AIM-9L (Air-to-Air) Missile". Date of determination: 9 August 1974. Brief reason for determination: Not considered a major action significantly affecting the quality of the human environment as peacetime use is primarily associated with training at an established and dedicated target range. Any minor "contamination" occurring unfortunately is a "fact of life" as dictated by the defense mission.

1. Actions which normally require a statement: Subject: "Dredge Piers SIERRA and TANGO, Naval Station, Charleston, S.C." Date of determination: 11 July 1974. Brief reason for determination: Proposed action did not constitute a "major Federal action significantly affecting the quality of the human environment" as:

(1) Disposal of spoils was to be accomplished in an approved EPA site;

(2) A Corps of Engineers permit had been issued;

(3) There were no identifiable "significant" impacts;

(4) The alternatives considered were not preferrable to the proposed action; and

(5) There was no evidence of "environmental controversy".

Subject: "Dredging at Naval Amphibious Base, Little Creek, Va." Date of determination: 9 August 1974. Brief reason for determination: Action was not considered a major Federal action significantly affecting the quality of the human environment as:

(1) Dredging was to involve removal of Navy lands;

(2) Spoil disposal was consistent with current EPA standards for land disposal;

(3) Dredging (and subsequent beach replenishment) is the preferred alternative; and

(4) There was no identifiable degradation or impact vs. long-term productivity and timing of the project would minimize any minor direct environmental impact.

Subject: "Land Acquisition for the Naval Research Laboratory at Leesburg, Fla.". Date of determination: 9 August 1974.

Brief reason for determination: Action would only change ownership of land and improvements (where Navy has been conducting underwater acoustic experiments) from private hands to government rolls. No change to existing site characteristics were involved or scheduled.

2. Actions similar to those for which a significant number of statements have been filed:

a. Subject: "Navy Family Housing Construction for Murphy Canyon Heights, Naval Complex, San Diego, California." Date of determination: 11 July 1974. Brief reason for determination: Proposed construction did not constitute a major Federal action significantly affecting the quality of the human environment as:

(1) The action was consistent with applicable land use plans and policies;

(2) There were no identifiable primary impacts;

(3) Secondary impacts were not considered significant;

(4) Alternatives considered might have a more adverse environmental impact; and

(5) There was no evidence of "controversy with regard to environmental impact."

Subject: "Family Housing Project, Marine Corps Air Station, Cherry Point, North Carolina." Date of determination: 2 August 1974. Brief reason for determination: Proposed action will provide for replacement housing and will not add to the total housing at the station. There was no evidence of environmental controversy.

Subject: "Mobile Home Park, Marine Corps Recruit Depot Parris Island, South Carolina." Date of determination: 2 August 1974. Brief reason for determination: Proposed action will provide for replacement mobile home spaces and will not add to the total spaces available at the activity. There was no evidence of environmental controversy.

Subject: "Land Acquisition for the Naval Research Laboratory at Leesburg, Fla." Date of determination: 9 August 1974. Brief reason for determination: Action would only change ownership of land and improvements (where Navy has been conducting underwater acoustic experiments(from private hands to government rolls). No change to existing site characteristics were involved or scheduled.

Subject: "Mobile Home Park, Naval Weapons Station, Charleston, South Carolina." Date of determination: 9 August 1974. Brief reason for determination: This proposal, for 60 mobile home parking "spaces" was to utilize 13 of an estimated 9,000 acres in a forest management area at the Weapons Station, and accordingly note a very minor direct impact. Secondary impacts were also minimal, the predominant factor providing less than .01% of expected 1976 county enrollment into local schools.

Subject: "Mobile Home Park, Naval District, Washington, D.C.". Date of determination: 24 September 1974. Brief reason for determination: Action proposed to use existing Navy, substandard trailer park for renovation of 24 mobile home parking "spaces."

Accordingly, little if any impact on the quality of the human environment is involved, and in fact, action is an improvement due to the incorporation of updated and more modern utilities/services.

Subject: "Mobile Home Park, Naval Weapons Station, Yorktown, Virginia.". Date of determination: 24 September 1974. Brief reason for determination: Action proposed to use existing, Navy substandard housing project for removal and renovation to provide for 40 mobile home parking spaces. Accordingly, little if any impact on the quality of the human environment is involved, and in fact, action is an improvement due to incorporation of updated and more modern utilities/services.

Subject: "Mobile Home Park, Naval Air Station, Alameda, California". Date of determination: 24 September 1974. Brief reason for determination: Identical case with Yorktown, Virginia, project as identified above.

Subject: "Navy Family Housing, Naval Facility, Nantucket Island, Massachusetts". Date of determination: 24 September 1974.

Brief reason for determination: Not considered a major action significantly affecting the quality of the human environment as 18 new units proposed will be constructed at (and as an addition to) existing housing on naval property with no secondary impacts identified. The basic differences in impacts being that families will remain through the summer season instead of vacating the island.

Subject: "Mobile Home Housing Project, Marine Corps Base, Camp Lejeune, North Carolina." Date of determination: 30 September 1974. Brief reason for determination: Proposed action provides for construction of mobile home sites on an existing but abandoned trailer park site. There were no identifiable significant impacts. For example, school loadings would not be changed as the children who will be located on the site are already located in the area and are enrolled in the local schools. In addition there was no evidence of environmental controversy.

3. Actions previously announced as requiring a statement: Final statement. Subject: "Navy Family Housing Project, Naval Air Station, Glenview (at Fort Sheridan) Illinois." Date of determination: 15 July 1974. Brief reason for determination: Requirement for Navy Family Housing was cancelled by the Department of Defense.

4. Actions for which the CEQ requested a statement. None identified

(e) List of Actions for which Statements are Not Yet Timely

Subject: "Continued Use of Atlantic Fleet (Inner) Weapons Range." Date of evaluation: Undetermined.

U.S. Air Force

July 1, 1974 to September 30, 1974

RCS: DD-H&E(Q) 1326

A. Final statements:	*Date filed*
Subject: 1. F-15 Beddown Luke AFB	Aug. 1, 1974.
B. Draft statements:	
Subject:	
1. USAF Continental Operations Range (COR)	July 10, 1974.
2. Over-the-Horizon Radar CONUS (OTH-B)	Aug. 9, 1974.
C. Statements under preparation:	*Projected date*
Subject: 1. Joint City/Air Force Use of Norton	2d quarter fiscal year 1975.

D. Lists of actions for which a statement is not required: None.

E. List of actions for which statements are not yet timely: Subject: 1. None.

CORPS OF ENGINEERS

NEPA monthly report, marginal impact statements issued during previous month

[Month of January]

Authorized No.	Federal Assistance Catalog No.	Description of proposed action	Environment (s) affected (city and State)	Date of issuance
C27024	13.220	St. Francis Hospital—construction of outpatient center. Also, expansion of heating facilities.	Breckinridge, Minn	Jan. 8, 1975

NEPA monthly report, non-HEW draft environmental impact statements currently being reviewed

[Month of January]

Authorized No.	Federal Assistance No.	Description of proposed action	Environment (s) affected (city and State)	Date for completion
Not available	Not available.	Flood control project, Lower Eagle Creek	Indianapolis, Ind	Jan. 8, 1975.
Do	do	Maintenance dredging of unpolluted harbors.	Michigan	Do.
Do	do	Framework study, Great Lakes Basin	Ann Arbor, Mich	Jan. 20, 1975
Do	do	Toledo Harbor, maintenance dredging of polluted sediments.	Toledo, Mich	Do.
Do	do	Flood control feasibility study, Basset Creek.	Hennepin County, Minn	Jan. 8, 1975
Do	do	Flood control, Minnesota River	Chaska, Minn	Jan. 20, 1975
Do	do	Red Lake and Clearwater River, maintenance and operation.	Red Lake River Basin, Minn.	Do.
Do	do	Harbors of Refuge at Lutzen and Beaver Bay, Lake Superior, construction, operation and maintenance of Harbors of Refuge.	Cook and Lake Counties, Minn.	Do.
Do	do	Diked disposal facility, site No. 7, Lorain Harbor, construction and operation of a 58-acre rubblemound diked disposal facility to receive polluted sediments dredged from Lorain Harbor.	Lorain, Ohio	Jan. 8, 1975

TENNESSEE VALLEY AUTHORITY

LIST OF ENVIRONMENTAL IMPACT STATEMENTS UNDER PREPARATION, DECEMBER 1974

Final statements being prepared: Raccoon Mountain Pumped Storage Project (draft issued September 6, 1974). Timberlake New Community (draft issued November 29, 1974). Hartsville Nuclear Plants (draft issued November 25, 1974).

Draft statements being prepared: Policies Relating to Power Rates and Ratemaking Procedures. Policies Relating to Power System Transmission Facilities. Cherokee Reservoir—Poor Valley Creek Dam and State Park.

NOTE.—Elkmont Rural Village, A Planned Rural Village Near the Town of Elkmont, Alabama, in the Lower Elk River Area (listed on September 1974 list)—final issued December 16, 1974. Gas Turbine Peaking Plant Addition, Units 11-16—Johnsonville Steam Plant (listed on September 1974 list)—final issued November 25, 1974. Gas Turbine Peaking Plant Addition, Units 1-4—Gallatin Steam Plant (listed on September 1974 list)—final issued December 20, 1974. Widows Creek-West Jefferson 500-kV Transmission Line (listed on September 1974 list)—final issued November 7, 1974.

DEPARTMENT OF TRANSPORTATION

URBAN MASS TRANSPORTATION ADMINISTRATION

LIST OF PROJECTS FOR PREPARATION OF EIS

In accordance with the CEQ Guidelines of August 1, 1973, this Office is sending you a list of projects requiring administrative actions for which environmental impact statements are being prepared for the third quarter.

1. Draft EIS on Transit-Mall Project by Tri-County Metropolitan Transportation District, Portland, Oregon.

2. Draft EIS on Embarcadero Spur Storage for Light Rail Vehicles, San Francisco, California.

3. Draft EIS on Extension to Shady Grove, Washington Metropolitan Area Transit Authority, Washington, D.C.

4. Supplemental EIS on Changes to MARTA East-West Line, Atlanta, Georgia.

Projects which were previously reported for second quarter but now held in abeyance until further notice are:

1. Draft EIS on Proposed Central Area Transit Project, Chicago, Illinois.

2. Draft EIS of Plainfield Corridor Extension PATH System Port Authority of New York & New Jersey.

3. Draft EIS on Second Avenue South Project, New York City Transit Authority.

4. Final EIS on Center City Commuter Rail Connection, Philadelphia, Pennsylvania.

DEPARTMENT OF TRANSPORATION

COAST GUARD

DRAFT (D) AND FINAL (F) ENVIRONMENTAL IMPACT STATEMENTS (EIS) BEING PREPARED

DEIS—Proposed Coast Guard Station at Provincetown, Mass. (Revised DEIS).

DEIS—For the location, construction and operation of the U.S. Coast Guard New London Station, Research and Development Center, and support facilities in New London, Conn.

FEIS—New York Vessel Traffic System for the Port of New York, Hudson River and Long Island Sound.

DEIS—Proposed Loran C Station at Grangeville, LA.

DEIS—Proposed Loran C Station at Raymondville, TX.
DEIS—Proposed Loran C Station at Mariana, FL.
DEIS—Proposed Multi-purpose facility at Berwick, LA.
DEIS—Proposed General Rules for Vessel Traffic System, Berwick Bay, LA.
FEIS—Proposed Sewage Disposal System, USCG Base, Kodiak, AK.
FEIS—Proposed Vessel Traffic System, Prince William Sound, AK.
FEIS—Proposed Regulated Navigation Area, entrance to Chesapeake Bay.
FEIS—Proposed Regulations to implement Title II, Ports and Waterways Safety Act of 1972.
FEIS—Proposed Vessel Traffic System, New Orleans, LA.
FEIS—Proposed Vessel Traffic System, Houston/Galveston, TX.
FEIS—Proposed Station Creek Bridge, Beaufort County, SC.
FEIS—Proposed USCG Air Station, Arcata, McKinleyville, CA.
DEIS—Proposed Loran C Chain, U.S. West Coast, Gulf of Alaska.
DEIS—Point Ryes Housing Sewage Disposal Plant, CA.
DEIS—Proposed Search and Rescue Facility at Martinez, CA.
DEIS—Proposed Replacement of the Dumbarton Bridge across San Francisco Bay, San Mateo and Alameda Counties, CA.
FEIS—Deepwater Port Regulations.
DEIS—Northbrook Housing, IL.
FEIS—Proposed Coast Guard Station (Destin Station), Santa Rosa Island, FL.

NEGATIVE DECLARATIONS PREPARED AND FILED IN COAST GUARD HEADQUARTERS DURING THE LAST QUARTER OF CALENDAR YEAR 1974

Acquisition of USCG Housing, 5 houses, Hilo, Hawaii.

Construction of four units of CG family housing in the Sunset subdivision of Grassey Key, FL.

Construction of six units of CG family housing in the Treasure Harbor subdivision of Plantation Key, Monroe County, FL.

Construct quarters for the Commander, Seventeenth CG District, Juneau, AK.

Acquire 7.3 acres of Army property at Sandy Hook, Monmouth County, NJ.

Construct two buildings (8300 SF total) at the Naval Electronic Systems Test and Evaluation Detachment (NESTED) property, St. Inogoes, Saint Mary's County, Maryland.

Microwave/UHF-FM Antenna Installations, Mt. Haleakala and Mauna Kapu, Hawaii.

Proposed Rules for Mooring Barges on Mississippi River between Miles 88 and 127 above Head of Passes.

Juneau Moorings Repair, Juneau, AK.

NEGATIVE DECLARATIONS FOR BRIDGE PERMIT ACTIONS

Project, waterway, location:	*Permit No.*
Upper Mississippi River, Burlington, Iowa	109–74
Intracoastal Waterway (Atlantic), Yaupon Beach, N.C.	135–71
Kuapa Pond, Hawaii-Kai Drive, Honolulu, Hawaii	38–74
Williston Creek, Williston, N.C. (mile 0.7)	50–74
Tolmie State Park, Thurston County, Olympia, Wash	107–73
Imperial River, Bonita Springs, Fla	114–74
Anclote River, Tarpon Springs, Fla	108–74
Millport Slouth, Kernville, Oreg.	111–74
Illinois Waterway, Ottawa, Ill.	107–74
Illinois River, South Perkin, Ill.	85–74
Bayou Bonfouca, Slidell, La.	96–71b
Kingman Lake and Anacostia River, Washington, D.C.	39–74
Mill Creek, Southold, N.Y.	35–74
Big Sandy River (Levisa Fork), Banner, Ky.	140–74
Hogan Creek, Aurora, Ind.	119–74
Blackwater Creek, Virginia Beach, VA	122–74
Merrimack River, Nooksett, N.H.	98–74
Elizabeth River (West Branch), Portsmouth, Va.	83–74

GARY L. WIDMAN,
General Counsel,
Council on Environmental Quality.

[FR Doc.75-3337 Filed 2-7-75;8:45 am]

ENVIRONMENTAL PROTECTION AGENCY

[FRL 331-7]

BASF WYANDOTTE CORP.

Establishment of Temporary Tolerance

BASF Wyandotte Corp., 100 Cherry Hill Road, Post Office Box 181, Parsippany, NJ 07054, submitted a petition (PP 5G1543) requesting establishment of a temporary tolerance for negligible residues of the herbicide fluchloralin (*N*-(2-chloroethyl)-α,α,α-trifluoro-2,6-dinitro-*N*-propyl-*p*-toluidine) in or on the raw agricultural commodity soybeans at 0.05 part per million.

It has been determined that a temporary tolerance for negligible residues of the herbicide in or on soybeans at 0.05 part per million will protect the public health. It is therefore established as requested on condition that the herbicide be used in accordance with the temporary permit being issued concurrently and which provides for distribution under the BASF Wyandotte Corp. name.

This temporary tolerance expires February 4, 1976.

Residues remaining in or on the above raw agricultural commodity after expiration of this temporary tolerance will not be considered actionable if the pesticide is legally applied during the term, and in accordance with provisions of the temporary permit/temporary tolerance.

This action is taken pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(j), 68 Stat. 516; (21 U.S.C. 346a(j))), the authority transferred to the Administrator of the Environmental Protection Agency (35 FR 15623), and the authority delegated by the Administrator to the Deputy Assistant Administrator for Pesticide Programs (39 FR 18805).

Dated: February 4, 1975.

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

[FR Doc.75-3622 Filed 2-7-75;8:45 am]

[FRL 331-5; OPP—32000/185]

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 11, 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 on or before April 11, 1975, 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 11, 1975.

Dated: February 3, 1975.

JOHN B. RITCH, Jr.,
Director,
Registration Division.

APPLICATIONS RECEIVED
[OPP—32000/185]

EPA File Symbol 1029-REG. Aidex Corp., 1024 N. 17 St., Omaha NB 68102. AIDEX DURSB EX-G GRANULAR INSECTICIDE. Active Ingredients: Chlorpyrifos [O,O-diethyl O-(3-5,6trichloro-2-pydidyl] phosphorothioate] 0.5%. Method of Support: Application proceeds under 2(c) of interim Policy. PM12.

EPA File Symbol 11501-RO. Aqua Chem Co., Inc., 349 Greco Ave., Coral Gables FL 33146. AQUATRENE ALGAECIDE FOR USE IN SWIMMING POOLS. Active Ingredients: Copper as elemental 8.0%. Method of Support: Application proceeds under 2(c) of interim policy. PM24.

EPA File Symbol 192-RRL. Dexol Industries, 1450 W. 228th St., Torrance CA 90501. DEXOL ROSE AND FLOWER DUST. Active Ingredients: Carbaryl (1-Naphthyl N-Methylcarbamate) 5.00%; 1, 1-Bis (p-chlorophenyl) - 2,2, - trichloroethanol 3.00%; 2-(1-Methylheptyl) -4, 6-dinitrophenyl crotonate 0.90%; Other nitrophenols and derivatives chiefly 1-methylheptyl -4, 6-dinitrophenol 0.10%; Zineb (Zinc ethylene bisdithiocarbamate) 3.00%. Method of Support: Application proceeds under 2(c) of interim policy. PM13.

EPA File Symbol 18632-R. Holloway House Industrial Products, Div. Chemical Corp. of America, PO Box 26082, 7127 E. 46th St., Indianapolis IN 46226. HIGHLY CONCENTRATED INDUSTRIAL ROOT-OUT. Active Ingredients: NaOH (Sodium Hydroxide Special Flakes) 95%; CoSO4 (Copper Sulphate) 5%. Method of Support: Application proceeds under 2(c) of interim policy. PM24.

EPA File Symbol 802-LGN. The Chas. H. Lilly Co., 109 S.E. Alder, Portland OR 97214. MILLER'S LAWN AND SHRUB INSECT SPRAY. Active Ingredients: Chlorpyrifos [0,0-diethyl 0-(3,5,6-trichloro-2-pyridyl) phosphorothioate 6.79%; Aromatic petroleum derivative solvent 42.48%; Petroleum distillates 41.48%. Method of Support: Application proceeds under 2(c) of interim policy. PM12.

EPA File Symbol 1021-RGGA. McLaughlin Gormley King Co., 8810 10th Ave., N., Minneapolis MN 55427. D-TRANS INTERMEDIATE 2050. Active Ingredients: d-trans Allethrin (allyl homolog of Cinerin I) 3.75%; Piperonyl butoxide, technical 18.75%; 2-Hydroxyethyl-n-octyl sulfide 35.63%; Other related compounds 1.87%; Petroleum distillate 2.50%. Method of Support: Application proceeds under 2(c) of interim policy. PM17.

EPA File Symbol 1021-RGGL. McLaughlin Gormley King Co., 8810 10th Ave., N., Minneapolis MN 55427. D-TRANS INTERMEDIATE 2047. Active ingredients: d-trans Allethrin (aAllyl homolog of Cinerin I) 7.2%; Piperonyl butoxide, technical 32.4%; N-octyl bicycloheptene dicarboximide 18.0%; Petroleum distillate 2.4%. Method of Support: Application proceeds under 2 (c) of interim policy. PM17.

EPA Reg. No. 1021-1016. McLaughlin Gormley King Co., 1715 S. 5th St., Minneapolis MN 55414. PYROCIDE INTERMEDIATE Number 6907 SIX MONTH MOTHPROOFER. Active Ingredients: Pyrethrins 0.25%; Piperonyl butoxide, technical 0.80%; N-octyl bicyclopheptene dicarboximide 0.40%; Petroleum distillate 6.55%. Method of Support: Application proceeds under 2 (c) of interim policy. PM17.

EPA Reg. No. 1021-1020. McLaughlin Gormley King Co., 1715 S. 5th St., Minneapolis MN 55414. PYROCIDE INTERDEMIATE 6916 SIX-MONTH MOTHPROOFER. Active Ingredients: Pyrethrins 0.25%; Piperonyl butoxide, technical 1.00%; Petroleum distillate 6.75%. Method of Support: Application proceeds under 2(c) of interim policy. PM17.

EPA File Symbol 5967-RUT. Moyer Chemical Co., 1310 Bayshore Hghy., PO Box 945, San Jose CA 95108. DIBROM-SEVIN DUST No. 4-10. Active Ingredients: Naled (1,2-dibromo-2,2-dichloroethyl dimethyl phosphate) 4.0%; Carbaryl (1-naphthyl N-methylcarbamate) 10.0%. Method of Support: Application proceeds under 2 (c) of interim policy. PM16.

EPA File Symbol 1453-UN. J. L. Prescott Co., 27 8 St., Passaic NJ 07055. DAZZLE SWIMMING POOL ALGAECIDE. Active Ingredients: Alkyl Dimethyl Benzyl Ammonium Chloride (C14 60%, C12 25%, C16 15%) 10%. Method of Support: Application proceeds under 2(b) of interim policy. PM24.

EPA File Symbol 11547-GA. Share Corp., 2655 N. 126th St., Brookfield WI 53005. SHARE CORP. ALGAECIDE. Active Ingredients: n-Alkyl (68% C12, 32% C14) dimethyl ethylbenzyl ammonium chloride 5.0%; n-Alkyl (60% C14, 30% C16, 5% C12, 5% C18) dimethyl benzyl ammonium chloride 5.0%. Method of Support: Application proceeds under 2(c) of interim policy. PM24.

EPA File Symbol 11214-EG. Target Chem. Co., 17710 Studebaker Rd., Cerritos CA 90701. TARGET READY TO USE SPRAY ½% DIAZINON. Active Ingredients: 0, 0-diethyl 0-(2-isopropyl-4-methyl-6-pyrimidinyl) phosphorothioate 0.5%; Aromatic petroleum derivative solvent 99.5%. Method of Support: Application proceeds under 2(c) of interim policy. PM14.

EPA Reg. No. 148-984. Thompson-Hayward Chem. Co., 5200 Speaker Rd., Kansas City MO 66106. DROP-LEAF DEFOLIANT. Active Ingredients: Sodium chlorate 28.0%. Method of Support: Application proceeds under 2(c) of interim policy. PM25.

[FR Doc.75-3621 Filed 2-7-75;8:45 am]

[FRL 333-5; OPP-210004]

LOUISIANA

Application for Emergency Exemption To Use DDT for Control of Tobacco Budworm on Cotton; Public Hearing

Pursuant to section 21 of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended (86 Stat. 973), notice is hereby given that the Environmental Protection Agency (EPA) will hold public hearings February 27-28, 1975, in Baton Rouge, Louisiana, and March 3, 1975, in Washington DC, regarding the State of Louisiana's application for an emergency exemption pursuant to section 18 of the FIFRA to allow the use of DDT for control of tobacco budworm on cotton this year. An announcement of the receipt of this application is published elsewhere in today's FEDERAL REGISTER.

Section 18 provides that the Administrator "may, at his discretion, exempt any Federal or State agency from any provision of this Act if he determines that emergency conditions exist which require such exemption."

EPA's regulations for implementation of section 18, which were issued December 3, 1973 (38 FR 33303), provide that an emergency will be deemed to exist when:

1. A pest outbreak has occurred or is about to occur and no pesticide registered for the particular use, or alternative method of control, is available to eradicate or control the pest;

2. Significant economic or health problems will occur without the use of the pesticide; and

3. The time available from discovery or prediction of the pest outbreak is insufficient for a pesticide to be registered for the particular use.

In determining whether emergency conditions exist for the purpose of section 18, extensive balancing of risks and benefits and a determination of "no unreasonable adverse effects on the environment" are not required, as they are in other sections of FIFRA, as amended. Nevertheless, consideration of the risks and benefits is desirable when, as in this case, a significant quantity of a cancelled pesticide is proposed for use.

EPA is holding these public hearings in order to provide all interested parties an opportunity to present information relevant to the foregoing questions as they relate to Louisiana's application.

The State of Louisiana has requested a decision on the application by April 1, 1975, to allow sufficient time for planning of cotton planting and pest control activities. EPA plans to meet this requested decision date. It therefore is necessary to hold the public hearings on less than 30 days' notice. It should be noted, however, that interested parties wishing to submit written comments will have until March 12, 1975, to do so, in accordance with the notice of receipt of Louisiana's request also published in today's FEDERAL REGISTER.

All individuals and organizations wishing to testify at the hearing in Baton Rouge should notify Dr. Norman Dyer, Pesticides Branch, EPA, 1600 Patterson Street, Dallas TX 75201. Dr. Dyer's telephone number is 214/749-1121. Notification concerning participation in the Washington, D.C. hearing should be given to the Federal Register Section (Attn.: Mrs. Radinsky), Technical Services Division, Office of Pesticide Programs, Rm. E-421, 401 M Street, SW, Washington, D.C. 20460. Mrs. Radinsky's telephone number is 202/755-8060.

EPA reserves the right to schedule testimony in such a manner as to ensure that sufficient time is allowed for orderly presentation of all substantive information and for appropriate questioning of persons presenting such information.

The hearing in Baton Rouge will be held in the Conservation Hearing Room, Natural Resource Building, 625 North 4th Street, beginning each day at 9 a.m.

The hearing in Washington, D.C., will be held in Room 305, Waterside Mall (EPA Headquarters), 4th and M Streets, SW, beginning at 9 a.m.

Dated: February 7, 1975.

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

[FR Doc.75-3895 Filed 2-7-75;11:40 am]

[FRL 333-4]

LAKE MICHIGAN COOLING WATER STUDIES PANEL

Meeting

Pursuant to Pub. L. 92-463, notice is given that a meeting of the Lake Michigan Cooling Water Studies Panel will be held at 9:30 a.m. on Tuesday, February 25, 1975, at the O'Hare Hilton Hotel, O'Hare International Airport, Chicago, Illinois.

The purpose of this meeting will be to discuss the final revision of the Panel's program report. There will also be some discussion of priorities and studies regarding lake wide effects.

The meeting will be open to the public. Any member of the public wishing to attend the meeting should contact the Chairman, Mr. Karl E. Bremer, U.S. Environmental Protection Agency, Region V, 230 South Dearborn Street, Chicago, Illinois 60604. The telephone number is 312-353-1458.

Minutes of the meeting will be available for public inspection two weeks after the meeting at the EPA Region V Office.

Dated: February 5, 1975.

FRANCIS T. MAYO,
Regional Administrator
Region V.

[FR Doc.75-3894 Filed 2-7-75;11:40 am]

[FRL 331-6; OPP-180034]

LOUISIANA

Application for Specific Exemption and Solicitation of Public Views

On January 24, 1975, the State of Louisiana applied to the Environmental Protection Agency (EPA) for a specific exemption to use a pesticide formulation containing DDT to control the tobacco budworm (*Heliothis virescens F.*) infesting approximately 450,000 acres of cotton. This specific exemption, if granted, will be valid for no longer than one (1) year from the date of approval by EPA.

This application is in accordance with the provisions of section 18 (40 CFR Part 166) of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended (86 Stat. 973). Part 166 was issued on December 3, 1973 (38 FR 33303), and prescribes the requirements for exemption of Federal and State agencies for the use of pesticides under emergency conditions.

In its application, the State of Louisiana maintains that an emergency exemption permitting the use of DDT is necessary because:

1. Average cotton yields have declined significantly in 1973-74 compared with the average cotton yield for the previous ten (10) years when DDT was available.
2. In 1974, Louisiana was subjected to the worst tobacco budworm outbreak in history.
3. Tobacco budworm populations exhibit resistance to most of the alternative registered pesticides and the remaining registered alternatives are ineffective, phytotoxic, or unavailable in sufficient quantities.

A total of 2.25 million pounds of DDT would be needed for treatment of approximately 450,000 acres. This would assume that outbreak populations of tobacco budworm will occur in 1975 as they did in 1974, and the entire acreage will require five (5) applications of the proposed Toxaphene-DDT-Methyl Parathion formulation.

This notice does not indicate a decision by the EPA on the application. It has been determined that this application raises questions of such importance that public notice and opportunity for public comment should be given. Accordingly, interested parties may submit written views on this subject to the Federal Register Section, Technical Services Division (WH-569), Office of Pesticide Programs, EPA, Room E-421, 401 M St. SW, Washington, D.C. 20460. Three copies of the comments should be submitted to facilitate the work of EPA and others interested in inspecting the documents. The comments must be received within 30 days from the date of publication of this notice in the FEDERAL REGISTER, and should bear the identifying notation OPP-180034. All written comments filed pursuant to this notice will be available for public inspection in the office of the Federal Register Section from 8:30 a.m. to 4 p.m. Monday through Friday.

In addition, the application itself is on file in the Registration Division, Office of Pesticide Programs, EPA, in Room E-315 at the same address given above for the Federal Register Section. Another copy of the application is available in the Office of the Chief, Pesticides Branch, EPA Region VI; the address is 1600 Patterson St., Suite 1100, Dallas Texas 75201. Interested parties may review this application during regular business hours.

Dated: February 6, 1975.

RUSSELL E. TRAIN,
Administrator.

[FR Doc.75-3896 Filed 2-7-75;11:40 am]

FEDERAL COMMUNICATIONS COMMISSION

[FCC 75-118; Docket No. 20349]

WEST TEXAS M'CROWAVE CO.

Memorandum Opinion and Order; Re Tariff Revision

1. On October 2, 1974, West Texas Microwave Co. (West Texas) filed revisions to its Tariff FCC No. 2 to become effective December 1, 1974. These revisions provide for an increase of 19.8 percent in its published tariff rates for point-to-point microwave service to its customers on the West Texas system. Petitions to suspend and/or reject the tariff were filed by United Cable Television Corp. (United Cable), Cablecom-General, Inc. (Cablecom), Lubbock Cable TV (Lubbock), and Texas Community Antennas, Inc. (Texas Community). The contentions of these petitioners were substantially similar in that it was alleged that West Texas had failed to comply with the requirements of § 61.38 of our rules thereby impairing the ability of the aforementioned petitioners to ascertain the reasonableness of the proposed revised tariff schedules.

2. West Texas thereupon furnished additional information and economic data required by § 61.38 of the rules and requested permission to defer the effective date of the revised tariff to January 14, 1975.[1] On January 9, 1975 in response to an informal request of the staff of the Common Carrier Bureau (Bureau) for additional time to review Transmittal No. 53, West Texas filed a further application to defer the effective date from January 14, 1975 to January 31, 1975.[2]

3. On December 10, 1974, United Cable, Lubbock and Texas Community after having an opportunity to examine the additional § 61.38 information and data filed by West Texas, advised the Commision that they now acquiesced in the West Texas filing and requested that their complaints be dismissed without prejudice. Accordingly, we will dismiss these pleadings without prejudice as moot.

4. However, on December 10, 1974 Cablecom timely filed a petition for suspension of the proposed revisions to West Texas' Tariff and requested a full evidentiary hearing. Among other things, it contended that the proposed rates then scheduled to become effective on January 14, 1975 would be increased an average of 19.8 percent. It seeks the rejection of the tariff amendments proposed because of alleged deficiencies and ambiguities in the supporting information filed by West Texas in purported compliance with the requirements of § 61.38 of our rules. Cablecom contends that the proposal appears to be unjust, unreasonable and discriminatory, in violation of sections 201(b) and 202(a) of the Communications Act (47 U.S.C. 201(b) and 202(a)).

5. On December 18, 1974, West Texas timely filed a reply to Cablecom's petition for suspension of tariff and hearing. It contended, among other things, that rejection of its tariff would be inappropriate; that Cablecom's request for suspension and hearing is erroneously based on the grounds that West Texas' ratemaking methodology is founded on subscriber population rather than actual system costs whereas its figures generally have been based on actual costs for the extension of service to each customer. West Texas reiterated its explanation for the revised tariff. It alleges that at current rate levels, it projects net losses of $18,113, $2,343, and $32,643 during 1975 through 1977, respectively. With the proposed revisions, net income for those years is projected at $52,526, $54,441 and $48,015, respectively. As of July 1974 with a capital structure of $422,000 in equity and $2,096,000 in debt, West Texas further states that an average return to the equity holders of 12.2 percent over the next three years would result.

6. Cablecom's contentions may be summarized, in substantial part as follows:

West Texas has (a) failed to adequately explain the need for the rate increase; (b) inadequately described the effect of the projected increase in its traffic; (c) imposed developmental risks

[1] Application for Special Permission Number 7462 to defer the effective date filed November 14, 1974 and granted the same day. West Texas filed Transmittal No. 54 providing for an effective date of January 14, 1975.

[2] Application for Special Permission Number 7520 was granted on January 10, 1975.

on its customers; and (d) submitted questionable accounting and rate of return analysis because of the paucity of underlying data.

Cablecom contends that the tariff revisions are unreasonable and discriminatory on their face and, therefore should be rejected or designated for hearing.

7. We disagree with Cablecom's contention that West Texas filing is so deficient that it should be rejected. However, we believe that the matters of rate base and rate of return raise questions that should be resolved on the basis of a further record. Accordingly, we are unable to conclude at this time that all features of the tariff revision are just and reasonable and free from undue discrimination within the meaning of Sections 201 and 202 of the Communications Act. We shall therefore designate the revised tariff for investigation and suspend the effectiveness thereof, and enter an accounting order providing for possible refund. However, because three customers have acquiesced in the filing, the carrier's earnings position and the protection afforded by the accounting order we are providing herein, we will suspend the effectiveness of the subject tariff revisions for forty-five (45) days only. On January 27, 1975 a meeting was held between the representatives of West Texas, Cablecom and the staff to explore whether the furnishing of additional information by West Texas might result in the elimination of the necessity for a hearing or shorten any hearing which might be required. It became apparent that West Texas would not postpone further the effective date of its proposed increases and that Cablecom wanted a full 90-day suspension of the effective date of such increase. We believe the possibility of achieving a settlement will be enhanced by the 45-day suspension of the effective date of the proposed increased charges. This will allow time for the submission of additional information requested of West Texas. Accordingly, we will specify that the initial filing under the procedure prescribed in paragraph 15a will be on or before 65 days of the release of this order.

8. In the present case, due to the nature of the increases and the potential for harm to the petitioner, Cablecom is required to pay the rate increases to West Texas during the pendency of a prolonged trial-type hearing before the Commission, we shall order that "paper" proceedings be utilized to expedite the resolution of this controversy. Such proceedings provide for the submission of interrogatories and requests for information, which process merges cross-examination and the informal gathering of information traditionally undertaken during the prehearing and hearing states of rulemaking proceedings. We shall provide that upon close of the record the Administrative Law Judge assigned to this proceeding shall issue an initial decision. We believe the employment of the procedures noted above will best conduce to the proper dispatch of business and the ends of justice and promote the objectives of the Act for expeditious resolutions of the issues herein. 47 U.S.C. 154(j) and 204. Should it develop that the procedures which we are establishing prove inadequate or result in unfairness to any person, orders in modification thereof shall be issued.

9. Accordingly, *it is ordered*, That pursuant to the provisions of sections 201, 202, 203, 204, 205 and 403 of the Communications Act of 1934, as amended, an investigation, hereby, is instituted into the lawfulness of the tariff schedule filed by West Texas Microwave Co. submitted with Transmittal No. 53 and into any subsequent revisions thereto or reissue thereof.

10. *It is further ordered*, That, pursuant to the provisions of section 204, the tariff schedule filed by The West Texas Microwave Co. submitted with Transmittal No. 53 is hereby suspended until March 17, 1975, and that West Texas, as to the operation of such tariff schedule, shall, in the case of all increased charges and until further order of the Commission, keep accurate account of all amounts received by reason of such increase, specifying by whom and in whose behalf such amounts were paid, and upon completion of the hearing and decision herein, the Commission may, by further order require the refund thereof, with interest, pursuant to section 204 of the Act, and West Texas shall file such reports on the amounts accounted for as aforesaid as the Chief, Common Carrier Bureau, shall require;

11. *It is further ordered*, That without in any way limiting the scope of the investigation, it shall include consideration of the following:

(1) Whether the charges, classifications, practices, and regulations published in the subject tariff are or will be just and reasonable within the meaning of section 201(b) of the Act;

(2) Whether any such charges, practices, classifications, regulations, facilities, or services for or in connection with like communication sservice directly or indirectly will be free of any unjust or unreasonable discrimination and will not result in any undue or unreasonable preference or advantage to any person or class of persons or locality and will not subject any particular person, class of persons or locality to any undue or unreasonable prejudice or disadvantage.

(3) If any of such charges, classifications, practices, or regulations are found to be unlawful, whether the Commission, pursuant to section 205 of the Act, should prescribe charges, classifications, practices and regulations for the service governed by the tariff, and if so, what should be prescribed;

12. *It is further ordered*, That the burden of proof on issues 1 and 2 above shall be upon West Texas.

13. *It is further ordered*, That pursuant to § 1.1209(d) of the Commission's rules, a sepaarted trial staff will participate in this proceeding. As provided therein, the Chief, Hearing and Legal Division and his staff will be separated from the Commission, the presiding Administrative Law Judge, the Office of the General Counsel, and the Chief, Deputy Chief and all Division Chiefs of the Common Carrier Bureau, but are unrestricted in their access to all other Commission personnel.

14. *It is further ordered*, That the following procedures will apply in this proceeding:

a. The record for decision will consist of all matters submitted for the record by respondent, interested persons and the Common Carrier Bureau trial staff. Interrogatories and information requests and responses thereto shall be part of the record. Such submittals together with supporting documentation and workpapers will be available for public inspection as they are received.

b. All matters submitted for the record, including answers to interrogatories and responses to information requests, must be identified as to sponsoring party, numbered consecutively and identified with the name of a person by whom or under whose supervision the submittal was prepared.

c. The source of all data must be clearly and specifically noted. Supporting documents which are not readily available and working papers must be presented with the submittals to which they apply. Statistical studies will be submitted and supported in the form prescribed in § 1.363 of the Commission's rules.

d. Original and five copies of all matters submitted for the record as well as of supporting documentations and workpapers must be filed with the Commission. Part I of our rules governs as to the number of copies and other submissions, such as briefs, pleadings and proposed findings. Matters submitted for the record shall be served on all parties and the Administrative Law Judge (ALJ).

e. Interrogatories and requests for information must be filed with the Commission and served on the ALJ and the parties to this proceeding. Objections to interrogatories and information requests should be resolved, if possible, by immediate informal conferences between the persons involved and the Trial Staff. If such persons are unable to resolve their differences, the ALJ shall be notified, and on notification shall provide for an immediate oral conference of the persons involved. After oral presentations by such persons and the Trial Staff, the ALJ shall forthwith issue a ruling. Appeals from such rulings shall be governed by 47 CFR § 1.301 except that the ALJ shall set an expedited procedure.

f. Requests for oral proceedings may be filed with, and acted upon, by the ALJ and must be specific as to the issues requiring further evidence, the persons to be cross-examined and the reason why such oral proceedings are required to avoid prejudice. Oral proceedings, if any, will be held before the ALJ who shall issue an initail decision.

15. *It is further ordered*, That the following schedule will be adhered to:

a. Within 65 days of the release of this order West Texas may supplement the materials submitted pursuant to § 61.38 of our rules. Any such supplementation, together with the material originally filed will form the evidence upon which it intends to rely. At the same time West Texas should place materials already filed into proper form as described in paragraph 14 at "b" above.

b. Cablecom and any other party may file with the Commission written interrogatories for West Texas witnesses and requests for information within 15 days following the filing of any supplement to West Texas' direct case. Answers to such interrogatories and requests for information shall be filed within 20 days of the filing thereof.

c. If necessary, further interrogatories and requests for information may be filed within 10 days of filing of answers to the first interrogatories and requests for information. Answers to such second interrogatories and requests for information should be filed within 10 days of the filing thereof.

d. Cablecom and any other party may file material in response to West Texas within ten days following the filing of answers to interrogatories and requests for information which they have submitted in accordance with subparagraph (c) above, except that this period will not be tolled pending resolution of conflicts with regard to answers which are not forthcoming but contested.

e. Any party may serve interrogatories and requests for information on other parties filing material in response to West Texas within 15 days of the filing of such responses. Answers to such interrogatories and requests for information shall be filed within 20 days of the filing thereof.

f. Proposed Findings of Fact and Conclusions of Law may be filed by any participant within 30 days of the filing of the last filed responses to interrogatories and requests for information.

g. Replies to the Proposed Findings of Fact and Conclusions of Law may be filed by any participant within 15 days of the filing of such findings and conclusions.

16. *It is further ordered*, That the petitions to reject or suspend filed by United Cable, Lubbock, and Texas Community are hereby dismissed.

17. *It is further ordered*, That, Cablecom General's Petition to reject is hereby the ALJ in arriving at his decision, set for hearing is hereby granted to the extent indicated herein and otherwise denied.

18. *It is further ordered*, That West Texas is hereby made party respondent herein, and that pursuant to § 1.221(d) of the Commission rules Cablecom is made a party to the proceeding.

19. *It is further ordered*, That, upon closing of the record, the ALJ shall issue an initial decision.

20. Objections to the admissability of evidence may be made in Proposed Findings of Fact and Conclusions of Law and Replies thereto and shall be considered by the ALJ in ariving at his decision. Procedural requests should be addressed to the ALJ who shall rule thereon unless a significant modification of the procedures here established is required in which case the request should be certified to the Commission.

Adopted: January 29, 1974.

Released: February 4, 1975.

FEDERAL COMMUNICATIONS COMMISSION,*

[SEAL] VINCENT J. MULLINS,
Secretary.

[FR Doc.75-3648 Filed 2-7-75;8:45 am]

FEDERAL ENERGY ADMINISTRATION

ELECTRIC UTILITIES ADVISORY COMMITTEE

Meeting

Pursuant to the provisions of the Federal Advisory Committee Act (Pub. L. 92-463, 86 Stat. 770), notice is hereby given that the Electric Utilities Advisory Committee will meet Thursday, February 27, 1975, at 10 a.m., Conference Room B, Departmental Auditorium, Constitution Avenue between 12th and 14th Street NW., Washington, D.C.

The Committee was established to advise the Administrator, FEA, with respect to general electric utilities' aspects of interests and problems related to the policy and implementation of programs to meet the current and continuing national energy shortage.

The agenda for the meeting is as follows:

10 a.m.—Introductory remarks.
10:15 a.m.—Impact of President Ford's Energy Program on Electric Utilities.
11:45 a.m.—FEA "Power Plant Reliability Task Force Report".
12:30 p.m.—Lunch.
1:30 p.m.—FEA Program to Save One MMB/D of Oil by 1980.
2:30 p.m.—FEA Electricity Conservation Programs.
3:15 p.m.—Description of the Joint EEI/EPRI/NARUC Rate and Load Management Study.
3:45 p.m.—Summary of Comments Received on "The Industrial Response to Investigation of Electric Rates".
4 p.m.—Closing remarks.

The meeting is open to the public; however, space and facilities are limited.

The Chairman of the Committee is empowered to conduct the meeting in a fashion that will, in his judgment, facilitate the orderly conduct of business. Any member of the public who wishes to file a written statement with the Committee will be permitted to do so, either before or after the meeting. Members of the public who wish to make oral statements should inform Lois Weeks, Advisory Committee Management Officer, 202-961-7022 at least 5 days before the meeting and reasonable provision will be made for their appearance on the agenda.

Further information concerning this meeting may be obtained from the Advisory Committee Management Office.

Minutes of the meeting will be made available for public inspection at the Federal Energy Administration, Washington, D.C.

Issued at Washington, D.C. on February 6, 1975.

ROBERT E. MONTGOMERY, Jr.,
General Counsel.

[FR Doc.75-3822 Filed 2-7-75;9:14 am]

WHOLESALE PETROLEUM ADVISORY COMMITTEE

Notice of Meeting

Pursuant to the provisions of the Federal Advisory Committee Act (Pub. L. 92-463, 86 Stat. 770), notice is hereby given that the Wholesale Petroleum Advisory Committee will hold an emergency meeting on Monday, February 24, 1975, second floor, FEA Regional Headquarters—Dallas, 2626 Mockingbird Land, Dallas, Texas.

The Committee was established to provide the Administrator, FEA, with expert and technical advice concerning the wholesale trade of selling heating oil, residual fuel, and gasoline.

The purpose of the meeting is to review the President's energy and economic programs proposed in the State of the Union message of January 15, 1975.

The meeting is open to the public; however space and facilities are limited.

The Chairman of the Committee is empowered to conduct the meeting in a fashion that will, in his judgment, facilitate the orderly conduct of business. Any member of the public who wishes to file a written statement with the Committee will be permitted to do so, either before or after the meeting. Members of the public who wish to make oral statements should inform Lois Weeks, Advisory Committee Management Officer, 202-961-7022 at least 5 days before the meeting and reasonable provision will be made for their appearance on the agenda.

Due to the urgency of discussing the relation of the Administration's energy proposals and programs to the wholesale segment of the petroleum industry, this meeting is being held prior to expiration of the usual 15-day notice period.

Further information concerning this meeting may be obtained from the Advisory Committee Management Office.

Minutes of the meeting will be made available for public inspection at the Federal Energy Administration, Washington, D.C.

Issued at Washington, D.C. on February 6, 1975.

ROBERT E. MONTGOMERY, Jr.,
General Counsel.

[FR Doc.75-3823 Filed 2-7-75;9:14 am]

* Commissioner Reid dissenting.

FEDERAL POWER COMMISSION

[Docket No. RP75-44-2]

ALABAMA-TENNESSEE NATURAL GAS CO.

Order Granting Relief; Consolidating for Hearing Request for Additional Relief, and Modifying Order

FEBRUARY 3, 1975.

By order issued January 17, 1975, we granted *pendente lite* a request by Tennessee Valley Authority (TVA) for extraordinary relief from curtailment imposed by its supplier, Alabama-Tennessee Natural Gas Co. (A-T), and set for hearing TVA's request for permanent relief. On January 23, 1975, TVA filed for additional relief in the amount of 1,300 Mcf per day above the 5,000 Mcf per day previously granted to permit it to fully operate its fertilizer plant at Muscle Shoals, Alabama.

In support of its request, TVA states that the prior relief requested and granted only permits it to operate its plant at 76 percent capacity and that the additional volumes requested will permit it to operate at almost 100 percent capacity, which will result in increased production of an additional 54 tons of ammonia per day. The additional volume requested by TVA represents a portion of the interruptible gas usage under its contract with A-T. TVA states that it did not request the additional interruptible volumes because it erroneously understood that we would only consider relief for firm gas volumes.

On January 24, 1975, A-T filed its answer to TVA's additional request for relief reiterating its contention that any relief granted to TVA should contain a concommitant grant of relief to it from its supplier's curtailment. However, A-T has not filed for such relief and, as stated in our January 17th order in this proceeding, it would be inappropriate to condition any relief granted to TVA as suggested by A-T.

The grant of TVA's request *pendente lite* is justified for the same reasons that we granted interim relief initially in this proceeding as set forth more specifically in our order of January 17, 1975. The additional relief requested by TVA as granted herein *pendente lite* will not jeopardize service to the residential and commercial consumers on A-T's system.

The Commission finds: (1) Good cause exists to grant additional relief to TVA as requested by it in its filing of January 23, 1975, as hereinafter ordered and conditioned.

(2) The requests for relief filed by TVA on December 23, 1974, and on January 23, 1975, contain common questions of law and fact and therefore, good cause exists to consolidate for purposes of hearing and decision the requests for extraordinary relief filed in this proceeding by TVA on December 23, 1974, and on January 23, 1975, and to modify our order of January 17, 1975, as hereinafter ordered.

The Commission orders: (A) The additional relief requested by TVA in its petition filed January 23, 1975, is granted pendente lite upon the conditions set forth in our order issued January 17, 1975, in this proceeding.

(B) TVA's request for additional relief filed January 23, 1975, in this proceeding, is hereby consolidated for purposes of hearing and decision with its request for relief filed December 23, 1974.

(C) The procedural dates heretofore established in our order of January 17, 1975, is hereby modified to permit TVA and all other parties to file their testimony on TVA's request for additional relief on or before February 6, 1975, and to convene the hearing commencing February 11, 1975. In all other respects, our order of January 17, 1975, remains in full force and effect.

By the Commission.

[SEAL] KENNETH F. PLUMB, *Secretary.*

[FR Doc.75-3602 Filed 2-7-75;8:45 am]

[Dockets Nos. RP73-98; RP73-74]

ALGONQUIN GAS TRANSMISSION CO.

Request for Approval

JANUARY 31, 1975.

Take notice that on December 9, 1974, Algonquin Gas Transmission Co. (Algonquin) tendered for filing a Request for Approval to Make an Entry in Account 439—Adjustment to Retained Earnings.

Algonquin's December 9, 1974, filing states that on March 14, 1974, the Commission issued an order in Docket No. RP73-98 approving a settlement agreement and providing for refunds of $750,273.79 applicable to the period year 1973. Algonquin further states that on September 24, 1974, the Commission issued an order in Docket No. RP73-74 approving Algonquin's rate increase in part and providing for refunds of $214,946.59 applicable to the year 1973. Finally, Algonquin states that as required by Account 439, its December 9, 1974, filing requests Commission approval of an entry by which Account 439 will be charged with the above enumerated refunds less the related income taxes applicable to 1973 revenues and operations.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with sections 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before February 21, 1975.

Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB, *Secretary.*

[FR Doc.75-3603 Filed 2-7-75;8:45 am]

[Docket No. E-8884]

CAROLINA POWER AND LIGHT CO.

Extension of Procedural Dates

JANUARY 31, 1975.

On January 28, 1975, Staff Counsel filed a motion to extend the procedural dates fixed by order issued August 26, 1974, as most recently modified by notice issued December 23, 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 Phase I procedural dates in the above matter are modified as follows:

Service of Staff's testimony	Feb. 21, 1975.
Service of intervenor's testimony	Mar. 7, 1975.
Service of company rebuttal	Mar. 21, 1975.
Hearing	Apr. 1, 1975 (10 a.m. e.d.t.).

The Phase II procedural dates are modified as follows:

Service of intervenor's testimony (unchanged)	Mar. 13, 1975.
Service of staff's testimony (unchanged)	Apr. 1, 1975.
Service of company's evidence	Apr. 17, 1975.
Service of intervenor's rebuttal	May 1, 1975.
Hearing (unchanged)	May 15, 1975 (10 a.m. e.d.t.).

KENNETH F. PLUMB, *Secretary.*

[FR Doc.75-3604 Filed 2-7-75;8:45 am]

[Rate Schedule Nos. 28, et al.]

CHAMPLIN PETROLEUM CO., et al.

Rate Change Filings

JANUARY 30, 1975.

Take notice that the producers listed in the Appendix attached hereto have filed proposed increased rates to the applicable area new gas or national ceiling based on the interpretation of vintaging concepts set forth by the Commission in its Opinion No. 699-H, issued December 4, 1974.

The information relevant to each of these sales is listed in the Appendix.

Any person desiring to be heard or to make any protest with reference to said filing should on or before February 12, 1975, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any party wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

KENNETH F. PLUMB, *Secretary.*

Filing date	Producer	Rate schedule No.	Buyer	Area
Jan. 10, 1975	Champlin Petroleum Co., P.O. Box 9365, Fort Worth, Tex. 76107.	28	Cities Service Gas Co.....	Hugoton-Anadarko.
Jan. 13, 1975	Amoco Production Co., P.O. Box 3092, Houston, Tex. 77001.	186	Tennessee Gas Pipeline Co...	Texas Gulf Coast.
Do.....	Texaco, Inc., P.O. Box 60252, New Orleans, La. 70160.	463	Columbia Gas Transmission Corp.	South Louisiana.
Jan. 17, 1975	Union Texas Petroleum, a division of Allied Chemical Corp., P.O. Box 2120, Houston, Tex. 77001.	63	Texas Gas Transmission Corp.	Do.
Do.....	Shell Oil Co., P.O. Box 2099, Houston, Tex. 77001.	13	National Fuel Gas Supply Corp.	Texas Gulf Coast.
Jan. 20, 1975	Amoco Production Co.....	51	Natural Gas Pipeline Co. of America.	Do.
Do.....	do.....	80	do.....	Do.
Do.....	J. D. Burke, P.O. Box 1336, Corpus Christi, Tex. 78403.	3	Texas Eastern Transmission Corp.	Do.
Do.....	do.....	4	do.....	Do.
Do.....	Exxon Corp., P.O. Box 2180, Houston, Tex. 77001.	489	Columbia Gas Transmission Corp.	South Louisiana.
Do.....	Terra Resources, Inc., P.O. Box 2329, Tulsa, Okla. 74101.	1	El Paso Natural Gas Co....	Permian Basin.
Do.....	Pennzoil Producing Co., 900 Southwest Tower, Houston, Tex. 77002.	92	United Gas Pipe Line Co....	Other Southwest.
Do.....	Burmah Oil & Gas Co., Golden Center 1, 2800 North Loop West, P.O. Box 94193, Houston, Tex. 77018.	35	Lone Star Gas Co.....	Do.

[FR Doc.75-3490 Filed 2-7-75;8:45 am]

[Docket No. RP75-39]

EL PASO NATURAL GAS CO.

Order Granting Late Interventions

FEBRUARY 3, 1975.

By petition received January 15, 1975, The People of the State of California (People) and the Public Utilities Commission of California (PUCC) requested intervention in the El Paso Natural Gas Co. (El Paso) rate filing in this docket. Notice of the filing in this docket was issued on December 31, 1974, with protests and petitions due on or before January 6, 1975.

The People and PUCC state that the reason for this out-of-time filing stems from the slow course of the mail to the West Coast. They further state that their untimely intervention in no way prejudices or delays the RP75-39 rate proceeding.

The Commission finds: Participation by People and PUCC in this proceeding may be in the public interest and good cause exists for permitting such intervention.

The Commission orders: (A) The above-named petitioners are hereby permitted to intervene in this proceeding, subject to the rules and regulations of the Commission: *Provided, however*, that the participation of such intervenors shall be limited to matters affecting rights and interests specifically set forth in the respective petitions to intervene, and *Provided, further*, that the admission of such intervenors shall not be construed as recognition by the Commission that they, or any of them, might be aggrieved because of any order or orders issued by the Commission in this proceeding.

(B) The late interventions granted herein shall not be the basis for delaying or deferring any procedural schedules heretofore established for the orderly and expeditious disposition of this proceeding.

(C) The Secretary shall cause prompt publication of this order in the FEDERAL REGISTER.

By the Commission.

[SEAL] KENNETH F. PLUMB, *Secretary.*

[FR Doc.75-3605 Filed 2-7-75;8:45 am]

[Docket No. E-9233]

INDIANA AND MICHIGAN ELECTRIC CO.

Tariff Change

FEBRUARY 5, 1975.

Take notice that Indiana and Michigan Electric Co. (I&M), on January 29, 1975, tendered for filing proposed changes in its FPC Rate Schedule No. 27 applicable to service rendered by I&M to the City of Anderson, Indiana (Anderson). According to I&M, the proposed changes would increase revenues from Anderson by $633,621 if the proposed increases had been in effect for the twelve-month period ending December 1974.

I&M states that the proposed changes implement the contractual obligations as set forth in the Service Agreement between I&M and Anderson and have been authorized by the decision of the United States Court of Appeals for the District of Columbia Circuit in *Richmond Power & Light* v. *FPC*, 481 F. 2d 490 (1973). I&M states further that copies of the filing were served upon Anderson and upon its counsel, as well as upon the Public Service Commission of Indiana.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before February 19, 1975. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB, *Secretary.*

[FR Doc.75-3639 Filed 2-7-75;8:45 am]

[Docket No. E-9234]

KENTUCKY UTILITIES CO.

Proposed Change in Rate

JANUARY 31, 1975.

Take notice that Kentucky Utilities Co. (KU Co.) on January 29, 1975 tendered for filing Amendment No. 2 dated October 10, 1974, to the Kentucky-Indiana Pool Planning and Operating Agreement between Kentucky Utilities Co., East Kentucky Power Cooperative, Inc., Indianapolis Power & Light Co. and Public Service Company of Indiana, Inc., dated July 9, 1971. An effective date of March 1, 1975 is requested.

The primary purposes of the proposed Amendment No. 2 is to amend certain definitions in section 2 of Service Schedule B—Unit Power and provide for a new Service Schedule C—Back-Up Power and amend Service Schedule F—Short Term Power. The demand charge in Service Schedule C and F would be changed from $0.35 to 0.45 per KW per week. Other minor changes in wording and provisions are contained in the proposed Service Schedule C and F.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions and protests should be filed on or before February 18, 1975. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB, *Secretary.*

[FR Doc.75-3606 Filed 2-7-75;8:45 am]

[Docket No. E-8547]

MISSOURI EDISON CO.

Order Approving Settlement Agreement

FEBRUARY 3, 1975.

At issue in this proceeding is a proposed settlement agreement between the Missouri Edison Co. (ME) and the Staff of the Federal Power Commission. This

agreement was filed on November 19, 1974, by ME and notice was issued on November 26, 1974, with provision for comments to be filed on or before December 11, 1974. The only comments filed in this docket were by the Staff supporting the settlement agreement.

The proposed settlement agreement relates to ME's filing of December 12, 1973, as completed on January 18, 1974, revising their FPC Electric Tariff sheets pertaining to the City of Clarksville, Missouri. The revised sheets were filed by ME for the purpose of effecting a general revenue increase of approximately $3,337 annually. On February 15, 1974, the Commission entered an order accepting the filing and suspending said proposed increase until February 19, 1974, at which time the proposed increased rates became effective, subject to refund. Following discussions among the parties, the settlement was filed on November 19, 1974.

The proposed settlement agreement includes a summary cost of service study flowing through the settlement rates approved by the Commission in Docket Nos. E-7571, E-7572, and E-8215. This cost of service study indicates that ME's proposed increase of $3,337 based on the test period ending September 30, 1973, is justified. The proposed agreement also includes a revised fuel adjustment clause which complies with the Commission's regulations.

The following results summarize the significant results of the settlement cost of service.[1]

Test period:	*Clarksville*
Year ending Sept. 30, 1973:	
Revenue at proposed rates	$68,856
Revenue under prior rates	$65,519
Proposed increase	$3,337
Increase (percent)	5.09
Rate of return at proposed rates (percent)	5.72

Our review of the proposed settlement agreement, as well as the entire record in this proceeding indicates that the proposed settlement represents a reasonable resolution of the issues raised by the filing, is in the public interest, and should therefore be approved and made effective as hereinafter ordered and conditioned.

The Commission finds: Approval of the settlement agreement filed by ME on November 19, 1974, in this proceeding is reasonable and appropriate in the public interest in carrying out the provisions of the Federal Power Act.

The Commission orders: (A) The settlement agreement filed on November 19, 1974, by ME is incorporated herein by reference, approved and made effective as provided by the provision of the settlement agreement.

(B) Within 30 days of the date of issuance of this order, ME shall file revised tariff sheets consistent with the provisions of this order and the approved settlement agreement.

(C) This order is without prejudice to any findings or orders which have been made or which will hereafter be made by the Commission, and is without prejudice to any claims or contentions which may be made by the Commission, its staff, or any party or person affected by this order, in any proceeding now pending or hereafter instituted by or against ME or any person or party.

(D) The Secretary shall cause prompt publication of this order to be made in the FEDERAL REGISTER.

By the Commission.

[SEAL] KENNETH F. PLUMB, *Secretary.*

[FR Doc.75-3607 Filed 2-7-75;8:45 am]

[1] Data are taken from Attachment A of ME's settlement agreement attachments. See also Appendix A to this order, filed as part of the original document, for the settlement capitalization.

[Docket No. RP74-100; PGA75-7]

NATIONAL FUEL GAS SUPPLY CORP.

Filing of Tariff Sheets

JANUARY 31, 1975.

Take notice that on January 27, 1975, National Fuel Gas Supply Corp. (National Fuel) tendered for filing Alternate First Interim Revised Sheet No. 4; Schedule A—Statement to Adjust Base Cost of Gas Pursuant to Commission Order Issued January 10, 1975 at Docket No. RP74-100, PGA75-3; and Revised Sheets 1 and 2 of section 17 Test for Change in Sales Rates. National Fuel states that such were submitted in response to a Commission order issued January 10, 1975, in Docket No. RP74-100, PGA75-3. In addition, National Fuel tendered for filing Alternate Second Interim Revised Sheet No. 4; Revised Sheets 1 and 2 of section 17 Test for Change in Sales Rates; Alternate First Revised Sheet No. 4; and Alternate Original Sheet No. 35. National Fuel states that these latter submissions were filed as a result of reducing the effective purchased gas adjustment (PGA) from 5.90¢ to 5.79¢ pursuant to Commission order.

National Fuel states that all of the above changes reflect the elimination of all costs associated with manufactured gas from the average base cost of gas and PGA adjustment. All sheets are proposed to become effective as of February 1, 1975, and National Fuel requests waiver of any of the Commission's rules and regulations as may be required to permit such an effective date.

National Fuel states that copies of its filing have been mailed to all purchasers and interested state commissioners.

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 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 filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB, *Secretary.*

[FR Doc.75-3608 Filed 2-7-75;8:45 am]

[Docket No. E-8954]

NEW ENGLAND POWER CO.

Order Accepting Unit Sales Agreements for Filing

FEBRUARY 3, 1975.

On August 2, 1974, New England Power Company (NEPCO) tendered[1] for filing initial unit sales agreements which provide for the purchase by Vermont Electric Power Co. of 40,000 KW of power and by Hew Bedford Gas & Edison of 50,000 KW of power from NEPCO's Bear Swamp Project.[2] This filing was completed in accordance with the Commission's Regulations on September 6, 1974,[3] pursuant to a letter from the Secretary enumerating various deficiencies.

The contracts provide that they shall become effective on the date of commercial operation of the first of the two units at NEPCO's Bear Swamp Project and that they shall terminate on October 31, 1977. By letter dated October 18, 1974, this Commission was advised that the first unit was declared to be in commercial operation at 11:59 P.M. on September 30, 1974.

Notice of NEPCO's filing was issued on August 15, 1974, with protests or petitions to intervene due on or before August 23, 1974. No protests or petitions were received.

Our review of NEPCO's filing and the issues raised therein indicates that the proposed charges have not been shown to be just and reasonable and may be unjust, unreasonable, excessive, unduly discriminatory, preferential or otherwise unlawful. Accordingly, we shall establish hearing procedures under section 206 of the Federal Power Act to determine the justness and reasonableness of NEPCO's filing.

With respect to the transmission calculations contained in the agreement, NEPCO states that the NEPOOL Executive Committee has recently approved the NEPOOL Rules for determination of PTF (pool transmission facilities) costs. NEPCO advises that it is in the process of calculating its PTF costs based on these rules and will refile its transmission costs to be used in the Bear Swamp Project contracts as soon as this study

[1] Letter dated July 31, 1974.

[2] The Project is a pumped storage hydroelectric development located on the Deerfield River in Massachusetts.

[3] Letter dated September 3, 1974.

is finalized. The PTF costs are currently under investigtaion in Docket No. E-7690 (PTF Cost Rules). Since the transmission charge in the instant submittal is in part based on NEPOOL Rules for determination of PTF costs, any changes in the method of determining the PTF costs resulting from the proceedings in Docket No. E-7690 should be made applicable to the subject rate schedules.

The Commission finds. It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Federal Power Act that the Commission enter upon a hearing concerning the lawfulness of the charges contained in NEPCO's initial unit sales agreements in this docket.

The Commission orders. (A) NEPCO's initial unit sales agreements, filed on August 2, 1974, in this docket are hereby accepted for filing to be effective September 30, 1974, subject to the terms and conditions of this order.

(B) Pursuant to authority of the Federal Power Act, particularly section 206 thereof, and the Commission's rules and regulations (18 CFR, Chapter I), a hearing for purposes of cross-examination concerning the lawfulness and reasonableness of the charges in NEPCO's initial unit sales agreements filed on August 2, 1974, shall be held commencing on June 24, 1975, at 10 a.m., e.d.t., in a hearing room of the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426.

(C) On or before April 29, 1975, NEPCO shall serve its prepared testimony and exhibits. The Commission Staff shall serve its prepared testimony and exhibits on or before May 13, 1975. Any intervenor evidence will be filed on or before May 27, 1975. Any rebuttal evidence by NEPCO shall be served on or before June 10, 1975.

(D) A Presiding Administrative Law Judge to be designated by the Chief Administrative Law Judge for that purpose (see Delegation of Authority, 18 CFR 3.5(d)) shall preside at the hearing in this proceeding, shall prescribe relevant procedural matters not herein provided, and shall control this proceeding in accordance with the policies expressed in the Commission's rules of practice and procedure.

(E) Any changes in the method of determining the PTF costs resulting from the proceedings in Docket No. E-7690 shall be made applicable to the subject rate schedules.

(F) Nothing contained herein shall be construed as limiting the rights of parties to this proceeding regarding the convening of conference or offers of settlement pursuant to § 1.18 of the Commission's rules of practice and procedure.

(G) The Secretary shall cause prompt publication of this order in the FEDERAL REGISTER.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Secretary.

[FR Doc.75-3609 Filed 2-7-75; 8:45 am]

[Docket No. E-9229]

NORTHERN STATES POWER CO.

Filing of Short Term Power Agreement

JANUARY 31, 1975.

Take notice that Northern States Power Co. (Northern States), on January 24, 1975, tendered for filing, a Short Term Power Agreement dated January 17, 1975, with the City of Lake Crystal.

The Agreement provides for either party to purchase Short Term Power from the other for periods of seven days or longer as agreed in advance. The rates for these transactions are contained in § 1.06. Northern States requests an effective date of March 3, 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 (18 CFR 1.18, 1.10). All such petitions and 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 application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 75-3610 Filed 2-7-75; 8:45 am]

[Docket No. E-9213]

NORTHERN STATES POWER CO.

Filing of Short Term Power Agreements

FEBRUARY 5, 1975.

Take notice that on January 13, 1975, Northern States Power Company (Northern States) tendered for filing Short Term Power Agreements with the following wholesale customers:

City of Delano: dated December 26, 1974.
City of Glencoe: dated December 16, 1974.
City of Janesville: dated January 2, 1975.
City of LeSueur: dated November 25, 1974.
City of Madelia: dated January 2, 1975.

Each agreement provides either party to purchase short term power from the other for periods of seven days or longer as agreed in advance at rates contained in § 1.06.

Northern States requests an effective date of February 15, 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 (18 CFR 1.8, 1.10). All such petitions and 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.75-3640 Filed 2-7-75; 8:45 am]

[Docket Nos. RP71-119; RP74-31-25]

PANHANDLE EASTERN PIPE LINE CO. AND OKIE PIPE LINE CO.

Order Granting Conditional Temporary Extraordinary Relief, Setting Matters for Hearing, Granting Interventions and Prescribing Procedures

FEBRUARY 3, 1975.

On January 8, 1975, Okie Pipe Line Co. (Okie), filed a petition pursuant to § 1.7 of the Commission's rules for emergency relief from the natural gas curtailments imposed by Panhandle Eastern Pipe Line Co. (Panhandle), upon Okie under the presently effective 467-B interim curtailment plan filed by Panhandle with the Commission on November 6, 1973.

Okie asserted in its petition that it had been advised by Panhandle that it would be completely curtailed during the month of December 1974, and that it was subsequently afforded emergency relief by Panhandle for a period of 60 days commencing December 1, 1974, on the condition that it repay all the emergency volumes provided. Okie contends that the prospects of its acquiring any natural gas during February and the remaining months of the winter are not bright and evidently feels that it will encounter operational problems due to its inability to obtain gas. It thus feels that it will not have the gas supply needed to repay the emergency relief volumes taken from Panhandle. It urges that the permanent emergency relief that it requests is warranted.

Okie operates a gas liquids pipeline that has a pumping station located at Liberal, Kansas. The station has a standby natural gas powered engine used to pump liquids in the event of failure of primary electric pumps. Okie also owns homes at Liberal Station used by company employees, each of which relies upon natural gas from Panhandle for heating and cooking.

Okie indicated that its annual requirements and monthly natural gas usages were as follows:

	Heating residences and offices	Operating industrial engines
December 1974	700	2,300
January 1975	[1] 1,000	2,500
February 1975	800	1,800
March 1975	800	2,500
April 1975	600	1,100
May 1975	500	1,600
June 1975	200	1,100
July 1975	300	1,200
August 1975	200	900
September 1975	450	1,650
October	450	2,050
November 1975	450	1,650
December 1975	700	2,200

[1] Okie indicates its January requirements are 100 Mcf for this usage. From the other figures presented it seems that it had intended to reflect a usage of 1,000 Mcf for that month.

The space heating needs depicted by Okie on an average daily basis are well under 50 Mcf per day and therefore qualify for incorporation into Category No. 1 on the basis of the information contained in Okie's petition. Okie should be afforded the relief it seeks to meet these requirements on a temporary basis, pendente lite, to the extent that these requirements are being fully or partially curtailed by Panhandle.

Okie should not be afforded the relief it seeks, pendente lite, for an exemption from curtailment to meet the full requirements of its standby natural gas powered engine that is used in the event of failure of primary electric pumps. The volumes requested for this purpose should be made available to Okie by Panhandle prior to a final determination of this proceeding only in the event that Okie loses the operation of its electric pumps due to a power interruption and this relief should be afforded only during the period of such power interruption. Okie should immediately advise Panhandle of such an occurrence by the most expeditious means available to it. After the termination of such an occurrence Okie shall file a report with Panhandle indicating the exact duration of such a power interruption.

The petition filed by Okie for permanent relief from Panhandle's curtailment plan raised legal and factual issues that require development in an evidentiary proceeding, including the extent to which Okie may be required to pay back any relief volumes taken by it. We will, therefore, set its petition for extraordinary relief for formal hearing.

The petitioners seeking intervention have already been permitted to intervene in the proceeding relating to a permanent curtailment plan for Panhandle in Docket No. RP71-119. Since many of the parties in the latter docket may also wish to participate herein, they shall also be deemed parties in Docket No. RP74-31-25 with all of the attendant rights attached thereto. However, in order to maintain orderly procedures any intervener desiring to record objections and protests to the requested relief must file a formal protest to the notice of the petition stating with particularity the nature of its objections.

The Commission orders. (A) The petition for extraordinary relief filed by Okie Pipe Line Co., is granted to the extent indicated above, on a temporary basis, pending notice and hearing.

(B) The grant of temporary relief in ordering paragraph (A) is conditioned as follows:

(1) That Okie Pipe Line Co. shall be required to repay any volumes of gas taken under this grant as may be determined appropriate in any final determination rendered by the Commission in this proceeding.

(2) Okie Pipe Line Company's usage of the gas granted hereunder for space heating shall be considered as Category 1 and shall be subject to curtailment along with other Category 1 requirements. All other usage shall be considered as being in Category 2.

(3) This grant shall be effective until a final curtailment plan is established for Panhandle Eastern Pipeline Co. in Docket No. RP71-119.

(4) This grant shall be effective as long as the volumes provided for herein are delivered to Okie Pipe Line Co.

(C) Pursuant to the authority contained in and subject to the authority conferred upon the Federal Power Commission by the Natural Gas Act, particularly sections 4, 5, 15, and 16 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act, a public hearing shall be held commencing on March 24, 1975, at 10 a.m. (e.s.t.) in a hearing room of the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426, concerning the application for interim and permanent extraordinary relief filed in this proceeding by Okie Pipe Line Co.

(D) An Administrative Law Judge to be designated by the Chief Administrative Law Judge for that purpose [see Delegation of Authority, 18 CFR § 3.4 (d)] shall preside at the hearings in this consolidated proceeding and shall prescribe relevant procedural matters not herein provided.

(E) All parties including interveners and staff will file and serve on all other parties their direct evidence and testimony on or before February 25, 1975.

(F) Cross-examination shall commence on March 24, 1975.

(G) Petitioners seeking permission to intervene in the proceeding entitled Panhandle Eastern Pipeline Co. (Okie Pipe Line Co.) in Docket No. RP74-31-25 along with all other parties previously granted intervention in the proceeding entitled Panhandle Eastern Pipeline Co. in Docket No. RP71-119 are permitted to intervene in and participate in the above-styled proceeding relating to the petition for extraordinary relief filed by Okie Pipe Line Co. in Docket No. RP74-31-25 subject to the rules and regulations of the Commission: *Provided, however,* That the participation of such interveners shall be limited to matters affecting rights and interests specifically set forth in their petitions, to intervene: *Provided, further,* That the admission of such interveners shall not be construed as recogniton by the Commission that subject intervener might be aggrieved because of any order or orders issued by the Commission in this proceeding.

By the Commission.

[SEAL] KENNETH F. PLUMB, *Secretary.*

[FR Doc.75-3611 Filed 2-7-75;8:45 am]

[Docket No. E-9230]

SOUTHERN CALIFORNIA EDISON CO.

Filing of Application and Request for Waiver

JANUARY 31, 1975.

Take notice that on January 27, 1975, Southern California Edison Co. (Edison) tendered for filing a September 30, 1969, Interim Arrangement for Interconnected Operations (Navajo Interconnection Principles), and a September 13, 1974, Amendment No. 1 to the Navajo Interconnection Principles between the United States of America, Arizona Public Service Co., Department of Water and Power of the City of Los Angeles, Nevada Power Co., Salt River Project Agricultural Improvement and Power District, Tucson Gas & Electric Co., and Edison.

Edison states that the terms of the Navajo Interconnection Principles provide for the sale and purchase of emergency energy between the parties on a cash settlement basis. Edison further states that Amendment No. 1 establishes energy return at the option of the supplier as an alternate method of payment to settlement in cash for emergency service.

A waiver of the notice provisions of the Commission's regulations and an effective filing date of June 1, 1973, are requested.

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 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 Commision 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 is available for public inspection.

KENNETH F. PLUMB, *Secretary.*

[FR Doc. 75-3612 Filed 2-7-75;8:45 am]

[Docket Nos. RP72-74, RP74-6, RP73-6]

SOUTHERN NATURAL GAS CO. AND MISSISSIPPI RIVER TRANSMISSION CORP.

Order Reopening Proceedings and Requiring Environmental Impact Statements

FEBRUARY 3, 1975.

In two separate proceedings captioned above, the Presiding Administrative Law Judges have certified the following question to the Commission for disposition: [1]

[1] Administrative Law Judge Max Kane submitted this question, filed on January 15, 1975, in Docket No. RP73-6, a proceeding concerning Mississippi River Transmission Corporation's (MRT) currently effective curtailment plan. An essentially similar submission was also filed on January 15, 1975, by Administrative Law Judge Nahum Litt, presiding over the Southern Natural Gas Co. proceeding, Docket Nos. RP72-74 and RP74-6. We note that in Docket No. RP73-6 3AF Corp., on June 20, 1975, filed a motion requesting an immediate decision on the lawfulness of MRT's permanent curtailment plan prior to consideration of the environmental impact issue. We will consider this request after the period for the filing of objections has expired.

Should the proceedings in Docket * * * involving a determination of the justness and reasonableness of a permanent curtailment plan filed by * * * be reopened for the limited purpose of permitting the Staff of the Commission to prepare, circulate and file an environmental impact statement in accordance with section 102(2)(c) of NEPA?

In both proceedings the applicants, Mississippi River Transmission Corp. (MRT) and Southern Natural Gas Co. (Southern), have filed permanent curtailment plans; and exhaustive hearings on the lawfulness of these plans have been conducted. The cases have been fully submitted to the Presiding Administrative Law Judges for decision. However, both Administrative Law Judges have determined that the respective records now before them are inadequate and do not contain all of the information which is necessary for the preparation of environmental impact statements.

We have concluded that the Commission Staff must prepare and circulate environmental impact statements evaluating these two proposed curtailment plans, and that the above captioned proceedings must be reopened for this limited purpose. This conclusion is compelled by the recent decision of the Court of Appeals for the Fifth Circuit in *State of Louisiana* v. *F.P.C.*, No. 73-3478, decided November 8, 1974; in hich environmental impact statements were held to be a necessary ingredient in our consideration of permanent curtailment plans. We recognize that our action here will further delay the issuance of Initial Decisions and the permanent resolution of various curtailment procedure questions related to MRT's and Southern's operation of their transmission systems; yet we must attempt in good faith to comply with the requirements of NEPA. It is our expectation that this unavoidable delay will be minimized by the complete cooperation which MRT, Southern, and the other parties will give to the Commission Staff and, particularly, to Staff's requests for data. Similarly, we remind the parties of the Fifth Circuit's admonitions that the impact statement is not intended "to be a weapon for disappointed parties", and that this Commission "should not pour an inordinate amount of its resources into environmental forecasting."

The Commission finds. The permanent curtailment plans proposed by MRT and Southern should be the subjects of environmental impact statements and, if any party desires cross-examination thereon, of reopened hearings before the Presiding Administrative Law Judges, so that the requirements of the National Environmental Policy Act, as construed in *State of Louisiana* v. *F.P.C.* can be met.

The Commission orders. These two proceedings are reopened so that all steps necessary may be taken to insure compliance with the National Environmental Policy Act, as construed in *State of Louisiana* v. *F.P.C.* In each proceeding the Final Environmental Impact Statement prepared by the Staff shall be made a part of the record, and if any party desires to conduct cross-examination thereon, an opportunity will be afforded. In that event, a further public hearing with respect to the Final Environmental Impact Statement shall be held before the Presiding Administrative Law Judge in Washington, D.C., commencing on such date as he may, in his discretion prescribe.

By the Commission.

[SEAL] KENNETH F. PLUMB, *Secretary.*

[FR Doc.75-3613 Filed 2-7-75;8:45 am]

[Docket Nos. RI75-105 and RI75-106]

SOUTHERN UNION PRODUCTION CO. ET AL.

Order Providing for Hearing on and Suspension of Proposed Changes in Rates, and Allowing Rate Changes To Become Effective Subject to Refund [1]

JANUARY 31, 1975.

Respondents have filed proposed changes in rates and charges for jurisdictional sales of natural gas, as set forth in Appendix A hereof.

The proposed changed rates and charges may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds. It is in the public interest and consistent with the Natural Gas Act that the Commission enter upon hearings regarding the lawfulness of the proposed changes, and that the supplements herein be suspended and their use be deferred as ordered below.

The Commission orders. (A) Under the Natural Gas Act, particularly sections 4 and 15, the regulations pertaining thereto [18 CFR, Chapter I], and the Commission's rules of practice and procedure, public hearings shall be held concerning the lawfulness of the proposed changes.

(B) Pending hearings and decisions thereon, the rate supplements herein are suspended and their use deferred until date shown in the "Date Suspended Until" column. Each of these supplements shall become effective, subject to refund, as of the expiration of the suspension period without any further action by the Respondent or by the Commission. Each Respondent shall comply with the refunding procedure required by the Natural Gas Act and § 154.102 of the regulations thereunder.

(C) Unless otherwise ordered by the Commission, neither the suspended supplements, nor the rate schedules sought to be altered, shall be changed until disposition of these proceedings or expiration of the suspension period, whichever is earlier.

By the Commission.

[SEAL] KENNETH F. PLUMB, *Secretary.*

[1] Does not consolidate for hearing or dispose of the several matters herein.

APPENDIX A

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until—	Cents per Mcf* Rate in effect	Cents per Mcf* Proposed increased rate	Rate in effect subject to refund in docket No.
RI75-105	Southern Union Production Co.	21	6	Southern Union Gathering Co. (San Juan Basin, N. Mex.) (Rocky Mountain Area).	$56,610	1-2-75		7-2-75	[1] 24.98	[1] 25.48	RI74-151.
	do	16	8	El Paso Natural Gas Co. (San Juan Basin, Colo.), (Rocky Mountain Area).	286	1-6-75		7-6-75	[1] 24.48	[1] 25.48	
	do	24	[1] 8	El Paso Natural Gas Co. (Rio Arriba County, N. Mex.) (Rocky Mountain Area).	826	1-6-75		7-6-75	[1] 24.98	[1] 25.48	RI74-134.
	do	15	17	El Paso Natural Gas Co. (San Juan Basin, N. Mex.) (Rocky Mountain Area).	3,292	1-6-75		7-6-75	[1] 24.98	[1] 25.48	RI74-134.
	do	[4] 33	16	Northwest Pipeline Corp. (San Juan Basin, N. Mex.) (Rocky Mountain Area).	302	1-6-75		7-6-75	[1] 28.5	[1] 29.0	RI74-134.
						1-6-75		7-6-75	[1] 24.98	[1] 25.48	RI74-134.
	do			do		1-6-75		7-6-75	[1] 28.5	[1] 29.0	RI174-134.
RI75-106	Skelly Oil Co	102	[1] 5	Mountain Fuel Supply Co. (Moffat County, Colo.) (Rocky Mountain Area).		1-2-75	2-2-75	[5] Accepted			
	do		6	do	3,291	1-2-75	2-2-75	[6] Accepted	15.3	[1] 24.48	
				do	365	1-2-75		7-2-75	[1] 24.48	[1] 25.50	
	do	105	[1] 6	do		1-2-75	2-2-75	[6] Accepted			
	do		7	do	18,701	1-2-75	2-2-75	[6] Accepted	15.3	[1] 24.48	
					2,078	1-2-75		7-2-75	[1] 24.48	[1] 25.50	

* Unless otherwise stated, the pressure base is 15.025 lb/in²a.
[1] Base rate—subject to applicable taxes and Btu adjustement.
[2] Excludes production covered by Supplement No. 2.
[3] Amendatory agreement dated Sept. 3, 1974, providing the basis for the proposed increase.
[4] Rate schedule established by Commission order issued Dec. 31, 1974, in Docket No. G-4574 et al., Atlantic Richfield Co, et al.
[5] Accepted, as of the date set forth in the "Effective Date Unless Suspended" column.

The proposed rate increases of Skelley Oil under FPC Gas Rate Schedule Nos. 102 and 105 which do not exceed the Opinion No. 658 ceiling rate are accepted. The remaining proposed rate increases exceed the applicable Opinion No. 658 area ceiling rate and they are suspended for five months.

In regard to any sale of natural gas for which the proposed increased rate is filed under the provisions of Opinion No. 699-H, issued December 4, 1974, in Docket No. R-389-B, no part of the proposed rate increase above the prior applicable area ceiling rate may be made effective until the seller submits a statement in writing demonstrating that Opinion No. 699-H is applicable to the particular increased rate filing, in whole or in part. The proposed increased rates for which such support shall have been satisfactorily demonstrated on or before January 31, 1975, will be made effective as of June 21, 1974.

[FR Doc.75—3505 Filed 2-7-75;8:45 am]

[Docket No. E-9235]

VIRGINIA ELECTRIC AND POWER CO.

Delivery Point Change

JANUARY 31, 1975.

Take notice that on January 28, 1975, Virginia Electric and Power Co. (Virginia) tendered for filing a cancellation of a supplemental agreement servicing Northern Neck Electric Cooperative from Virginia's Warsaw Delivery Point. Virginia states that the delivery point load was transferred permanently to Virginia as a general service customer.

Any person desiring to be heard or to make any protest with reference to said application should on or before February 17, 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 is available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-3614 Filed 2-7-75;8:45 am]

FEDERAL PREVAILING RATE ADVISORY COMMITTEE

SPECIAL COMMITTEE MEETING

Pursuant to the provisions of section 10 of Pub. L. 92-463, effective January 5, 1973, notice is hereby given that a special meeting of the Federal Prevailing Rate Advisory Committee will be held on Wednesday, February 12, 1975.

The meeting will convene at 9:30 a.m., and will be held in Room 1E801, Conference Room Number 4, The Pentagon, Washington, D.C.

The Committee's primary responsibility is to study the prevailing rate system and from time to time advise the Civil Service Commission thereon.

At a regular meeting held on February 6, 1975, the Committee determined that this special meeting was required to give priority consideration to the use of special wage schedules in localities where remote worksite allowances are determined to be appropriate. This emergency notice is published in lieu of the regular 15 day notice as required by section 8(b)(3) of OMB Circular A-63, revised.

The meeting will be closed to the public on the basis of a determination under section 10(d) of the Federal Advisory Committee Act (Pub. L. 92-463) and 5 U.S.C., section 552(b)(2), that the closing is necessary in order to provide the members with the opportunity to advance proposals and counter-proposals in meaningful debate on issued related solely to the Federal Wage System with the view toward ultimately formulating advisory policy recommendations for the consideration of the Civil Service Commission.

However, members of the public who wish to do so, are invited to submit material in writing to the Chairman concerning matters felt to be deserving of the Committee's attention. Additional information concerning this meeting may be obtained by contacting the Chairman, Federal Prevailing Rate Advisory Committee, Room 5451, 1900 E Street, NW, Washington, D.C. 20415.

Dated: February 7, 1975.

DAVID T. ROADLEY,
Chairman, Federal Prevailing Rate Advisory Committee.

[FR Doc.75-3886 Filed 2-7-75;11:33 am]

INTERIM COMPLIANCE PANEL (COAL MINE HEALTH AND SAFETY)

PINE COAL CORP.

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. 4326-000, Pine Coal Corp., Mine No. 1, Mine ID No. 15 01367 0, Daisy, Ky.:

ICP Permit No. 4326-003-R-1 (Kersey 744N Mine Tractor, I.D. No. T-1).
ICP Permit No. 4326-004-R-1 (Kersey 744N Mine Tractor, I.D. No. T-2).
ICP Permit No. 4326-005-R-1 (Kersey 744N Mine Tractor, I.D. No. T-3).
ICP Permit No. 4326-006-R-1 (Kersey BJD Mine Tractor, I.D. No. T-4).

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 25, 1975. 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.

C. DONALD NAGLE,
Vice Chairman,
Interim Compliance Panel.

FEBRUARY 5, 1975.

[FR Doc.75-3615 Filed 2-7-75;8:45 am]

INTERNATIONAL TRADE COMMISSION

[332-73]

FORMULATION OF AN INTERNATIONAL COMMODITY CODE

Study

In accordance with section 608(c) of the Trade Act of 1974 (Pub. L. 93-618, approved January 3, 1975), the United States International Trade Commission has instituted an investigation, under section 332(g) of the Tariff Act of 1930 (19 U.S.C. 1332(g)), to provide the basis for (1) a report on the appropriate concepts and principles which should underlie the formulation of an international commodity code adaptable for modernized tariff nomenclature purposes and for recording, handling, and reporting of transactions in national and international trade, and (2) the Commission's participation in the U.S. contribution to technical work of the Harmonized System Committee under the Customs Cooperation Council. The full text of section 608(c) follows:

(c) In further connection with its responsibilities pursuant to subsections (a) and (b), the United States International Trade Commission shall undertake an investigation under section 332(g) of the Tariff Act of 1930 which would provide the basis for—

(1) a report on the appropriate concepts and principles which should underlie the formulation of an international commodity code adaptable for modernized tariff nomenclature purposes and for recording, handling, and reporting of transactions in national and international trade, taking into account how such a code could meet the needs of sound customs and trade reporting practices reflecting the interests of United States and other countries, such report to be submitted to both Houses of Congress and to the President as soon as feasible, but in any event, no later than June 1, 1975; and

(2) full and immediate participation by the United States International Trade Commission in the United States contribution to technical work of the Harmonized System Committee under the Customs Cooperation Council to assure the recognition of the needs of the United States business community in the development of a Harmonized Code reflecting sound principles of commodity identification and specification and modern producing methods and trading practices, and, in carrying out such responsibilities, the Commission shall report to both Houses of Congress and to the President, as it deems appropriate.

As soon as practicable, the Commission will issue a preliminary draft for the purposes of receiving the views and comments of interested parties with respect to the report required by subsection (c)(1) of section 608. The draft will include a statement on the appropriate concepts and principles which should underlie the formulation of an international commodity code adaptable for the purposes indicated in section 608(c)(1).

To permit participation by the Commission in the U.S. contribution to technical work of the Harmonized System Committee of the Customs Cooperation Council as required by subsection (c)(2) of section 608, the Commission may obtain information by any of the methods specified in rule 201.9 of the Commission's rules of practice and procedure, i.e., from its own files, from other agencies of the Government, through questionnaires and correspondence, through fieldwork by members of the Commission's staff, and from testimony and other evidence which may be presented at public hearings. Specific opportunities for the U.S. business community and other interested parties to comment on draft provisions of a harmonized commodity code will be provided as appropriate.

Due notice will be given of any hearing which may be scheduled in the investigation.

Any correspondence relating to this investigation should be addressed to the Secretary, United States International Trade Commission, Washington, D.C. 20436.

By order of the Commission.

Issued: February 4, 1975.

KENNETH R. MASON,
Secretary.

[FR Doc.75-3626 Filed 2-7-75;8:45 am]

[TEA-W-262]

SANDLER-ETTE FOOTWEAR MANUFACTURING CORP.

Workers' Petition; Investigation

On the basis of a petition filed under section 301(a)(2) of the Trade Expansion Act of 1962, on behalf of the workers and former workers of the Sandler-Ette Footwear Manufacturing Corp., Webster, Mass., a wholly owned subsidiary of the Kayser-Roth Corp., New York, New York, the United States International Trade Commission, on February 3, 1975, instituted an investigation under section 301(c)(2) of the Act to determine whether, as a result in major part of concessions granted under trade agreements, articles like or directly competitive with footwear for women, misses and children (of the types provided for in Items 700.45 and 700.55 of the Tariff Schedules of the United States) produced by said firm are being imported into the United States in such increased quantities as to cause, or threaten to cause, the unemployment or underemployment of a significant number or proportion of the workers of such firm or an appropriate subdivision thereof.

The optional public hearing afforded by law has not been requested by the petitioners. Any other party showing a proper interest in the subject matter of the investigation may request a hearing, provided such request is filed within 10 days after notice is published in the FEDERAL REGISTER.

The petition filed in the case is available for inspection at the Office of the Secretary, United States International Trade Commission, 8th and E Streets, NW., Washington, D.C., and at the New York office of the International Trade Commission located at 6 World Trade Center.

By order of the Commission.

Issued: February 4, 1975.

KENNETH R. MASON,
Secretary.

[FR Doc.75-3625 Filed 2-7-75;8:45 am]

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[Notice (75-6)]

NASA LUNAR ADVISORY COMMITTEE

Meeting

The NASA Lunar Advisory Committee will meet at the Jet Propulsion Laboratory on February 24, 25, and 26, 1975. The meeting will be held in Room 101 of Building 180 of the Laboratory located at 4800 Oak Grove Drive, Pasadena, California.

The meeting will begin at 9 a.m. on Monday, February 24 and 8:30 a.m. on February 25 and 26 and will end at 6 p.m. on the 24th and 25th and 4 p.m. on the 26th. The meeting is open to members of the public to within the 80-seat capacity of the room.

The 15-member Lunar Advisory Committee serves in a consultative capacity to the National Aeronautics and Space Administration to review the NASA lunar programs and objectives. From 9 a.m. to 10 a.m. on Monday, the Committee will review the status of previous recommendations and action items. The period from 10 a.m. until noon will be devoted to a discussion on the effects on the lunar program of recent budgetary decisions. From 1 p.m. until 6 p.m., the Committee will discuss NASA's science planning and develop procedures and formats for updating (1) NASA's advanced lunar planning and (2) revising the 1972 Lunar Science Institute's booklet "Post-Apollo Lunar Science."

On Tuesday and Wednesday the 25th and 26th, the Committee will be divided into two subcommittees which will meet in working sessions. One subcommittee will review the existing lunar advanced planning documents and recommend modifications to these plans. The other subcommittee will recommend changes to the Lunar Science Institute's document mentioned above.

The entire Committee will meet together from 2 p.m. to 4 p.m. on the 26th to review progress and assign to individual members tasks needed to complete the up-dating projects.

This notice of meeting may not be published in the FEDERAL REGISTER with the required 15-day notice. The reason for the late notice was due to the need to publish a detailed agenda which was not officially approved until February 6, 1975.

For further information regarding the meeting, please contact Dr. Richard J. Allenby, Area Code 202–755–1948.

Dated: February 7, 1975.

BOYD C. MEYERS, II,
Assistant Associate Administrator for Organization and Management, National Aeronautics and Space, Administration.

[FR Doc.75-3836 Filed 2-7-75;9:52 am]

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

National Endowment for the Arts

MUSIC ADVISORY PANEL

Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463), notice is hereby given that a meeting of the Music Advisory Panel to the National Council on the Arts will be held on February 26, 27, 28, and March 1, 1975, in the 14th floor conference room, 2401 E Street, Washington, D.C. The meetings will be held from 9:30–5 p.m. on February 27 and 28; from 1:30–5 p.m. on February 26; and from 9:30 a.m.–12 noon on March 1.

A portion of this meeting will be open to the public on February 26 from 1:30–5 p.m. and on March 1 from 9:30 a.m.–12 noon. There will be a report on the Music Policy Conference during these open sessions.

The remaining sessions of this meeting February 27 and 28, 1975, are for the purpose of Panel review, discussion, evaluation, and recommendation on applications for financial assistance under the National Foundation on the Arts and the Humanities Act of 1965, as amended, including discussion of information given in confidence to the agency by grant applicants. In accordance with the determination of the Chairman published in the FEDERAL REGISTER of January 10, 1973, these sessions, which involve matters exempt from the requirements of public disclosure under the provisions of the Freedom of Information Act (5 U.S.C. 552(b) (4) and (5)), will not be open to the public.

Further information with reference to this meeting can be obtained from Mrs. Luna Diamond, Advisory Committee Management Officer, National Endowment for the Arts, Washington, D.C. 20506, or call (202) 634–7144.

EDWARD M. WOLFE,
Administrative Officer, National Endowment for the Arts, National Foundation on the Arts and the Humanities.

[FR Doc.75-3676 Filed 2-7-75;8:45 am]

NATIONAL SCIENCE FOUNDATION

DIVISION OF PRE-COLLEGE EDUCATION IN SCIENCE

Project Directors' Meeting

The Division of Pre-College Education in Science of the National Science Foundation customarily sponsors project directors' meetings to provide opportunities for the exchange of information and ideas among project directors, school system representatives and NSF program staff members. The schedule for project directors' meetings for 1975 is listed below.

FEBRUARY 13–15, 1975

SHERATON-BILTMORE, ATLANTA, GEORGIA; AND PALMER HOUSE, CHICAGO, ILLINOIS

February 13—2–5 p.m.; 7:30–9 p.m.
February 14—9 a.m.–5 p.m.
February 15—9 a.m.–12 Noon.

FEBRUARY 20–22, 1975

HOLLYWOOD ROOSEVELT, LOS ANGELES, CALIFORNIA

February 20—3–5 p.m.; 7:30–9 p.m.
February 21—9 a.m.–5 p.m.
February 22—9 a.m.–12 Noon

The project directors' meetings are not considered to be meetings of "advisory committees" as that term is defined in section 3 of the Federal Advisory Committee Act, Pub. L. 92–463. However, it is believed that these meetings are of sufficient importance and interest to the general public to have them opened for public attendance and observation. Public attendance is encouraged especially on the first day and evening when the meeting will be devoted to a discussion of the current outlook with respect to the new thrusts introduced in the National Science Foundation's program in the Education Directorate in FY 1974. An optional informative conference on emerging NSF curricula is scheduled for the first evening (7:30–9 p.m.) of each session. The second and third days of each meeting will encompass detailed discussions of plans for the operation of the 1975 projects.

Persons wishing to attend any of these meetings or requiring further information should contact Ms. Jane Stutsman, Program Manager, Instructional Improvement Implementation Section, Division of Pre-College Education in Science, Rm. 418–W, National Science Foundation, Washington, D.C. 20550, telephone 202/282–7950.

R. GAIL ANDERSON,
Acting Committee Management Officer.

FEBRUARY 5, 1975.

[FR Doc.75-3677 Filed 2-7-75;8:45 am]

NUCLEAR REGULATORY COMMISSION

[Docket Nos. 50–254 and 50–265]

COMMONWEALTH EDISON CO. AND IOWA-ILLINOIS GAS AND ELECTRIC CO. (QUAD CITIES, UNITS 1 AND 2)

Facility Operating Licenses

The Nuclear Regulatory Commission (the Commission) is considering the issuance of amendments to Facility Operating Licenses Nos. DPR–29 and DPR–30 (respectively) issued to the Commonwealth Edison Company (acting for itself and on behalf of the Iowa-Illinois Gas and Electric Company) for operation of Quad Cities Units 1 and 2, boiling water reactors located in Rock Island County, Illinois, and each currently authorized for operation at power levels up to 2511 MWt.

The amendments would change the provisions of the Technical Specifications for the facilities to incorporate operating limits based on the General Electric Thermal Analysis Basis in accordance with the licensee's application for license amendment dated December 13, 1974, as supplemented by December 20, 1974 and January 27, 1975.

Prior to issuance of the proposed license amendments, the Commission will have made the findings required by the Act and the Commission's regulations.

On or before March 12, 1975, any person whose interest may be affected by the proceeding may file a request for a hearing in the form of a petition for leave to intervene with respect to the issuance of the amendment to the subject facility operating license. Petitions for leave to intervene must be filed under oath or affirmation in accordance with the provisions of section 2.714 of 10 CFR Part 2 of the Commission's regulations. A petition for leave to intervene must set forth the interest of the petitioner in the proceeding, how that interest may be affected by the results of the proceeding, and the petitioner's contentions with respect to the proposed licensing action. Such petitions must be filed in accordance with the provisions of this FEDERAL REGISTER notice and Section 2.714, and must be filed with the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Docketing and Service Section by March 12, 1975. A copy of the petition and/or request for a hearing should be sent to the Chief Hearing Counsel, Office of the Executive Legal Director, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555 and to John W. Rowe, Esq., the attorney for the applicant, One First National Plaza, Chicago, Illinois 60670.

A petition for leave to intervene must be accompanied by a supporting affidavit which identifies the specific aspect or aspects of the proceeding as to which intervention is desired and specifies with particularity the facts on which the petitioner relies as to both his interest and his contentions with regard to each aspect on which intervention is requested. Petitions stating contentions relating only to matters outside the Commission's jurisdiction will be denied.

All petitions will be acted upon by the Commission or an Atomic Safety and Licensing Board designated by the Commission or by the Chairman of the Atomic Safety and Licensing Board Panel. Timely petitions will be considered to determine whether a hearing should be noticed or another appropriate order issued regarding the disposition of the petitions.

In the event that a hearing is held and a person is permitted to intervene, he becomes a party to the proceeding and has a right to participate fully in the conduct of the hearing. For example, he may present evidence and examine and cross-examine witnesses.

For further details with respect to this action, see (1) the application for amendment dated December 13, 1974, and supplements thereto dated December 20, 1974 and January 27, 1975, (2) the nonproprietary General Electric Report NEDO-10958, and (3) the Commission's evaluation of the General Electric Report dated September 1974, which are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. and at the Moline Public Library, 504—17th Street, Moline, Illinois 61265. As they become available, the Commission's related Safety Evaluation and license amendments and any attachments may be inspected at the above locations. A copy of the license amendments and attachments and the Safety Evaluation, when available, 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 3rd day of February, 1975.

For the nuclear regulatory commission.

DENNIS L. ZIEMANN,
Chief, Operating Reactors Branch #2, Division of Reactor Licensing.

[FR Doc.75-3704 Filed 2-7-75;8:45 am]

[Docket No. 50-255]

CONSUMERS POWER CO. (PALISADES PLANT)

Order for Modification of License

FEBRUARY 6, 1975.

I. Consumer Power Company (the Licensee) is the holder of Provisional Operating License No. DPR-20, which authorizes operation of the Palisades Plant (the facility) at power levels up to 2,200 megawatts thermal. The facility is located in Covert Township, Van Buren County, Michigan.

II. The facility is a pressurized water reactor which consists of a two loop system using two steam generators designated as "A" and "B". The facility commenced commercial operation on December 22, 1971, and, during the course of operation since that time, the tubes within both steam generators have experienced localized corrosion of the wastage type and intergranular cracking. The cause of this steam generator tubing corrosion is attributed to phosphate treatment of the water chemistry in the secondary coolant system.

It should be noted by way of background that on January 15, 1973, after approximately one year of intermittent operation of the facility, the first leak in the facility's steam generator tubes developed. Eddy current inspection detected wall thinning in the tubes of both steam generators in the U-bend area. All tubes in the first eleven rows from the divider plates were plugged, and the facility returned to service early in March 1973, after which it operated at essentially 100 percent rated power. On August 11, 1973, the facility was shutdown because of steam generator tube leakage in excess of the limits established by the license technical specifications. Eddy current measurements performed during September 1973 showed measurable wall thinning on nearly half the tubes in each of the two steam generators. The inservice inspection and evaluation continued through April 1974, and all tubes with eddy current indications of 60 percent or more wall thinning were plugged. During a preoperational hydrostatic test early in May 1974, leaks developed in two tubes at a pressure differential of 200 psi. Reinspections of the steam generators showed that a number of tubes had developed a new type of degradation called "intergranular attack" during the nine-month period of shutdown. Thereafter, the Licensee plugged all tubes suspected of intergranular attack.

By September 1974, the Licensee had plugged all steam generator tubes which either were the subject of intergranular attack or exhibited eddy current indications of wall thinning of 50 percent[1] or more. In addition, the Licensee proposed to avoid further corrosion effects by changing from a phosphate water chemistry regime to an all volatile water chemistry treatment of the secondary coolant system. Based on the then AEC Regulatory Staff's (hereinafter referred to as the "NRC Staff") Safety Evaluation Reports dated August 30, 1974, and November 27, 1974, resumed operation of the facility was authorized. Specifically, (i) the facility could be operated at first only at limited power levels consistent with the requirements of a program designed to flush residual phosphates from the secondary coolant system, and then at power levels up to 100 percent of rated power subject to the limiting of the maximum operating transient differential pressure across the steam generator tubes to 1530 psi; and (ii) because of the possibility of the recurrence of further corrosion, the facility would be subject to a further steam generator tube inspection at the end of ninety effective full-power days or six calendar months from the date of resumption of criticality—September 5, 1974—whichever occurs first. Based on the foregoing, the NRC Staff determined that, taking into account the number of tubes plugged, the steam generators met the requirements for reactor system performance, and that steam generator tube integrity could be maintained with adequate margins of safety during normal operation or under postulated accident conditions. Accordingly, on August 30, 1974, and November 27, 1974, Provisional Operating License No. DPR-20 was amended by Amendments Nos. 10 and 11 to reflect the foregoing requirements.

In December 1974, the Licensee, on its own initiative, conducted an eddy current inspection of steam generator tubes in the "A" steam generator. On January 3, 1975, the Licensee reported the results of this inspection. The Licensee tested a sample of 569 tubes selected with emphasis upon tubes which had eddy current indications of at least 40 percent wall thinning in previous tests. Within the inspection sample, 27 tubes had eddy current indications of corrosion exceeding 50 percent. Of the 27 tubes, one tube had indications exceeding 70 percent (which the Licensee has since plugged); three tubes, from 60 to 70 percent; and 23 tubes, from 50 to 60 percent. These test results suggest (i) the possibility of continuing corrosion, and (ii) that there may exist, within the facility's steam generators, a number of tubes with wall thinning significantly in excess of the limit established by the tube plugging criterion upon which the basis for operation of the facility has been authorized under Amendments Nos. 10 and 11, and that, therefore, such thinning could represent a significant reduction in the margins of safety needed to protect the health and safety of the public.

Although the facility is otherwise ready to resume operation, the Licensee has maintained the facility in a shutdown condition since the December 1974 inspection was performed. Under the present operating license, absent further action by the NRC Staff, the Licensee could return the facility to full power operation in its present condition until March 5, 1975, without any further inspections.[2]

III. In view of the foregoing, the Acting Director, Office of Nuclear Reactor Regulation, finds that the additional license provisions set forth in part IV below are required, and that the public

---

[1] By September 1974, the plugging criterion had been revised from 60 to 50 percent.

[2] As indicated supra, Amendments Nos. 10 and 11 require a further steam generator tube inspection after ninety effective full-power curs first. The six-month period expires first, and it occurs on March 5, 1975.

health, safety or interest require that these conditions be made immediately effective upon issuance.

IV. Accordingly, pursuant to the Atomic Energy Act of 1954, as amended, and the Commission's rules and regulations in 10 CFR Parts 2 and 50, *it is ordered*, That:

1. The Provisional Operating License No. DPR-20 is amended by the addition of paragraphs 4.14.4 and 4.14.5 to the Technical Specifications as follows:

4.14.4 The Licensee shall conduct prior to further reactor operation the following steam generator in-service inspection program:

A. Inspect all steam generator tubes in both steam generators which previously had defect indications, not including plugged tubes) of greater than 20 percent wall penetration in the manner prescribed by Regulatory Guide 1.83 (issued June 1974), as that guide applies to inspections after the baseline inspection. All tubes with indications of 50 percent or more wall thinning shall be plugged; or in the alternative,

B. Conduct additional statistical inspections as follows:

1. With respect to each steam generator "A" tube with December 1974 test indications of 50 percent or more wall thinning, either plug such tube or re-evaluate by the following procedure:

(a) Eddy current test such tube to obtain at least 2 additional readings.

(b) Average the 2 or more additional readings with the December 1974 reading.

(c) If the average indicated wall thinning is 50 percent or more, plug the tube.

2. If the results of B.1 above require plugging one or more tubes (in addition to the one tube already plugged since the December 1974 inspection), an additional 3 percent of the total tubes in steam generator "A" shall be inspected, concentrating on those areas of the tube sheet array where tubes with defects were previously found. All tubes with indications of 50 percent or more wall thinning shall be plugged.

3. Continue the sampling procedure of B.2 above until a sampling results in no tubes found that require plugging, or all tubes have been inspected.

4. Irrespective of the results of the inspection in B.1 through B.3 above, sample 3 percent of the total tubes in steam generator "B", concentrating on those areas of the tube sheet array where tubes with defects were previously found. Acceptance, plugging, and further sampling criteria shall be the same as described above for steam generator "A".

C. The results of the above-described inspection and tube plugging program, and a proposal for the conduct of future operations, including a recommended schedule for the next steam generator tube inspection shall be submitted to the NRC Staff for review and approval by letter prior to further operation.

4.14.5 Any steam generator tubes with eddy current indications of 50 percent or more wall thinning shall be removed from service by plugging. Such indications may be confirmed by averaging during a given inspection, but such average shall be based on not less than three readings, in which case an average indication of 50 percent or more wall thinning shall result in tube plugging.

2. This order is effective immediately upon issuance.

3. Within thirty (30) days of the date of issuance of this Order, the Licensee may file a request for a hearing with respect to this Order. Within the same thirty (30) day period, any other person whose interest may be affected may file a request for a hearing with respect to this Order. If a request for a hearing is filed within the prescribed time herein, the Commission will issue a notice of hearing or such other order as may be appropriate. A reqeust for a hearing must be filed with the Office of the Secretary, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Docketing and Service Section. A copy of the request for a hearing should also be sent to the Chief Hearing Counsel, Office of the Executive Legal Director, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, and to R. Rex Renfrow, III, Esquire, Isham, Lincoln & Beale, One First National Plaza, Chicago, Illinois 60670, attorney for the Licensee.

A petition for leave to intervene must be accompanied by a supporting affidavit which identifies the specific aspect or aspects of this Order as to which intervention is desired and specifies with particularity the facts on which the petitioner relies as to both his interest and his contentions with regard to each aspect on which intervention is requested. Petitions stating contentions relating only to matters outside the Commission's jurisdiction will be denied.

All requests for a hearing and petitions for leave to intervene will be acted upon by the Commission or an Atomic Safety and Licensing Board designated by the Commission or by the Chairman of the Atomic Safety and Licensing Board Panel.

In the event that a hearing is held and a petitioner is permitted to intervene, that petitioner becomes a party to the proceeding and has a right to participate fully in the conduct of the hearing. For example, the petitioner may present evidence and examine and cross-examine witnesses.

For further details with respect to this action, see (1) Provisional Operating License No. DPR-20, as amended, (2) the Licensee's inspection report dated January 3, 1975, (3) the Commission's Safety Evaluation Report dated August 30, 1974, issued in connection with Amendment No. 10 to the operating license dated August 30, 1974, which was issued in response to the Licensee's application for amendment dated August 20, 1974, and its letter to the Directorate of Licensing dated August 28, 1974, requesting interim technical specifications, and (4) the Commission's Safety Evaluation Report dated November 27, 1974, issued in connection with Amendment No. 11 to the operating license dated November 27, 1974, which was issued in response to the Licensee's August 20, 1974, application for amendment as supplemented November 7, 1974. All of the above documents are available for inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C., and at the Kalamazoo Public Library, 315 South Rose Street, Kalamazoo, Michigan 49006.

Order dated and issued at Bethesda, Maryland, this 6th day of February, 1975.

For the Nuclear Regulatory Commission.

EDSON G. CASE,
Acting Director, Office of Nuclear Reactor Regulation.

[FR Doc.75-3831 Filed 2-7-75;9:44 am]

[DOCKET NO. P-531-A]

PUBLIC SERVICE COMPANY OF OKLAHOMA

Receipt of Partial Application for Construction Permits and Facility Licenses; Time for Submission of Views on Antitrust Matters

FEBRUARY 7, 1975.

Public Service Company of Oklahoma (the applicant), pursuant to section 103 of the Atomic Energy Act of 1954, as amended, has filed one part of an application, dated November 20, 1974, in connection with its plans to construct and operate two boiling water reactors in Rogers County, Oklahoma, near the town of Inola. The portion of the application filed contains the information requested by the Attorney General for the purpose of an antitrust review of the application as set forth in 10 CFR Part 50, Appendix L.

The remaining portion of the application consisting of a Preliminary Safety Analysis Report accompanied by an Environmental Report pursuant to § 2.101 of Part 2, is expected to be filed during August 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, and at the Local Public Document Room, Tulsa City—County Library, Tulsa, Oklahoma 74102. Docket No. P-531-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 18, 1975.

Dated at Bethesda, Maryland, this 9th day of January, 1975.

For The Atomic Energy Commission.

WALTER R. BUTLER,
Chief, Light Water Reactors Branch 1-2, Directorate of Licensing.

[FR Doc.75-1355 Filed 1-16-75;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 February 4, 1975, (44 U.S.C. 3509). The purpose of publishing this list in the FEDERAL REGISTER is to inform the public.

The list includes the title of each request received; the name of the agency sponsoring the proposed collection of information; the agency form number(s), if applicable; the frequency with which the information is proposed to be collected; the name of the reviewer or reviewing division within OMB, and an indication of who will be the respondents to the proposed collection.

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

National Cemetery Quarters Appraisal Record, 40-4985, on occasion, real estate appraisers, Caywood, D. P., 395-3443.

DEPARTMENT OF AGRICULTURE

Agricultural Stabilization and Conservation Service: Report of Basic Farm Data, ASCS-95, Annually, Farmers Eligible for ASCS Programs, Lowry, R. L., 395-3772.

DEPARTMENT OF COMMERCE

National Oceanic & Atmospheric Administration: 1975 Northwest Sport Fishing Survey, Single-time, Sport Fishermen, Planchon, P., 395-3898.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Public Health Service: Report of Expenditures for Project Grants, PHS5196, Annually, Grantees-nationwide, Lowry, R. L., 395-3772.

Office of the Secretary: Evaluation of Nutrition Programs for the Elderly, Outreach Activities, OS-7-75, Single-time, Elderly Nutrition Program Participants, Rees, B. F., 395-3630.

Center for Disease Control: Police Job Stress and Health, CDCNIO0123, Single-time, Policemen, Ellett, C. A., 395-6172.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMET

New Communities: Application for Federal Assistance—New Communities, Community Development Program—New Communities Assurances—New Communities, On Occasion, Federally assisted new communities, Sunderhauf, M. B., 395-4911.

REVISIONS

SMITHSONIAN INSTITUTION

Catalog of American Portraits—Survey Form, SI-1833, On occasion, Museums, historical agencies, schools, Caywood, D. P., 395-3443.

DEPARTMENT OF AGRICULTURE

Statistical Reporting Service: Multiframe Hog and Cattle Survey, Quarterly, hog and cattle farmers, Lowry, R. L., 395-3772.

DEPARTMENT OF COMMERCE

Bureau of the Census: Quarterly Survey-Selected Local Taxes, F-73, Quarterly, Selected major city and county governments, Ellett, C.A., 395-6172.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of the Secretary: Survey of Mortgage Lending Activity, HUD 136, Monthly, Mortgage lending groups, Hulett, D. T., 395-4730.

EXTENSIONS

NATIONAL SCIENCE FOUNDATION

Grade Report: Graduate, Graduate Teaching Assistants & Secondary School Teachers (applicants for fellowship awards), NSF-310, Annually, Evinger, S. K., 395-3648.

Fellowship Starting Certificate: Faculty, Secondary School Teachers (acceptees of Awards), NSF-349, Annually, Evinger, S. K., 395-3648.

DEPARTMENT OF STATE (EXCL. AID AND ACTION)

Application to take the Written Examination for Appointment as a Foreign Service Officer, DSP-24, Annually, Individuals Seeking Employment, Evinger, S. K., 395-3648.

Application for Confidential Verification of Birth, DSP-16, on occasion, Evinger, S. K., 395-3648.

NATIONAL SCIENCE FOUNDATION

Proposed Plan for Research (Graduate Levels) Graduate Teaching Assistants (Individuals Applying for Fellowship Awards), NSF-306, Annually, Evinger, S. K., 395-3648.

DEPARTMENT OF COMMERCE

Bureau of East-West Trade: Statement by Foreign Importer of Aircraft or Vessel Repair Parts (Regulation), ECR 373.8, annually, Commercial Importers of U.S. Gods, Evinger, S. K., 395-3648.

National Oceanic & Atmospheric Administration: Fish hatchery visits, on occasion, visitors to fish hatcheries, Lowry, R. L., 395-3772.

DEPARTMENT OF DEFENSE

Departmental and other: Application for review of discharge or separation from the Armed Forces of the United States, DD-293, on occasion, Evinger, S. K., 395-3648.

Department of the Army (Excl. Office of Civil Defense): Record of arrivals and departures of vessels, RHB-2/ENG3, monthly, Evinger, S.K., 395-3648.

Department of the Army (Excl. Office of Civil Defense): Description of operations (vessels operating in U.S. waterways, ENG 3932, annually, commercial vessel operators, Strasser, A., 395-3880.

Department of the Army (Excl. Office of Civil Defense): Description of vessels (operating in U.S. waterways), ENG 3931, annually, commercial vessel operators, Strasser, A., 395-3880.

PHILLIP D. LARSEN,
Budget and Management Officer.

[FR Doc.75-3768 Filed 2-7-75;8:45 am]

SECURITIES AND EXCHANGE COMMISSION

[File No. 500-1]

AMERICAN AGRONOMICS CORP.

Suspension of Trading

JANUARY 31, 1975.

The common stock of American Agronomics Corp. being traded on the American Stock Exchange pursuant to provisions of the Securities Exchange Act of 1934 and all other securities of American Agronomics 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 exchange and otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

Therefore, pursuant to sections 19(a)(4) and 15(c)(5) of the Securities Exchange Act of 1934, trading in such securities on the above mentioned exchange and otherwise than on a national securities exchange is suspended, for the period from February 2, 1975, through February 11, 1975.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc. 75-3651 Filed 2-7-75; 8:45 am]

[File No. 500-1]

BBI, INC.

Suspension of Trading

JANUARY 31, 1975.

The common stock of BBI, Inc., being traded on the American Stock Exchange and the Philadelphia-Baltimore-Washington Stock Exchange pursuant to provisions of the Securities Exchange Act of 1934 and all other securities of BBI, Inc., being traded otherwise than on a national securities exchange; and

It appearing to the Securities and Exchange Commission that the summary suspension of trading in such securities on such exchanges and otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

Therefore, pursuant to section 19(a)(4) and 15(c)(5) of the Securities Exchange Act of 1934, trading in such securities on the above mentioned exchange and otherwise than on a national securities exchange is suspended, for the period from February 3, 1975, through February 12, 1975.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.75-3652 Filed 2-7-75;8:45 am]

CHICAGO BOARD OPTIONS EXCHANGE, INC.

Amendment to Option Plan

Notice is hereby given that the Chicago Board Options Exchange, Inc. (CBOE) has filed proposed amendments to its Option Plan pursuant to Rule 9b–1 under the Securities Exchange Act of 1934 (17 CFR 240.9b–1). The CBOE proposes to amend Rule 14.5 and add a new Rule 6.25.

The proposed amendment to Rule 14.5 provides for the elimination of fixed minimum commissions on orders executed on the floor of the Exchange by Floor Brokers. The amendments also provide for the continued regulation by the Exchange of commission rates charged by Board Brokers in the form of a schedule of standard commission rates from which departures could be permitted under certain circumstances. Any such departure would have to be nondiscriminatory among customers, filed with the Floor Procedure Committee at least thirty days prior to its effectiveness and not disapproved by that committee as being unreasonable or discriminatory and continuously displayed at the post.

Proposed Rule 6.25 would prohibit two or more member organizations, each of which does a public or correspondent business and has its own floor broker or brokers on the floor of the Exchange, from entering into any kind of a pooling arrangement whereby orders managed on the floor by one of such firms would be executed by the floor broker or brokers of another of such firms.

CBOE has also withdrawn its previously filed amendments to Rules 14.5 and 14.6, noticed at 39 FR 40203 and 39 FR 43338, respectively.

The proposed amendments will become effective on March 12, 1975, or upon such earlier date as the Commission may allow unless the Commission shall disapprove the changes in whole or in part as being inconsistent with the public interest or the protection of investors.

All interested persons are invited to submit their views and comments on the proposed amendments to CBOE's plan either before or after they have become effective. Written statements of views or comments should be addressed to the Secretary, Securities and Exchange Commission, 500 North Capitol Street, Washington, D.C. 20549. Reference should be made to File No. 10–54. The proposed amendments are, and all such comments will be, available for public inspection at the Public Reference Room of the Securities and Exchange Commission at 1100 L Street NW., Washington, D.C.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

JANUARY 30, 1975.

[FR Doc.75–3061 Filed 2–7–75;8:45 am]

CHICAGO BOARD OPTIONS EXCHANGE, INC.

Non-disapproval of Amendments to Option Plan

Notice is hereby given that on January 28, 1975, the Commission considered and did not disapprove proposed amendments to the Option Plan of the Chicago Board Options Exchange, Inc. (CBOE) pursuant to rule 9b–1 under the Securities Exchange Act of 1934 (17 CFR 240.9b–1). The CBOE proposed to amend rule 2.6 and add rule 6.6 which were originally noticed at 39 FR 44100.

The proposed amendment to rule 2.6 would change the definition of a quorum for the Floor Procedure Committee and would permit the Floor Procedure Committee to appoint additional Floor Officials. Proposed rule 6.6 authorizes Floor Officials to make a temporary response to unusual market conditions in a class of option contracts without imposing a trading halt in that class.

All interested persons are invited to submit their views and comments on the proposed amendment and new rule to CBOE's plan either before or after it has become effective. Written statements of views and comments should be addressed to the Secretary, Securities and Exchange Commission, 500 North Capitol Street, Washington, D.C. 20549. Reference should be made to File No. 10–54. The proposed amendment is, and all such comments will be, available for public inspection at the Public Reference Room of the Securities and Exchange Commission at 1100 L Street NW., Washington, D.C.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

JANUARY 30, 1975.

[FR Doc.75–3060 Filed 2–7–75;8:45 am]

CHICAGO BOARD OPTIONS EXCHANGE, INC.

Notice of Amendment to Option Plan

Notice is hereby given that the Chicago Board Options Exchange, Inc. (CBOE) has filed a proposed amendment to its Option Plan pursuant to rule 9b–1 under the Securities Exchange Act of 1934 (17 CFR 240.9b–1).

The proposed amendment would modify paragraph (e) of rule 14.3 in order to make the 40 percent discount from non-member commissions available to Canadian brokers which are members of a Canadian securities exchange or association acceptable to CBOE.

The proposed amendment will become effective on March 12, 1975, or upon such earlier date as the Commission may allow unless the Commission shall disapprove the change in whole or in part as being inconsistent with the public interest or the protection of investors.

All interested persons are invited to submit their views and comments on the proposed amendment to CBOE's plan either before or after it becomes effective. Written statements of views and comments should be addressed to the Secretary, Securities and Exchange Commission, 500 North Capitol Street, Washington, D.C. 20549. Reference should be made to File No. 10–54. The proposed amendment and all such comments will be available for public inspection at the Public Reference Room of the Securities and Exchange Commission at 1100 L Street NW., Washington, D.C.

Dated: January 30, 1975.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.75–3063 Filed 2–7–75;8:45 am]

CHICAGO BOARD OPTIONS EXCHANGE, INC.

Notice of Amendment to Option Plan

Notice is hereby given that the Chicago Board Options Exchange, Inc. (CBOE) has filed a proposed amendment to its Option Plan filed pursuant to Rule 9b–1 under the Securities Exchange Act of 1934 (17 CFR 240.9b–1).

The proposed addition to Rule 6.45 provides that, where necessary in order to achieve a single-price opening the Board Broker may give priority to market orders entitled to participate in the opening over limit orders at the opening price on the Board Broker's book, thus reversing the existing order of priority. This change will enable CBOE to eliminate the range of opening prices which occurs at some openings.

The proposed amendment will become effective on March 12, 1975, or upon such earlier date as the Commission may allow unless the Commission shall disapprove the change in whole or in part as being inconsistent with the public interest or the protection of investors.

All interested persons are invited to submit their views and comments on the proposed amendment to CBOE's plan either before or after it has become effective. Written statements of views or comments should be addressed to the Secretary, Securities and Exchange Commission, 500 North Capitol Street, Washington, D.C. 20549. Reference should be made to File No. 10–54. The proposed amendment is, and all such comments will be, available for public inspection at the Public Reference Room of the Securities and Exchange Commission at 1100 L Street NW., Washington, D.C.

Dated: January 30, 1975.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.75–3062; Filed 2–7–75;8:45 am]

[File No. 500–1]

FIDELITY MORTGAGE INVESTORS

Suspension of Trading

JANUARY 31, 1975.

The shares of beneficial interest of Fidelity Mortgage Investors being traded on the New York and Pacific Stock Exchanges; the 7¾ percent convertible subordinated debentures due December 1, 1985, being traded on the American Stock Exchange; the warrants to purchase 1 share of beneficial interest and the units consisting of 1 debenture and 1 warrant being traded over-the-counter

pursuant to provisions of the Securities Exchange Act of 1934 and all other securities of Fidelity Mortgage Investors 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 a.m. (e.s.t.) on January 31, 1975, through 10 a.m. (e.s.t.) on February 9, 1975.

By the Commission.

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

[FR Doc.75-3653 Filed 2-7-75;8:45 am]

[File No. 24D-3363]

MINCOMP CORP.

Order Temporarily Suspending Exemption, Statement of Reasons Therefor and Notice of Opportunity for Hearing

JANUARY 28, 1975.

Mincomp Corp. (Issuer), 1780 South Bellaire, Denver, Colorado 80222, incorporated in Colorado on January 15, 1970, filed with the Commission on July 13, 1973, a Notification on Form 1-A and an Offering Circular relating to a proposed public offering of 300,000 shares of its no par common stock of $1.00 per share for an aggregate offering price of $300,000. The purpose of this filing was to obtain an exemption from the registration requirements of the Securities Act of 1933, as amended, pursuant to the provisions of section 3(b) thereof, and Regulation A adopted thereunder. Mr. Edward R. Mellicker, Jr., vice president and director of the Issuer, 1130 Grape, Denver, Colorado, was designated as underwriter for the Issuer. The Issuer's Form 2-A Report filed on January 11, 1974, showed that the offering commenced on August 10, 1973, and terminated on January 10, 1974.

The Commission, on the basis of information reported to it by its staff has reasonable cause to believe that:

A. The notification and offering circular filed by the issuer contain untrue statements of material facts and omit to state material facts necessary in order to make the statements made, in the light of the circumstances under which they were made, not misleading, in the following respects:

1. The failure to disclose bank overdrafts and other corporate debts resulting from the Issuer's operations;

2. The failure to disclose the existence of repurchase agreements between insiders and various persons purchasing pursuant to the offering;

3. The failure to accurately disclose the use to be made of the proceeds of the offering;

4. The failure to disclose the issuance of restricted stock held by insiders as consideration for purchasing stock of the offering pursuant to the repurchase agreements;

5. The failure to disclose the sale by insiders of repurchased stock during the offering to persons believing the stock to be part of the offering;

6. The failure to disclose that securities would be placed in a nominee account; and

7. The failure to disclose an artificial attainment of the proceeds from escrow by reaching the minimum through the sale of stock pursuant to repurchase agreements.

B. The terms and conditions of Regulation A have not been complied with in that:

1. The offering circular failed to disclose the method by which the securities were to be offered and the terms thereof;

2. The offering circular failed to accurately state the financial condition of the Issuer.

C. The offering was made in violation of section 17 of the Securities Act of 1933, as amended.

It appearing to the Commission that it is in the public interest and for the protection of investors that the exemption of Mincomp Corporation under Regulation A be temporarily suspended.

It is ordered, pursuant to rule 261(a) of the General Rules and Regulations under the Securities Act of 1933, as amended, that the exemption of the Issuer under Regulation A be, and it hereby is, temporarily suspended.

It is further ordered, pursuant to Rule 7 of the Commission's rules of practice, that the issuer file an answer to the allegations contained in the order within thirty days of the entry thereof.

Notice is hereby given that any person having any interest in the matter may file with the Secretary of the Commission a written request for a hearing within thirty days after the entry of this order; that within twenty days after receipt of such request the Commission will, or at any time upon its own motion may, set the matter down for hearing at a place to be designated by the Commission for the purpose of determining whether this order of suspension should be vacated or made permanent, without prejudice, however, to the consideration and presentation of additional matters at the hearing; and that notice of the time and place for said hearing will be promptly given by the Commission, the order shall become permanent on the thirtieth day after its entry and shall remain in effect unless it is modified or vacated by the Commission.

By the Commission.

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

[FR Doc.75-3657 Filed 2-7-75;8:45 am]

[812-3750]

MOBIL ALASKA PIPELINE CO.

Filing of Application

JANUARY 30, 1975.

Notice is hereby given that Mobil Alaska Pipeline Co., 108 South Akard Street, Dallas, Texas 75202, a Delaware corporation ("Applicant"), filed an application on January 15, 1975, and and amendment thereto on January 30, 1975, for an order pursuant to section 6(c) of the Investment Company Act of 1940 (the "Act") exempting Applicant from all provisions of the Act. All interested persons are referred to the application which is on file with the Commission for a statement of the representations made therein which are summarized below.

Applicant was organized as a wholly owned subsidiary of Mobil Oil Corp. ("Mobil"), a New York Corporation. Applicant contends that its sole purpose is to own, construct and operate a 5 percent undivided interest in the Trans Alaska Pipeline System (TAPS), a 48-inch crude oil pipeline running approximately 800 miles from the Prudhoe Bay oil field on the North Slope of Alaska to a tank farm and marine terminal at the ice-free port of Valdez on Alaska's southern coast. Construction of TAPS commenced in 1974 and is scheduled for completion in the second half of 1977.

The other owners of TAPS are seven companies which also have interests in the Prudhoe Bay field. Each owner is separately responsible for raising its share of the cost of construction of TAPS. As the estimated total cost of TAPS is $5.98 billion, Applicant's 5 percent share is approximately $300 million (not including interest during construction).

Applicant proposes to finance its share of costs of TAPS by a single public offering of debt securities (the "Debt Securities"), which Debt Securities will be guaranteed as to principal, premium, if any, and interest by Mobil. In addition, Mobil will enter into an agreement with Applicant which will provide undertakings by Mobil to provide Applicant with any funds necessary to permit it to meet its obligations incurred under the Debt Securities.

The Debt Securities will be registered under the Securities Act of 1933 (the "1933 Act") and an indenture with respect thereto will be qualified under the Trust Indenture Act of 1939 (the "Trust Indenture Act"). Applicant filed on January 23, 1975, the applicable registration statement under the 1933 Act to register $300,000,000 amount of Debt Securities. The Debt Securities will be offered to the public through a firm commitment underwriting to be managed by Morgan Stanley & Co. Inc.

Applicant submits that approximately $79 million of the public offering net proceeds of $297 million will be used to repay existing TAPS indebtedness. The remainder will be used to finance most of Applicant's share of the estimated cost

of TAPS. Applicant estimates that monthly aggregate amounts averaging $10 million in 1975 and $8 million in 1976 will be disbursed to meet cash calls. The balance of the cost will be payable in 1977. Applicant proposes to lend funds in excess of current and continuing needs to Mobil for general corporate purposes or from time to time invest such funds pending their investment in TAPS in short-term securities, consisting only of United States government securities. Applicant estimates that the amount of excess funds available will be $218,000 million after the public offering, $121 million at year end 1975, and $17 million at year end 1976.

Section 3(a)(1) of the Act defines the term "investment company" to include any issuer which "is * * * engaged primarily, or proposes to engage primarily, in the business of investing, reinvesting, or trading in securities." Section 3(a)(3) of the Act defines "investment company" to include any issuer which "is engaged or proposes to engage in the business of investing, reinvesting, owning, holding, or trading in securities, and owns or proposes to acquire investment securities having a value exceeding 40 per centum of the value of such issuer's total assets (exclusive of government securities and cash items) on an unconsolidated basis. Applicant submits that, since its proposed loans to Mobil and U.S. government securities investments will constitute at least initially the greater part of its assets and since all of its income until TAPS commences operations will be derived from either the loans to Mobil or the U.S. government securities, it may be considered to be an investment company under the Act.

The Debt Securities to be publicly offered by Applicant will be guaranteed as to principal, premium, if any, and interest by Mobil. Applicant states that the guarantees will rank equal to all other indebtedness of Mobil and, upon liquidation of Mobil, would have a claim on the assets of Mobil equal to that of all other indebtedness of Mobil. Applicant submits that the payment of its Debt Securities will not depend on its investment policy.

Applicant asserts that Mobil is not an "investment company", as defined in section 3(a) of the Act and that had Mobil itself engaged in the proposed operations the Act would be inapplicable. Applicant further states that for business reasons, principally the applicability of Interstate Commerce Act regulation to the company owning an interest in TAPS, Mobil deemed it advisable to form Applicant to operate TAPS.

All equity securities of Applicant will be owned solely by Mobil. Any securities of the Applicant publicly offered will be registered under the 1933 Act, and an indenture with respect thereto will be qualified under the Trust Indenture Act. Applicant will be subject to the reporting requirements of the 1934 Act. Applicant also states that the proposed acts will help to make available to the economy of the United States extensive resources of low sulfur oil.

Section 6(c) of the Act provides that the Commission, by order upon application, may conditionally or unconditionally exempt any person or transaction from any provision or provisions of the Act 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.

Applicant has agreed, in the event that the Commission grants the application, to the insertion in the Commission's order of the following conditions:

(1) Applicant will file with the Commission, within 120 days after the close of each fiscal year of Applicant, commencing with the first fiscal year in which it issues and sells any debt securities: (a) the data required by Items 1.08 (except with respect to information relating to persons under common control with Applicant), 1.09, 1.10, and 1.11 of Form N–1R adopted by the Commission pursuant to section 30(a) of the Act and (b) an annual balance sheet, income and surplus statment, and a schedule of investments.

(2) With respect to Applicant's excess funds other than amounts loaned to Mobil, Applicant will invest in short term securities which will consist only of U.S. government securities, that is securities issued or guaranteed as to principal or interest by the United States, or by a person controlled or supervised by and acting as an instrumentality of the Government of the United States pursuant to authority granted by the Congress of the United States; or any certificates of deposit for any of the foregoing.

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 the matter accompanied by a statement as to the nature of his interest, the reason for such request, and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon Applicant at the address stated above. Proof of such service (by affidavit, or in case of an attorney-at-law, by certificate) shall be filed contemporaneously with the request. As provided by Rule O–5 of the rules and regulations promulgated under the Act, an order disposing of the application will be issued as of course following February 18, 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.

By the Commission.

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

[FR Doc.75-3658 Filed 2-7-75;8:45 am]

[Rel. No. 812-3712]

THE MUNICIPAL INCOME FUND, AND MERRILL LYNCH, PIERCE, FENNER & SMITH INC.

Filing of Application

JANUARY 31, 1975.

Notice is hereby given that the Municipal Income Fund, First Insured Discount Series (the "Fund") and Subsequent Series (hereinafter called the "Funds"), registered under the Investment Company Act of 1940 (the "Act") as unit investment trusts, and the sponsor, Merrill Lynch, Pierce, Fenner & Smith Inc., One Liberty Plaza, 165 Broadway, New York, N.Y. 10006 ("Sponsor"), (collectively the "Applicants"), filed an application on October 24, 1974, and amendments thereto on December 10, 1974, December 16, 1974, and January 28, 1975, pursuant to section 6(c) of the Act for an order of the Commission exempting the Funds from the provisions of section 14(a) of the Act and the provisions of rule 19b–1 under the Act and exempting the Sponsor from the provisions of 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.

The Fund, an unmanaged investment company, will be governed under New York law by a Trust Agreement (the "Trust Agreement") under which the Sponsor will act as such, The Bank of New York will act as Trustee, and Standard & Poor's Corp. will act as Evaluator. Pursuant to the Trust Agreement, the Sponsor will deposit with the Trustee $50,000,000 principal amount of bonds (the "Bonds"), which the Sponsor will have accumulated for such purposes. The Bonds deposited with the Trustee are identified and the acquisition or substitution of any other securities for any of the identified Bonds is prohibited, except for bonds acquired pursuant to refunding or refinancing. The identified Bonds may be sold from time to time by the Trustee upon the Sponsor's direction only under certain circumstances set forth in the Trust Agreement including, principally, default in the payment of principal or interest, actions or proceedings instituted at law or in equity seeking to restrain or enjoin the payment of principal or interest on any such Bonds, breach of covenant or warranty in any document under which such Bonds are outstanding which might adversely affect the payment of principal or interest on such Bonds, or a decline in the price of any of such Bonds to such an extent, or other market or credit factors which in the opinion of the sponsor makes the

retention of such Bonds detrimental to the interest of Unitholders. However, the proceeds from such dispositions must be distributed to the Unitholders. Interest on the Bonds also must be paid out to Unitholders.

The Bonds will consist of bonds issued by states, counties, territories, or municipalities of the United States and authorities, municipal corporations, and political subdivisions thereof. They are to be selected on the basis of yield, quality, and diversification and will be purchased at deep market discounts. Payments of principal and interest on the Bonds in the portfolio for the First Insured Discount Series will be insured under an insurance policy issued by MGIC Indemnity Corp. The assets of the Fund will consist of the Bonds, such bonds as may continue to be held from time to time in exchange for or in substitution of any of the Bonds upon refundings or refinancings, accrued and undistributed interest, and undistributed cash.

Simultaneously with the deposit of the Bonds, the Trustee will deliver to the Sponsor for sale to the public registered certificates for 50,000 Units of fractional undivided interest in the Fund (the "Units"), which will represent the entire ownership of the Fund. Units of the Fund will be offered to the public either separately or in "Combined Units" together with shares of Putnam Investors Fund, Inc. (an open-end management investment company). The offering will be made separately through a final prospectus at a Public Offering Price computed by adding to the offering side evaluation of the Bonds, divided by the number of Units, a sales charges. The sales charge on the Units will be 4 percent of the Public Offering Price of the Units whether the Units are purchased separately or in combination with Putname shares. Units are redeemable on the basis of the bid side evaluation of the Bonds.

The Sponsor, while under no obligation to do so, intends to maintain a market for Units of the Fund and to offer to purchase such Units at prices which are based upon the aggregate offering price of the Bonds. Should business reasons dictate, such as if the supply of Units exceeds demand, the Sponsor may purchase Units at prices below the offering prices of Bonds, with a minimum offer equal to the Unit redemption value, and in such cases the Sponsor will tender these Units to the Trustee for redemption and will not resell them in the secondary market.

The organization, operation and marketing of Units of Subsequent Series may vary in that one or more additional investment banking firms may act as sponsor in addition to Sponsor, the public sale of the Units may be done through the Sponsor as sole underwriter or through an underwriting account, and the trustee and evaluator may vary. With respect to the portfolio bonds in Subsequent Series, they may or may not be purchased at deep market discounts and may be selected on the basis of different quality standards. The principal amount of bonds deposited, the number of Units issued, and the sales charge on such Units may vary in Subsequent Series, and the payment of principal and interest on bonds in the portfolios of Subsequent Series may not be insured.

Section 14(a) of the Act requires that a registered investment company (a) have a net worth of at least $100,000 prior to making a public offering of its securities, (b) have previously made a public offering and at the time have had a net worth of $100,000 or (c) have made arrangements for at least $100,000 to be paid in by 25 or fewer persons before acceptance of public subscriptions.

Each Series of The Municipal Bond Fund at the date of deposit of the underlying Bonds and before any Unit is offered to the public is intended to have a net worth substantially in excess of $100,000 represented by the market value of the Bonds on that date. However, the Sponsor's deposit in the Funds of Bonds with a net worth in excess of $100,000, in exchange for Units of the Funds which the Sponsor intends to offer to the public, may not satisfy these provisions of the Act.

Applicants, therefore, request exemption from the provisions of section 14(a) of the Act in order that they may make a public offering of Units of the Fund and Subsequent Series as described above. Applicants state that investors will be offered interests in the Funds which will be unmanaged investment companies with portfolios composed of pre-deposited and identified Bonds.

As a condition to the requested exemption, the Sponsor has agreed that it will refund, on demand and without deduction, all sales charges to purchasers of Units of any Series from the Sponsor or from any underwriter or dealer participating in the distribution, and liquidate the Bonds held by any Series and distribute the proceeds thereof if, within ninety days from the time that the registration statement relating to the Units of such Series shall have become effective, the net worth of the Series shall be reduced to less than $100,000 or if such Series of the Fund shall have been terminated. The Sponsor has further agreed to instruct the Trustee to terminate such Fund in the event redemption by the Sponsor of unsold Units results in such Fund having a net worth of less than 40 percent of the principal amount of Bonds in the initial portfolio, and in the event of any such termination the Sponsor will refund; on demand and without reduction, all sales charges to purchasers of Units of such Fund from the Sponsor or from any underwriter or dealer participating in the distribution.

Applicants contend that in these circumstances it is appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policies and provisions of the Act to exempt the Fund and all Subsequent Series from the provisions of section 14(a) of the Act.

Rule 19b-1(a) under the Act provides, in substance, that no registered investment company which is a "regulated investment company" shall distribute more than one capital gain distribution in any one taxable year. Paragraph (b) of the rule contains a similar prohibition for a company not a "regulated investment company," provided, however, that a unit investment trust may distribute capital gains distributions received from a "regulated investment company" within a reasonable time after receipt.

Applicants state that the Funds are unmanaged investment companies with portfolios of pre-deposited and identified Bonds. Once the initial deposit is made, prior to the public offering of Units, other securities may not be acquired in addition to or in substitution for any of the Bonds except in the case of refundings or refinancings. Although Bonds may be sold by the Trustee upon the Sponsor's direction under certain circumstances stated in the Trust Agreement, such circumstances are limited.

Distributions of principal constituting capital gains to Unitholders may arise in the following instances: (1) an issuer might call or redeem an issue held in the portfolio and (2) Bonds might be liquidated in order to provide the funds necessary to meet redemptions.

Applicants contemplate making monthly distributions of principal and interest to Unitholders of a Series. Applicants state that the dangers against which rule 19b-1 is intended to guard do not exist in Applicants' situation since the events which may give rise to capital gains are substantially independent of any action by the Sponsor and the Trustee.

Any capital gains or return of capital distributions will be clearly distinguished from interest distributions in the accompanying report by the Trustee to Unitholders. Applicants contend that it would clearly be to the detriment of Unitholders if a Series is required to hold any money, which might be capital gains, until the end of its taxable year before distributing such gains to Unitholders.

Applicants further state that the purpose behind paragraph b of rule 19b-1 is to avoid forcing a Unit investment trust to accumulate valid distributions received throughout the year until year end and that the Fund's situation is within the intended objectives of such provisions even though each Series will not invest in regulated investment companies.

Rule 22c-1 provides, in part, that redeemable securities of registered investment companies must be sold, redeemed, or repurchased at a price based on the current net asset value (computed on each day during which the New York Stock Exchange (the "NYSE") 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 offer to repurchase or sell such security.

Applicants seek an order pursuant to section 6(c) of the Act exempting the

secondary market operations of the Sponsor from the provisions of rule 22c–1 under the Act. The Sponsor proposes to adopt the practice of valuing units of a Series, for purchase and resale by the Sponsor in the secondary market, at prices computed once a week as of the close of business of the NYSE on the last business day of the week, effective for all transactions made during the following week. The evaluation is to be made by the Evaluator.

Applicants state that rule 22c–1 has two purposes: (1) to eliminate or reduce any dilution of the value of outstanding redeemable securities of registered investment companies which would occur through the redemption or repurchase of such securities at a price above their net asset value or the sale of such securities at a price lower than their net asset value and (2) to minimize speculative trading practices in the securities of registered investment companies.

Applicants assert that the pricing by the Sponsor in the secondary market will in no way affect the assets of a Series since the price at which units of a Series are sold or repurchased in the secondary market does not affect the value of either the underlying Bonds or the fractional undivided interest in those Bonds represented by each unit outstanding. Furthermore, Applicants state that secondary market trading in the Funds is not attractive to speculators since the Funds are designed for investors who desire fixed income with diversification. The evaluation process involves highly complicated and specialized techniques. Only through a substantial transaction could a would-be speculator produce a profit. Applicants state that they anticipate that the number of Units available in the secondary market will be very limited.

Applicants state that while the purposes for which rule 22c–1 was adopted would not be served by its application to the Funds, the interests of investors would be significantly impaired by imposing upon them the cost of additional determinations of net asset value which would be required by the Rule, particularly in light of the anticipated low volume of secondary market activity.

Applicants represent that backward pricing is necessary in order that the Sponsor may be able to quote a price at which it will buy or sell Units. A price to be determined several days in the future would be unsatisfactory to the Unitholders as well as to the Sponsor and prospective buyers.

A procedure will be instituted, without additional cost to investors, whereby the Evaluator will provide informal evaluations to protect Unitholders and investors. In the case of a repurchase, if the Evaluator cannot state that the current bid price is not higher than or equal to the previous Friday's offering side evaluation, the Sponsor will order a new evaluation. In the case of a resale of Units in the secondary market, if the Evaluator determines that the offering side evaluation has decreased by an amount greater than or equal to one-half point ($5.00 on a unit representing $1,000 principal amount of underlying bonds) it will perform a new evaluation.

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 of 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 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 reason for such request, and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communications 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 Applicants 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 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.75–3659 Filed 2–7–75;8:45 am]

[File No. 500–1]

NICOA CORP.

Suspension of Trading

JANUARY 31, 1975.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock of Nicoa Corp. 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 February 3, 1975, through February 12, 1975.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.75–3654 Filed 2–7–75;8:45 am]

[Release No. IC–8645; File No. S7–539]

REGISTRATION OF FOREIGN INVESTMENT COMPANIES

Extension of Deadline for Public Comments

The Securities and Exchange Commission has extended from January 31, 1975, until March 3, 1975, the period within which written comments may be submitted on the questions posed in Investment Company Act Release No. 8596 (December 2, 1974), 39 FR 44516, December 24, 1974, relating to the registration of foreign investment companies under the Investment Company Act of 1940.

Comments should be addressed to George A. Fitzsimmons, Secretary, Securities and Exchange Commission, 500 North Capitol Street, Washington, D.C. 20549. All such communications should bear the File No. S7–539 and will be available for public inspection.

By the Commission.

Dated: January 17, 1975.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.75–3664 File 2–7–75; 8:45 am]

[File No. 500–1]

ROYAL PROPERTIES INC.

Suspension of Trading

JANUARY 31, 1975.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock of Royal Properties Inc. being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

Therefore, pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, trading in such securities otherwise than on a national securities exchange is suspended, for the period from February 2, 1975, through February 11, 1975.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.75–3655 Filed 2–7–75;8:45 am]

[File No. 500–1]

WINNER INDUSTRIES, INC.

Suspension of Trading

JANUARY 31, 1975.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock of Winner Industries, Inc. being

traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

Therefore, pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, trading in such securities otherwise than on a national securities exchange is suspended, for the period from February 2, 1975, through February 11, 1975.

By the Commission.

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

[FR Doc.75-3656 Filed 2-7-75;8:45 am]

SMALL BUSINESS ADMINISTRATION
GUARANTEED LOANS
Establishment of Maximum Interest Rates

Notice is given that the Small Business Administration ("SBA") has established the maximum rates of interest that lending institutions participating with SBA may charge on loans approved by SBA on or after February 15, 1975, under section 7 of the Small Business Act, as amended, and section 502 of the Small Business Investment Act, as amended.

Effective February 15, 1975, the maximum rate of interest acceptable to SBA on a guaranteed loan or guaranteed revolving line of credit shall be eleven percent (11 percent) a year, and the maximum rate on an immediate-participation loan shall be ten percent (10 percent) a year. These maximum interest rates shall remain in effect until notification of a change is issued by SBA.

This notice is issued under 13 CFR 120.3(b)(2)(vi).

CATALOG OF FEDERAL DOMESTIC ASSISTANCE PROGRAMS

No. 59.012 Small Business Loans.
No. 59.013 State and Local Development Company Loans.
No. 59.014 Coal Mine Health and Safety Loans.
No. 59.017 Meat and Poultry Inspection Loans (Consumer Protection Loans).
No. 59.018 Occupational Safety and Health Loans.
No. 59.001 Displaced Business Loans.
No. 59.003 Economic Opportunity Loans for Small Business.

Dated: February 6, 1975.

THOMAS S. KLEPPE, *Administrator.*

[FR Doc.75-3833 Filed 2-7-75;9:46 am]

SELECTIVE SERVICE SYSTEM
REGISTRANTS PROCESSING MANUAL

The Registrants Processing Manual is an internal manual of the Selective Service System. The following portion of that Manual is considered to be of sufficient interest to warrant publication in the FEDERAL REGISTER:

[TEMPORARY INSTRUCTION NO. 613-8/642-6]

ISSUED: January 31, 1975.
SUBJECT: Late Registration.
President Ford has extended the Clemency Program through February 28, 1975. Therefore, Temporary Instruction No. 613-7/642-5, issued September 21, 1974, SUBJECT: Late Registration, which was to terminate February 1, 1975, will remain in force through February 28, 1975.

This Temporary Instruction shall terminate on March 1, 1975.

Dated: February 4, 1975.

BYRON V. PEPITONE, *Director.*

[FR Doc.75-3601 Filed 2-7-75;8:45 am]

INTERSTATE COMMERCE COMMISSION

[Notice No. 692]

ASSIGNMENT OF HEARINGS

FEBRUARY 5, 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 February 10, 1975.

MC 115667 Sub 8, Arrow Transfer Co., LTD., now being assigned April 8, 1975, at Olympia, Washington, in a hearing room to be later designated.

MC 217 Subs 16 and 17, Point Transfer, Inc., MC 13569 Subs 27 and 30, The Lake Shore Motor Freight Company, MC 14552 Subs 50 and 53, J. V. McNicholas Transfer Company and MC 138285 Sub 2, John F. Scott Company; now assigned continued hearing March 17, 1975 (2 weeks), at Pittsburgh, Pa., in Room 2212, Federal Building, 1000 Liberty Avenue. FF 455, National Warehouse & Distribution Co., DBA, National Distribution Systems, now being assigned April 8, 1975 (2 days), at Salt Lake City, Utah, in a hearing room to be designated later.

MC 111812 Sub 509, Midwest Coast Transport, Inc., now being assigned April 10, 1975 (2 days), at Salt Lake City, Utah, in a hearing room to be designated later.

MC 134370 Sub 12, Osborne Trucing Co., Inc., now being assigned April 14, 1974 (1 wk.), at Denver, Colo., in a hearing room to be designated later.

MC-F 11787, N. N. C. Freight System—Purchase—William Louis Damon, DBA Damon Freight Lines, now being assigned April 21, 1975 (1 wk.), at Albuquerque, N. Mexico, in a hearing room to be designated later.

MC 95876 Sub 154, Anderson Trucking Service, Inc., now being assigned April 28, 1985, at St. Paul, Minn., in a hearing room to be later designated.

MC 139821 Sub 1, Haugen Transit, Inc., now being assigned May 1, 1975, at St. Paul, Minn., in a hearing room to be later designated.

MC 123407 Sub 190, Sawyer Transport, Inc., application dismissed.

MC-F-12269, R-W Service System, Inc.—Purchase (Portion)—Scherer Freight Lines, Inc., now assigned March 4, 1975, at Detroit, Mich., is postponed to April 1, 1975, at Detroit, Mich., in a hearing room to be later designated.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.75-3679 Filed 2-7-75;8:45 am]

FOURTH SECTION APPLICATIONS FOR RELIEF

FEBRUARY 5, 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 25, 1975.

FSA No. 42933—*Wrought Iron or Steel Oil Country Tubular Goods and Line Pipe to Ivanhoe, Louisiana.* Filed by Southwestern Freight Bureau, Agent, (No. B-511), for interested rail carriers. Rates on wrought iron or steel country tubular goods and line pipe, in carloads, as described in the application, from Minnequa and Pueblo, Colarado, to Ivanhoe, Louisiana.

Grounds for relief—Rate relationship.

Tariff—Supplement 64 to Southwestern Freight Bureau, Agent, tariff 259-F, I.C.C. No. 5080. Rates are published to become effective on March 6, 1975.

FSA No. 42934—*Joint Water-Rail Container Rates—Nippon Yusen Kaisha.* Filed by Nipon Yusen Kaisha, (No. 7), for itself and interested rail carriers. Rates on general commodities, between ports in Japan, Korea, Hong Kong, and Taiwan, and rail stations on the U.S. Atlantic and Gulf Seaboard.

Grounds for relief—Water competition.

FSA No. 42935—*Joint Water-Rail Container Rates—Showa Line, Ltd.* Filed by Showa Line, Ltd. (No. 11), for itself and interested rail carriers. Rates on general commodities, between ports in Japan, Korea, Hong Kong, The Philippines, Taiwan, Malaysia, Indonesia, and The Republic of Singapore, and rail station at Providence, R.I.

Grounds for relief—Water competition.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.75-3678 Filed 2-7-75;8:45 am]

IRREGULAR-ROUTE MOTOR COMMON CARRIERS OF PROPERTY

Elimination of Gateway Letter Notices

FEBRUARY 4, 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 20, 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 78842 (Sub-No. E1), filed May 16, 1974. Applicant: DALEY & WANGER, 821 Nantasket Ave., Hull, Mass. 02045. Applicant's representative: Mr. Herbert F. Fleck (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, (1) between points in Alabama, on the one hand, and, on the other, points in Maine, New Hampshire, and Rhode Island (Quincy, Mass., and points within 15 miles thereof)*; (2) between points in Florida, on the one hand, and, on the other, points in Maine, New Hampshire, and Rhode Island (Quincy, Mass., and points within 5 miles thereof)*; (3) between points in Georgia, on the one hand, and, on the other, points in Maine, New Hampshire, and Rhode Island (Quincy, Mass., and points within 5 miles thereof)*; (4) between points in North Carolina, on the one hand, and, on the other, points in Maine, New Hampshire, and Rhode Island (Quincy, Mass., and points within 5 miles thereof)*; (5) between points in South Carolina, on the one hand, and, on the other, points in Maine, New Hampshire, and Rhode Island (Quincy, Mass., and points within 5 miles thereof)*; (6) between points in Tennessee, on the one hand, and, on the other, points in Maine, New Hampshire, and Rhode Island (Quincy, Mass., and points within 5 miles thereof)*; (7) between points in Maryland, on the one hand, and, on the other, points in Maine, New Hampshire, and Rhode Island (Quincy, Mass., and points within 5 miles thereof)*; (8) between points in Virginia, on the one hand, and, on the other, points in Maine, New Hampshire, and Rhode Island (Quincy, Mass., and points within 5 miles thereof)*; (9) between points in the District of Columbia, on the one hand, and, on the other, points in Maine, New Hampshire, and Rhode Island (Quincy, Mass., and points within 5 miles thereof)*; (10) between points in Pennsylvania, on the one hand, and, on the other, points in Maine and New Hampshire (Brookline, Mass.)*; (11) between points in Rhode Island, on the one hand, and, on the other, points in Maine (Hull, Mass.)*; (12) between points in New Jersey, on the one hand, and, on the other, points in Maine (Brookline, Mass.)*; and (13) between points in Connecticut, on the one hand, and, on the other, points in Maine (Brookline, Mass.)*. The purpose of this filing is to eliminate the gateways indicated by asterisks above.

No. MC 106401 (Sub-No. E2), filed May 13, 1974. Applicant: JOHNSON MOTOR LINES, INC., P.O. Box 10877, Charlotte, N.C. 28234. Applicant's representative: Thomas G. Sloan (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, livestock, and commodities injurious or contaminating to other lading), from points in that part of South Carolina south of a line beginning at the Georgia-South Carolina State line, thence along U.S. Highway 1 to junction U.S. Highway 76, thence along U.S. Highway 76 to the South Carolina-North Carolina State line, to points in Allegany, Baltimore, Frederick, and Washington, Counties, Md. (except points on a line beginning at the Maryland-Pennsylvania State line, thence along U.S. Highway 111 to junction Maryland Highway 45, thence along Maryland Highway 45 to Towson, Md., thence along U.S. Highway 111 to Baltimore, Md., thence along U.S. Highway 1 to the Maryland-District of Columbia State line; points on a line beginning at the Frederick County, Md., line, thence along Maryland Highway 194 to junction Maryland Highway 26, thence along Maryland Highway 26 to junction U.S. Highway 15, thence along U.S. Highway 15 to Frederick, Md., thence along Alternate U.S. Highway 40 to Hagerstown, Md.; points on a line beginning at the Pennsylvania-Maryland State line, thence along Maryland Highway 60 to Hagerstown, Md.; points on a line beginning at Baltimore, Md., thence along U.S. Highway 40 to the Harford County, Md. line), and to points in Berks, Bucks, Chester, Dauphin, Delaware, Lancaster, Lebanon, Lehigh, Monroe, Montgomery, Northampton, and Schuylkill Counties, Pa. (except points on a line beginning at the Delaware-Pennsylvania State line, thence along U.S. Highway 13 to Philadelphia, Pa.; points on a line beginning at the Susquehanna River, thence along U.S. Highway 30 to Lancaster, Pa., thence along U.S. Highway 222 to Reading, Pa.; points on a line beginning at Harrisburg, Pa., thence along U.S. Highway 422 to Lebanon, Pa.; points on a line beginning at Lancaster, Pa., thence along Pennsylvania Highway 501 to Lititz, Pa.; and points on a line beginning at the New Jersey-Pennsylvania State line, thence along U.S. Highway 1 to Philadelphia). The purpose of this filing is to eliminate the gateway of Greensboro, N.C.

No. MC 106401 (Sub-No. E4), filed May 13, 1974. Applicant: JOHNSON MOTOR LINES, INC., P.O. Box 10877, Charlotte, N.C. 28234. Applicant's representative: Thomas G. Sloan (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, livestock and commodities injurious or contaminating to other lading, uncrated store fixtures, uncrated hotel equipment, and uncrated kitchen equipment), from Corning and New York, N.Y., Hagerstown, Md., Danville, Lynchburg, Roanoke, and Winchester, Va., points in Bergen, Burlington, Cumberland, Essex, Gloucester, Hudson, Mercer, Middlesex, and Passaic Counties, N.J., and points in that part of Pennsylvania on and east of a line beginning at the Maryland-Pennsylvania State line, thence along U.S. Highway 522 to Selinsgrove, Pa., thence along U.S. Highway 11 to the Pennsylvania-New York State line, and to points in South Carolina west or north of a line consisting of the western and northern boundaries of Horry, Georgetown, Williamsburg, Clarendon, Calhoun, Orangeburg, and Barnwell Counties, S.C. (except points on a line beginning at the Georgia-South Carolina State line, thence along U.S. Highway 123 to Greenville, S.C., points on a line beginning at the Georgia-South Carolina State line, thence along U.S. Highway 29 to Lyman, S.C., thence along Alternate U.S. Highway 29 to the South Carolina-North Carolina State line; points on U.S. Highway 1 between the Georgia-South Carolina State line and the South Carolina-North Carolina State line; points on U.S. Highway 76 between Columbia and Florence, S.C.; and points on a line beginning at Sumter, S.C., thence along U.S. Highway 15 to junction U.S. Highway 52, thence along U.S. Highway 52 to Cheraw, S.C.). The purpose of this filing is to eliminate the gateways of Nicholson, Pa., Newark, N.J., and Charlotte, N.C.

No. MC 106401 (Sub-No. E6), filed May 13, 1974. Applicant: JOHNSON MOTOR LINES, INC., P.O. Box 10877, Charlotte, N.C. 28234. Applicant's representative: Thomas G. Sloan (same as above). Authority sought to operate as a *common carrier*, by motor vehicle over irregular routes, transporting: *General commodities* except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, livestock,

and commodities injurious or contaminating to other lading, uncrated store fixtures, uncrated hotel equipment, and uncrated kitchen equipment, (1) from New York, N.Y., Hagerstown, Md., Winchester, Va., points in Bergen, Burlington, Cumberland, Essex, Gloucester, Hudson, Mercer, Middlesex, and Passaic Counties, N.J., and points in that part of Pennsylvania on and east of a line beginning at the Maryland-Pennsylvania State line, thence along U.S. Highway 522 to Selinsgrove, Pa., thence along U.S. Highway 11 to the Pennsylvania-New York State line, and, to points in Alexander, Buncombe, Burke, Cabarrus, Caldwell, Catawba, Cleveland, Gaston, Henderson, Iredell, Lincoln, McDowell, Mecklenburg, Polk, Rowan, Rutherford, Stanly, and Union Counties, N.C. (except points on a line beginning at the South Carolina-North Carolina State line, thence along Alternate U.S. Highway 29 to Grove, N.C., thence along U.S. Highway 29 to Charlotte, N.C., thence along North Carolina Highway 49 to junction unnumbered highway, thence along unnumbered highway to Concord, N.C., thence along Alternate U.S. Highway 29 to junction U.S. Highway 29, thence along U.S. Highway 29 to the Rowan-Davidson County line; and points on a line beginning at Salisbury, N. C., thence along U.S. Highway 70 to Hickory, N.C., thence along U.S. Highway 321 to junction Alternate U.S. Highway 321, thence along Alternate U.S. Highway 321 to Valmead, N.C.); and (2) from Corning, N.Y., and Danville and Lynchburg, Va., to points in Buncombe, Burke, Caldwell, Catawba, Cleveland, Gaston, Henderson, Lincoln, McDowell, Mecklenburg, Polk, and Rutherford Counties, N.C., (except points on a line beginning at the South Carolina-North Carolina State line, thence along Alternate U.S. Highway 29 to Grover, N.C., thence along U.S. Highway 29 to junction North Carolina Highway 49, thence along North Carolina Highway 49 to the Mecklenburg-Cabarrus County line; and points on a line beginning at the Iredell-Catawba County line, thence along U.S. Highway 70 to junction U.S. Highway 321, thence along U.S. Highway 321 to junction Alternate U.S. Highway 321, thence along Alternate U.S. Highway 321 to Valmead, N.C.). The purpose of this filing is to eliminate the gateways of Nicholson, Pa., Newark, N.J., and Charlotte, N.C.

No. MC 106401 (Sub-No. E22), filed May 13, 1974. Applicant: JOHNSON MOTOR LINES, INC., P.O. Box 10877, Charlotte, N.C. 28234. Applicant's representative: Thomas G. Sloan (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, livestock, and commodities injurious or contaminating to other lading, uncrated store fixtures, uncrated hotel equipment, and uncrated kitchen equipment), between Corning and New York, N.Y., Hagerstown, Md., Danville, Lynchburg, Roanoke, and Winchester, Va., points in Bergen, Burlington, Cumberland, Essex, Gloucester, Hudson, Mercer, Middlesex, and Passaic Counties, N.J., and points in that part of Pennsylvania on and east of a line beginning at the Maryland-Pennsylvania State line, thence along U.S. Highway 522 to junction U.S. Highway 11 to the Pennsylvania-New York State line, on the one hand, and, on the other, points in that part of Georgia and South Carolina on a line beginning at Atlanta, Ga., thence along U.S. Highway 29 to Lyman, S.C., thence along Alternate U.S. Highway 29 to the South Carolina-North Carolina State line; points in that part of Georgia and South Carolina on a line beginning at Lawrenceville, Ga., thence along Georgia Highway 20 to junction U.S. Highway 23, thence along U.S. Highway 23 to junction U.S. Highway 123, thence along U.S. Highway 123 to Greenville, S.C.; points in that part of Georgia and South Carolina on a line beginning at Athens, Ga., thence along U.S. Highway 78 to junction U.S. Highway 1, thence along U.S. Highway 1 to the South Carolina-North Carolina State line; points in that part of South Carolina on a line beginning at Columbia, S.C., thence along U.S. Highway 76 to junction U.S. Highway 15, thence along U.S. Highway 15 to junction U.S. Highway 52, thence along U.S. Highway 52 to Cheraw, S.C.; points in that part of South Carolina on a line beginning at Sumter, S.C., thence along U.S. Highway 76 to junction U.S. Highway 52, thence along U.S. Highway 52 to Society Hill, S.C. The purpose of this filing is to eliminate the gateways of Nicholson, Pa., Newark, N.J., and Pineville, N.C.

No. MC 106920 (Sub-No. E57), 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 Street 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 B in the appendix to the report in modification of permits of motor contract carriers of packinghouse products, 48 M.C.C. 628, from points in Texas on and west of a line beginning at the Texas-Mexico International Boundary line and extending along U.S. Highway 80 to junction U.S. Highway 385, thence along U.S. Highway 385 to junction U.S. Highway 62, thence along U.S. Highway 62 to junction Interstate Highway 27, thence along Interstate Highway 67 to junction U.S. Highway 287, thence along U.S. Highway 287 to the Texas-Oklahoma State line, to points in Kentucky east of a line beginning at the Kentucky-Indiana State line and extending along Interstate Highway 64 to junction U.S. Highway 127, thence along U.S. Highway 127 to junction U.S. Highway 150, thence along U.S. Highway 150 to junction Interstate Highway 75, thence along Interstate Highway 75 to junction U.S. Highway 25E, thence along U.S. Highway 25E to the Kentucky-Tennessee State line and on the west by a line beginning at the Ohio-Kentucky State line and extending along U.S. Highway 27 to junction Kentucky Highway 617, thence along Kentucky Highway 617 to junction U.S. Highway 62, thence along U.S. Highway 62 to junction Kentucky Highway 165, thence along Kentucky Highway 165 to junction Kentucky Highway 32, thence along Kentucky Highway 32 to junction Kentucky Highway 201, thence along Kentucky Highway 201 to junction U.S. Highway 460, thence along U.S. Highway 460 to the Kentucky-Virginia State line. The purpose of this filing is to eliminate the gateway of Arke, Mercer, and Auglaize Counties, Ohio.

No. MC 106920 (Sub-No. E60), 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 Street 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 B in the appendix to the report in modification of permits of motor contract carriers of packinghouse products, 48 M.C.C. 628, from points in Michigan on and north of a line beginning at Lake Superior extending along U.S. Highway 41 to junction Michigan Highway 28, thence along Michigan Highway 28 to junction Michigan Highway 77, thence along Michigan Highway 77 to junction U.S. Highway 2, thence along U.S. Highway 2 to its intersection with unnumbered highway at Gulliver, Michigan, to points in Tennessee. The purpose of this filing is to eliminate the gateways of Darke, Mercer, and Auglaize Counties, Ohio.

No. MC 106920 (Sub-No. E61), 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 Street 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 B in the appendix to the report in Modification of Permits of motor contract carriers of packinghouse products, 48 M.C.C. 628, from the upper peninsula of Michigan to points in Tennessee on and east of a line beginning at the Kentucky-Tennessee State line and extending along Interstate Highway 65 to junction U.S. Highway 31, thence along U.S. Highway 31 to the Tennessee Alabama State line. The purpose of this filing is to eliminate the gateways of Darke, Mercer, and Auglaize Counties, Ohio.

No. MC 106920 (Sub-No. E62), 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 Street 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 B in the appendix to the report in modification of permits of motor contract carriers of packinghouse products, 48 M.C.C. 628, from the Upper Peninsula of Michigan to points in Mississippi on and south of a line beginning at the Alabama-Mississippi State line and extend along Mississippi Highway 50 to juncton U.S. Highway 82, thence along U.S. Highway 82 to junction Mississippi Highway 12, thence along Mississippi Highway 12 to junction Mississippi Highway 43, thence along Mississippi Highway 43 to junction Interstate Highway 20, thence along Interstate Highway 20 to the Mississippi-Louisiana State line. The purpose of this filing is to eliminate the gateway of Darke, Mercer, and Auglaize Counties, Ohio.

No. MC 111496 (Sub-No. E1), filed June 4, 1974. Applicant: TWIN CITY FREIGHT, INC., 2550 Long Lake Road, Roseville, Minn 55113. Applicant's representative: R. E. Caturia (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular rotes, transporting: *General commodities*, except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment, from Fargo, North Dakota, to those points in North Dakota on and North of North Dakota Highway 5. The purpose of this filing is to eliminate the gateway of points in Walsh County, North Dakota.

No. MC 113855 (Sub-No. E2), (Correction), filed June 13, 1974, published in the FEDERAL REGISTER January 7, 1975. Applicant: INTERNATIONAL TRANSPORT, INC., 2450 Marion Rd., S.E., Rochester, Minn. 55901. Applicant's representative: Herbert J. Hilken (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (2) *Self-propelled articles*, each weighing 15,000 pounds or more and *related machinery, tools, parts, and supplies* moving in connection therewith (restricted to commodities transported on trailers), between points in Idaho, on the one hand, and, on the other, points in Michigan. The purpose of this filing is to eliminate the gateway of (1) points in Utah, (2) points in Montana and other points in South Dakota east of the Missouri River, and (3) points in Wyoming and those in South Dakota east of the Missouri River. The purpose of this partial correction is to clarify the commodity description. The remainder of this letter-notice remains as previously published.

No. MC 113855 (Sub-No. E21) (Correction), filed May 30, 1974, published in the FEDERAL REGISTER January 8, 1975. Applicant: INTERNATIONAL TRANSPORT, INC., 2450 Marion Rd., S.E., Rochester, Minn. 55901. Applicant's representative: Michael E. Miller, 502 First Nat'l Bank Bldg., Fargo, N. Dak. 58102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plastic and aluminum pipe* (except oilfield pipe as described in *Mercer Extension-Oil Field Commodities*, 74 M.C.C. 459), the transportation of which because of its size or weight requires the use of special equipment; (a) from points in Delaware to points in Arizona, New Mexico, and those in Oklahoma on and west of U.S. Highway 83 (points in Hall County, Nebr.)*; (b) from points in Maryland on and east of U.S. Highway 15 to points in Arizona (same as (a))*; (c) from points in Maryland on, east, and south of Interstate Highway 83 from the Pennsylvania-Maryland State line to its junction with U.S. Highway 301, thence along U.S. Highway 301 to the Maryland-Virginia State line to points in that part of New Mexico, except points south and east of a line beginning along U.S. Highway 60 at the New Mexico-Texas State line, thence westerly along U.S. Highway 60 to junction U.S. Highway 54, thence southerly along U.S. Highway 54 to the New Mexico-Texas State line*. The purpose of this filing is to eliminate the gateways indicated by asterisks above. The purpose of this partial correction is to clarify the commodity description. The remainder of this letter-notice remains as previously published.

No. MC 113855 (Sub-No. E37) (Correction), filed May 30, 1974, published in the FEDERAL REGISTER January 8, 1975. Applicant: INTERNATIONAL TRANSPORT, INC., 2450 Marion Rd., S.E., Rochester, Minn. 55901. Applicant's representative: Michael E. Miller, 502 First Nat'l Bank Bldg., Fargo, N. Dak. 58102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (2) *Self-propelled articles*, each weighing 15,000 pounds or more and related machinery, tools, parts and supplies moving in connection therewith (restricted to commodities transported on trailers), (f) between points in Wisconsin on and west of U.S. Highway 51, on the one hand, and, on the other, points in the District of Columbia and Virginia on and east of Interstate Highway 95. The purpose of this filing is to eliminate the gateways of Elgin, Ill., in (a); Elgin, Ill., and Scranton, Pa., in (b), Elgin, Ill., and Scranton, Pa., in (c) above; and Elgin, Ill., and Allentown, Pa., in (d), (e), and (f). The purpose of this partial correction is to clarify the commodity description. The remainder of this letter-notice remains as previously published.

No. MC 113855 (Sub-No. E39) (Correction), filed May 30, 1974, published in the FEDERAL REGISTER January 8, 1975. Applicant: INTERNATIONAL TRANSPORT, INC., 2450 Marion Rd., S.E., Rochester, Minn. 55901. Applicant's representative: Michael E. Miller, 502 First Nat'l Bank Bldg., Fargo, N. Dak. 58102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (2) *Self-propelled articles*, each weighing 15,000 pounds or more and related machinery, tools, parts, and supplies moving in connection therewith (restricted to commodities transported on trailers), (d) between points in Nebraska west of U.S. Highway 81, on the one hand, and, on the other, points in North Dakota on and east of a line beginning at the North Dakota-South Dakota State line, thence northerly along North Dakota Highway 18 to junction Interstate Highway 94, thence westerly along Interstate Highway 94 to junction North Dakota Highway 1, thence northerly along North Dakota Highway 1 to the United States-Canada Boundary line (except points on North Dakota Highway 1 lying on or north of U.S. Highway 2). The purpose of this filing is to eliminate the gateways of points in South Dakota in (a) and (b) and points in Minnesota within 50 miles of Sioux Falls, S. Dak., in (c) and (d). The purpose of this partial correction is to clarify the commodity description. The remainder of this letter-notice remains as previously published.

No. MC 114019 (Sub-No. E418), filed May 14, 1974. Applicant: MIDWEST EMERY FREIGHT SYSTEM, INC., 7000 S. Pulaski Road, Chicago, Illinois 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: *Packinghouse products* and *by-products*, and *packinghouse supplies*, from Sioux City and Des Moines, Iowa, Omaha, Nebraska, Kansas City, and Wichita, Kansas, and St. Joseph and Kansas City, Missouri, to points in Vermont, New Hampshire, Massachusetts, Connecticut, Rhode Island, Delaware, those points in Virginia on and east of U.S. Highway 501, those points in Maryland on and east of U.S. Highway 15. The purpose of this filing is to eliminate the gateway of Pittsburgh, Pennsylvania, and Chicago, Illinois.

No. MC 114211 (Sub-No. E492), 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 west of a line beginning at the Minnesota-Wisconsin State line extending along Interstate Highway 94 to junction Minnesota Highway 3, thence along Minnesota Highway 3 to junction U.S. Highway 52, thence along U.S. Highway 52 to junction U.S. Highway 63, thence along U.S. Highway 63, to junction Interstate Highway 90, thence along Iowa Highway 90 to junction U.S. Highway 218, thence along U.S. Highway 218 to the Minnesota-Iowa State line, and from points in that part of Minnesota on and east of a line beginning at the Minnesota-Wisconsin State line extending along U.S. Highway 12 to the junction Interstate 694, thence along I 694 to junction Interstate Highway 494, thence along Interstate 494 to junction U.S. Highway 169, thence along U.S. Highway 169 to junction Minnesota

Highway 22, thence along Minnesota Highway 22 to junction U.S. Highway 16.

Thence along U.S. Highway 16 to junction U.S. Highway 69, thence along U.S. Highway 69 to Minnesota-Iowa State line, to points in that part of Michigan on and north of a line beginning at the Wisconsin-Michigan State line extending along U.S. Highway 8 to junction U.S. Highway 2, thence along U.S. Highway 2 to Escanaba, Mich., to points in that part of Wisconsin on and north of a line beginning at the Minnesota-Wisconsin State line extending along U.S. Highway 8, thence along U.S. Highway 8 to the Wisconsin-Michigan State line; to points in that part of Ohio on and east of a line beginning at the Ohio-Kentucky State line extending along Interstate Highway 71 to junction State Highway 13, thence along Ohio Highway 13, to junction U.S. Highway 250, thence along U.S. Highway 250 to Sandusky, Ohio; to points in that part of Tennessee on and east of a line beginning at the Tennessee-Mississippi State line extending along U.S. Highway 79, to the Kentucky-Tennessee State line; to points in that part of Kentucky on and south of a line beginning at the Kentucky-Tennessee State line extending along U.S. Highway 79 to junction U.S. Highway 68, thence along U.S. Highway 68, to junction U.S. Highway 31 E, thence along U.S. Highway 31 E, to junction Interstate Highway 264, thence along Interstate Highway 264, to junction Interstate Highway 71, thence along Interstate Highway 71 to the Kentucky-Indiana State line, to points in that part of Arkansas on, south, and east of a line beginning at the Arkansas-Texas State line extending along U.S. Highway 822 to junction U.S. Highway 79, thence along U.S. Highway 79 to the Arkansas-Tennessee State line; to points in that part of Texas on and west of a line beginning at the Texas-Oklahoma State line extending along U.S. Highway 83 to junction U.S. Highway 62.

Thence along U.S. Highway 62 to the Texas-Oklahoma State line; to points in that part of Texas on and south of a line beginning at the Texas-Oklahoma State line extending along U.S. Highway 283 to junction U.S. Highway 287, thence along U.S. Highway 287 to junction U.S. Highway 82, thence along U.S. Highway 82 to the Texas-Arkansas State line: to points in that part of Oklahoma on and south of a line beginning at the Texas-Oklahoma State line extending 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 Oklahoma on and west of a line beginning at the Kansas-Oklahoma State line extending along U.S. Highway 83, thence along U.S. Highway 83 to the Oklahoma-Texas State line, and those points in Oklahoma on and south of line beginning at the Texas-Oklahoma State line extending along U.S. Highway 62 to junction U.S. 283, thence along U.S. 283 south to the Oklahoma-Texas State line; to points in that part of Kansas on and south of a line beginning at the Colorado-Kansas State line extending along U.S. Highway 50 to junction U.S. Highway 270, thence along U.S. Highway 270 to the Oklahoma-Kansas State line: to points in that part of Colorado on and west of a line beginning at the Wyoming-Colorado State line extending along U.S. Highway 85 to junction U.S. Highway 287, thence along U.S. Highway 287 to junction U.S. Highway 50, thence along U.S. Highway 50 to the Colorado-Kansas State line; to points in that part of Wyoming on, north and west of a line beginning at the South Dakota-Wyoming State line extending along U.S. Highway 85 to junction U.S. Highway 18 and 85, thence along U.S. 18 and 85 to junction U.S. Highway 18 and 20, thence along U.S. Highway 18 and 20, to junction Interstate Highway 25.

Thence along Interstate Highway 25 to the Wyoming-Colorado State line; to points in that part of South Dakota on, north and west of a line beginning at the North Dakota-South Dakota State line extending along South Dakota Highway 10, thence along South Dakota Highway 10 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 junction South Dakota Highway 20, thence along North Dakota Highway 20, to junction South Dakota Highway 65, thence along North Dakota Highway 65, to junction U.S. Highway 212, thence along U.S. Highway 212, to junction South Dakota Highway 73, thence along South Dakota Highway 73, to junction South Dakota Highway 34, thence along South Dakota Highway 34 to junction U.S. Highway 85, thence along U.S. Highway 85 to the South Dakota-Wyoming State line, to points in that part of North Dakota on and north and west of a line beginning at the Minnesota-North Dakota State line extending along Interstate Highway 94 to junction North Dakota Highway 32, thence along North Dakota Highway 32 to junction North Dakota Highway 11, thence along North Dakota Highway 11 to junction North Dakota Highway 3, thence along North Dakota Highway 3 to the North Dakota-South Dakota State line: and to points in Washington, Oregon, California, Idaho, Nevada, Arizona, Utah, Montana, New Mexico, Louisiana, Mississippi, Alabama, Georgia, Florida, South Carolina, North Carolina, West Virginia. The purpose of this filing is to eliminate the gateway of Minneapolis, Minnesota.

No. MC 114211 (Sub-No. E554), 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, 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 Missouri-Illinois State line extending along Missouri Highway 180 to junction Interstate Highway 70, thence along Interstate Highway 70 to junction Missouri Highway 19, thence along Missouri Highway 19 to junction Missouri Highway 22, thence along Missouri Highway 22 to junction Missouri Highway 15, thence along Missouri Highway 15 to junction U.S. Highway 36, thence along U.S. Highway 36 to the Missouri-Kansas State line, to points in that part of New Mexico on and west of a line beginning at the Texas-New Mexico State line extending along Interstate Highway 25 to junction U.S. Highway 60, thence along U.S. Highway 60 to junction New Mexico Highway 32, thence along New Mexico Highway 32 to junction U.S. Highway 66, thence along U.S. Highway 66 to junction U.S. Highway 57, thence along U.S. Highway 57 to junction New Mexico Highway 44, thence along New Mexico Highway 44 to junction New Mexico Highway 126, thence along New Mexico Highway 126 to junction New Mexico Highway 4, thence along New Mexico Highway 4 to junction U.S. Highway 285, thence along U.S. Highway 285 to the New Mexico-Colorado State line; to points in that part of Colorado on and west and south of a line beginning at the New Mexico-Colorado State line extending along U.S. Highway 285 to junction Colorado Highway 17, thence along Colorado Highway 17 to junction U.S. Highway 285, thence along U.S. Highway 285 to junction U.S. Highway 24, thence along U.S. Highway 24 to junction Colorado Highway 82, thence along Colorado Highway 82 to junction Interstate Highway 70, thence along Interstate Highway 70 to junction U.S. Highway 6, thence along U.S. Highway 6 west to the Colorado-Utah State line. The purpose of this filing is to eliminate the gateway of Council Bluffs, Iowa.

No. MC 114211 (Sub-No. E558), 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, north, and west of a line beginning at the Minnesota-South Dakota State line extending along U.S. Highway 12 to junction U.S. Highway 52, thence along U.S. Highway 52 to junction Minnesota Highway 25, thence along Minnesota Highway 25 to junction Minnesota Highway 210, thence along Minnesota Highway 210 to junction Minnesota Highway 6, thence along Minnesota Highway 6 to junction U.S. Highway 71, thence along U.S. Highway 71 to the United States-Canada International Boundary line, to points in that part of California on and south of a line beginning at the Nevada-California State line extending 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 140, thence along California Highway 140 to junction California Highway 99, thence along California Highway 99 to junction California Highway 32, thence along California Highway 32 to junction Interstate Highway 5, thence along Interstate Highway 5 to junction California Highway 20, thence along California Highway 20 to Ft. Bragg, Calif.; to points in that part of Nevada on and south of a line beginning at the Nevada-Utah State line extending along Nevada Highway 25 to junction U.S. Highway 6, thence along U.S. Highway 6 to the Nevada-California State line; to points in that part of Utah on and west of a line beginning at the Utah-Nevada State line extending along Utah Highway 56 to junction Utah Highway 14, thence along Utah Highway 14 to junction U.S. Highway 89, thence along U.S. Highway 89 to the Utah-Arizona State line; to points in that part of Colorado on and south of a line beginning at the Colorado-New Mexico State line extending along U.S. Highway 160 to junction U.S. Highway 160 to junction U.S. Highway 84, thence along U.S. Highway 84 to the Colorado-New Mexico State line; to points in that part of New Mexico on, south, and west of a line beginning at the New Mexico-Colorado State line extending along U.S. Highway 84, thence along U.S. Highway 84 to the New Mexico-Texas State line; to points in that part of Texas on and south of a line beginning at the Texas-New Mexico State line extending along U.S. Highway 84 to junction U.S. Highway 82.

Thence along U.S. Highway 82 to junction U.S. Highway 75, thence along U.S. Highway 75 to the Texas-Oklahoma State line; to points in that part of Oklahoma on and east of a line beginning at the Oklahoma-Texas State line extending along U.S. Highway 69 to junction Interstate Highway 44, thence along Interstate Highway 44 to the Oklahoma-Missouri State line; to points in that part of Kansas on and east of a line beginning at the Kansas-Missouri State line extending along U.S. Highway 66 to junction Kansas Highway 26, thence along Kansas Highway 26 to junction U.S. Highway 69, thence along U.S. Highway 69 to the Kansas-Missouri State line; to points in that part of Missouri on and east of a line beginning at the Missouri-Kansas State line extending along U.S. Highway 69, thence along U.S. Highway 69 to the Missouri-Iowa State line; to points in that part of Iowa on and east of a line beginning at the Iowa-Missouri State line extending along U.S. Highway 69 to junction Iowa Highway 3, thence along Iowa Highway 3 to junction U.S. Highway 65, thence along U.S. Highway 65 to the Iowa-Minnesota State line; to points in that part of Michigan on and south of a line beginning at Lake Michigan extending along U.S. Highway 10 to junction U.S. Highway 31, thence along U.S. Highway 31 to junction Interstate Highway 96, thence along Interstate Highway 96 to junction Michigan Highway 21, thence along Michigan Highway 21 to the United States-Canada International Boundary line; to points in that part of Wisconsin on and south of a line beginning at the Wisconsin-Minnesota State line extending along U.S. Highway 12 to junction Interstate Highway 94, thence along Interstate Highway 94 to junction U.S. Highway 10, thence along U.S. Highway 10 to junction U.S. Highway 41, thence along U.S. Highway 41 to Green Bay; points in Arkansas, Tennessee, Mississippi, Alabama, Georgia, Florida, South Carolina, Louisiana, North Carolina, Kentucky, West Virginia, Ohio, Indiana, Illinois, and Arizona, 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. E570), 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 Kansas on and west of a line beginning at the Kansas-Nebraska State line extending along U.S. Highway 183 to junction Kansas Highway 9, thence along Kansas Highway 9 to junction Kansas Highway 23, thence along Kansas Highway 23 to junction U.S. Highway 83, thence along U.S. Highway 83 to junction U.S. Highway 40, thence along U.S. Highway 40 to junction Kansas Highway 25, thence along Kansas Highway 25 to junction U.S. Highway 160, thence along U.S. Highway 160 to the Kansas-Colorado 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 Pennsylvania Highway 449 to junction U.S. Highway 6, thence along U.S. Highway 6 to the Pennsylvania-New Jersey State line; to points in that part of New Jersey on and east of a line beginning at the Pennsylvania-New Jersey State line extending along U.S. Highway 206 to junction New Jersey Highway 15, thence along New Jersey Highway 15 to junction U.S. Highway 46, thence along U.S. Highway 46 to junction New Jersey Highway 53, thence along New Jersey Highway 53 to junction New Jersey Highway 10, thence along New Jersey Highway 10 to Newark, N.J.; 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 junction New York Highway 17, thence along New York Highway 17 to junction U.S. Highway 219, thence along U.S. Highway 219 to the New York-Pennsylvania State line; and points in Massachusetts and Connecticut, 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. E577), 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, the transportation of which because of size or weight, requires special equipment, from points in that part of Missouri on and west of a line beginning at the Missouri-Iowa State line extending along U.S. Highway 71 to junction Interstate Highway 29, thence along Interstate Highway 29 to junction Interstate Highway 35, thence along Interstate Highway 35 to the Missouri-Kansas State line, to points in that part of Wisconsin on and north of a line beginning at the Minnesota-Wisconsin State line extending along Wisconsin Highway 54 to junction U.S. Highway 12, thence along U.S. Highway 12 to junction U.S. Highway 10, thence along U.S. Highway 10 to junction Wisconsin Highway 54, thence along Wisconsin Highway 54 to Lake Michigan, to points in that part of Michigan on and north of a line beginning at Lake Michigan extending along U.S. Highway 10 to junction Interstate Highway 75, thence along Interstate Highway 75 to Detroit, Mich. The purpose of this filing is to eliminate the gateway of Council Bluffs, Iowa.

No. MC 114211 (Sub-No. E578), 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, north and west of a line beginning at the Iowa-Minnesota State line extending along U.S. Highway 169 to junction U.S. Highway 20, thence along U.S. Highway 20 to the Iowa-Nebraska State line, to points in that part of New York on and east of a line, beginning at Lake Ontario extending along New York Highway 57 to junction I Highway 81 to junction New York Highway 13, thence along New York Highway 13 to junction New York Highway 14, thence along New York Highway 14 to the New York-Pennsylvania State line, 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 Stinar Corporation at or near Minneapolis, Minnesota.

No. MC 114211 (Sub-No. E580), 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 Portal, North Dakota, to points in that part of Texas on and east

of a line beginning at the Oklahoma-Texas State line extending along U.S. Highway 281 to junction Texas Highway 79, thence along Texas Highway 79 to junction U.S. Highway 283, thence along U.S. Highway 283 to junction U.S. Highway 377, thence along U.S. Highway 377 to Del Rio, Texas; to points in that part of Oklahoma on and east of a line beginning at the Kansas-Oklahoma State line extending along U.S. Highway 77 to junction H. E. Bailey Turnpike, thence along H. E. Bailey Turnpike to the Oklahoma-Texas State line; to points in that part of Kansas on and east of a line beginning at the Nebraska-Kansas State line extending along U.S. Highway 75 to junction Interstate Highway 35, thence along Interstate Highway 35 to junction U.S. Highway 77, thence along U.S. Highway 77 to the Kansas-Oklahoma State line; to points in that part of Nebraska on and east of a line beginning at the Iowa-Nebraska State line extending along U.S. Highway 2 to junction U.S. Highway 75, thence along U.S. Highway 75 to the Nebraska-Kansas State line; to points in that part of Iowa on and east of a line beginning at the Minnesota-Iowa State line extending along Iowa Highway 4 to junction Iowa Highway 9, thence along Iowa Highway 9 to junction U.S. Highway 71, thence along U.S. Highway 71 to junction Iowa Highway 3, thence along Iowa Highway 3 to junction U.S. Highway 59, thence along U.S. Highway 59, to junction Iowa Highway 2, thence along Iowa Highway 2 to the Iowa-Nebraska State line; to points in that part of Minnesota on, south and east of a line beginning at the Wisconsin-Minnesota State line extending along U.S. Highway 8 to junction U.S. Highway 61, thence along U.S. Highway 61 to junction Minnesota Highway 5, thence along Minnesota Highway 5, to junction Iowa Highway 494, thence along Interstate Highway 494, to junction U.S. Highway 169, thence along U.S. Highway 169 to junction Minnesota Highway 60, thence along Minnesota Highway 60 to junction Minnesota Highway 4, thence along Minnesota Highway 4 to the Minnesota-Iowa State line; to points in that part of Wisconsin on and east of a line beginning at Ashland, extending along U.S. Highway 2 to junction U.S. Highway 63, thence along U.S. Highway 63 to junction U.S. Highway 8, thence along U.S. Highway 8 to the Wisconsin-Minnesota State line; and to points in Michigan, Illinois, Missouri, Arkansas, Louisiana, Indiana, Kentucky, Tennessee, Mississippi, Alabama, Georgia, Florida, South Carolina, North Carolina, West Virginia, Ohio.

No. MC 114211 (Sub-No. E581), filed June 4, 1974. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, Iowa 50704. Applicant's representative: Kenneth R. Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Agricultural machinery*, and *implements*, other than hand, and parts when transported with such agricultural machinery and implements as described in Sections B and C of Appendix XII to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, except those requiring the use of special equipment, from Corpus Christi, Texas, to points in that part of Nebraska on, south and east of a line beginning at the Nebraska-Iowa State line extending along U.S. Highway 6 to junction U.S. Highway 77, thence along U.S. Highway 77 to the Nebraska-Kansas State line. RESTRICTED against the transportation of commodities the transportation of which, because of size or weight, requires the use of special equipment or special handling and restricted against the transportation of those commodities described in *Mercer Extention—Oil Field Commodities*, 74 M.C.C. 459. The purpose of this filing is to eliminate the gateway of points in Nebraska West of U.S. Highway 72.

No. MC 114211 (Sub-No. E582), 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, tractor attachments*, and *parts* between the Port of Entry of Miami, Florida, and Mobile, Alabama, on the one hand, and, on the other, points in Colorado, Kansas, Nebraska, and South Dakota. The purpose of this filing is to eliminate the gateway of Topeka, Kansas.

No. MC 114211 (Sub-No. E583), 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 that part of Kansas on, north, and west of a line beginning at the Nebraska-Kansas State line extending along U.S. Highway 77 to junction Interstate Highway 70, thence along Interstate Highway 40 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 the Oklahoma-Kansas State line, on the one hand, and, on the other, points in that part of Missouri on, north, and east of a line beginning at the Iowa-Missouri State line extending along U.S. Highway 65 to junction U.S. Highway 36, thence along U.S. Highway 36 to the Missouri-Illinois State line. The purpose of this filing is to eliminate the gateway of points in Nebraska.

No. MC 114211 (Sub-No. E584), 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 that part of South Dakota on and east of a line beginning at the South Dakota-North Dakota State line extending along U.S. Highway 281 to junction U.S. Highway 14, thence along U.S. Highway 14 to junction South Dakota Highway 37, thence along South Dakota Highway 37 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 South Dakota Highway 11, thence along South Dakota Highway 11 to the Iowa-South Dakota State line, on the one hand, and, on the other, points in Oklahoma and New Mexico. The purpose of this filing is to eliminate the gateway of Canton, S. Dak.

No. MC 114211 (Sub-No. E585), filed June 4, 1974. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, Iowa 50704. Applicant's representative: Kenneth R. Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Farm machinery and parts thereof*, (except commodities the transportation of which, because of size or weight, requires the use of special equipment or special handling), from points in that part of Nebraska on and south of a line beginning at the Nebraska-Wyoming State line extending along U.S. Highway 26 to junction U.S. Highway 30, thence along U.S. Highway 30 to junction U.S. Highway 34, thence along U.S. Highway 34 to junction U.S. Highway 77, thence along U.S. Highway 77 to the Nebraska-Kansas State line, to points in Wisconsin and Michigan, with no transportation for compensation on return except as otherwise authorized restricted against the transportation of those commodities described in *Mercer Extension-Oil Field Commodities*, 74 M.C.C. 459. The purpose of this filing is to eliminate the gateway of Beatrice, Nebr.

No. MC 114211 (Sub-No. E586), filed June 4, 1974. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, Iowa 50704. Applicant's representative: Kenneth R. Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Farm machinery and parts thereof*, (except commodities the transportation of which, because of size or weight, require the use of special equipment or special handling), between points in Illinois, on the one hand, and, on the other, points in that part of Colorado on and northwest of a line beginning at the Kansas-Colorado State line extending along U.S. Highway 36 to junction Colorado Highway 57, thence along Colorado Highway 57 to junction Interstate Highway 70, thence along Interstate Highway 70 to junction U.S. Highway 24, thence along U.S. Highway 24 to junction Colorado

Highway 115, thence along Colorado Highway 115 to junction U.S. Highway 50, thence along U.S. Highway 50 to junction Colorado Highway 67, thence along Colorado Highway 67 to junction Colorado Highway 96, thence along Colorado Highway 96 to junction Colorado Highway 165, thence along Colorado Highway 165 to junction Interstate Highway 25, thence along Interstate Highway 25 to junction U.S. Highway 160, thence along U.S. Highway 160 to junction U.S. Highway 285, thence along U.S. Highway 285 to the Colorado-New Mexico State line, restricted against the transportation of those commodities described in *Mercer Extension-Oil Field* Commodities, 74 M.C.C. 459. The purpose of this filing is to eliminate the gateways of Omaha and Beatrice, Nebr., and Council Bluffs, Iowa.

No. MC 114211 (Sub-No. E587), 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 east of a line beginning at the Minnesota-Iowa State line extending along U.S. Highway 169 to junction U.S. Highway 34, thence along U.S. Highway 34 to junction Interstate Highway 35, thence along Interstate Highway 35 to the Iowa-Missouri State line, to points in New Mexico, with no transportation for compensation on return except as otherwise authorized. The purpose of this filing is to eliminate the gateway of Ottumwa, Iowa.

No. MC 114211 (Sub-No. E588), 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*, from points in that part of Illinois on and north of a line beginning at the Illinois-Indiana State line extending along Interstate Highway 80 to junction U.S. Highway 30, thence along U.S. Highway 30 to the Illinois-Iowa State line, to parts of Texas on and west of a line beginning at the Texas-Oklahoma State line extending along Interstate Highway 35 to junction U.S. Highway 77, thence along U.S. Highway 77 to junction U.S. Highway 87, thence along U.S. Highway 87 to the Gulf Coast with no transportation for compensation on return except as otherwise authorized restricted against movement to oil field locations. The purpose of this filing is to eliminate the gateways of Nebraska City, Nebr., Beatrice, Nebr., and points in Iowa.

No. MC 114211 (Sub-No. E589), 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 Illinois on and north of line beginning at a point of the Illinois-Indiana State line extending along U.S. Highway 24 to junction Illinois Highway 116, thence along Illinois Highway 116 to junction U.S. Highway 34, thence along U.S. Highway 34 to the Illinois-Iowa State line, to points in that part of Texas on and west of a line beginning at the Oklahoma-Texas State line extending along U.S. Highway 75 to junction Texas Highway 288, thence along Texas Highway 288 to the Gulf of Mexico, with no transportation for compensation on return except as otherwise authorized. The purpose of this filing is to eliminate the gateway of Des Moines, Iowa.

No. MC 114211 (Sub-No. E590), 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, north, and east of a line beginning at the Iowa-Illinois State line extending along U.S. Highway 34 to junction Iowa Highway 5, thence along Iowa Highway 5 to junction Iowa Highway 2, thence along Iowa Highway 2 to junction U.S. Highway 65, thence along U.S. Highway 65 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 junction Interstate Highway 80, thence along Interstate Highway 80 to junction Iowa Highway 191, thence along Iowa Highway 191 to junction U.S. Highway 59, thence along U.S. Highway 59 to the Iowa-Minnesota State line, to points in that part of Texas on, south, and east of a line beginning at the Texas-Oklahoma State line extending along Texas Highway 79 to junction U.S. Highway 82/277, thence along U.S. Highway 82/277 to junction with U.S. Highway 283, thence along U.S. Highway 283 to junction U.S. Highway 87, thence along U.S. Highway 87 to junction U.S. Highway 377, thence along U.S. Highway 377 to junction U.S. Highway 83, thence along U.S. Highway 83 to junction U.S. Highway 57, thence along U.S. Highway 57 to Eagle Pass, Tex., with no transportation for compensation on return except as otherwise authorized. The purpose of this filing is to eliminate the gateway of Des Moines, Iowa.

No. MC 114211 (Sub-No. E591), 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 east of a line beginning at the Iowa-Missouri State line extending along U.S. Highway 69 to junction U.S. Highway 30, thence along U.S. Highway 30 to junction U.S. Highway 71, thence along U.S. Highway 71 to junction Iowa Highway 7, thence along Iowa Highway 7 to junction U.S. Highway 59, thence along U.S. Highway 59 to the Iowa-Minnesota State line, to points in Texas, with no transportation for compensation on return except as otherwise authorized. The purpose of this filing is to eliminate the gateway of Des Moines, Iowa.

No. MC 114211 (Sub-No. E592), 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 east of a line beginning at the Iowa-Missouri state line and extending along Interstate 35 to Junction Iowa Highway 92, thence along Iowa Highway 92 to Junction U.S. Highway 169, thence along U.S. Highway 169 to Junction U.S. Highway 18, thence along U.S. Highway 18 to Junction Iowa Highway 4, thence along Iowa Highway 4 to the Minnesota-Iowa State line, to points in Texas, with no transportation for compensation on return as otherwise authorized. The purpose of this filing is to eliminate the gateway of Ottumwa, Iowa.

No. MC 114211 (Sub-No. E593), 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* (other than pipe used in or in connection with the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of natural gas and petroleum and their products), and *fittings and accessories* therefor when moving with such pipe, from points in that part of Illinois on and north of a line beginning at the Missouri-Illinois State line, thence along U.S. Highway 40 to the Illinois-Indiana State line, thence along the Illinois-Indiana State line to the Iowa-Illinois State line, thence along the Illinois-Iowa State line to junction U.S. Highway 34, thence along U.S. Highway 34 to junction Illinois Highway 116, thence along Illinois Highway 116 to junction U.S. Highway 24, thence along U.S. Highway 24 to the Illinois-Indiana State line, to points in Idaho, Utah, and Arizona, 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 Griffith Pipe Co., located at or near Council Bluffs, Iowa.

No. MC 114211 (Sub-No. E595), filed June 4, 1974. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, Iowa 50704. Applicant's representative: Kenneth R. Nelson (same

as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Farm machinery and parts thereof*, between points in that part of Illinois on and north of a line beginning at the Iowa-Indiana State line extending along Interstate Highway 80 to junction Illinois Highway 92, thence along Illinois Highway 92 to the Illinois-Iowa State line, on the one hand, and, on the other, points in that part of Missouri on, north, and east of a line beginning at the Iowa-Missouri State line extending along U.S. Highway 65 to junction U.S. Highway 36, thence along U.S. Highway 36 to the Missouri-Kansas State line. The purpose of this filing is to eliminate the gateway of Des Moines, Iowa.

No. MC 114211 (Sub-No. E596), 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 Illinois on and north of a line beginning at the Missouri-Illinois State line extending along Illinois Highway 140 to junction U.S. Highway 40, thence along U.S. 40 to junction Illinois Highway 33, thence along Illinois Highway 33 to junction Illinois Highway 130, thence along Illinois Highway 130 to junction U.S. 50, thence along U.S. Highway 50 to the Illinois-Indiana State line, to points in New Mexico, with no transportation for compensation on return except as otherwise authorized. The purpose of this filin gis to eliminate the gateway of Ottumwa, Iowa.

No. MC 114211 (Sub-No. E597), 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*, from points in that part of Illinois on and north of a line beginning at the Iowa-Illinois State line extending along U.S. Highway 136 to junction U.S. Highway 24, thence along U.S. Highway 24 to the Illinois-Indiana State line, to points in that part of Texas on and southwest of a line beginning at the United States-Mexico Boundary line extending along U.S. Highway 277 to junction U.S. Highway 83, thence along U.S. Highway 83 to junction U.S. 62, thence along U.S. Highway 62 to the Texas-Oklahoma State line with no transportation for compensation on return except as otherwise authorized, restricted against movement to oil field locations. The purpose of this filing is to eliminate the gateways of Des Moines, Iowa, and Beatrice, Nebraska.

No. MC 114211 (Sub-No. E604), filed June 4, 1974. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, Iowa 50704. Applicant's representative: Kenneth R. Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Farm machinery and parts thereof*, from points in Illinois, to points in that part of New Mexico on and west of a line beginning at the New Mexico-Texas State line extending along New Mexico Highway 170 to junction U.S. Highway 64, thence along U.S. Highway 64 to junction New Mexico Highway 44, thence along New Mexico Highway 44, to junction New Mexico Highway 4, thence along New Mexico Highway 4 to junction U.S. Highway 84, thence along U.S. Highway 84 to junction New Mexico Highway 14, thence along New Mexico Highway 14 to junction U.S. Highway 54, thence along U.S. Highway 54 to the New Mexico-Texas State line. The purpose of this filing is to eliminate the gateway of Ottumwa, Iowa.

No. MC 114211 (Sub-No. E605), 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 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 that part of Missouri on and east of a line beginning at the Missouri-Iowa State line extending along Interstate Highway 29 to junction Interstate Highway 35, thence along Interstate Highway 35 to the Missouri-Kansas State line, to points in that part of Indiana on and north of a line beginning at the Illinois-Indiana State line extending along Interstate Highway 94 to junction U.S. Highway 20, thence along U.S. Highway 20 to the Indiana-Ohio State line; to points in that part of Ohio on and north of a line beginning at the Ohio-Indiana State line extending along U.S. Highway 20 to junction Ohio Highway 18, thence along Ohio Highway 18, to junction Interstate Highway 77, thence along Interstate Highway 77, to junction U.S. Highway 30, thence along U.S. Highway 30 to the Ohio-Pennsylvania State line; to points in that part of Pennsylvania on and north of a line beginning at the Pennsylvania-Ohio State line extending along U.S. Highway 30 to junction U.S. Highway 140, thence along U.S. Highway 140 to the Pennsylvania-Maryland State line; and to points in Michigan and New York (except points in 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 gateway of Oelwein and Des Moines, Iowa.

No. MC 114211 (Sub-No. E606), filed June 4, 1974. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, Iowa 50704. Applicant's representative: Kenneth R. Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Farm machinery* and *parts* thereof between points in that part of Iowa on, north and east of a line beginning at the Iowa-Nebraska State line extending along U.S. Highway 6 to junction U.S. Highway 59, thence along U.S. Highway 59, to junction U.S. Highway 30, thence along U.S. Highway 30, to junction U.S. Highway 17, thence along U.S. Highway 17 to junction U.S. Highway 20, thence along U.S. Highway 20, to junction U.S. Highway 69, thence along U.S. Highway 69, to junction U.S. Highway 18, thence along U.S. Highway 18, to junction U.S. Highway 52, thence along U.S. Highway 52 to the Iowa-Illinois-Wisconsin State lines, on the one hand, and, on the other, points in that part of Oklahoma on and west of a line beginning at the Kansas-Oklahoma State line extending along U.S. Highway 75 to junction Indiana Turnpike, thence along Indiana Turnpike to junction U.S. Highway 271, thence along U.S. Highway 271 to the Oklahoma-Texas State line, restricted against the transportation of commodities the transportation of which because of size or weight; requires the use of special equipment or special handling, and restricted against the transportation of those commodities described in *Mercer Extension Oil Field Commodities*, 74 MCC 459. The purpose of this filing is to eliminate the gateways of Omaha and Beatrice, Nebraska, and Council Bluffs, Iowa.

No. MC 114211 (Sub-No. E607), filed June 4, 1974. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, Iowa 50704. Applicant's representative: Kenneth R. Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Farm machinery* and *parts* thereof, between points in that part of Iowa on and west of a line beginning at the Minnesota-Iowa State line extending along Iowa Highway 86 to junction U.S. Highway 71, thence along U.S. Highway 71, to junction Iowa Highway 10, thence along Iowa Highway 10, to junction U.S. Highway 59, thence along U.S. Highway 59, to junction Iowa Highway 175, thence along Iowa Highway 37, to junction Interstate Highway 29, thence along Interstate Highway 29, to junction U.S. Highway 6, thence along U.S. Highway 6 west to Iowa-Nebraska State line, on the one hand, and, on the other, points in Oklahoma, restricted against the transportation of commodities the transportation of which, because of size or weight, requires the use of special equipment or special handling, and restricted against the transportation of those commodities described in *Mercer Extension Oil Field Commodities*, 74 MCC 459. The purpose of this filing is to eliminate the gateways of Omaha and Beatrice, Nebraska, and Council Bluffs, Iowa.

No. MC 114211 (Sub-No. E608), 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 Illinois on and north of a line beginning at Indiana-Illinois State line and extending along U.S. Highway 30 to the Illinois-Iowa State line, to points in California, Nevada and Utah, and to points in that part of Arizona on and west of a line beginning at the Colorado-Arizona State line extending along U.S. Highway 16 to junction Arizona Highway 63, thence along Arizona Highway 63, to junction U.S. Highway 66, thence along U.S. Highway 66, to junction U.S. Highway 180, thence along U.S. Highway 180 to junction U.S. Highway 60, thence along U.S. Highway 60, to junction U.S. Highway 70, thence along U.S. Highway 666, thence along U.S. Highway 666 to the U.S.-Mexico Boundary line, and to points in that part of Wyoming on and north and west of a line beginning at the Wyoming-South Dakota State line extending along U.S. Highway 16 to junction Wyoming Highway 450, thence along Wyoming 450 to junction Wyoming Highway 59, thence along Wyoming Highway 59, to junction Wyoming Highway 387, thence along Wyoming Highway 387 to junction U.S. Highway 87, thence along U.S. Highway 87, to junction Wyoming Highway 220, thence along Wyoming Highway 220, to junction U.S. Highway 287, thence along 287, to junction Interstate Highway 80, thence along Interstate Highway 80, to junction Wyoming Highway 430, thence along Wyoming Highway 430 to the Wyoming-Colorado State line, with no transportation for compensation on return except as otherwise authorized. The purpose of this filing is to eliminate the gateway of Minneapolis, Minnesota.

No. MC 114211 (Sub-No. E609), filed June 4, 1974. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, Iowa 50704. Applicant's representative: Kenneth R. Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Farm machinery and parts thereof*, between points in that part of Minnesota on, west, and north of a line beginning at the Iowa-Minnesota State line extending along Minnesota Highway 15 to junction Minnesota Highway 23, thence along Minnesota Highway 23 to junction Interstate Highway 35, thence along Interstate Highway 35 to Duluth, Minn., on the one hand, and, on the other, points in Oklahoma. The purpose of this filing is to eliminate the gateways of Council Bluffs, Iowa, Beatrice, Nebr., and Nebraska City, Nebr.

No. MC 114211 (Sub-No. E610), 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 truck tractors) *scrapers, motor graders, wagons, engines* (except aircraft and missile engines), *generators, engines and generators combined, welders, road rollers, and dump trucks and parts attachments and accessories* for the above described commodities from Aurora, Joliet, Mossville, Decatur, Morton, and Peoria, Illinois and points within 15 miles of Peoria, Illinois to points in North Dakota, Montana, Idaho, Washington, Oregon, and to points in that part of Wyoming on and north of the line beginning at the Wyoming-Nebraska State line and extending along U.S. Highway 26 to the Wyoming-Idaho State line; to points in that part of Utah on and west of the line beginning at the Idaho-Utah State line extending, along U.S. Highway 89 to junction U.S. Highway 6, thence along U.S. Highway 6 to Nevada-Utah State line, to points in Nevada north of U.S. Highway 6; and to points in that part of California on and west of a line beginning at the Nevada-California State line extending along U.S. Highway 395 to San Diego, California with no transportation for compensation on return except as otherwise authorized restricted to the transportation of shipments originating at the above-named origins. The purpose of this filing is to eliminate the gateway of Minneapolis, Minnesota.

No. MC 114211 (Sub-No. E6111, 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 Iowa on and east of a line beginning at the Missouri-Iowa State line extending along U.S. Highway 63 to junction Iowa Highway 92, thence along Iowa Highway 92 to junction Interstate Highway 35, thence along Interstate Highway 35 to junction Iowa Highway 141, thence along Iowa Highway 141 to junction U.S. Highway 71, thence along U.S. Highway 71 to the Iowa-Minnesota State line, on the one hand, and, on the other, points in Oklahoma. The purpose of this filing is to eliminate the gateways of Des Moines, Iowa, and Beatrice, Nebr.

No. MC 114211 (Sub-No. E613), 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 with vehicle beds, bed frames, and fifth wheels), equipment designed for use in conjunction with tractors, attachments for the above-described commodities, and parts, from Noyes, Minnesota, to points in Washington, Oregon, California, Nevada, Idaho, Utah, New Mexico, Texas, Oklahoma, Kansas, Colorado, Wyoming, South Dakota, Nebraska, Iowa, Missouri, Arkansas, Louisiana, Mississippi, Tennessee, Illinois, Wisconsin, Indiana, Michigan, Ohio, Kentucky, Alabama, Georgia, Florida, South Carolina, North Carolina, Virginia, West Virginia, Pennsylvania, District of Columbia, Maryland, Delaware, New Jersey, Connecticut, Rhode Island, New York, Massachusetts, New Hampshire, Vermont, Maine, and to points in that part of Montana on and southwest of a line beginning at the North Dakota-Montana State line thence along Interstate Highway 94 to junction Montana Highway 200 S, thence along Montana Highway 200 S to junction Montana Highway 200, thence along Montana Highway 200 to junction U.S. Highway 87, thence along U.S. Highway 87 to junction U.S. Highway 191, thence along U.S. Highway 191 to junction Fergus County Highway 236,

Thence along Fergus County Highway 236 to junction U.S. Highway 87, thence along U.S. Highway 87 to junction Hill County Highway 432, thence along Hill County Highway 432 to junction U.S. Highway 2, thence along U.S. Highway 2 to junction U.S. Highway 91, thence along U.S. Highway 91 to the United States-Canada Boundary line, and to points in that part of Minnesota on and south of a line beginning at the North Dakota-Minnesota State line extending along U.S. Highway 10 to junction Minnesota, Highway 87, thence along Minnesota Highway 87, thence along nesota Highway 64, thence along Minnesota Highway 64 to junction Minnesota Highway 210, thence along Minnesota Highway 210 to the Minnesota-Wisconsin State line, and to points in that part of North Dakota on and south of a line beginning at the Minnesota-North Dakota State line extending along Interstate Highway 94 to junction North Dakota Highway 31, thence along North Dakota Highway 31, to junction North Dakota Highway 200, thence along U.S. Highway 200 to junction U.S. Highway 85, to junction Interstate Highway 94, thence along Interstate Highway 94 to the North Dakota-Montana State line, with no transportation for compensation on return except as otherwise authorized. The purpose of this filing is to eliminate the gateway of that part of the Fargo, North Dakota, commercial zone located in Moorhead, Minnesota.

No. MC 114211 (Sub-No. E614), 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* (except pipe used in or in connection with the discovery, development, production, refining, manufacture, processing, storage, transmission and distribution of natural gas and petroleum and their products) and fittings and accessories therefor when moving with such pipe, from points in that part of Texas on and west of a line

beginning at the Oklahoma-Texas State line extending along U.S. Highway 75 to junction Interstate Highway 35E, thence along Interstate Highway 35E, to junction U.S. Highway 183, thence along U.S. Highway 183, to junction U.S. Highway 90, thence along U.S. Highway 90, to junction Texas Highway 123, thence along Texas Highway 123, to junction U.S. Highway 181, thence along U.S. Highway 181, to junction Texas Highway 72, thence along Texas Highway 72, to junction U.S. Highway 281, thence along U.S. Highway 281 to the Mexico-Texas State line, and from points in that part of Oklahoma on and west of a line extending along U.S. Highway 75 to junction Indian Nation Turnpike, thence along Indian Nation Turnpike, to junction U.S. Highway 69, Oklahoma-Texas State line, to points in New York, Vermont, New Hampshire, Maine, Massachusetts, Rhode Island, Connecticut, and to points in that part of New Jersey on and north of a line beginning at the Pennsylvania-New Jersey State line extending along Interstate Highway 80 to junction Interstate Highway 280, to the New Jersey-New York State line, and to points in that part of Pennsylvania on and north of a line beginning at Erie, Pennsylvania extending along U.S. Highway 19 to junction U.S. Highway 6, thence along U.S. Highway 6 to junction U.S. Highway 11, thence along U.S. Highway 11, to junction Interstate Highway 380, thence along Interstate Highway 380, to junction Interstate Highway 80, thence along Interstate Highway 80 to the Pennsylvania-New Jersey State line, with no transportation for compensation on return except as otherwise authorized. The purpose of this filing is to eliminate the gateway of the plantsite of the Griffen Pipe Company located at or near Council Bluffs, Iowa.

No. MC 114211 (Sub-No. E615), 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, south, and east of a line beginning at the Iowa-Missouri State line extending along U.S. Highway 169 to junction U.S. Highway 34, thence along U.S. Highway 34 to junction Interstate Highway 35, thence along Interstate Highway 35 to junction Interstate Highway 80, thence along Interstate Highway 80 to junction U.S. Highway 6, thence along U.S. Highway 6 to junction Iowa Highway 149, thence along Iowa Highway 149 to junction Iowa Highway 151, thence along Iowa Highway 151 to junction Iowa Highway 64, thence along Iowa Highway 64 to the Iowa-Illinois State line, to points in South Dakota. The purpose of this filing is to eliminate the gateway of Des Moines, Iowa.

No. MC 114211 (Sub-No. E616), filed June 4, 1974. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterlo, 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*, from points in Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, Connecticut, New Jersey, and from points in that part of New York on and east of a line beginning at the U.S., Canada, Boundaries line extending along New York Highway 16 to junction New York Highway 17, thence along New York Highway 17, to junction U.S. Highway 219, thence along U.S. Highway 219 to the New York-Pennsylvania State line, and from points in that part of Pennsylvania on and east of a line beginning at the Pennsylvania-New York State line extending along U.S. Highway 219 to junction Pennsylvania Highway 879, thence along Pennsylvania Highway 879 to junction Pennsylvania Highway 453, thence along Pennsylvania 453, to junction Pennsylvania Highway 350, to junction U.S. Highway 522, thence along U.S. Highway 522 to junction Pennsylvania Highway 641, thence along Pennsylvania Highway 641, to junction Pennsylvania Highway 997, thence along Pennsylvania Highway 977 to junction U.S. Highway 11, thence along U.S. Highway 11 to junction U.S. Highway 11, thence along Highway 11 south to the Pennsylvania-Maryland State line, to points in Washington, Oregon, Montana, and to points in that part of North Dakota on and west of a line beginning at the U.S.-Canada Boundary line extending along U.S. Highway 85.

Thence along U.S. Highway 85 to the North Dakota-South Dakota State line, and to points in that part of Idaho on and north of a line beginning at the Idaho-Wyoming State line extending along U.S. Highway 26 to junction Interstate Highway 15, thence along Interstate Highway 15, to junction U.S. Highway 30, thence along U.S. Highway 30, to junction U.S. Highway 93, thence along U.S. Highway 93 to the Idaho-Nevada State line, and to points in that part of Wyoming on and north of a line beginning at the Wyoming-Montana State line extending along U.S. Highway 26 to junction U.S. Highway 187, thence along U.S. Highway 187, to junction U.S. Highway 89, thence along U.S. Highway 89, to junction U.S. Highway 20, thence along U.S. Highway 20, to junction U.S. Highway 14, thence along U.S. Highway 14, to junction U.S. Highway 87, thence along U.S. Highway 87 to the Wyoming-Montana State line, and to points in that part of California on and north of a line beginning at the California-Nevada State line extending along U.S. Highway 395 to junction California Highway 70, thence along California Highway 70, to junction California Highway 149, thence along California Highway 149, to junction California Highway 99, thence along California Highway 99, to junction California Highway 36, thence along California Highway 36, to junction U.S. Highway 101, thence along U.S. Highway 101 to Eureka, California, and to points in that part of Nevada on and north of a line beginning at the Nevada-Idaho State line extending along U.S. Highway 93 to junction U.S. Highway 40, thence along U.S. Highway 40 to the Nevada-California State line, with no transportation for compensation on return except as otherwise authorized. The purpose of this filing is to eliminate the gateway of Canton, South Dakota, and Minneapolis, Minnesota.

No. MC 114211 (Sub-No. E617), 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 Illinois on and north of a line beginning at the Illinois-Iowa State line extending along U.S. Highway 30 to junction Illinois Highway 56, thence along Illinois Highway 56, to junction Illinois Highway 5, thence along Illinois Highway 5, to junction Interstate Highway 90, thence along Interstate Highway 90 to the Illinois-Indiana State line, to points in Utah, California, and Nevada and to points in that part of Wyoming on north & west of a line beginning at the Wyoming-South Dakota State line extending along U.S. Highway 16 to junction Wyoming Highway 450, thence along Wyoming Highway 450 to junction Wyoming Highway 59, thence along Wyoming Highway 59, to junction Wyoming Highway 387, thence along Wyoming Highway 387 to junction U.S. Highway 87, thence along U.S. Highway 87 to junction Wyoming Highway 220, thence along Wyoming Highway 220 to junction Wyoming Highway 73, thence along Wyoming Highway 73, to junction Interstate Highway 80, thence along Interstate Highway 80, to junction Wyoming Highway 430, thence along Wyoming Highway 430 to the Wyoming-Colorado State line, and to points in that part of Arizona on and west of a line beginning at the Colorado-Arizona State line extending along U.S. Highway 160 to junction Arizona Highway 63, thence along Arizona Highway 63, to junction U.S. Highway 66, thence along U.S. Highway 66, to junction U.S. Highway 180, thence along U.S. Highway 180, to junction U.S. Highway 60, thence along U.S. Highway 60, to junction U.S. Highway 70, thence along U.S. Highway 70, to junction U.S. Highway 666, thence along U.S. Highway 666 to the United States-Mexico Boundary line, with no transportation for compensation on return except as otherwise authorized. The purpose of this filing is to eliminate the gateway of Minneapolis, Minnesota.

No. MC 114211 (Sub-No. E618), 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 Illinois to points in Washington, Oregon, Idaho, Montana, and North Dakota. The purpose of this filing is to eliminate the gateway of Minneapolis, Minn.

No. MC 114211 (Sub-No. E619), 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 Illinois to points in Washington, Oregon, Idaho, Montana, and North Dakota. The purpose of this filing is to eliminate the gateway of Minneapolis, Minn.

No. MC 115331 (Sub-No. E26), filed June 3, 1974. Applicant: TRUCK TRANSPORT, INC., 230 Saint Clair Avenue, East St. Louis, Illinois 62201. Applicant's representative: E. Stephen Heisley, 666 Eleventh Street NW., Washington, D.C. 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals*, in containers, from points in New York, to points in Iowa, Missouri, Minnesota, Nebraska, those points in Illinois on and west of a line beginning at the Illinois-Wisconsin State line and extending along U.S. Highway 51 to its junction with Illinois Highway 17, thence along Illinois Highway 17 to its junction with U.S. Highway 45, thence along U.S. Highway 45 to the Illinois-Kentucky State line, and those points in Wisconsin on and west of U.S. 51. The purpose of this filing is to eliminate the gateway of El Paso, Illinois.

No. MC 115331 (Sub-No. E27), filed June 3, 1974. Applicant: TRUCK TRANSPORT, INC., 230 Saint Clair Avenue, East St. Louis, Illinois 62201. Applicant's representative: E. Stephen Heisley, 666 Eleventh Street NW, Washington, D.C. 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals*, in containers, from points in Nevada, to points in Pennsylvania, West Virginia, Kentucky, Ohio, Indiana, Michigan, Illinois, those points in Wisconsin on and south of Wisconsin Highway 64, those points in Iowa on and west of a line beginning at the Iowa-Missouri State line, and extending along U.S. 218 to its junction with Iowa Highway 1, thence along Iowa Highway 1 to its junction with U.S. 151, thence along U.S. 151 to the Iowa-Wisconsin State line, those points in Missouri on and east of a line beginning at the Missouri-Iowa State line, and extending along unmarked state highway to its junction with U.S. 63, thence along U.S. Highway 63 to its junction with U.S. Highway 61 to its junction with Interstate Highway 70, thence along Interstate Highway 70 to the Missouri-Illinois State line. The purpose of this filing is to eliminate the gateway of El Paso, Illinois.

No. MC 119968 (Sub-No. E1), filed May 20, 1974. Applicant: A. J. WEIGAND, INC., 3966 Pearl Rd., Cleveland, Ohio 44109. Applicant's representative: Paul F. Berry, 8 East Broad St., Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Such commodities* as are manufactured and sold by chemical manufacturing plants (except petroleum products, in bulk, in tank trucks), when moving to or from warehouses or other facilities of chemicals manufacturing plants, that are included in machinery, equipment, materials, and supplies used by chemical manufacturing plants, in bulk, between points in Illinois, Indiana, the Southern Peninsula of Michigan, and those points in that part of Kentucky on and west of a line beginning at the Kentucky-Ohio State line and extending south along Interstate Highway 75 to the Kentucky-Tennessee State line, on the one hand, and, on the other, points in Connecticut, Delaware, Maryland, Massachusetts, New Jersey, Rhode Island, and those points in New York on and east of a line beginning at the U.S.-Canada International Boundary line and extending south along Interstate Highway 81 to the New York-Pennsylvania State line. The purpose of this filing is to eliminate the gateway of Dover, Ohio.

No. MC 119968 (Sub-No. E4), filed May 20, 1974. Applicant: A. J. WEIGAND, INC., 3966 Pearl Rd., Cleveland, Ohio 44109. Applicant's representative: Paul F. Berry, 8 East Broad St., Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Such commodities* as are manufactured and sold by chemical manufacturing plants (except petroleum products, in bulk, in tank trucks), when moving to or from warehouses or other facilities of chemical manufacturing plants, that are included in machinery, equipment, materials, and supplies used by chemical manufacturing plants, in bulk, between the counties of Green and Washington, Pa., and the counties of Brook, Hancock, Marshall, and Ohio, W. Va., on the one hand, and, on the other, points in Illinois, Indiana, the Southern Peninsula of Michigan, those in Ohio on and west of a line beginning at Sandusky, Ohio, and extending south along U.S. Highway 250 to junction Ohio Highway 39, thence along Ohio Highway 39 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 junction Interstate Highway 75, thence along Interstate Highway 75 to the Ohio-Kentucky State line, those in Kentucky on and west of Interstate Highway 75, and those in the counties of Clinton and Franklin, N.Y.

No. MC 119968 (Sub-No. E5), filed May 20, 1974. Applicant: A. J. WEIGAND, INC., 3966 Pearl Rd., Cleveland, Ohio 44109. Applicant's representative: Paul F. Beery, 8 East Broad St., Columbus Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: Such commodities as are manufactured and sold by chemical manufacturing plants (except petroleum products, in bulk, in tank trucks), when moving to or from warehouses or other facilities of chemical manufacturing plants, that are included in machinery, equipment, materials, and supplies used by chemical manufacturing plants, in bulk, between points in the counties of Armstrong, Beaver, Butler, and Lawrence Counties, Pa., on the one hand, and, on the other, points in Illinois, Indiana, Kentucky, the Southern Peninsula of Michigan, those in Ohio west of a line beginning at Toledo, Ohio, and extending south and east along Ohio Highway 2 to junction U.S. Highway 150, thence along U.S. Highway 250 to junction Ohio Highway 4, thence along Ohio Highway 4 to junction U.S. Highway 224, thence along U.S. Highway 224 to junction Ohio Highway 60, thence along Ohio Highway 60 to junction Ohio Highway 39, thence along Ohio Highway 39 to junction Interstate Highway 77, thence along Interstate Highway 77 to the Ohio-West Virginia State line, those in West Virginia on and west of Interstate Highway 77. The purpose of this filing is to eliminate the gateway of Dover, Ohio.

No. MC 119968 (Sub-No. E6), filed May 20, 1974. Applicant: A. J. WEIGAND, INC., 3966 Pearl Rd., Cleveland, Ohio 44109. Applicant's representative: Paul F. Beery, 8 East Broad St., Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Such commodities as are manufactured and sold by chemical manufacturing plants* (except petroleum products, in bulk, in tank trucks), when moving to or from warehouses or other facilities of chemical manufacturing plants, that are included in machinery, equipment, materials, and supplies used by chemical manufacturing plants, in bulk, between the counties of Allegheny, Fayette, and Westmoreland, Pa., on the one hand, and, on the other, points in Illinois, Indiana, the Southern Peninsula of Michigan, those in Ohio on and west of a line beginning at Sandusky, Ohio, and extending south along U.S. Highway 250 to junction Interstate Highway 77, thence along Interstate Highway 77 to junction U.S. Highway 36, thence along U.S. Highway 36 to junction Ohio Highway 16, thence along Ohio Highway 16 to junction U.S. Highway 23, thence along U.S. Highway 23 to the Ohio-Kentucky State line; those points in Kentucky on and west of a line beginning at the Ohio-Kentucky State line and extending east along U.S. Highway 23 to junction Kentucky Highway 7, thence along Kentucky Highway 7 to junction U.S. Highway 119, thence along U.S. Highway 119 to the Kentucky-West Virginia State line. The purpose of this

filing is to eliminate the gateway of Dover, Ohio.

No. MC 119968 (Sub-No. E7), filed May 20, 1974. Applicant: A. J. WEIGAND, INC., 3966 Pearl Rd., Cleveland, Ohio 44109. Applicant's representative: Paul F. Beery, 8 East Broad St., Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Such commodities as are manufactured and sold by chemical manufacturing plants* (except petroleum products, in bulk, in tank trucks), when moving to or from warehouses or other facilities of chemical manufacturing plants, that are included in machinery, equipment, materials, and supplies used by chemical manufacturing plants, in bulk, between points in the part of New York, on and west of a line beginning at the U.S.-Canadian border and extending south along Interstate Highway 81 to the New York-Pennsylvania State line on the one hand, and, on the other, points in Illinois, Indiana on and south of U.S. Highway 30, and Kentucky. The purpose of this filing is to eliminate the gateway of Dover, Ohio.

No. MC 119968 (Sub-No. E8), filed May 20, 1974. Applicant: A. J. WEIGAN, INC., 3966 Pearl Rd., Cleveland, Ohio 44109. Applicant's representative: Paul F. Beery, 8 East Broad St., Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Such commodities* as are manufactured and sold by chemical manufacturing plants (except petroleum products, in bulk, in tank trucks), when moving to or from warehouses or other facilities of chemical manufacturing plants, that are included in machinery, equipment, materials, and supplies used by chemical manufacturing plants, in bulk, between points in that part of Kentucky on and east of a line beginning at Middlesboro, Ky., and extending north along U.S. Highway 119 to junction U.S. Highway 421, thence along U.S. Highway 421 to junction Kentucky Highway 80, thence along Kentucky Highway 80 to junction U.S. Highway 119, thence along U.S. Highway 119 to the Kentucky-West Virginia State line, on the one hand, and, on the other, points in Connecticut, Massachusetts, New York, Rhode Island, that part of the southern peninsula of Michigan on and north of U.S. Highway 10, that part of Pennsylvania on and north of a line beginning at the Pennsylvania-West Virginia State line and extending east along Interstate Highway 70 to junction U.S. Highway 119, thence along U.S. Highway 119 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 the Pennsylvania-New Jersey State line; that part of West Virginia on and north of Interstate Highway 70. The purpose of this filing is to eliminate the gateway of Dover, Ohio.

No. MC 119968 (Sub-No. E10), filed May 20, 1974. Applicant: A. J. WEIGAND, INC., 3966 Pearl Rd., Cleveland, Ohio 44109. Applicant's representative: Paul F. Beery, 8 East Broad St., Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Such commodities* as are manufactured and sold by chemical manufacturing plants (except petroleum products, in bulk, in tank trucks), when moving to or from warehouses or other facilities of chemical manufacturing plants, that are included in machinery, equipment, materials, and supplies used by chemical manufacturing plants, in bulk, between those points in Pennsylvania on and south of a line beginning at the Pennsylvania-West Virginia State line and extending north along U.S. Highway 119 to junction U.S. Highway 22, thence along U.S. Highway 22 to junction U.S. Highway 322, thence along U.S. Highway 322 to the Pennsylvania-New Jersey State line, on the one hand, and, on the other, points in Illinois, Indiana, the southern peninsula of Michigan, those points in Kentucky on and west of a line beginning at the Ohio-Kentucky State line and extending south along U.S. Highway 68 to junction Interstate Highway 75, thence along Interstate Highway 75 to the Kentucky-Tennessee State line; and those points in Ohio on and west of a line beginning at Lorain, Ohio, and extending south along Ohio Highway 57 to junction Ohio Highway 18, thence along Ohio Highway 18 to junction Interstate Highway 77, thence along Interstate Highway 77 to junction U.S. Highway 36, thence along U.S. Highway 36 to junction Ohio Highway 16, thence along Ohio Highway 16 to junction U.S. Highway 62, thence along U.S. Highway 62 to the Ohio-Kentucky State line. The purpose of this filing is to eliminate the gateway of Dover, Ohio.

No. MC 119968 (Sub-No. E11), filed May 20, 1974. Applicant: A. J. WEIGAND, INC., 3966 Pearl Rd., Cleveland, Ohio 44109. Applicant's representative: Paul F. Beery, 8 East Broad St., Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Such commodities* as are manufactured and sold by chemical manufacturing plants (except petroleum products, in bulk, in tank trucks), when moving to or from warehouses or other facilities of chemical manufacturing plants, that are included in machinery, equipment, materials, and supplies used by chemical manufacturing plants, in bulk, between points in Pennsylvania on, east, and north of a line beginning at the New York-Pennsylvania State line and extending south along U.S. Highway 219 to junction U.S. Highway 22, thence along U.S. Highway 22 to junction U.S. Highway 322, thence along U.S. Highway 322 to the New Jersey-Pennsylvania State line, on the one hand, and, on the other, points in Illinois, Indiana, Kentucky, the southern peninsula of Michigan, that part of Ohio on and west of a line beginning at Toledo, Ohio, and extending west along Ohio Highway 51 to junction U.S. Highway 20, thence along U.S. Highway 20 to junction Ohio Highway 4, thence along Ohio Highway 4 to junction U.S. Highway 224, thence along U.S. Highway 224 to junction U.S. Highway 250, thence along U.S. Highway 250 to junction Interstate Highway 77, thence along Interstate Highway 77 to junction U.S. Highway 36, thence along U.S. Highway 36 to junction Ohio Highway 93, thence along Ohio Highway 93 to junction U.S. Highway 35, thence along U.S. Highway 35 to the Ohio-West Virginia State line; and that part of West Virginia on and east of a line beginning at the Ohio-West Virginia State line and extending along U.S. Highway 35 to junction U.S. Highway 60, thence along U.S. Highway 60 to junction U.S. Highway 119, thence along U.S. Highway 119 to the West Virginia-Kentucky State line. The purpose of this filing is to eliminate the gateway of Dover, Ohio.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.75-3681 Filed 2-7-75;8:45 am]

[Notice No. 13]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

FEBRUARY 3, 1975.

The following are notices of filing of application, except as otherwise specifically noted, each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application, for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the new rules of Ex Parte No. MC 67, (49 CFR 1131) published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field officials named in the FEDERAL REGISTER publication, within 15 calendar days after the date of notice of the filing of the application is published in the FEDERAL REGISTER. One copy of such protests must be served on the applicant, or its authorized representative, if any, and the protests must certify that such service has been made. The protests must be specific as to the service which such protestant can and will offer, and must consist of a signed original and six (6) copies.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in field office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 17812 (Sub-No. 2TA), filed January 27, 1975. Applicant: M. BURNS TRUCKING CO., 1860 Fall River Avenue, Seekonk, Mass. 02771. Applicant's representative: John M. Burnes or Robert

J. Burns (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Copying, Duplicating and Reproducing machines, parts, accessories and supplies* used in a Reproducing Systems between Reading, Lexington, and Seekonk, Mass., on the one hand, and, on the other, points and places in Washington and Newport Counties, R.I. Applicant intends to tack the authority applied for to authority held by its in MC 17812, for 180 days. Supporting shipper(s): Xerox Corporation, 445 Hamilton Avenue, White Plains, N.Y. 10601. Send protests to: Gerald H. Curry, District Supervisor, 187 Westminster Street, Providence, R.I. 02903.

No. MC 20546 (Sub-No. 18TA), filed January 24, 1975. Applicant: C. MALONE TRUCKING, INC., Rear 154 Newton Street, Waltham, Mass. 02154. Applicant's representative: Frank J. Weiner, 15 Court Square, Boston, Mass. 02108. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Paperboard and paperboard boxes*, (A) from the plant site facilities of Container Corporation of America at Medford, Mass., to Danielson, Dayville, and North Grosvenordale, Conn. and Portsmouth, N.H.; and (B) from the plant site facilities of Container Corporation of America at Wakefield, Mass., to Putnam and Wauregan, Conn.; and Somersworth, N.H., for 180 days. Supporting shipper: Container Corporation of America, 500 Flat Rock Road, Philadelphia, Pa. Send protests to: Darrell W. Hammons, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 150 Causeway Street, Room 501, Boston, Mass. 02114.

No. MC 29910 (Sub-No. 155TA), filed January 24, 1975. Applicant: ARKANSAS-BEST FREIGHT SYSTEM, INC., 301 South 11th Street, Fort Smith, Ark. 72901. Applicant's representative: Gary D. Bronson (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except household goods as defined by the Commission, and commodities requiring special equipment), serving the plantsite of Great Lakes Chemical Corporation located in Union County, Ark., approximately 15 miles west of El Dorado, Ark., on or near U.S. Highway 82, as an off-route point in connection with carrier's authorized regular route operation from and to El Dorado, Ark., for 180 days.

NOTE.—Applicant intends to tack the authority here applied for to another authority held by it in Docket MC 29910 and Subs thereto. Supporting shipper: Great Lakes Chemical Corporation, P.O. Box 1878, El Dorado, Ark. 71730. Send protests to: District Supervisor William H. Land, Jr., Interstate Commerce Commission, Bureau of Operations, 2519 Federal Office Building, 700 West Capitol, Little Rock, Ark. 72201.

No. MC 51146 (Sub-No. 416TA), filed January 24, 1975. Applicant: SCHNEIDER TRANSPORT, INC., 2661 South Broadway, Green Bay, Wis. 54304. Applicant's representative: Neil A. DuJardin, P.O. Box 2298, Green Bay, Wis. 54306. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Glass containers*, from Shakopee, Minn., to Peoria, Ill., for 180 days. Supporting shipper; Midland Glass Company, P.O. Box 69, Shakopee, Minn. 55379 (Russell F. Barto). Send protests to: John E. Ryden, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 135 West Wells Street, Room 807, Milwaukee, Wis. 53203.

No. MC 75651 (Sub-No. 72TA), filed January 24, 1975. Applicant: R. C. MOTOR LINES, INC., 1450 Wabash Avenue, Terre Haute, Ind. 47808. Applicant's representative: P. M. Witham, (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Activated Charcoal or Coke in Ocean Containers*, (2) *Empty Ocean Containers*. From (1) Savannah, Ga., to Power Generating Plant of Gulf Power Co. located at or near Boykin, Fla. From (2) Power Generating Plant of Gulf Power Co. located at or near Boykin, Fla., to Atlanta, for 180 days. Supporting shipper(s): Frederick Richards of Ga., Inc., 620 Realty Building, P.O. Box 1246, Savannah, Ga. 31402. Send protests to: District Supervisor, James W. Habermehl, Interstate Commerce Commission, Bureau of Operations, 802 Century Bldg., 36 S. Penn St., Indianapolis, Ind. 46204.

No. MC 79065 (Sub-No. 2TA), filed January 28, 1975. Applicant: R. PAUL McKEEN, R.D. No. 4, Wheeling, W. Va. 26003. Applicant's representative: D. L. Bennett, 129 Edgington Lane, Wheeling, W. Va. 26003. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Coal*, from Moundsville and/or Triadelphia, W. Va. To: Sciota Village, Delaware County, Ohio, for 180 days. Supporting shipper(s): The Valley Camp Coal Co., 700 Westgate Tower, Cleveland, Ohio 44116. Send protests to: Joseph A. Niggemyer, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 416 Old Post Office Bldg., Wheeling, W. Va. 26003.

No. MC 82063 (Sub-No. 55TA), filed January 23, 1975. Applicant: KLIPSCH HAULING CO., 119 E. Loughborough Ave., St. Louis, Mo. 63102. Applicant's representative: Ernest A. Brooks II, 1301 Ambassador Bldg., St. Louis, Mo. 63101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Spent Hydrofluoric Acid*, in bulk, in tank vehicles, From: Gore, Okla. To: points in Louisiana, Mississippi and Texas, for 180 days. Supporting shipper(s): Allied Chemical Corporation, Industrial Chemical Division, P.O. Box 1139 R, Morristown, N.J. 07960. Send protests to: J. P. Werthmann, District Supervisor, Interstate Commerce Commission, Bureau of Operations Room 1465, 210 N. 12th Street, St. Louis, Mo. 63101.

No. 95510 (Sub-No. 3TA), filed January 22, 1975. Applicant: D. C. COTNER, Highway 19 North, Salem, Mo. 65560. Applicant's representative: William E. Seay, 104A West 4th Street, Salem, Mo. 65560. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Wood chips*, From: Ozark Oak Flooring Co., north of Salem, Mo. to West Daco Company in Wickliffe, Ky., over Missouri Highway 32 and Missouri Highway 72 to Missouri Highway 21, thence on Missouri Highway No. 21 to U.S. Highway, then on U.S. Highway 60 to Wickliffe, Ky., for 180 days. Supporting shipper(s): Ozark Oak Flooring Company, Highway 19 North, Salem, Mo. 65560. Send protests to: District Supervisor J. P. Werthmann, Interstate Commerce Commission, Room 1465, 210 N. 12th Street, St. Louis, Mo. 63101.

No. MC 100439 (Sub-No. 5TA) (Amendment), filed January 6, 1975, published in the FEDERAL REGISTER issue of January 16, 1975, and republished as amended this issue. Applicant: DAVID W. HASSLER, INC., R.D. #8, York, Pa. 17403. Applicant's representative: Christian V. Graf, 407 North Front Street, Harrisburg, Pa. 17101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum and petroleum products* (except petro-chemicals, asphalt and asphaltic products), in bulk, from Baltimore, Md., to points in Adams, Berks, Centre, Clinton, Cumberland, Dauphin, Franklin, Huntingdon, Juniata, Lancaster, Lebanon, Lycoming, Mifflin, Northumberland, Perry, Snyder, Union and York (except York and Red Lion) Counties, Pa., for 180 days.

NOTE.—The purpose of this republication is to add more to the commodity description. The rest of the application will remain the same.

No. MC 102817 (Sub-No. 23TA), filed January 22, 1975. Applicant: PERKINS FURNITURE TRANSPORT, INC., P.O. Box 24335, 5034 Lafayette Rd., Indianapolis, Ind. Applicant's representative: Robert W. Loser, 1009 Chamber of Commerce Bldg., Indianapolis, Ind. 46204. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Pianos, organs & benches* moving therewith, from Jasper & French Lick, Ind., to points in Alabama, Arkansas, Connecticut, Delaware, the District of Columbia, Florida, Georgia, Illinois, Idaho, Kansas, Kentucky, Louisiana, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Nebraska, New Jersey, New York, North Carolina, North Dakota, Ohio, Pennsylvania, South Carolina, South Dakota, Tennessee, Virginia, West Virginia, and Wisconsin, for 180 days. Supporting shipper(s): Kimball Piano & Organ Co., Inc., 1111 E. 15th St., Box 460, Jasper, Ind. 47546. Send protests to: District Supervisor, James W. Habermehl, Interstate Commerce Commission, Bureau of Operations, 802 Century Bldg., 36 S. Penn. Street, Indianapolis, Ind. 46204.

No. MC 106674 (Sub-No. 153TA), filed January 21, 1975. Applicant: SCHILLI

MOTOR LINES, INC., Box 123, Remington, Ind. 47977. Applicant's representative: Jerry Johnson (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs, non-frozen*, Restricted: Against commodities in bulk, From the plantsite at Austin, Ind., to points in Oklahoma and Texas, for 180 days. Supporting shipper(s): Morgan Packing Co., Austin, Ind. 47102. Send protests to: J. H. Gray, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 345 W. Wayne St., Rm. 204, Ft. Wayne, Ind. 46802.

No. MC 107882 (Sub-No. 37TA), filed January 21, 1975. Applicant: ARMORED MOTOR SERVICE CORPORATION, 160 Ewingville Road, Trenton, N.J. 08638. Applicant's representative: Herbert A. Dubin, Federal Bar Building, 1819 H Street NW., Washington, D.C. 20006. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Bullion*, From San Francisco, Calif., to New York, N.Y., for 180 days. Supporting Shipper(s): General Services Administration, Crystal Mall, Building No. 4, Arlington, Va. Send protests to: Richard M. Regan, District Supervisor, Interstate Commerce Commission, 428 East State Street, Room 204, Trenton, N.J. 08608.

No. MC 109397 (Sub-No. 310TA), filed January 21, 1975. Applicant: TRI-STATE MOTOR TRANSIT CO., P.O. Box 113 (Business-44), Joplin, Mo. 64801. Applicant's representative: Max G. Morgan, Suite 223 Ciudad, Oklahoma City, Okla. 73112. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Radio active and "Sensitive" non-radioactive Waste Materials* Requiring Special Disposition; over irregular routes, From the City of San Francisco and the Counties of San Francisco, Alameda, Solano, Contra Costa, Santa Clara, San Mateo, Sacramento, San Diego, Los Angeles, and Orange Calif.; Denver, Arapahoe, Jefferson and Weld Counties, Colo.; the Cimarron Facility near Crescent, Okla., and Albuquerque, N. Mex., to the burial site of Nuclear Engineering near Beatty, Nev., (2) *Containers* used in the transportation of the above materials; over irregular routes, From the burial site of Nuclear Engineering near Beatty, Nev., to points named above, for 180 days. Supporting shipper(s); Nuclear Engineering Company, Inc., Box 7246, Louisville, Ky. 40207. Send protests to: John V. Barry, District Supervisor, Interstate Commerce Commission—BOP, 600 Federal Office Building, 911 Walnut Street, Kansas City, Mo. 64106.

No. MC 110420 (Sub-No. 731TA), filed January 23, 1975. Applicant: QUALITY CARRIERS, INC., P.O. Box 186, Pleasant Prairie, Wis. 53158. Applicant's representatives: David A. Petersen (same address as applicant) and John R. Sims, Jr., 915 Pennsylvania Bldg., 425 13th Street NW., Washington, D.C. 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry soybean meal and hulls*, in bulk, from the plantsite of Krause Milling Company in Logansport, Ind., to points in Illinois, Michigan and Ohio, for 180 days. Supporting shipper: Krause Milling Company, P.O. Box 1156, Milwaukee, Wis. 53201, (Albert J. Carr). Send protests to: John E. Ryden, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 135 West Wells Street—Room 807, Milwaukee, Wis. 53203.

No. MC 110420 (Sub-No. 732TA), filed January 23, 1975. Applicant: QUALITY CARRIERS, INC., P.O. Box 186, Pleasant Prairie, Wis. 53158. Applicant's representatives: David A. Petersen (same address as applicant) and John R. Sims, Jr., 915 Pennsylvania Bldg., 425 13th Street NW., Washington, D.C. 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Crude Soybean Oil*, in bulk, in tank vehicles, from the plantsite of Krause Milling Company at Logansport, Ind., to Bradley, Champaign, Chicago, Decatur, Jacksonville, Joliet and Kankakee, Ill.; Louisville, Ky.; Bellevue, Cincinnati, Cleveland and Columbus, Ohio, for 180 days. Supporting shipper: Krause Milling Company, P.O. Box 1156, Milwaukee, Wis. 53201 (Albert J. Carr). Send protests to: John R. Ryden, District Supervisor, Interstate Commerce Commission, 135 West Wells Street—Room 807, Milwaukee, Wis. 53203.

No. MC 111729 (Sub-No. 506TA), filed January 22, 1975. Applicant: PUROLATOR COURIER CORP., 2 Nevada Drive, Lake Success, N.Y. 11040. Applicant's representative: John M. Delany (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Business machine parts, and assemblies and supplies pertaining thereto*, restricted against the transportation of packages or articles weighing in the aggregate more than 75 pounds from one consignor to one consignee on any one day, between Manchester, N.H., on the one hand, and, on the other, points in Maine; between Boston and Lexington, Mass., on the one hand, and, on the other, points in Rhode Island; between Buffalo and Syracuse, N.Y., on the one hand, and, on the other, points in Pennsylvania; between Secaucus, N.J., on the one hand, and, on the other, points in Connecticut, Maine, Massachusetts, New Hampshire, New York, and Rhode Island, for 90 days. Supporting shipper: Xerox Corporation, 455 Hamilton Ave., White Plains, N.Y. Send protests to: Anthony D. Giaimo, District Supervisor, Interstate Commerce Commission, 26 Federal Plaza, New York, N.Y. 10007.

No. MC 111956 (Sub-No. 33 TA), filed January 27, 1975. Applicant: SUWAK TRUCKING COMPANY, a corporation, 1105 Fayette Street, Washington, Pa. 15301. Applicant's representative: Thomas M. Mulroy, 2310 Grant Building, Pittsburgh, Pa. 15219. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Paper partitions*, from the plant site of Cleve-Pak Corporation at Eaton, Ind., to Aliquippa, Allentown, Altoona, Ambridge, Beaver Falls, Berwick, Bethlehem, Bradford, Brockway, Brownsville, Butler, Canonsburg, Carlisle, Chambersburg, Clarion, Clearfield, Connellsville, DuBois, Erie, Franklin, Gettysburg, Greensburg, Harrisburg, Hazelton, Indiana, Jeannette, Kecksburg, Knox, Lancaster, Latrobe, Lewistown, Marienville, Meadville, New Castle, Oil City, Parker, Philadelphia, Pittsburgh, Port Allegany, Uniontown, Washington, Youngwood, and York, Pa.; Akron, Alliance, Aurora, Bedford, Berea, Bucyrus, Canton, Cincinnati, Cleveland, Columbus, Findlay, Lancaster, Plain City, Toledo, and Zanesville, Ohio; Annapolis, Baltimore, Bethesda, Cambridge, College Park, Cumberland, Easton, Frederick, Hagerstown, Hancock and Ocean City, Md.; Albany, Binghamton, Buffalo, Corning, Elmira, Oswego, Rochester and Syracuse, N.Y.; and Bluefield, Charleston, Clarksburg, Fairmont, Huntington, Keyser, Morgantown, Parkersburg, Philippi and Wheeling, W. Va., for 180 days. Supporting shipper: Clevepark Corporation, 1640 West Silver Spring Drive, Milwaukee, Wis. 53209. Send protests to: James C. Donaldson, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 2111 Federal Building, 1000 Liberty Avenue, Pittsburgh, Pa. 15222.

No. MC 112520 (Sub-No. 296TA), filed January 24, 1975. Applicant: McKENZIE TANK LINES, INC., P.O. Box 1200, Tallahassee, Fla. 32302. Applicant's representative: Sol H. Proctor, 1107 Blackstone Building, Jacksonville, Fla. 32202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Tall oil fatty acids*, in bulk, in tank vehicles, from Panama City, Fla., to Detroit, Mich., for 180 days. Supporting shipper(s): Arizona Chemical Company, Berden Avenue, Wayne, N.J. 07470. Send protests to: G. H. Fauss, Jr., District Supervisor, Box 35008, 400 West Bay Street, Jacksonville, Fla. 32202.

No. MC 112963 (Sub-No. 58TA), filed January 24, 1975. Applicant: ROY BORS., INC., 764 Boston Road, Pinehurst, Mass. 01866. Applicant's representative: Leonard E. Murphy (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commodity: Solvents*, in bulk, in tank vehicles. From: Lowell, Mass. To: Southington, Conn., for 180 days. Supporting shipper: Pandel-Bradford, Inc., 200 Market Street, Lowell, Mass. Send protests to: Darrell W. Hammons, District Supervisor, Interstate Commerce Commission, 150 Causeway Street—Room 501, Boston, Mass. 02114.

No. MC 114533 (Sub-No. 316TA), filed January 23, 1975. Applicant: BANKERS DISPATCH CORPORATION, 1106 W.

35th Street, Chicago, Ill. 60609. Applicant's representative: Warren W. Wallin (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Audit media and other business records*, between Indianapolis, Ind., on the one hand, and, on the other, Louisville, Owensboro, and Hopkinsville, Ky., for 180 days. Supporting shippers: Jacqueline L. Huber, Assistant Manager, Anacomp, Inc., 6161 Hillside, Indianapolis, Ind. 46220, and Barry Darlage, Executive Vice President, Computer Accounting, Inc., 8004 Castleway Drive, Indianapolis, Ind. 46250. Send protests to: Robert G. Anderson, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Everett McKinley Dirksen Building, 219 South Dearborn Street, Room 1086, Chicago, Ill. 60604.

No. MC 115092 (Sub-No. 37TA), filed January 24, 1975. Applicant: TOMAHAWK TRUCKING, INC., P.O. Box 0, Vernal, Utah 84078. Applicant's representative: Walter Kobos, 1016 Kehoe Drive, St. Charles, Ill. 60174. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plastic foam insulation* with or without backing or facing, from Salt Lake City, Utah, to points in New Mexico, Texas, and Oklahoma, for 180 days. Supporting shipper: Panel Era, Division of Roberts Investment Co., 3447 S. Main Street, Salt Lake City, Utah 84115 (Robert H. Blanpied, General Manager). Send protests to: Lyle D. Helfer, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 5301 Federal Building, 125 South State St., Salt Lake City, Utah 84138.

No. MC 117574 (Sub-No. 258TA), filed January 22, 1975. Applicant: DAILY EXPRESS, INC., P.O. Box 39, Carlisle, Pa. 17013. Applicant's representative: E. S. Moore, Jr. (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Polyvinyl chloride, conduit and siding and attachments, fittings, and materials*, used in the installation of conduit and siding, between the plant, warehouse, or storage facility of Certain-Teed Products Corporation, Williamsport, Md., on the one hand, and, on the other, points in Alabama, Arkansas, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Nebraska, New Hampshire, New Jersey, New York, North Carolina, North Dakota, Ohio, Oklahoma, Pennsylvania, Rhode Island, South Carolina, South Dakota, Tennessee, Texas, Vermont, Virginia, West Virginia, Wisconsin, and the District of Columbia, for 180 days. Supporting shipper: Certain-Teed Products Corporation, P.O. Box 860, Valley Forge, Pa. 19482. Send protests to: Robert P. Amerine, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 278 Federal Bldg., P.O. Box 689, Harrisburgh, Pa. 17108.

No. MC 124078 (Sub-No. 632TA), filed January 21, 1975. Applicant: SCHWERMAN TRUCKING CO., 611 South 28 Street, Milwaukee, Wis. 53215. Applicant's representative: Richard H. Prevette (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Mineral spirits*, in bulk, between Douglasville, Ga., on the one hand, and, on the other, points in Alabama (except Athens, Dolomite, and Prichard), Fla., (except Jacksonville, Largo, Orlando, Pompano Beach, and Tampa), La., Mississippi, North Carolina and South Carolina. In compliance with the General Policy Statement published in the November 28, 1973 issue of the FEDERAL REGISTER, effective December 1, 1973, requesting information concerning the operational feasibility of proposals, the following information is provided: Every load will have a backhaul, for 180 days. Supporting shipper(s): Safety-Kleen Corporation, Traffic Manager, 16325 West Ryerson Road, New Berlin, Wis. 53151 (Peter Harren). Send protests to: John E. Ryden, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 135 West Wells Street, Room 807, Milwaukee, Wis. 53203.

No. MC 124221 (Sub-No. 50TA), filed January 22, 1975. Applicant: HOWARD BAER, P.O. Box 27 Rt. 98 W., Morton, Ill. 61550. Applicant's representative: Robert W. Loser, 1009 Chamber of Commerce Bldg., Indianapolis, Ind. 46204. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Bananas, and agricultural commodities* exempt from economic regulations under Section 203(b)(6) of the Interstate Commerce Act, when transported in mixed loads with bananas, in temperature controlled vehicles, From New Orleans, La.; Gulfport, Miss.; and Mobile, Ala., to Urbana, Ill. (2) *Bananas*, From Mobile, Ala., to Urbana, Ill. Restriction: The operations proposed in Parts (1) and (2) above are to a transportation service to be performed under a continuing contract or contracts, with J. M. Jones, Inc., of Urbana, Ill., for 180 days. Supporting shipper(s): J. M. Jones, Inc. 2611 North Lincoln Avenue, Urbana, Ill. Send protests to: District Supervisor Richard K. Shullaw, Interstate Commerce Commission, Everett McKinley Dirksen Building, 219 S. Dearborn Street, Room 1086, Chicago, Ill. 60604.

No. MC 124383 (Sub-No. 16TA), filed January 27, 1975. Applicant: STAR LINE TRUCKING CORPORATION, 18460 West Lincoln Avenue, New Berlin, Wis. 53151. Applicant's representative: S. F. Schreiter, 161 West Wisconsin Avenue, Suite 3008, Milwaukee, Wis. 53203. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Crushed auto bodies*, from Blue Island, Ill., to Milwaukee, Wis., for 180 days. Supporting Shipper(s): Blue Island Scrap Auto Recycling Center, 2247 West 139th Street, Blue Island, Ill., (Robert J. Federico). Send protests to: John E. Ryden, Interstate Commerce Commission, Bureau of Operations, 135 West Wells Street, Room 807, Milwaukee, Wis. 53203.

No. MC 124679 (Sub-No. 63TA), filed January 22, 1975. Applicant: C. R. ENGLAND & SONS, INC., 975 West 2100 South, Salt Lake City, Utah 84119. Applicant's representative: Daniel E. England, 500 Kennecott Building, Salt Lake City, Utah 84133. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Beer*, from San Francisco and Azusa, Calif., to the warehouse of Yellowstone Wholesale Company near Rock Springs, Wyo., for 180 days. Supporting shipper: Yellowstone Wholesale Company, 700 Broadway, Rock Springs, Wyo. 82901. Send protests to: District Supervisor, Lyle D. Helfer, Interstate Commerce Commission, Bureau of Operations, 5301 Federal Building, 125 South State Street, Salt Lake City, Utah 84138.

No. MC 124796 (Sub-No. 142TA), filed January 24, 1975. Applicant: CONTINENTAL CONTRACT CARRIER CORP., 15045 E. Salt Lake Avenue, P.O. Box 1257, City of Industry, Calif. 91749. Applicant's representative: Richard A. Peterson, 521 South 14th Street, P.O. Box 81849, Lincoln, Nebr. 68501. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Linerboard*, from Counce, Tenn., to Harrisonburg, Va., for 180 days. Supporting shipper: Packaging Corporation of America, a subsidiary of Tenneco, Inc., 1603 Orrington Avenue, Evanston, Ill. 60204. Send protests to: Walter W. Strakosch, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 7708 Federal Bldg., 300 North Los Angeles Street, Los Angeles, Calif. 90012.

No. MC 126276 (Sub-No. 113TA), filed January 22, 1975. Applicant: FAST MOTOR SERVICE, INC., 9100 Plainfield Rd., Brookfield, Ill. 60513. Applicant's representative: Albert A. Andrin, 29 S. LaSalle St., Chicago, Ill. 60603. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Containers and container ends*, From: The plantsite of American Can Company at Detroit, Mich. To: Twinsburg, Ohio, for 180 days. Supporting shipper(s): Mr. W. A. Frazier, Transportation Coordinator, American Can Company, 915 Harger Road, Oak Brook, Ill. 60521. Send protests to: Robert G. Anderson, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Everett McKinley Dirksen Bldg., 219 S. Dearborn St., Room 1086, Chicago, Ill. 60604.

No. MC 126367 (Sub-No. 11TA), filed January 23, 1975. Applicant: EVERGREEN TRUCKING COMPANY, Jewell Route, Box 1277, Seaside, Oreg. 97138. Applicant's representative: Lawrence V. Smart, Jr., 419 N. W. 23rd Avenue, Portland, Oreg. 97210. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wood residuals*, from the plant site

of the Brightwood Corp. at or near Madras, Oreg., to the plantsite and facilities of the International Paper Company at or near Longview, Wash., for 180 days. Supporting Shipper: International Paper Company, P. O. Box 579, Longview, Wash. 98632. Send protests to: District Supervisor W. J. Huetig, Interstate Commerce Commission, Bureau of Operations, 114 Pioneer Courthouse, Portland, Oreg. 97204.

No. MC 128007 (Sub-No. 73TA), filed January 24, 1975. Applicant: HOFER, INC., P.O. Box 583, Pittsburg, Kans. 66762. Applicant's representative: Clyde N. Christey, 641 Harrison Street, Topeka, Kans. 66603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Feed and fertilizer ingredients*, From Portsmouth, Va., to Kansas, Oklahoma, Nebraska, Illinois, Minnesota, Iowa and Missouri. Rates will be filed on statutory notice if this application is granted, for 180 days. Supporting shipper(s): Westmin Corporation, P.O. Box 822, Quincy, Ill. 66623. Send protests to: M. E. Taylor, District Supervisor, Interstate Commerce Commission, 501 Petroleum Building, Wichita, Kans. 67202.

No. MC 128273 (Sub-No. 169TA), filed January 20, 1975. Applicant: MIDWESTERN DISTRIBUTION, INC., P.O. Box 189, Fort Scott, Kans. 66701. Applicant's representative: Harry Ross (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Home laundry washers and dryers, refrigerators, freezers, ranges, ovens, range hoods, dish washers, garbage disposers, waste compactors, room air conditioners, cooking surface units and other household appliances* and *parts and accessories* for household appliances, from Appliance Park and Louisville, Ky., to points in Minnesota, North Dakota, South Dakota, Iowa, Nebraska and Kansas, for 180 days. Supporting shipper: General Electric Company, Bldg. 10, Appliance Park, Louisville, Ky. 41225. Send protests to: M. E. Taylor, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 501 Petroleum Building, Wichita, Kans. 67202.

No. MC 128616 (Sub-No. 15TA), filed January 25, 1975. Applicant: BANKERS DISPATCH CORPORATION, 1106 W. 35th Street, Chicago, Ill. 60609. Applicant's representative: Warren W. Wallin (same address as applicant). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Commercial papers, documents and written instruments* (except currency, and negotiable securities) as are used in the business of banks and banking institutions, between points in Daviess County, Ind., on the one hand, and, on the other, Indianapolis, Ind., restricted to shipments having a prior or subsequent movement by air, for 180 days. Supporting shipper: Joe M. Dearmin, Pres., The First National Bank of Odon, 100 E. Main Street, Odon, Ind. 47562. Send protests to: Robert G. Anderson, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Everett McKinley Dirksen Bldg., 219 S. Dearborn Street, Room 1086, Chicago, Ill. 60604.

No. MC 133977 (Sub-No. 21TA), filed January 23, 1975. Applicant: GENE'S, INC., 10115 Brookville Salem Road, Clayton, Ohio 45315. Applicant's representative: Paul F. Beery, 9th Floor, 8 East Broad Street, Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commodities dealt in by a retail distributor of pizza ingredients, fish, potatoes, and fish and potato ingredients and equipment, materials and supplies used in the manufacture of pizza ingredients, fish, potatoes, and fish and potato ingredients*, (1) From Kettering, Ohio to the Cassano Pizza King and London Bobby Stores at Quincy, Ill.; Hannibal, Mo.; Madison and Keokuk, Idaho; Lexington, Louisville and Maysville, Ky.; Erie, Pa.; and Detroit, Mich., and (2) From Detroit, Mich.; Chicago and Springfield, Ill.; St. Louis, Mo.; and Pittsburgh, Pa., to Kettering, Ohio. *Restricted to service* in dual refrigerated compartmented trailers, for 180 days. Supporting shipper(s): Cassano Enterprises, Inc., 1700 East Stroop Road, Dayton, Ohio 45429. Send protests to: Paul J. Lowry, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 5514-B FOB, 550 Main Street, Cincinnati, Ohio 45202.

No. MC 134145 (Sub-No. 54TA), filed January 21, 1975. Applicant: NORTH STAR TRANSPORT, INC., Route 1, Highway, Thief River Falls, Minn. 56701. Applicant's representative: Robert P. Sack, P.O. Box 6010, West St. Paul, Minn. 55118. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Parts, computing machine*, (except commodities in bulk), from Owatonna, Minn., to Campton, Ky., Mount Clemens and Rochester, Mich., for 180 days. Supporting shipper(s): Computer Peripherals, Inc., 8100 34th Avenue South, Bloomington, Minn. 55420. Send protests to: J. H. Ambs, District Supervisor, Bureau of Operations, Interstate Commerce Commission, P.O. Box 2340, Fargo, N. Dak. 58102.

No. MC 135072 (Sub-No. 7), filed January 23, 1975. Applicant: HEATER TRUCKING, INC., 6887 Versailles Road, North Evans, N.Y. 14112. Applicant's representative: William J. Hirsch, Suite 1125, 43 Court Street, Buffalo, N.Y. 14202. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Asphalt and emulsions*, in bulk, and equipment utilized in application and transportation of asphalt or emulsions, for the accounts of Allied Bitumens, Inc. and Allied Emulsions, Inc., over irregular routes, from Cheektowaga, N.Y., to points in Pennsylvania, except those in the counties of Bradford, Cameron, Clarion, Crawford, Elk, Erie, Jefferson, Lycoming, McKean, Potter, Tioga, Venango and Warren. Base Stock Asphalt, in bulk, and equipment utilized in the transportation of base stock asphalt, for the account of Allied Bitumens, Inc. and Allied Emulsions, Inc. From Marcus Hook, Pa., to Cheektowaga, N.Y., for 90 days. Supporting shipper(s): Allied Bitumens, Inc. and Allied Emulsions, Inc., 505 Como Park Blvd., Cheektowaga, N.Y. 14227. Send protests to: George M. Parker, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 612 Federal Building, 111 West Huron Street, Buffalo, N.Y. 14202.

No. MC 135437 (Sub-No. 2TA), filed January 22, 1975. Applicant: TRI-NORTHEASTERN TRANSPORT, INC., South Main Street, Lyndonville, N.Y. 14098. Applicant's representative: S. Michael Richards, 44 North Avenue, Webster, N.Y. 14580. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Unfrozen foodstuffs* (except in bulk), and *materials, supplies and equipment*, used in the manufacture, sale or distribution of unfrozen foodstuffs (except in bulk), Between Owensboro, Ky. on the one hand, and, on the other, points in the states of Ohio, Indiana, Ilinois, on and south of Interstate 70, on and west of Interstate 77 and on and east of Interstate 55 and points in the states of Tennessee and Kentucky. All restricted to traffic originating at or destined to the plantsite of Ragu Foods, Inc., for 180 days. Supporting shipper(s): Ragu Foods, Inc., 1680 Lyell Avenue, Rochester, N.Y. 14606. Send protests to: George M. Paker, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 612 Federal Building, 111 West Huron Street, Buffalo, N.Y. 14202.

No. MC 136008 (Sub-No. 48TA), filed January 27, 1975. Applicant: JOE BROWN COMPANY, INC., 20 Third Street NE., P.O. Box 1669, Ardmore, Okla. 73107. Applicant's representative: Rufs H. Lawson, 106 Bixler Building, 2400 NW 23d St., Oklahoma City, Okla. 73107. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Coal*, in open top dump trucks, (a) from Lamm Coal Company near Thayer, Kans., to (1) St. Joseph Power & Light Co., St. Joseph, Mo. (2) Associated Electric Cooperative at or near Thomas Hill, Mo. (b) From plant site and facilities at or near Alluwe, Okla., to Independence, Mo., for 180 days. Supporting shipper(s): Lamb Coal Company, R. C. Lamb, President, 5523 Grape, Houston, Tex. 77035. Associated Producers, Douglas Klusmeyer, Secretary-Treasurer, 1700 N. Western, Oklahoma City, Okla. Send protests to: C. L. Phillips, District Supervisor, Interstate Commerce Commission, Bureau of Operations Rm. 240, Old, P.O. Bldg. 215 N.W. Third, Oklahoma City, Okla. 73102.

No. MC 136285 (Sub-No. 13TA), filed January 27, 1975. Applicant: SOUTHERN INTERMODAL LOGISTICS, INC., P.O. Box 143, Savannah, Ga. 31792. Applicant's representative: William P. Jackson, Jr., 919 Eighteenth Street NW., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs*, and *such other commodities* as are dealt in by wholesale

and retail chain and grocery houses, and in connection therewith *equipment, materials and supplies* used in the conduct of such business, between the facilities of Savannah Foods & Industries, Inc. and its subsidiary, TranSales Corporation in Chatham County, Ga., on the one hand, and, on the other, points in Florida and Alabama, for 180 days. Restriction: (1) Restricted against the transportation of shipments in vehicles equipped with mechanical refrigeration and (2) Further restricted against the transportation of commodities in bulk. Supporting shippers: TranSales Corporation, P.O. Box 9177, Savannah , Ga. 31402 and Savannah Foods and Industries, Inc., P.O. Box 339, Savannah, Ga. 31402. Send protests to: G. H. Fauss, Jr., District Supervisor, Interstate Commerce Commission, Box 33008, 400 West Bay Street, Jacksonville, Fla. 32202.

No. MC 139495 (Sub-No. 29TA), filed January 22, 1975. Applicant: NATIONAL CARRIERS, INC., 1501 East 8th Street, P.O. Box 1358, Liberal, Kans. 67901. Applicant's representative: Herbert Alan Dubin, 1819 H Street NW., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum products* (except in bulk, in tank vehicles), from the facilities of CITGO, located at or near Cicero, Ill., and from the facilities of Southern Petroleum Industry, located at or near West Memphis, Ark., to Liberal, Ulysses, Garden City, Hays, Sterling and Kansas City, Kans.; Guymon, Oklahoma City, Bartlesville and Tulsa, Okla. Pampa, Texas, and Kimball, Nebr., for 180 days. Supporting shippers: There are approximately 12 statements of support attached to the application, which may be examined at the Interstate Commerce Commission in Washington, D.C., or copies thereof which may be examined at the field office named below. Send protests to: M. E. Taylor, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 501 Petroleum Bldg., Wichita, Kans. 67202.

No. MC 139784 (Sub-No. 4TA), filed January 24, 1975. Applicant: CATTLE AND GRAIN TRANSPORTS, INC., 310 Court, Box 726 Professional Building, Scott City, Kans. 67871. Applicant's representative: Keen K. Brantley, 325 Main Street, Scott City, Kans. 67871. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles*, including *pipe*, from Kansas City, Mo.; Peoria, Ill.; and Sterling, Ill., to points in Kansas, for 180 days. Supporting shippers: There are approximately 21 statements of support attached to the application, which may be examined here at the Interstate Commerce Commission in Washington, D.C., or copies thereof which may be examined at the field office named below. Send protests to: M. E. Taylor, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 501 Petroleum Building, Wichita, Kans. 67202.

NOTE.—Applicant states it will tack and/or interline with authority held in MC 139784.

No. MC 139822 (Sub-No. 1TA), filed January 27, 1975. Applicant: FOOD CARRIER, INC., P.O. Box 4131, Savannah, Ga. 31407. Applicant's representative: William P. Jackson, Jr., 919 Eighteenth Street NW., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs*, and *such other commodities* as are dealt in by wholesale and retail chain and grocery houses, and in connection therewith *equipment, materials, and supplies* used in the conduct of such business, between the facilities of Savannah Foods and Industries, Inc., and its subsidiary TranSales Corporation, in Chatham County, Ga., on the one hand, and, on the other, points in Alabama, Florida, and Tennessee, for 180 days. Restriction: Restricted against the transportation of commodities in bulk, and further restricted against the transportation of shipments in vehicles equipped with mechanical refrigeration. Supporting shippers: TranSales Corporation, P.O. Box 9177, Savannah, Ga. 31402 and Savannah Foods and Industries, Inc., P.O. Box 339, Savannah, Ga. 31402. Send protests to: G. H. Fauss, Jr., District Supervisor, Interstate Commerce Commission, Bureau of Operations, Box 35008, 400 West Bay Street, Jacksonville, Fla. 32202.

No. MC 139945 (Sub-No. 1TA), filed January 21, 1975. Applicant: ARNOLD M. TWEEDIE, doing business as PRODUCE TRANSPORT, Route 202, Greene, Maine 04236. Applicant's representative: Peter L. Murray, 30 Exchange Street, Portland, Maine 04111. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Bananas*, from Albany, N.Y., to Lewiston, Maine, under contract with Twin City Fruit & Produce, Lewiston, Maine, for 180 days. Supporting shipper: Twin City Fruit & Produce, 31 Oxford Street, Lewiston, Maine 04240. Send protests to: Donald G. Weiler, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 307, 76 Pearl Street, Portland, Maine 04111.

No. MC 140559 (Sub-No. 1TA), filed January 23, 1975. Applicant: PAT ROMERO, doing business as PAT ROMERO FEEDS AND SUPPLY, Route 1, Box 307 Commerce, Las Vegas, N. Mex. 87701. Applicant's representative: Edwin E. Piper, Jr., 1115 Sandia Savings Building, Albuquerque, N. Mex. 87101. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Pre-cut log buildings* (complete, disassembled or in sections); *pre-cut logs and log building materials;* and *accessories, parts, supplies and other materials* used in the erection, construction or completion of such pre-cut log buildings, from the plantsite and facilities of Air-Lock Logs Co., Inc., at or near Las Vegas, N. Mex., to points in Texas, Colorado, Arizona, Utah, Nevada, and California, for 180 days. Supporting shipper(s): Air-Lock Log Co., Inc., Post Office Box 2506, Las Vegas, N. Mex. 87701. Send protests to: John H. Kirkemo, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 1106 Federal Office Building, 517 Gold Avenue, SW, Albuquerque, N. Mex. 87101.

No. MC 140572 TA, filed January 21, 1975. Applicant: R. C. MOORE, INC., Box 346, Waldoboro, Maine 04572. Applicant's representative: Frederick T. McGonagle, 36 Maine Street, Gorham, Maine 04038. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Wood products and plastic articles*, from Wilton, Maine, to Atlanta, Ga.; Charlotte, N.C.; Dallas, Tex.; and Jacksonville and Miami, Fla., under contract with Forester Mfg. Co., Inc., Wilton, Maine, for 180 days. Supporting shipper: Forester Mfg. Co., Inc., Depot Street, Wilton, Maine 04294. Send protests to: Donald G. Weiler, District Supervisor, Interstate Commerce Commission, Room 307, 76 Pearl Street, Portland, Maine 04112.

No. MC 140584 (Sub-No. 1TA), filed January 27, 1975. Applicant: D.M.C. TRUCKING, INC., 7262 Walton-Nicholson, Road, Independence, Ky. 41051. Applicant's representative: Timothy J. Brandt, Hughes, Clark and Ziegler, 400 Covington Trust Building, 6th & Madison Avenue, Covington, Ky. 41011. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Coal*, in bulk, from Perry, Breathitt and Wolfe Counties in Kentucky, to Cincinnati, Cleves and Dayton, Ohio, for 180 days. Supporting shipper(s): R. C. Durr Company, Inc., 7262 Walton-Nicholson Road, Independence, Ky. 41051. Send protests to: R. W. Schneiter, District Supervisor, Interstate Commerce Commission, 222 Bakhaus Building, 1500 West Main Street, Lexington, Ky. 40505.

APPLICATION(S) OF PASSENGERS

No. MC 140558 (Sub-No. 1TA), filed January 22, 1975. Applicant: ALVIN SCOGGINS, doing business as SCOGGINS TAXI COMPANY, Route No. 3, Abbeville, S.C. 29620. Applicant's representative: Charles N. Plowden, Jr., 1340 Pickens Street, Columbia, S.C. 29201. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage*, in the same vehicle along roads having access to the rails of the Seaboard Coastline Railroad, between Monroe, N.C. and Atlanta, Ga., restricted to the transportation of train crews of the Seaboard Coastline Railroad, for 180 days. Supporting shipper: Seaboard Coast Line Railroad, 87 Haynes St. N.W., Atlanta, Ga. 30313. Send protests to: District Supervisor E. E. Strotheid, Interstate Commerce Commission, Bureau of Operations, Room 302, 1400 Building, 1400 Pickens Street, Columbia, S.C. 29201.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.75-3680 Filed 2-7-75;8:45 am]

federal register

MONDAY, FEBRUARY 10, 1975

WASHINGTON, D.C.

Volume 40 ■ Number 28

PART II

COUNCIL ON ENVIRONMENTAL QUALITY

■

NATIONAL OIL AND HAZARDOUS SUBSTANCES POLLUTION CONTINGENCY PLAN

Title 40—Protection of Environment

CHAPTER V—COUNCIL ON ENVIRONMENTAL QUALITY

PART 1510—NATIONAL OIL AND HAZARDOUS SUBSTANCES POLLUTION CONTINGENCY PLAN

Pursuant to section 311(c)(2) of Pub. L. 92-500 and section 4 of Executive Order 11735, the Council on Environmental Quality on August 13, 1973, invited comments and suggestions regarding a revised of the National Oil and Hazardous Substances Pollution Contingency Plan (38 FR 21888). The Plan was made effective as of August 13, 1973, and was codified as Part 1510 in Chapter V of Title 40 the Code of Federal Regulations.

Comments and suggestions were received from several Federal agencies, Texaco, Inc., General Electric Company, the Salt River Project, the Tennessee Valley Authority, and the American Petroleum Institute. These comments and suggestions were considered by the National Response Team (NRT) in preparing recommended changes to the Plan, and by the Council in approving the NRT's recommendations. Copies of a memorandum setting forth the reasons for decisions on the more important suggestions will be mailed to the parties named above. Additional copies will be available from the Public Information Officer, CEQ, 722 Jackson Place, NW, Washington, D.C. 20006.

Among the changes which have been incorporated in the Plan appearing below are the following:

(1) Annex X has been revised and expanded to provide more precise and definitive information concerning substances which may be employed to remove discharges. It should be noted that, pursuant to section 1(2) of Executive Order 11735, Annex X is the responsibility of the Administrator of the Environmental Protection Agency.

(2) The criteria for determining the size classification of discharges have been revised. It is clearly indicated that these classifications are for administrative purposes and do not imply a measure of environmental threat or damage.

(3) The definition of "discharge" has been revised to include any spilling, etc. that poses a threat to the public health or welfare as defined in section 311. In this connection, it should be noted that, pending designation of hazardous substances pursuant to section 311(b)(2) of Pub. L. 92-500, the NRT agencies will continue to act pursuant to other operating authority to remove polluting substance discharges as necessary to protect the public health or welfare. In addition, it should be emphasized that the addition of the phrase "that poses a threat to the public health or welfare" does not create discretion concerning any discharge prohibited pursuant to section 311(b)(4) of Pub. L. 92-500, since such discharges are per se harmful to the public health or welfare.

(4) The geographic scope of the Plan as indicated in § 1510.3(a) now conforms more closely to the scope indicated in section 311(c) of Pub. L. 92-500. However, the Plan remains somewhat broader in that it covers discharges into the high seas where a threat to U.S. waters, shoreface, or shelf-bottom exists. Necessary response actions in such cases will be carried out pursuant to other agency operating authority, see § 1510.21(c).

The following Plan supersedes the August 13, 1973, version; and is hereby codified as indicated. Copies will be available shortly and may be requested from: Oil and Special Materials Control Division (WH 448), Environmental Protection Agency, 401 M Street, SW, Washington, D.C. 20460.

GARY L. WIDMAN,
General Counsel.

Subpart A—Introduction

Sec.
1510.1 Authority.
1510.2 Purpose and objectives.
1510.3 Scope.
1510.4 Abbreviations.
1510.5 Definitions (within the meaning of this Plan).

Subpart B—Policy and Responsibility

1510.21 Federal policy.
1510.22 Federal responsibility.
1510.23 Non-Federal responsibility.

Subpart C—Planning and Response Organization

1510.31 Emergency response activities and coordination.
1510.32 National response team.
1510.33 National response center.
1510.34 Regional response team.
1510.35 Regional response center.
1510.36 On-scene coordination.

Subpart D—Operational—Response Phases

1510.40 Phase groupings.
1510.41 Phase I—Discovery and notification.
1510.42 Phase II—Evaluation and initiation of action.
1510.43 Phase III—Containment and countermeasures.
1510.44 Phase IV—Cleanup, mitigation and disposal.
1510.45 Phase V—Documentation and cost recovery.
1510.46 Special considerations.

Subpart E—Coordinating Instructions

1510.51 Delegation of authority.
1510.52 Multi-regional actions.
1510.53 General pattern of response actions.
1510.54 Strike force.

LIST OF ANNEXES

		Annex No.
1100	Distribution	I
1200	National Response Team	II
1300	National Response Center	III
1400	Geographical Boundaries	IV
1500	Communications and Reports	V
1600	Public Information	VI
1700	Legal Authorities	VII
1800	Documentation and Cost Recovery	VIII
1900	Funding	IX
2000	Dispersant Schedule	X
2100	Non-Federal Interests	XI
2500	Technical Information	XV

AUTHORITY: Sec. 311(c)(2), Public Law 92-500, 86 Stat. 865, 33 U.S.C. 1251, et seq.

Subpart A—Introduction

§ 1510.1 Authority.

This National Oil and Hazardous Substances Pollution Contingency Plan[1] has been developed in compliance with the Federal Water Pollution Control Act, as amended, (33 U.S.C. 1251, et seq.). The President delegated authority and responsibility to the Council on Environmental Quality to carry out subsection (c)(2) of section 311 of the Act, providing for the preparation, publication, revision and amendment of a National Contingency Plan for the removal of oil and hazardous substances.

§ 1510.2 Purpose of objectives.

(a) This Plan, including the Annexes, provides for a pattern of coordinated and integrated response by Departments and Agencies of the Federal Government to protect the environment from the damaging effects of pollution discharges. It promotes the coordination and direction of Federal and State response systems and encourages the development of local government and private capabilities to handle such discharges.

(b) The objectives of this Plan are to provide for efficient, coordinated and effective action to minimize damage from oil and hazardous substance discharges, including containment, dispersal and removal. The Plan, including the Annexes and regional plans, provides for: (1) Assignment of duties and responsibility among Federal departments and agencies in coordination with State and local agencies; (2) identification, procurement, maintenance, and storage of equipment and supplies; (3) establishment or designation of a strike force to provide necessary services to carry out the Plan and establishment, at major ports, of trained and equipped emergency task forces; (4) a system of surveillance and reporting designed to insure the earliest possible notice of discharges of oil and hazardous substances to appropriate Federal agency; (5) establishment of a national center to provide coordination and direction for operations in carrying out the Plan; (6) procedures and techniques to be employed in identifying, containing, dispersing, and removing oil and hazardous substances; (7) a schedule, prepared in cooperation with the States, identifying dispersants and other chemicals, if any, that may be used in carrying out the Plan; and (8) a system whereby the State or States effected by a discharge may be reimbursed for reasonable costs incurred in the removal of such discharge.

§ 1510.3 Scope.

(a) This Plan is effective for the navigable waters of the United States (section 502(7) of the Act) and adjoining shorelines and for the contiguous zone and the high seas where a threat to the United States waters, shoreface, or shelf-bottom exists.

(b) The provisions of this Plan are applicable to all Federal Agencies. Implementation of this Plan is compatible with and complementary to the joint U.S./Canadian Contingency Plan including the annexes pertaining to the Great Lakes, Eastern and Western

[1] This Plan supersedes the August 1973 edition.

coastal areas; International assistance plans and agreements, security regulations, and responsibilities based upon Federal statutes and Executive Orders.

§ 1510.4 Abbreviations.

(a) *Department and Agency title abbreviations.*

AEC—Atomic Energy Commission
CEQ—Council on Environmental Quality
Commerce—Department of Commerce
Corps—U.S. Army Corps of Engineers
DHEW—Department of Health, Education and Welfare
DOD—Department of Defense
DOI—Department of Interior
DOT—Department of Transportation
EPA—Environmental Protection Agency
FDAA—Federal Disaster Assistance Administration
HUD—Department of Housing and Urban Development
Justice—Department of Justice
MarAd—Maritime Administration
NOAA—National Oceanic and Atmospheric Administration
State—Department of State
USCG—U.S. Coast Guard
USGS—U.S. Geological Survey
USN—U.S. Navy

(b) *Operational title abbreviations.*

NRC—National Response Center
NRT—National Response Team
OSC—On-Scene Coordinator
RRC—Regional Response Center
RRT—Regional Response Team

§ 1510.5 Definitions (within the meaning of this Plan).

(a) Act—means the Federal Water Pollution Control Act, PL 92-500 (86 Stat. 816).

(b) Discharge—includes but is not limited to any spilling, leaking, pumping, pouring, emitting, emptying or dumping. (For the purposes of this Plan, discharges permitted pursuant to sections 301, 302, 306, 318, 402 or 404 of the Act or section 102 of PL 92-532 are not included.)

(c) On-Scene Coordinator (O.S.C.)—means the Federal official pre-designated by the EPA or the USCG to coordinate and direct Federal discharge removal efforts under Regional Contingency Plans at the scene of an oil or hazardous substance discharge.

(d) United States—means the States, the District of Columbia, the Commonwealth of Puerto Rico, the Canal Zone, Guam, American Samoa, the Virgin Islands, and the Trust Territory of the Pacific Islands.

(e) Coastal waters—generally are those U.S. waters navigable by deep draft vessels, the contiguous zone, the high seas and other waters subject to tidal influence.

(f) Inland waters—generally are those waters upstream from coastal waters (paragraph (e) of this section).

(g) Contiguous Zone—means the entire zone established by the United States under Article 24 of the Convention on the Territorial Sea and the Contiguous Zone. This is the zone contiguous to the territorial sea which extends 12 miles seaward from the baseline from which the territorial sea is measured.

(h) Public health or welfare—includes consideration of all factors affecting the health and welfare of man, including but not limited to human health, the natural environment, fish, shellfish, wildlife, and public and private property, shorelines and beaches.

(i) Major Disaster—means any hurricane, tornado, storm, flood, high water, wind-driven water, tidal wave, earthquake, drought, fire, or other catastrophe in any part of the United States which, in the determination of the President, is or threatens to become of sufficient severity and magnitude to warrant disaster assistance by the Federal Government to supplement the efforts and available resources of States and local governments and relief organizations in alleviating the damage, loss, hardship or suffering caused thereby.

(j) Oil—means oil of any kind or in any form, including but not limited to, petroleum, fuel oil, sludge, oil refuse and oil mixed with wastes other than dredged spoil.

(k) Hazardous substance—means any substance designated pursuant to subsection (b)(2) of section 311 of the Act.

(l) Size Classes of Discharges—The following classifications are provided for the guidance of the OSC and serve as the criteria for actions as delineated in § 1510.53. They are not meant to imply or connote associated degrees of hazard to the public health or welfare, or a measure of environmental damage. A discharge that poses a substantial threat to the public health or welfare, or results in critical public concern shall be classed as a major discharge notwithstanding the following quantitative measures.

(1) Minor discharge is a discharge to the inland waters of less than 1000 gallons of oil; or, to the coastal waters, a discharge of less than 10,000 gallons of oil.

(2) Medium discharge is a discharge of 1,000 to 10,000 of oil to the inland waters, or 10,000 to 100,000 gallons of oil to the coastal waters, or a discharge of a hazardous substance in a harmful quantity as defined by regulations.

(3) Major discharge is a discharge of more than 10,000 gallons of oil to the inland waters or more than 100,000 gallons of oil to the coastal waters, or a discharge of a hazardous substance that poses a substantial threat to the public health or welfare.

(m) Potential discharge—is any accident or other circumstance which threatens to result in the discharge of oil or hazardous substance. A potential discharge shall be classified by its severity based on the guidelines above.

(n) Primary Agencies—are those Departments or Agencies comprising the NRT and designated to have primary responsibility and resources to promote effective operation of this Plan. These agencies are: Commerce, DOD, DOI, DOT, and EPA.

(o) Advisory Agencies—are those Departments or Agencies which can make major contributions during response activities for certain types of discharges. These Agencies are: AEC, DHEW, Justice, OEP and State.

(p) Remove or Removal—is the removal of oil or hazardous substance from the water and shorelines or the taking of such other actions as may be necessary to minimize or mitigate damage to the public health or welfare. For purposes of this Plan, removal refers to Phase III and IV response operations.

Subpart B—Policy and Responsibility

§ 1510.21 Federal policy.

(a) The Congress has declared that it is the policy of the United States that there should be no discharge of oil or hazardous substance into or upon the navigable waters of the United States, adjoining shorelines, or into or upon the waters of the contiguous zone (section 311(b)(1) of the Act).

(b) The primary thrust of this Plan is to provide a coordinated Federal response capability at the scene of an unplanned or sudden, and usually accidental, discharge of oil or hazardous substance that poses a threat to the public health or welfare. Initial actions taken by the Federal OSC, designated pursuant to § 1510.36 of this Plan and the appropriate regional continguency plan, shall be to determine in accordance with section 311(c)(1) of the Act, if the actions taken by the person responsible for the discharge of oil or hazardous substance are proper to remove the discharge. The OSC should, if practicable, insure that the person responsible for the discharge is aware of his responsibility and is encouraged to undertake necessary countermeasures. In the event that the person responsible for the discharge does not act promptly, does not take or propose to take proper and appropriate actions to remove the discharged pollutants, or if the person responsible for the discharge is unknown, further Federal response actions shall be instituted as required in accordance with this Plan. When the person responsible for the discharge is taking proper action, the OSC shall observe and monitor progress, and provide advice, counsel, and logistical support as may be necessary.

(c) Removal actions taken pursuant to section 311(c)(1) of the act are limited to the navigable waters of the United States, adjoining shorelines and the waters of the contiguous zone. Removal actions within the Contiguous zone are limited and do not include those covered by the Outer Continental Shelf Lands Act. When a discharge or potential discharge that poses a threat to the waters of the U.S. occurs outside the jurisdiction under section 311(c) of the Act, the procedures of this plan apply to the extent practicable and removal action will be accomplished pursuant to other Agency authorities. Removal actions for non-vessel discharges on the outer continental shelf, shall be in accordance with the August 1971 DOI/DOT Memorandum of Understanding.

(d) In accordance with section 311(d), whenever a marine disaster in or upon the navigable waters of the United States has created a substantial threat of pollution hazard to the public health or

welfare, because of a discharge, or an imminent discharge, of large quantities of oil, or of a hazardous substance from a vessel, the United States may: (1) Coordinate and direct all public and private efforts directed at the removal or elimination of such threat; and (2) summarily remove and, if necessary, destroy such vessel by whatever means are available without regard to any provisions of law governing the employment of personnel or the expenditure of appropriated funds. This authority has been delegated to the Administrator of EPA and the Secretary of the Department in which the Coast Guard is operating, respectively, in and for the waters for which each has responsibility to furnish or provide the OSC under this Plan.

(e) In addition to any other actions taken by a State or local government, when the Administrator of EPA or the Secretary of the Department in which the Coast Guard is operating determines there is an imminent and substantial threat to the public health and welfare because of an actual or threatened discharge of oil or hazardous substance into or upon the waters of the United States from any onshore or offshore facility, he may require, through the Attorney General, that the U.S. Attorney of the district in which the threat occurs secure such relief as may be necessary to abate such threat. This authority could be exercised on request of the NRT.

(f) The Federal agencies possessing facilities or other resources which may be useful in a Federal response situation will make such facilities or resources available for use in accordance with this Plan, as supplemented by the regional plans, and as consistent with operational requirements, within the limits of existing statutory authority, and within the spirit of the President's intention to minimize discharges and their effects when they do occur.

(g) Environmental pollution control techniques shall be employed in accordance with applicable regulations and guidelines, and regional contingency plans. In any circumstances not covered by regulations or regional contingency plans, the use of chemicals shall be in accordance with Annex X and must have the concurrence of the EPA representative or alternate representative on the RRT; or in his absence the concurrence of the appropriate EPA Regional Administrator.

(h) Response operations carried out to remove discharges originating from Outer Continent Shelf Lands Act operations shall be in accordance with the August 1971 Memorandum of Understanding between DOI and DOT concerning respective responsibilities under this Plan.

§ 1510.22 Federal responsibility.

(a) Each of the Primary and Advisory Federal Agencies has responsibilities established by statute, Executive Order or Presidential Directive which may bear on the Federal response to a pollution discharge. This Plan intends to promote the expeditious and harmonious discharge of these responsibilities through the recognition of authority for action by those Agencies having the most appropriate capability to act in each specific situation. Responsibilities and authorities of these several agencies relevant to the control of pollution discharges are detailed in Annex VII to this part. In the development of the regional plans, provision shall be made to assure recognition of the statutory responsibilities of all involved Agencies.

(b) The Council on Environmental Quality is responsible for the preparation, publication, revision and amendment of this National Contingency Plan. The Council will receive the advice of the NRT on necessary changes to the Plan and shall insure that any disagreements arising among members of the NRT are expeditiously settled.

(c) The Department of Commerce, through NOAA, provides support to the NRT, RRT and OSC with respect to: Marine environmental data; living marine resources; current and predicted meteorological, hydrologic and oceanographic conditions for the high seas, coastal and inland waters; and maps and charts, including tides and currents for coastal and territorial waters and the Great Lakes. When requested by NRT, MARAD will provide advice on the design, construction and operation of merchant ships.

(d) The Department of Defense, consistent with its operational requirements, may provide assistance in critical pollution discharges and in the maintenance of navigation channels, salvage, and removal of navigation obstructions.

(e) The Department of Health, Education, and Welfare is responsible for providing expert advice and assistance relative to those discharges or potential discharges that constitute or may constitute a threat to public health and safety.

(f) The Department of Housing and Urban Development, through FDAA, maintains an awareness of pollution emergencies and evaluates any request for a major disaster declaration received from a Governor of a State pursuant to Pub. L. 93-288. If the President declares that a pollution emergency constitutes a major disaster or that a major disaster is imminent as defined by Pub. L. 93-288, the Administrator, FDAA, will coordinate and direct the Federal response.

(g) The Department of Interior, through the USGS, supplies expertise in the fields of oil drilling, producing, handling, and pipeline transportation. Also, the USGS has access to and supervision over continuously manned facilities which can be used for command, control and surveillance of discharges occurring from operations conducted under the Outer Continental Shelf Lands Act. Additionally, the Department of Interior will provide, through its Regional Coordinators, techincal expertise to the OSC
ritory.
and RRT with respect to land, fish and wildlife, and other resources for which it is responsible. DOI is also responsible for American Samoa and the Trust Ter-

(h) The Department of Justice can supply expert legal advice to deal with complicated judicial questions arising from discharges and Federal agency responses.

(i) The Department of Transportation provides expertise regarding all modes of transporting oil and hazardous substances. Through the USCG, DOT supplies support and expertise in the domestic/international fields of port safety and security, marine law enforcement, navigation, and construction; manning, operation, and safety of vessels and marine facilities. Additionally, the Coast Guard maintains continuously manned facilities that are capable of command, control, and surveillance for oil discharges occurring on the waters of the United States or the high seas. The USCG is responsible for chairing the RRT and for implementing, developing and revising, as necessary, the regional plans for those areas where it is assigned the responsibility to furnish or provide for OSC's (§ 1510.36(b)).

(j) The Department of State will provide leadership in developing joint international contingency plans. It will also provide assistance in coordination when a pollution discharge transects international boundaries or involves foreign flag vessels.

(k) The Atomic Energy Commission is the designated Agency for administration, implementation and coordination of the Interagency Radiological Assistance Plan (IRAP). AEC will provide advice and assistance to the NRT with respect to the identification of the source and extent of radioactive contamination, and removal and disposal of radioactive discharges.

(l) The Environmental Protection Agency, through the Office of Water and Hazardous Materials, provides expertise regarding environmental effects of pollution discharges and environmental pollution control techniques, including assessment of damages. EPA shall also advise the RRT and OSC of the degree of hazard a particular discharge poses to the public health and safety. EPA is responsible for chairing the RRT and for development, revision and implementation, as necessary, of regional plans for those areas in which it has responsibility to furnish or provide for the OSC (§ 1310.36(b)). EPA will provide guidance to and coordinate with DOT regarding pollution control and protection of the environment in the preparation of regional plans.

(m) All Federal agencies are responsible for minimizing the occurrence of discharges and for developing the capability to respond promptly in cases of discharges from facilities they operate or supervise, and for making resources available for Federal pollution response operations.

(n) In addition to paragraph (m) of this section, Primary Agencies are responsible for:

(1) Leading all Federal agencies in programs to minimize the number of and environmental damage associated with discharges from facilities they operate or supervise;

(2) Providing representation to the NRT and the RRT's;

(3) Developing, within their operating elements, the capability for a rapid, coordinated response to any pollution discharge;

(4) Making information available to the NRT, RRT or OSC as necessary; and

(5) Keeping NRT and the RRT's informed, consistent with national security considerations, of changes in the availability of resources that would affect the operation of this Plan.

§ 1510.23 Non-Federal responsibility.

(a) The States are invited to provide liaison to RRT's and shall designate the appropriate element of the State government that would undertake direction of State supervised discharge removal operations. The designated agency shall be the single State governmental element that will seek reimbursement for removal operation expenditures in accordance with section 311(c)(2)(H) of the act. Details on reimbursement to States for removal actions taken pursuant to this Plan are contained in 33 CFR, Part 153 and Annex IX—Funding.

(b) Industry groups, the academic community, and others are encouraged to commit resources for removal operations. Their specific commitments are outlined by the regional plans. Of particular relevance is the organization of a standby scientific response capability.

Subpart C—Planning and Response Organization

§ 1510.31 Emergency response activities and coordination.

(a) For pollution emergency response activities, Federal on-scene coordination is accomplished through the OSC. He reports to and receives advice from an RRT composed of appropriate representatives from the Regional and District offices of the Primary and Advisory Agencies.

(b) National level coordination is accomplished through the NRT which receives reports from and renders advice to the RRT. Activities are coordinated through the National and various regional response centers.

(c) The organizational concepts of this Plan are shown on Figure 1.

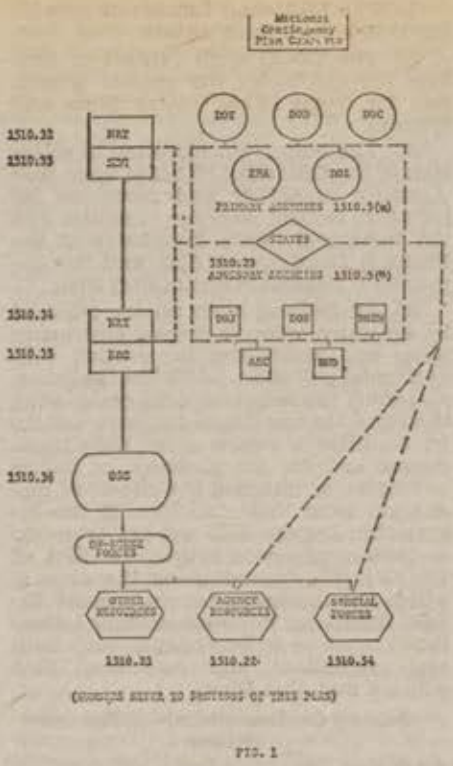


FIG. 1

§ 1510.32 National response team.

(a) The NRT consists of representatives from the Primary and Advisory Agencies. It serves as the National body for planning and preparedness actions prior to a pollution discharge and for coordination and advice during a pollution emergency. It shall be organized and shall function as outlined in Annex II to this part.

(b) The NRT shall establish and maintain a Committee on Revision of the National Plan. This Committee shall provide suggested revisions to the NRT for consideration, approval and publication by CEQ. The Primary Agencies shall provide membership on this standing committee. Advisory Agencies shall participate whenever revision or proposed amendments would affect those Agencies. Ad hoc committees may also be established from time to time to consider various matters. Membership on these committees shall consist of the representatives from the Primary Agencies and such Advisory Agencies that may have direct involvement.

(c) Based on a continuing evaluation of response actions, the NRT shall consider and make recommendations to appropriate agencies relating to training and equipping response team personnel; necessary research, development, demonstration and evaluation activities to improve response capabilities; and equipment, material stockpiling and other operational matters as the need arises. CEQ shall be advised of any agency's failure to adequately respond to these recommendations.

(d) During pollution emergencies, NRT shall act as an emergency response team comprised of representatives from the Primary and selected Advisory Agencies to be activated in accordance with section 1201.2, Annex II to this part.

§ 1510.33 National Response Center.

(a) The NRC, located at Headquarters, USCG, is the Washington, D.C. headquarters site for activities relative to pollution emergencies. NRC quarters are described in Annex III to this part, and provide communications, including a continuously manned communication center, information storage; and necessary personnel and facilities to promote the smooth and adequate functioning of this activity as described in Annex III to this part.

§ 1510.34 Regional Response Team.

(a) The RRT consists of regional representatives of the Primary and selected Advisory Agencies, as appropriate. RRT shall act within its region as an emergency response team performing response functions similar to those described for NRT. RRT will also perform review and advisory functions relative to the regional plan similar to those prescribed for NRT at the National level. Additionally, the RRT shall determine the duration and extent of the Federal response, and when a shift of on-scene coordination from the predesignated OSC to another OSC is indicated by the circumstances or progress of a pollution discharge.

(b) Each Primary Agency shall designate one member and a minimum of one alternate member to the RRT. Each Advisory Agency may designate a member. Agencies may also provide additional representatives as observers to meetings of the RRT. Individuals representing the participating agencies may vary depending on the subregional area in which the discharge occurred or removal actions are underway. Details of such representation are specified in each regional contingency plan.

(c) Each of the States lying within a region is invited to furnish liaison to the RRT for planning and preparedness activities. When the Team is activated for a pollution emergency, the affected State or States are invited to participate in RRT deliberations.

(d) The RRT shall be activated automatically in the event of a major or potential major discharge. The RRT shall be activated during any other pollution emergency by an oral request from any Primary Agency representative to the Chairman of the team. Such requests for team activation shall be confirmed in writing. The time of team activation, place of assembly, and means of contact shall be included in POLREPS submitted in accordance with Annex V to this part.

(e) The Chairman may require assembly of all or selected members of the team at the emergency center during a pollution response operation to provide technical support and assistance to the OSC.

(f) Deactivation of RRT shall be by agreement between the EPA and USCG team members. The time of deactivation shall be included in POLREPS submitted in accordance with Annex V to this part.

(g) Boundaries of the Standard Federal Regions as shown in Annex IV to this part shall be followed for the development of Regional Contingency Plans.

§ 1510.35 Regional Response Center.

(a) The RRC is the regional site for pollution emergency response activities. It will be accommodated in quarters described in each regional plan and will provide communications, information storage and other necessary personnel and facilities to promote the proper functioning and administration of regional pollution emergency response operations.

§ 1510.36 On-Scene Coordination.

(a) Coordination and direction of Federal pollution control efforts at the scene of a discharge or potential discharge shall be accomplished through the OSC, predesignated by regional plan to coordinate and direct such pollution control activities in each area of the region.

(1) In the event of a discharge of oil or hazardous substance, the first official on the site from an agency having responsibility under this Plan shall assume coordination of activities under the Plan until the arrival of the predesignated OSC.

(2) The OSC shall determine pertinent facts about a particular discharge, such as its potential impact on human health and welfare; the nature, amount, and location of material discharged; the probable direction and time of travel of the material; the resources and installations which may be affected and the priorities for protecting them.

(3) The OSC shall initiate and direct as required Phase II, Phase III and Phase IV operations. Advice provided by the EPA representative on the RRT on use of chemicals in Phase III and Phase IV operations in response to discharges of oil or hazardous substances shall be binding on the OSC, except as provided for by Annex X to this part.

(4) The OSC shall call upon and direct the deployment of needed resources in accordance with the regional plan to evaluate the magnitude of the discharge and to initiate and continue removal operations.

(5) The OSC shall provide necessary support activities and documentation for Phase V activities.

(6) In carrying out this Plan, the OSC will fully inform and coordinate closely with RRT to ensure the maximum effectiveness of the Federal effort in protecting the natural resources and the environment from pollution damage.

(b) EPA and the USCG shall insure that OSC's are predesignated for all areas within the region in accordance with the following criteria:

(1) The EPA shall furnish or provide for OSC's on inland waters.

(2) The USCG shall furnish or provide for OSC's for the coastal waters, and for Great Lakes waters, ports and harbors.

(3) The major consideration in selection of the OSC shall be based upon that Agency's capability and resources for pollution control response activities and the individual OSC's knowledge of the National Contingency Plan and the appropriate Regional Contingency Plan.

(c) All Federal agencies are required by executive order to develop emergency plans and procedures for dealing with accidental pollution. All Federal agencies, therefore, are responsible for designating the offices to coordinate response actions for facilities or vessels under their jurisdiction and for the provision of means to remove or mitigate the effects of discharges from their facilities. If the responsible Agency does not act promptly or take appropriate action, the EPA or USCG shall, depending on the area in which the discharge occurs, assume the OSC functions. Pollution control actions taken must be in accordance with Federal regulations and guidelines, EPA policies and this Plan.

Subpart D—Operational—Response Phases

§ 1510.40 Phase groupings.

The actions taken to respond to a pollution discharge can be separated into five relatively distinct classes or phases. For descriptive purposes, these are: Phase I—Discovery and Notification; Phase II—Evaluation and Initiation of Action; Phase III—Containment and Countermeasures; Phase IV—Removal, Mitigation and Disposal; and Phase V—Documentation and Cost Recovery. It must be recognized that elements of any one phase may take place concurrently with one or more other phases.

§ 1510.41 Phase I—Discovery and notification.

(a) A discharge may be discovered through: (1) A report submitted by a discharger in accordance with statutory requirements; (2) through deliberate search by vessel patrols and aircraft; and (3) through random or incidental observations by government agencies or the general public.

(b) In the event of a deliberate discovery, the discharge will be reported directly to the RRC. Reports of random discovery may be provided by fishing or pleasure boats, police department, telephone operators, port authorities, news media, or others. Reports generated by random discovery should be submitted to the nearest USCG or EPA office. Regional plans shall provide for such reports to be channeled to the RRC as promptly as possible to facilitate effective response action. Reports of major and medium discharges received by either EPA or USCG shall be expeditiously relayed by telephone to the other agency. Reports of minor discharges shall be exchanged between EPA and USCG as agreed to by the two agencies.

(c) The Agency furnishing the OSC for a particular area is assigned responsibility for implementing Phase I activities in that area.

§ 1510.42 Phase II—Evaluation and initiation of action.

(a) The OSC shall insure that a report of a discharge is immediately investigated. Based on all available information, the OSC shall: (1) Evaluate the magnitude and severity of the discharge; (2) determine the feasibility of removal; and (3) assess the effectivenes of removal actions.

(b) The OSC shall, when appropriate and as soon as possible after receipt of a report, advise the RRC of the need to initiate further governmental response actions. This may be limited to activation of the RRT or a request for additional resources to conduct further surveillance or initiation of Phase III or Phase IV removal operations.

(c) The OSC shall insure that adequate surveillance is maintained to determine that removal actions are being properly carried out. If removal is not being done properly, the OSC shall so advise the responsible party. If, after the responsible party has been advised and does not initiate proper removal action, the OSC shall, pursuant to section 311(c)(1) of the act, take necessary action to remove the pollutant.

(d) If the discharger is unknown or otherwise unavailable, the OSC shall proceed with removal actions pursuant to section 311(c)(1) of the act.

§ 1510.43 Phase III—Containment and countermeasures.

(a) These are defensive actions to be initiated as soon as possible after discovery and notification of a discharge. These actions may include public health and welfare protection activities, source control procedures, salvage operations, placement of physical barriers to halt or slow the spread of a pollutant, emplacement or activation of booms or barriers to protect specific installations or areas, control of the water discharge from upstream impoundments and the employment of chemicals and other materials to restrain the pollutant and its effects on water related resources.

§ 1510.44 Phase IV—Cleanup, mitigation and disposal.

(a) This includes actions taken to recover the pollutant from the water and affected public and private shoreline areas, and monitoring activities to determine the scope and effectiveness of removal actions. Actions that could be taken include the use of sorbers, skimmers and other collection devices for floating pollutants, the use of vacuum dredges or other devices for sunken pollutants; the use of reaeration or other methods to minimize or mitigate damage resulting from dissolved, suspended or emulsified pollutants; or special treatment techniques to protect public water supplies or wildlife resources from continuing damage.

(b) Pollutants and contaminated materials that are recovered in cleanup operations shall be disposed of in accordance with procedures agreed to at the State or local level.

§ 1510.45 Phase V—Documentation and cost recovery.

(a) This includes a variety of activities, depending on the location of and circumstances surrounding a particular discharge. Recovery of Federal removal costs and recovery for damage done to Federal, State or local government property is included; however, third party damages are not dealt with in this Plan. The collection of scientific and technical information of value to the scientific community as a basis for research and development activities and for the enhancement of understanding of the environment may also be considered in this phase. It must be recognized that the collection of samples and necessary data must be performed at the proper times during the case to fix liability and for other purposes.

§ 1510.46 Special considerations.

(a) *Safety of personnel.* Actual or potential polluting discharges that could have an imminent and substantial effect on both air and water media can pose serious hazards to personnel health and safety. The OSC should be aware of this potential and should exercise caution in allowing civilian or government personnel into the affected area without first verifying the nature of the substance discharged. Regional plans shall identify the sources of information on the hazards, precautions, and personnel protective requirements that will be expected in carrying out response operations. The means for OSC to secure such information also shall be included.

(b) *Waterfowl conservation.* Oil discharges, particularly in estuarine and near shore areas, often cause severe stress to resident and migratory bird species. The DOI representatives and the State liaison to the RRT shall arrange for and coordinate actions of professional and voluteer groups that wish to establish bird collection, cleaning and recovery centers. Regional contingency plans shall, to the extent practicable, identify organizations or institutions that can and are willing to establish and operate such facilities. These activities will normally be considered Phase IV response actions (§ 1510.44 of this subpart).

Subpart E—Coordinating Instructions

§ 1510.51 Delegation of Authority.

(a) When required, delegation of authority or concurrence in proposed or continuing pollution control activities initially may be oral; however, written confirmation by the EPA representative on RRT should be completed as soon as possible.

§ 1510.52 Multi-regional actions.

(a) In the event that a discharge or a potential pollution emergency moves from the area covered by one contingency plan into another area, the authority to initiate pollution control actions shall shift as appropriate. In the event that a polluting discharge or potential pollution emergency affects areas covered by two or more regional plans, the response mechanism called for by both plans shall be activated; however, pollution control actions shall be fully coordinated as detailed in the regional plans.

(b) There shall be only one On-Scene Coordinator at any time during the course of a response operation. Should a discharge affect two or more areas, the RRT will designate the OSC, giving prime consideration to the area vulnerable to the greatest damage. NRT shall designate the OSC if members of one RRT or of two adjacent RRT's, if appropriate, are unable to agree on the designation.

§ 1510.53 General pattern of response actions.

(a) When the predesignated Federal On-Scene Coordinator receives a report of a discharge, or potential discharge, the report should be evaluated. In most situations, the sequence of actions shown below should be followed:

(1) Investigate the report to determine pertinent information such as the threat posed to public health or welfare, the type and quantity of material discharged, and the source of the discharge.

(2) Effect notification in accordance with Annex V to this part and the applicable regional plan.

(3) Determine, in accordance with section 311(c)(1) of the act, whether removal actions are being carried out properly. Removal is considered as being done properly when the following criteria are met:

(i) Private cleanup efforts are effective in terms of the statutory definition of removal, that is, they are fully sufficient to minimize or mitigate damage to the public health or welfare. Private removal efforts shall be deemed "improper" to the extent that Federal efforts are necessary to prevent continued or further damage.

(ii) Private removal efforts must be in accordance with applicable regulations and guidelines, and Annex X to this part and other provisions or restrictions of this Plan.

(4) Designate the severity of the situation and determine the future course of action to be followed.

(5) Determine whether State action to effect removal is necessary.

(b) The result of the report probably can be categorized by one of five classes. Appropriate action to be taken in each specific type case is outlined below:

(1) If the investigation shows that the initial information overstated the magnitude or danger of the discharge and there is no environmental pollution involved, it shall be considered a false alarm and the case should be closed.

(2) If the investigation shows a minor discharge with the discharger taking appropriate removal action, contact should be established with the discharger. The removal action should be monitored to insure continued proper action by the owner or operator of the vessel, onshore facility or offshore facility from which the discharge occurred.

(3) If the investigation shows a minor discharge with improper removal action being taken, the following measures shall be taken:

(i) An immediate effort should be made to prevent further discharges from the source.

(ii) The discharger shall be advised of the proper action to be taken.

(iii) If the discharger does not follow this advice, warning of the discharger's liability for the cost of removal, pursuant to section 311(f), shall be given. (See paragraph (a)(3) of this section).

(iv) The OSC should notify appropriate State and local officials. He shall keep the RRC advised and initiate Phase III and IV operations as conditions warrant.

(v) Information shall be collected for possible recovery of removal costs when removal is effected in accordance with section 311(c)(1) of the Act.

(4) When a report of investigation indicates that a medium discharge has occurred, or the potential for a medium discharge exists, the OSC shall follow the same general procedures as for a minor discharge. Additionally, the OSC shall make a recommendation concerning team activation to the Chairman of the RRT.

(5) When a report indicates that a major discharge has occurred, a potential major pollution emergency exists, or that a discharge or potential discharge which could arouse wide public concern has occurred, the OSC shall follow the same procedures as for minor and medium discharges. RRC and NRT shall, however, be notified immediately of the situation even if the initial report has not been confirmed.

§ 1510.54 Special forces.

(a) The National Strike Force (NSF) shall be established consisting of personnel trained, prepared, and available to provide necessary services to carry out this Plan. This NSF shall be formed around the Strike Teams established by the U.S. Coast Guard on the East, West, and Gulf coasts, and including the Environmental Response Team (ERT) established by the EPA, when required. The NSF shall provide assistance to the OSC during Phase III, IV, and V operations as the circumstances of the situation dictate. When possible, the NSF will provide training to the Emergency Task Forces and participate with the Regional Response Team in Regional Contingency Plan development.

(1) The Strike Teams established by the U.S. Coast Guard are able to provide communications support, advice and assistance for oil and hazardous substances removal. These teams include expertise in ship salvage, diving, and removal techniques and methodology.

(2) The Environmental Response Team established by EPA to carry out the Agency's disaster and emergency responsibilities can provide the OSC and NSF with advice on the environmental

effects of oil and hazardous substances discharges, and removal and mitigation of the effects of such discharges. This team includes expertise in biology, chemistry, engineering and, when necessary, meteorology and oceanography.

(3) The Emergency Task Forces established pursuant to section 311(c)(2)(C) shall consist of trained personnel with adequate supplies of oil and hazardous pollution control equipment and materials and detailed discharge removal plans for their areas of responsibility. The Emergency Task Forces shall be established by the Agency responsible for providing the OSC not later than one year from the effective date of this Plan.

(4) The NSF and ERT will generally respond to requests for assistance from the OSC. Requests for the NSF may be made directly to the Commanding Officer of the appropriate Strike Team, the Coast Guard member on the RRT, the appropriate Area Commander, USCG, or to the Commandant, USCG, through the NRC. Requests for the EPA-ERT may be made to the EPA Emergency Coordinator or the appropriate Regional Emergency Coordinator (REC), or the EPA representative on the RRT.

ANNEX I—1100 DISTRIBUTION

1101 Plan distribution.

1101.1 This Plan will be distributed to designated offices of Primary and Advisory Agencies, State and interstate water pollution control agencies and such other Federal, State, local and private agencies and organizations which are cooperating with and participating in activities in support of the Plan.

1101.2 Included in this formal distribution are the following:

- Department of Commerce
- Department of Defense
- Department of Health, Education and Welfare
- Department of the Interior
- Department of Housing and Urban Development
- Department of Justice
- Department of State
- Department of Transportation
- Atomic Energy Commission
- All State water pollution control agencies
- All interstate water pollution control agencies
- Other Federal, State, local and private agencies and organizations, as appropriate.

1101.3 Formal distribution of the Plan and amendments will be made by the Environmental Protection Agency.

1102 Amendment, distribution and format.

1102.1 Amendments to the Plan and annexes will be made by sequentially numbered changes. Numbered changes will be effected by means of a transmittal sheet which identifies the Plan, the change number and date, the page numbers affected by the change and any other instructions deemed necessary for purposes of clarity or to make special emphasis or explanation of the change. There will be attached to the transmittal sheet the revised or added pages with the change number and current date on each page at the upper right hand corner.

1102.2 Where a change can be effected merely by pen and ink, the transmittal sheet may be used to accomplish the change without submission of revised pages. The use of pen and ink changes is limited to those cases where existing matter is being deleted or is of minor extent.

1102.3 Asterisks will be used to indicate changes. For line changes, an asterisk will be placed before and after each sentence changed in the left and right page margins. For paragraph changes, an asterisk will be placed before and after each paragraph changed and if continued on the next page, an asterisk will be placed at the top of the page and the end of the paragraph. For a paragraph deletion, an asterisk will be placed in the left margin and the paragraph number or letter will be retained in the original sequence followed by the word "Rescinded" in parentheses.

1102.4 If the Plan is completely rewritten, asterisks will not be used but supercession will be indicated at the bottom of the first page.

ANNEX II—1200 NATIONAL RESPONSE TEAM

1201 National Response Team.

1201.1 The NRT consists of representatives from the Primary and Advisory Agencies. It serves as the National body for planning and preparedness actions prior to a pollution discharge and for coordination and advice during a pollution discharge.

1201.2 Membership on the NRT is established by § 1510.32(a). Each Primary and Advisory Agency shall designate a member to the team and sufficient alternates to insure representation in the event that the member is unavailable.

1202 NRT organization.

1202.1 Except for periods of activation because of a pollution incident, the representative of EPA shall be the Chairman and the representative of DOT shall be vice-chairman of NRT. The vice-chairman shall maintain records of the NRT activities along with National and regional plans for pollution response. When NRT is activated for a pollution incident, the Chairman shall be the representative of EPA or DOT, depending upon the area in which the response is taking place.

1203 NRT purpose.

1203.1 The NRT, when not activated for a pollution discharge, serves as a standing committee to recommend needed policy changes in the response organization, to revise this Plan as needed and to evaluate the preparedness of the Agencies and effectiveness of plans for coping with pollution discharges.

1203.2 The NRT shall act as an emergency response team to be activated in the event of a discharge involving oil or hazardous substances which (a) exceeds the response capability of the region in which it occurs; (b) transects regional boundaries; (c) involves significant numbers of persons or nationally significant amounts of property; or (d) when requested by any Primary Agency representative. Each representative, or an appropriate alternate, shall be notified immediately by telephone of activation of NRT.

1204 Responsibilities and functions.

1204.1 Planning and preparedness responsibilities of the NRT are to:

1204.1-1 Maintain a continuing review of regional pollution emergency response operations and equipment readiness to insure adequacy of regional and national planning, and coordination for combating discharges of oil and hazardous substances. RRT shall recommend revision of the National Contingency Plan to CEQ on the basis of observations of response operations;

1204.1-2 Review the functioning of the RRT's to insure that regional plans developed are fully coordinated among involved agencies. It shall serve as a body to which the RRT's may refer for settlement of matters which they cannot resolve;

1204.1-3 Develop procedures to promote the coordination of Federal, State and local governments and private agencies to respond to pollution incidents;

1204.1-4 Consider necessary changes in policy on the basis of continuing evaluation of regional response actions taken in combating discharges of oil and hazardous polluting substances;

1204.1-5 Provide information to the Research and Development Committee, on research requirements, the need for which is not known until discharges of unusual materials or unique circumstances occur;

1204.1-6 Maintain a continuing awareness of review and act upon reports by the Research and Development Committee;

1204.1-7 Maintain a readiness posture to respond to a nationally significant discharges of oil or other hazardous substance;

1204.1-8 Maintain a continuing surveillance of incoming reports from all RRT's and activate NRT when appropriate; and

1204.1-9 Meet quarterly on the first Thursday of March, June, September and December to review pollution emergency response actions of the preceding period, receive reports of the Committee on Revision and consider amendments to the Plan.

1204.2 When activated during a pollution discharge response, Agency representatives shall meet at the call of the Chairman and shall:

1204.2-1 Monitor and evaluate reports generated by the OSC insuring their completeness. Based on this evaluation, NRT may recommend courses of action in combating the discharge through RRT for consideration by the OSC.

1204.2-2 Request other Federal, State, local government or private agencies to consider taking action under their existing authorities to provide resources necessary for combating a discharge or deployment of personnel to monitor response operations.

1204.2-3 Coordinate the actions of regions or districts other than those affected by the pollution emergency to supply needed equipment, personnel, or technical advice to the RRT and OSC. This includes requests, when appropriate, for activating the Special Forces provided by § 1510.54 of the Plan.

1204.2-4 Act as the focal point for national public information releases and for information transfer between the OSC and the Washington, D.C. headquarters of the Agencies concerned, so as to minimize or prevent dissemination of spurious and incomplete information. Public information actions are discussed in Annex VI of this part.

ANNEX III—1300 NATIONAL RESPONSE CENTER

1301 National Response Center location.

1301.1 The National Response Center (NRC) for control of pollution by oil and hazardous substances is established at the Headquarters, United States Coast Guard, Washington, D.C.

1302 NRC purpose.

1302.1 The purpose of the NRC is to provide physical facilities for coordination and control of a pollution emergency should national level involvement be required.

1303 Responsibility for NRC.

1303.1 The Commandant, U.S. Coast Guard, shall provide the necessary communications and plotting facilities and equipment. These will include:

1303.1-1 A continuously manned communication center for receiving reports of discharges;

1303.1-2 Telephone branch lines;

1303.1-3 Teletypewriter circuits;

1303.1-4 The latest updated charts of the Department of Commerce, Interior and Defense for the U.S. waters, the Continental

Shelf and the ocean areas adjacent to U.S. territorial waters;

1303.1–5 Technical library on oil and hazardous substances pollution; and,

1303.1–6 Plotting and display provisions to visually depict the geographic position, movement and extent of the pollutant.

1303.2 Primary Agencies shall furnish competent technical personnel to man the NRC as requested, furnish appropriate technical manuals and materials, and such additional administrative support as required to operate the NRC effectively and efficiently.

1304 Communications services available.

1304.1 Telephone (voice) services available include:

1304.1–1 Commercial telephone available 24 hours per day, toll free (800) 424–8802;

1304.1–2 AUTOVON (Automated Voice Network)—General purpose switched voice network of Defense Communications Systems, which serves Continental U.S., Alaska, Europe, Pacific and Panama;

1304.1–3 Washington Tactical Switchboard—Pentagon terminal of the tactical telephone system, operated by USAF;

1304.1–4 FTS–GSA operated government administrative telephone system; and,

1304.1–5 SARTEL—Search and Rescue Command Coordination telephone network including leased Hotline telephone net extending from Halifax to New Orleans.

1304.2 Teletype writer services available include:

1304.2–1 AUTODIN—A defense communications worldwide high speed user data communications system operated for and managed by the DCA to provide both direct user-to-user and store and forward message switching service for DOD and other government agencies;

1304.2–2 SARLANT—Coast Guard-leased teletypewriter system extending from Massachusetts to Texas (used to control and coordinate SAR incidents and to handle other operational traffic and priority administrative communications);

1304.2–3 SARPAC—Same as (2) for the West Coast U.S.; and

1304.2–4 TELEX—Teletypewriter exchange service provided by Western Union that serves Continental U.S., industry and Government offices. TELEX also permits direct connections with international communication carriers and oversea TELEX communications.

1305.1 Information on current and predicted meteorological, hydrologic and oceanographic conditions for the high seas, coastal and inland waters is available from NOAA. If specific capabilities of other agency environmental description and prediction programs are required because of the area or unusual conditions, NOAA will arrange for the provision of such information.

ANNEX IV—1400 PRIMARY AGENCY OFFICE LOCATIONS AND BOUNDARIES

1400 *Geographical boundaries.*

Regional contingency plans shall be based upon the Standard Federal Regions. These plans are available for inspection at EPA regional offices or U.S. Coast Guard district offices as shown in 1401 and 1402. Other agencies' addresses and telephone numbers may be found in the United States Government Manual (issued annually) or in the local telephone directories of cities shown on the maps included in this Annex. EPA, HEW, and HUD regional geographical boundaries follow this delineation.

1401 Environmental Protection Agency—Office addresses, telephone numbers, and map.

1402 Department of Transportation—United States Coast Guard district offices addresses, telephone numbers and maps.

1403 Department of Commerce—map.

1404 Department of Defense—maps.

1404.1 U.S. Army Corps of Engineers.

1404.2 U.S. Army Continental Army Commands.

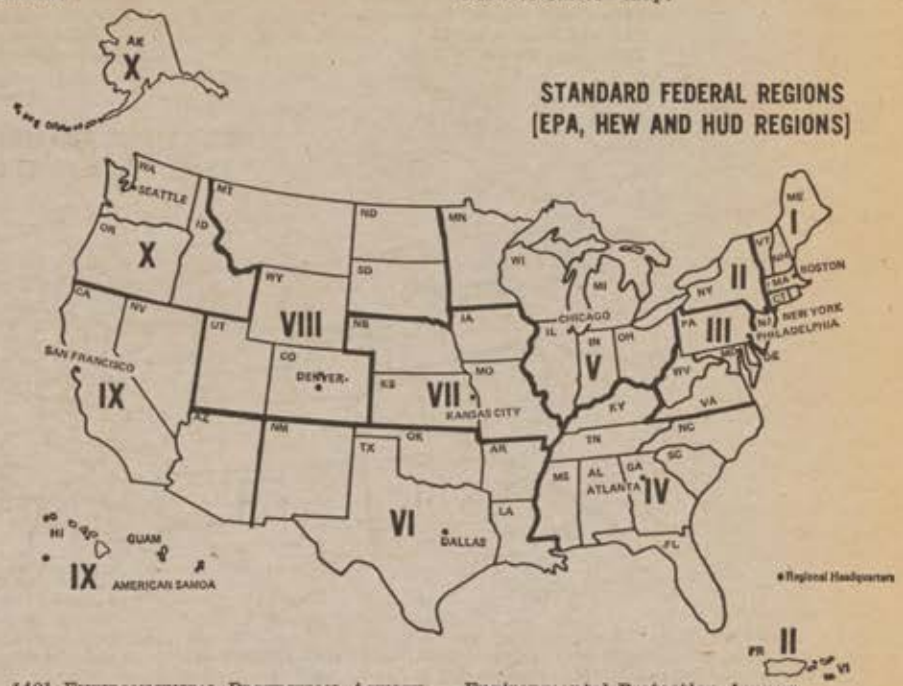
1404.3 U.S. Naval Districts.

1404.4 U.S. Air Force Reserve Regions.

1405 U.S. Department of the Interior.

1405.1 Field Committee Regions.

1405.2 U.S. Geological Survey—Area and District Offices—map.



1401 ENVIRONMENTAL PROTECTION AGENCY REGIONAL OFFICES

Environmental Protection Agency
Region I, Room 2303
John F. Kennedy Federal Building
Boston, Massachusetts 02203
Tel: (617) 223–7265

Environmental Protection Agency
Regional II, Room 908
26 Federal Plaza
New York, New York 10007
Tel: (201) 548–8730

Environmental Protection Agency
Region III
Curtis Bldg.
6th and Walnut Streets
Philadelphia, Pennsylvania 19106
Tel: (215) 597–9898

Environmental Protection Agency
Region IV
1421 Peachtree St., NE.
Atlanta, Georgia 30309
Tel: (404) 526–5062

Environmental Protection Agency
Region V
230 South Dearborn Street
Chicago, Illinois 60604
Tel: (312) 896–7591

Environmental Protection Agency
Region VI, Suite 1600
1600 Patterson St.
Dallas, Texas 75201
Tel: (214) 749–3840

Environmental Protection Agency
Region VII
1735 Baltimore Ave.
Kansas City, Missouri 64108
Tel: (816) 374–3778

Environmental Protection Agency
Region VIII, Suite 900
1860 Lincoln Street
Denver, Colorado 80203
Tel: (303) 837–3880

Environmental Protection Agency
Region IX
100 California Street
San Francisco, California 94111
Tel: (415) 556–6254

Environmental Protection Agency
Region X
1200 Sixth Avenue
Seattle, Washington 98101
Tel: (206) 442–4343

1402 DEPARTMENT OF TRANSPORTATION U.S. COAST GUARD DISTRICTS

1st Coast Guard District
150 Causeway Street
Boston, Mass. 02114
Duty Officer: (617) 223–6650

2nd Coast Guard District
Federal Building
1520 Market Street
St. Louis, Mo. 63101
Duty Officer: (314) 622–4614

3rd Coast Guard District
Governors Island
New York, N.Y. 10004
Duty Officer: (212) 264–4800

5th Coast Guard District
Federal Building
431 Crawford Street
Portsmouth, Va. 23705
Duty Officer: (703) 393–9611

7th Coast Guard District
Room 1018, Federal Bldg.
51 S.W. 1st Avenue
Miami, Fla. 33130
Duty Officer: (305) 350–5611

8th Coast Guard District
Customhouse
New Orleans, La. 70130
Duty Officer: (504) 527–6225

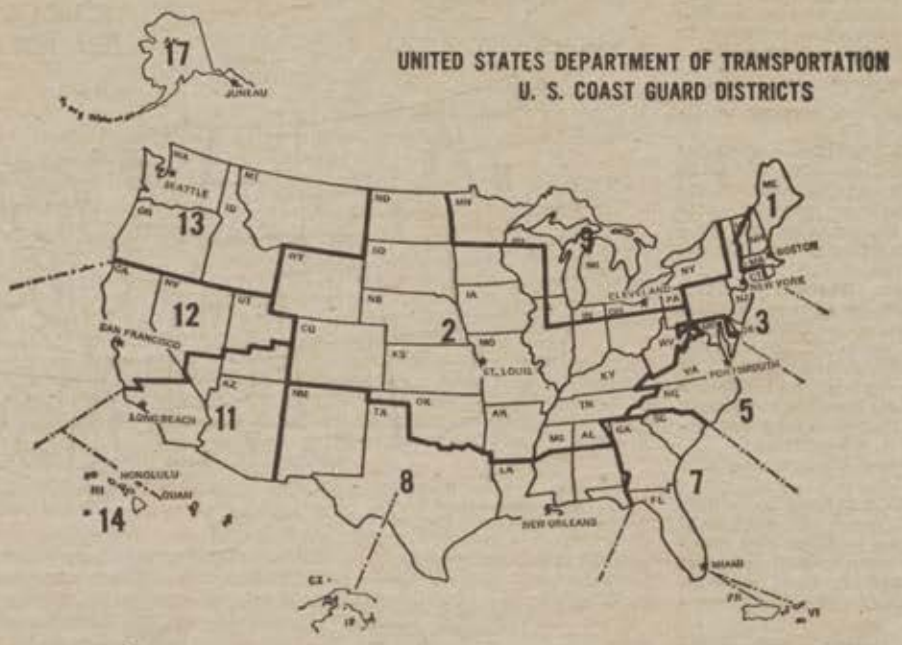
9th Coast Guard District
1240 East 9th Street
Cleveland, Ohio 44199
Duty Officer: (216) 522–3984

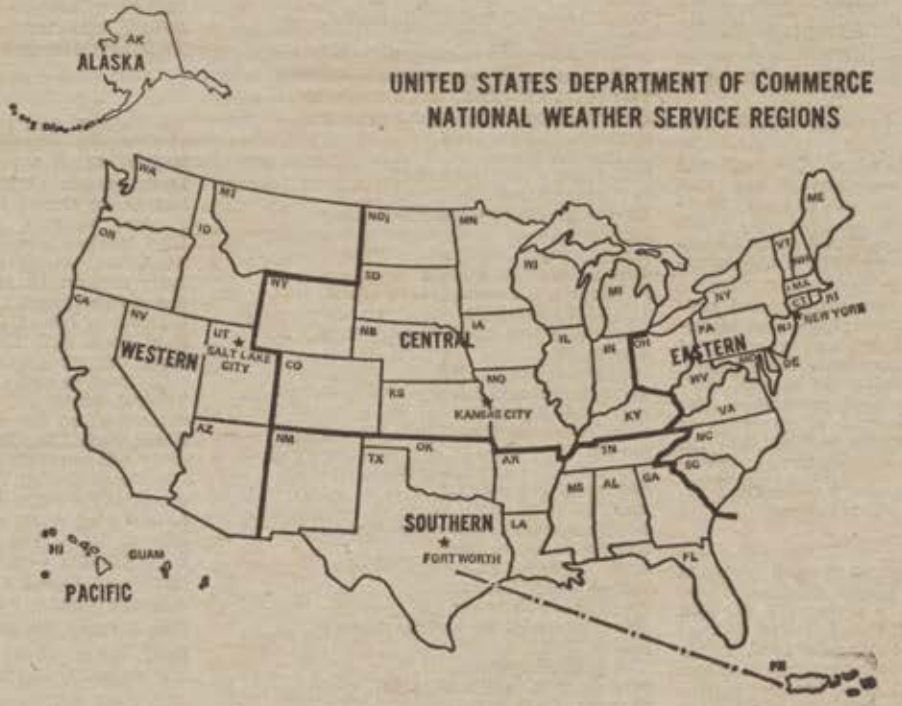
11th Coast Guard District
Heartwell Bldg.
19 Pine Avenue
Long Beach, Calif. 90802
Duty Officer: (213) 590–2311

12th Coast Guard District
630 Sansome Street

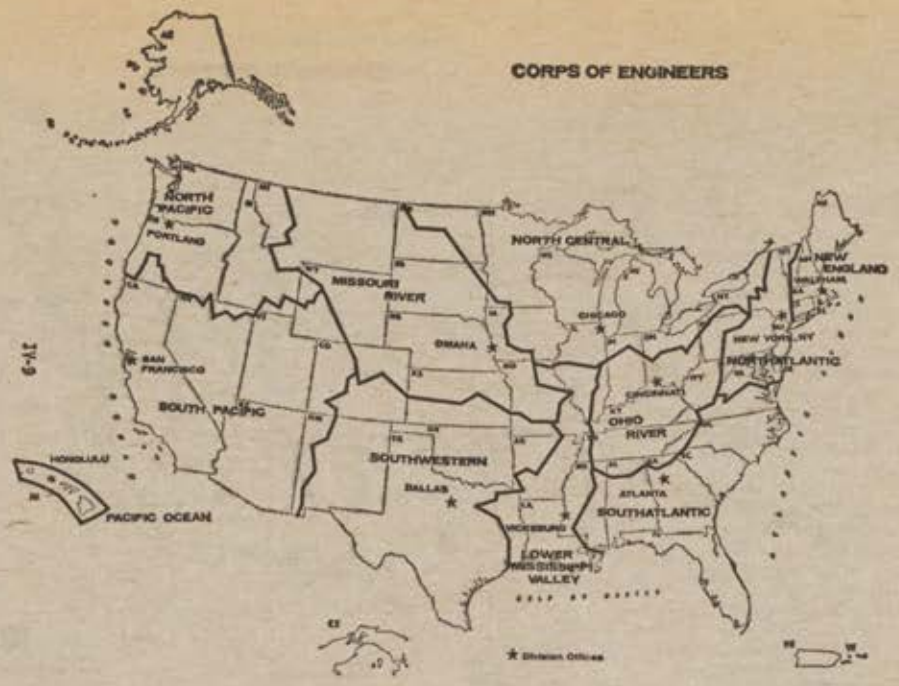
San Francisco, Calif. 94126
Duty Officer: (415) 556-5500
13th Coast Guard District
618 2nd Avenue
Seattle, Wash. 98104
Duty Officer: (206) 524-2902
14th Coast Guard District
677 Ala Moana Blvd.
Honolulu, Hawaii 96813

Duty Officer: (808) 546-7109
(COMMERCIAL ONLY)
AUTOVON—421-4845
17th Coast Guard District
P.O. Box 3-5000
Juneau, Alaska 99801
Duty Officer: (907) 586-7340
(COMMERCIAL ONLY)
AUTOVON—388-1121

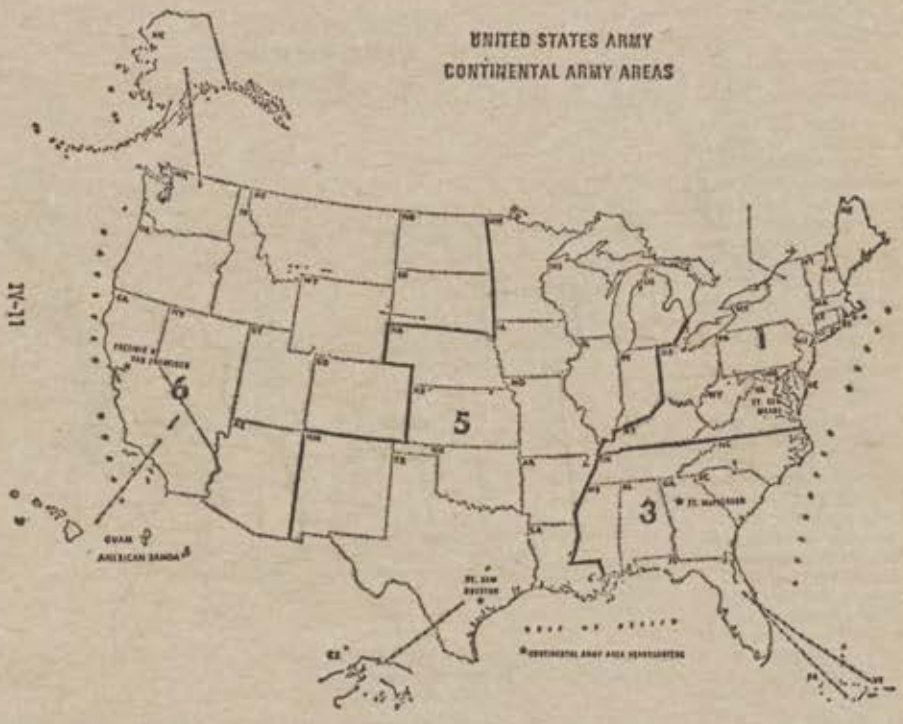




CORPS OF ENGINEERS



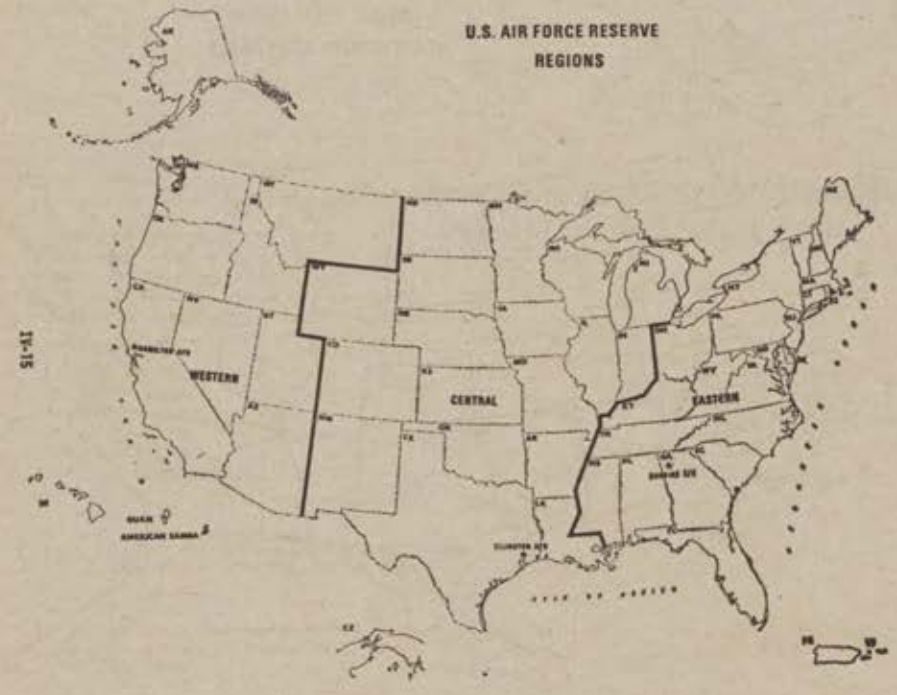
UNITED STATES ARMY
CONTINENTAL ARMY AREAS



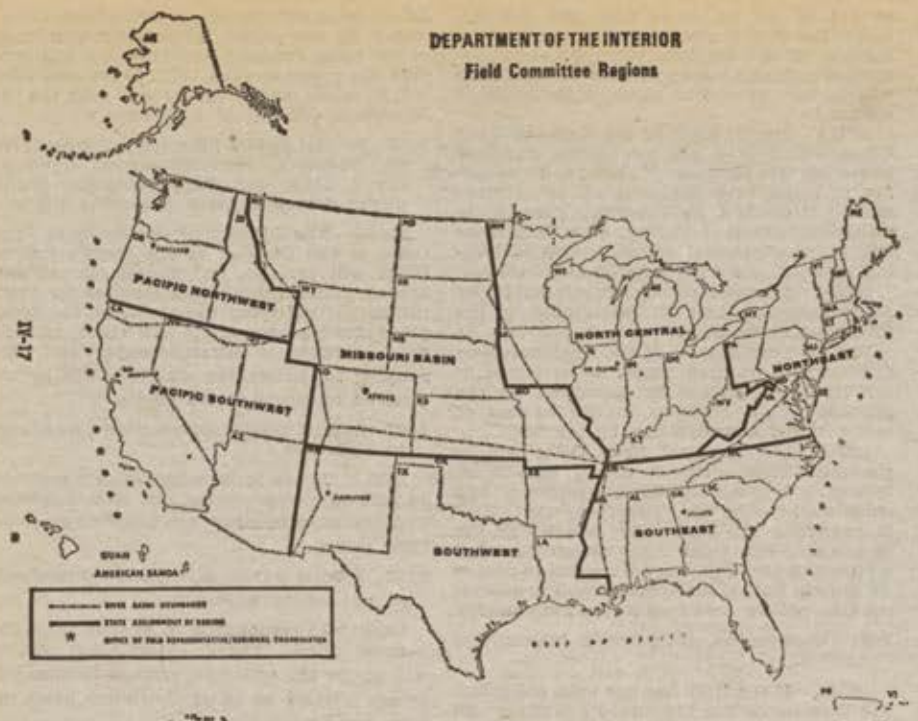
U.S. NAVAL DISTRICTS

IV-13

U.S. AIR FORCE RESERVE REGIONS



IV-14



ANNEX V—1500 COMMUNICATIONS AND REPORTS

1501 Purpose.

1501.1 The communications concerning an oil or hazardous substance discharge are an integral and significant part of the operations. The same precepts govern in these instances as do other operations in which the USCG, EPA and other operating agencies are involved.

1502 Objectives.

1502.1 The objectives of the communications and reports are:

1502.1–1 To speed the flow of information pertaining to pollution discharge;

1502.1–2 To relay advice, instructions and reports pertaining to pollution discharge; and

1502.1–3 To provide for alerting, notification, surveillance and warning of a pollution discharge.

1503 Communications procedures.

1503.1 Normal communication circuits of each Primary Agency shall be used to effectuate this Plan. The national and district or regional offices and telephone numbers of primary alerting and notification offices of interested agencies will be maintained in NRC and as appropriate in RRC.

1503.2 The initial reporting of a pollution discharge by agencies participating in this plan shall be in accordance with the information and format as described in the regional plans. Reports of medium or major discharge received from dischargers or the general public by the NRC shall be relayed by telephone to predesignated OSC, NRC shall evaluate incoming information and immediately advise OEP Disaster Programs Office of potential disaster situations.

1503.3 POLREPS (Pollution Reports) shall be submitted by RRT to NRT in a timely manner as developments occur and at 0800 and 2000 local time on each day of the operation.

1504 Pollution reports.

1504.1 Within 60 days after the conclusion of Federal removal action resulting from a major pollution discharge, the OSC shall submit a complete report of the response operation and the actions taken. Copies will be furnished to the NRT or RRT, as appropriate, together with any other pertinent information available to the forwarding group. The NRT shall then evaluate each situation and will make appropriate recommendations.

1504.2 The report required by 1504.1 above shall include:

1504.2–1 Description of the cause and initial situation;

1504.2–2 Organization of response action and resources committed;

1504.2–3 Effectiveness of response and removal actions by:

a. The discharger;

b. State and local forces;

c. Federal Agencies and Special Forces;

1504.2–4 Unique problems encountered;

1504.2–5 Recommendations on:

a. Means to prevent reoccurrence;

b. Improvement of response actions;

c. Changes in National or Regional Contingency plans to improve.

ANNEX VI—1600 PUBLIC INFORMATION

1601 Introduction.

1601.1 When a major pollution discharge occurs, it is imperative that the public be provided promptly with accurate information on the nature of the discharge and what steps are being taken to correct the problem. This policy must be followed to obtain understanding from the public, ensure cooperation for all interested parties and to check the spread of misinformation. National Administration Policy and the Freedom of Information Act both call for maximum disclosure of information.

1602 National News Office.

1602.1 When the NRT is activated, the team chairman will contact the most appropriate Primary Agency and ask it to detail a professional information officer to establish and direct a National News Office. Requests by the Director of the National News Office for an appropriate number of professional and clerical assistants will be met by one or more of the Primary Agencies.

1602.2 The Director of the National News Office will be responsible for overall supervision of public information activities. While the Director of the Regional News Office will have considerable freedom in responding to news inquiries, he will work under the direction of the Director of the National News Office. The closest possible coordination will be maintained between the National News Office in Washington and the Regional News Office.

1602.3 Promptly after his designation, the Director of the National News Office will contact the White House Press Office and the Office of the Director of Communications for the Federal Government to arrange whatever information assistance may be required by these offices.

1602.4 All written news releases involving major policy considerations will be cleared by the Chairman of the NRT or in his absence the vice-chairman. Situation reports and other factual releases will not require formal clearance.

1602.5 The Director of the National News Office will have free access to meetings of the NRT and will be consulted on the possible public reaction to the courses of action under consideration by the NRT.

1602.6 At appropriate intervals the Director of the National News Office may arrange news conferences at which the Chairman of the NRT, the OSC or other informed officials will make progress reports and respond to questions from the media representatives.

1602.7 The Director of the National News Office will keep appropriate press offices posted on developments. These include the press offices of the Secretaries or Director of the Primary Agencies to the National Contingency Plan; Governors, Senators and Representatives whose States or Districts are affected by the incident; and, the mayor and other responsible local officials in affected communities.

1602.8 As long as public interest warrants, at least one written news release or status report per day will be issued by the National News Office and the Regional News Office reporting progress.

1602.9 The National News Office will be provided with adequate space, telephones, typewriters, communications equipment and other supplies by the U.S. Coast Guard at U.S. Coast Guard headquarters, Washington, D.C., where the NRC is housed. The Director of the National News Office will determine what equipment and supplies are needed to ensure an orderly flow of information and to accommodate visiting members of the news media.

1603 Regional News Office.

1603.1 When an RRT is activated, the Chairman will contact the most appropriate agency and ask it to detail a professional public information officer to establish and direct a Regional News Office. Any primary Agency may by request to the RRT, place its designated representative on the staff of the Regional News office to advise and assist the Director. The Regional News Office should be set up at or near the location where the OSC is stationed. Requests by the Director of the Regional News Office for appropriate professional and clerical assistance will be met by one or more of the primary agencies.

1603.2 The Director of the Regional News Office will follow the procedures outlined above for the Director of National News Office in contacting the press offices of State and local officials, in arranging appropriate public information liaison with industries and other concerned interests, and in issuing at least one daily written news release.

1603.3 All news releases involving major policy considerations will be cleared by the Chairman of the RRT.

1603.4 The Director of the Regional News Office will have free access to meetings of the RRT and should be consulted on the possible public reaction to the courses of action under consideration by the RRT.

1603.5 The Regional News Office will be provided with adequate space, telephones, typewriters, communications equipment and other supplies by the Primary Agency which is providing the RRC. The Director of the Regional News Office will determine what equipment and supplies are needed to ensure an orderly flow of information and to accommodate visiting members of the news media.

1604 Washington, D.C., public information contact.

1604.1 If the NRT has not been activated, the Director of the Regional News Office will ask the most appropriate Primary Agency to assign a public information officer in Washington, D.C., to serve as a contact point for queries made in Washington, D.C. The information officer assigned to this task will follow the procedures outlined above for the Director of the National News Office in contacting the press offices of the White House and Congressional and Federal officials.

1605 Interim Public Information Director.

1605.1 In the period following a discharge and before the need for a Federal response is determined, information activities will be directed by the public information personnel of the same Primary Agency which will provide the predesignated OSC. These activities will be conducted in accordance with the information policies of that agency.

1606 Special public information procedures for Senators, Representatives, Congressional Aides and Staff Members, White House Representatives and other VIP's.

1606.1 The Director of the National News Office or the Director of the Regional News Office will arrange, on request, to perform special public information services for VIP's including: notifying the media of the time, place and purpose of the VIP visits; making press conference arrangements; and, arranging for interviews with the VIP by interested members of the media.

1607 Special public information procedures for salesmen.

1607.1 Public information officers assigned to pollution emergencies will refer salesmen to technical personnel designated to evaluate their wares.

1608 Special public information procedures for the general public.

1608.1 In responding to queries from the general public, public information officers will advise the callers or arrange to have the callers advised on what the latest press release has reported.

1609 Special public information procedures—correspondence.

1609.1 After the crisis has subsided, a model letter reporting on the situation will be drafted by the public information personnel assigned to the problem. After the model letter has been approved by the Chairman of the NRT or the RRT, copies will be sent to the Primary Agencies for their guidance in responding to mail inquiries.

ANNEX VII

7100 LEGAL AUTHORITIES

7100.1 Federal Statutes, Regulations and Administration orders relative to oil pollution control are administered by several Departments and Agencies. The following is a tabular summation of the more important of these legal authorities.

7110 Federal Oil Pollution Control Statutes

	STATUTES	OPERATING AGENCIES INVOLVED	PROHIBITED ACT OR AUTHORIZATION	TERRITORIAL APPLICATION	SANCTIONS	EXCEPTED DISCHARGES
7111	Refuse Act 1899 (33 U.S.C. 407 et seq.)	1.COMPS 2.U.S.C.G. 3.Customs 4.JUSTICE	To discharge from ship. . . (foreign & domestic) or from shore or water front facility, any refuse matter of any kind or description (even commercially valuable petroleum).	1.U.S.navinable waters (USNW) 2.Tributaries, if refuse floats or washes into USNW. 3.On banks, if likely to be washed into USNW.	1.$500.00 - $2500.00; 30 days to 1 yr. or both 2.Vessel liable "in rem" for penalties.	"sewage" flowing from streets and sewers.
	****	****	****	****	****	****
7112	Federal Water Pollution Control Act, as amended. (33 U.S.C. 1151 et seq.)	1.EPA 2.DOT 3.CORPS 4.Customs 5.JUSTICE	Discharge, in harmful quantities, of oil or hazardous substances to the waters of the U.S. Effluent Standards, National Standards of Performance, Water Quality Standards.	U.S. waters or adjoining shorelines or the waters of the contiguous zone.	1.Failure to report prohibited discharge:(a)fine up to $10K or (b) imprisonment for up to one year. 2.Prohibited discharge of oil or hazardous substance-civil penalty, $K. 3.Violation of regulations-$K. 4.Removal liability costs: (a)vessel $14M or $100/grt; (b)onshore or offshore facility, $8M.	1.As allowed by regulations, standards or permits. 2.In the contiguous zone as permitted by the 58 Convention, as amended in 1969.
	****	****	****	****	****	****
7113	Oil Pollution Act 1961), as amended, (33 U.S.C. 1001-1015)Implements International Convention on Prevention of Pollution of Sea by Oil.	1.U.S.C.G. 2.Customs 3.CORPS 4.JUSTICE 5.State	1.Any dis. arge or escape of persistent oil from vessels bject to Act, i.e., al. U.S. seagoing vessels including tankers (whose tanks carry only oil). Except:(a)Tankers under 150 gross tons; (b)Other vessels under 500 gross tons; (c)Vessels on whaling operations;	1.Prohibited zone: (a)measured from baseline from which territorial sea is established; (b)Generally extends 50 miles to sea; (c)Extends 100 miles to sea off Northeast Coast of U.S.; (d)Extends out 100 miles to sea off West Coast of Canada; and (e)Modifications published in Notices to Mariners.	1.Penalty: (a)$500.00 to $2500.00 or 1 yr. or both-any person or company; (b)Ship other than one owned & operated by U.S. liable "in rem" for above penalty, and (c)Suspension or revocation of license.	1.Discharges: (a)To secure safety of ship, cargo or life at sea; (b)Due to damage to vessel or unavoidable leakage, if all reasonable precautions taken after damage occurred

		(d)Vessels while using Great Lakes & tributaries; and. (e)Naval vessels and auxiliaries. 2.Any discharge of oil from vessel subject to Act, of 20,000 or-plus gross tons, whose bldg. contract executed on or after May 18, 1967; 3.Vessels, subject to Act, which are tankers or use oil fuel must keep Oil Record Book with entries of certain discharges or escapes of oils. 4.Forward to State Dept. evidence of discharge or escape from foreign vessl.	2.Unlimited-Except if in Master's opinion special circumstances make it neither reasonable nor practicable to retain oil on board, discharge, outside prohibited zone is permitted. 3.Penalties re. Oil Record Book: (a)Person failing to comply - fine of from $[illegible] to $1,000.00; (b)person making false entry (i)fine - $[illegible] to $1,000.00, (ii)imprisonment for 6 mos. or both. 1.Prohibited zone (No. 1 above).		or leakage discovered: (c)Of residue from fuel or lube oil purification or clarification as far from land as possible: (d)Oily mixtures from bilges containing only lube oil drained or leaked from machinery spaces; and (e)Vessels, other than tanker, proceeding to a port with inadequate reception facilities.
	* * * *	* * * *	* * * *	* * * *	* * * *

3720 Related Federal Statutes

	STATUTES	ADMINISTRATIVE AUTHORITY	AUTHORIZED ACTION	TERRITORIAL CONSIDERATIONS
3721	U.S.Navy Ship Salvage Authority (10 U.S.C. 7361)	Secretary of Navy (U.S. Navy Ship System Command, Supervisor of Salvage)	1.To salvage, by contract or otherwise: (a)U.S. Naval vessels; (b)Private vessel (foreign or domestic) subject to availability of salvage forces; and, (i)if not abandoned nor under governmental control nor other salvage facilities reasonably available & competent private authority requests help, i.e., ship's master, owner, or underwriter. (ii)if abandoned or under control of U.S.C.G.,FWPCA, Corps of Engineers, Office of Emergency Preparedness, or Federal Court - competent requesting agency becomes customer.	1.(a) for U.S. Naval vessels - Navy has direct responsibility anywhere; (b)for private vessels (i)U.S. navigable waters and high seas. (ii)U.S. navigable waters U.S. territorial waters and those within the authority of requesting government agency by law or treaty.
	* * * *	* * * *	* * * *	* * * *
3722	Outer Continental Shelf Land Act of 1953 (43 U.S.C. 1331-1343)	Secretary of the Interior (a) Bur. of Land Mgmt. (b) U.S.G.S. Secretary of Transportation (a) U.S.C.G.	1.To regulate leases for exploitation of Shelf lands, terms and conditions calculated to prevent pollution in offshore oil or mining operations. Regulations provide that lessee shall not pollute; shall take certain preventive actions and if pollution occurs, lessee shall make appropriate notifications and shall be liable for cleanup.	1.U.S. Continental Shelf Lands.
	* * * *	* * * * *	* * * * *	* * * * *
3723	Disaster Relief Act of 1974 88 Stat. 143	The President Administrator, Federal Disaster Assistance Administration E.O. 11575, Dec. 31, 1970	1. To declare an emergency or a major disaster at the request of a governor of a State. 2. If declared, to direct Federal agencies to assist by: (a) Utilizing or lending, with or without compensation therefor, to States and local governments, their equipment, supplies, facilities, personnel, and other resources, other than the extension of credit under the authority of any Act; (b) Performing on public or private lands or waters any emergency work or services essential to save lives and to protect and preserve property, public health and safety, including but not limited to: search and rescue, emergency medical care, emergency mass care, emergency shelter, and provision of food, water, medicine, and other essential needs, including movement of supplies or persons; clearance of roads and construction of temporary bridges necessary to the performance of emergency tasks and essential community services; provision of temporary facilities for schools and other essential community services; demolition of unsafe structures that endanger the public; warning of further risks and hazards; public information and assistance on health and safety measures; technical advice to State and local governments on disaster management and control; reduction of immediate threats to life, property, and public health and safety; and making contributions to State or local governments for the purpose of carrying out the provisions of this paragraph.	(1) Major disaster areas (States) as declared by the President and area designated by the FDAA Administrator. (2) Emergency areas as determined by FDAA Administrator. (3) U.S., its territories and possessions.
3724	14 U.S.C. 81 et seq.	U.S.C.G.	1.To aid distressed persons & protect property. Sec. 88(b) in USNW and on the high seas. 2.To establish, maintain & operate aids to maritime navigation in USNW, waters above the U.S. continental shelf and other specified areas. 3.To mark for protection of navigation any wreck in USNW (Sec. 86) not properly marked by owner (33 U.S.C. 409)	
	* * * *	* * * * *	* * * * *	* * * * *
3725	14 U.S.C. 141(a)	U.S.C.G.	1.On request may use personnel & facilities to assist any government agency to perform any activity for which such personnel are especially qualified.	1. Limited only by international law re. Territorial waters.
	* * * *	* * * * *	* * * * *	* * * * *
3726	Magnuson Act (50 U.S.C. 191)	Designated U.S.C.G. Officers (33 CFR 6) when directed by Executive Order (presently implemented by E.O. 10173 as amended)	1.Prevent anything from being placed on board any vessel or waterfront facility as defined in 33 CFR 6.01-4, when necessary to prevent damage to U.S. waters. 2.Establish security zones into which no person or vessel may enter or take anything. 3.Control vessel movement & take full or partial possession or control of any vessel when necessary to prevent danger to U.S. waters. 4.Prevent mooring to or connel shifting of any vessel from waterfront facility if it endangers such vessel, other vessels, harbor, any facility therein because conditions exist in or about waterfront - not limited to fire hazards	1. U.S. Territorial waters

1727	Dangerous Cargo Act (46 USC 170)	U.S.C.G.	1. Authority to establish regulations for handling, stowage, storage and use of dangerous articles or substances on board vessels. 2. Authority to establish regulations for disposing of dangerous articles or substances found to be in an unsafe condition.	U.S. Territorial Waters.
	* * * * *	* * * * *	* * * * *	* * * * *
1728	Tank Vessel Act (46 USC 391a)	U.S.C.G.	1. Authority to establish additional rules for provision against hazards of life and property created by vessels having on board inflammable or combustible liquid cargo in bulk.	U.S. Territorial Waters.
	* * * * *	* * * * *	* * * * *	* * * * *
1729	Ports & Waterways Safety Act of 1972 (PL 92-340)	U.S.C.G. SLSDC	1. Authority to operate vessel traffic services, direct vessel movement, prescribe safety equipment requirements, establish safety zones, investigate accidents that affect environmental quality of the navigable waters and regulate vessels carrying hazardous substances in bulk.	U.S. Territorial Waters (excludes waters of Panama Canal for Title I)
	* * * * *	* * * * *	* * * * *	* * * * *

VII-4

1750 Treaties and International Conventions

	TITLE	PARTIES	SUBSTANCE OF AGREEMENT	TERRITORIAL APPLICATION
1751	Treaty re. Reciprocal Rights in Conveyance of Prisoners and Wrecking & Salvage (35 Stat. 2035, TS 502)	U.S. - Great Britain signed for Canada (1908)	1. Vessels & wrecking equipment of U.S. or Canada permitted to salvage wrecks, render aid to vessels in distress or disabled across the international boundary line.	1. In portion of St. Lawrence River through which boundary line passes. 2. Lakes Ontario, Erie, St. Clair, Huron, Superior. 3. Niagara, Detroit, St. Clair & Ste. Marie River. 4. Canals at Sault Ste. Marie. 5. Shores & territorial waters on Pacific & Atlantic within 30 miles of boundary line.
	* * * * *	* * * * *	* * * * *	* * * * *
1752	Boundary Waters Treaty (35 Stat. 2448, TS 548)	U.S. - Great Britain signed for Canada (1909)	1. Established International Joint Commission with jurisdiction over all cases re. use, obstruction or diversion of waters including water pollution. No mechanism for enforcement directly by Commission findings & recommendations reported to respective governments for enforcement action within its territorial limits.	1 U.S - Canadian boundary waters.
	* * * * *	* * * * *	* * * * *	* * * * *
1753	Treaty to Facili - tate Assistance to & Salvage of Vessels in Territorial Waters (49 Stat. 3359, TS 905)	U.S. - Mexico (1936)	1. Vessels & rescue apparatus, public & private, may aid vessels and crew of its own nationality, when disabled or in distress. 2. Captain, master or owner of rescue vessel of either country must notify that country when entering or intending to enter territorial waters of the other country as early as possible and may freely proceed with rescue unless advised by the other country that adequate assistance is available or for any other reason rescue is not necessary.	1. On shores or within territorial waters of the other nation - (a)Within 720 mile radius of intersection of international boundary line & Pacific Coast or (b)within 200 miles radius of intersection of international boundary line & coast of Gulf of Mexico.
1754	Convention of High Seas (1958) TIAS 5200) (13 U.S.T. 2312)	U.S.(1962)-Denmark, Finland, Italy, Japan, Mexico, Netherlands, U.K., USSR, inter alia.	1. Article XXIV - Member nations responsible for drafting regulations to prevent pollution of seas by oil. 2. Article XXV - same for radioactive wastes & other harmful agents by vessels under its control.	High Sea
	* * * * *	* * * * *	* * * * *	* * * * *
1755	Geneva Convention on Territorial Sea & Contiguous Zone (1958) (15 U.S.T 1606) (TIAS 5639)	U.S. (1964)-Denmark, Finland, Italy, Japan, Netherlands, U.K., USSR, inter alia.	1. To exercise necessary controls to prevent infringement of nations sanitary regulations within its territory or territorial sea.	1. Not to exceed 12 miles outward from the baseline from which the territorial sea is measured.
	* * * * *	* * * * *	* * * * *	* * * * *
1756	Convention on Continental Shelf (1958) (TIAS 5578) (15 U.S.T. 471)	U.S. (1964)-Denmark, Finland, France, Mexico, Netherlands, U.K., USSR, inter alia.	Coastal government has: exclusive & sovereign right to explore and exploit natural resources of the Shelf as long as it does not unjustifiably interfere with navigation, fishing or conservation of living sea resources nor with fundamental oceanographic or other scientific research destined for open publication.	U.S. Continental Shelf - 200 meter isobath curve contiguous to land or to a depth that admits of the exploitation of said area.
	* * * * *	* * * * *	* * * * *	* * * * *
1757	Convention for Prevention of Pollution by Sea by Oil, (1954) (12 U.S.T. 2989; (1962) amended 17 U.S.T. 1523)	U.S. (1961)-Belgium, Denmark, Finland, France, West Germany, Greece, Italy, Japan, Liberia, Mexico, Netherlands, Nigeria, Norway, Panama, Spain, Sweden, U.K., inter alia.	1. To prevent discharge or escape of oily substances by sea-going vessels - Sea Oil Pollution Act of 1961 as amended in 1966 for U.S. implementation. (33 U.S.C. 1001-1015) (Note: Oily substance is defined as persistent oil) 2. Maintenance of Oil Record Book.	1. Prohibited zone: All seas within 50 miles from nearest land (baseline from which territorial sea is established) and other areas as defined in the convention.

VII-5

ANNEX VIII—1800 DOCUMENTATION AND COST RECOVERY

1801 Introduction.

1801.1 The OSC in charge at the scene of a discharge may be from any one of several agencies; it is necessary, therefore, to establish uniform procedures for collection of samples and information consistent with the several phases in Federal response operations. Necessary information and sample collection must be performed at the proper times during the Federal involvement in removal operations for the purpose of later use in identifying the party responsible for removal cost recovery. Time is of great importance since wind, tide and current may disperse or remove the evidence. Additionally, witnesses may no longer be available. Thus, during the response phases, the OSC must take the necessary action to ensure that information, records, and samples adequate for legal and research purposes are obtained and safeguarded for future use. Additional guidance can be found in EPA's "Field Detection and Damage Assessment Handbook".

1802 Notification of Counsel.

1802.1 Immediately upon notification that a discharge has occurred, the RRT or NRT members, as appropriate, shall notify their respective regional and departmental attorneys, as provided herein and as detailed in regional plans.

1802.2 Coordination of appropriate counsel will be effected by counsel of the Department responsible for furnishing the OSC. Coordination will be for joint and several actions concerning legal matters regarding the operation and the Plan and for advising the owner or operator that a determination has been made under subsection 311(c)(1) of the Act that removal is not being properly accomplished.

1802.3 The information and reports obtained by the OSC are to be transmitted to the RRC. Copies will then be forwarded to the NRC, members of the RRT, and others, as appropriate. The representative of the Agency on the RRT having cost recovery authority will then refer copies of the pollution reports to his respective agency counsel.

1803 Legal notice to suspected discharger.

1803.1 The owner, operator, or other appropriate responsible person shall be notified of Federal interest and potential action in a pollution discharge by the agency furnishing the OSC. This notice shall include advice of the owner or operator's liability for proper removal of the discharge in accordance with section 311(f) of the Act; the need to perform removal in accordance with existing Federal and State statutes and regulations, and this Plan; and identification of the OSC.

1804 Sample collection procedures to be followed by OSC.

1804.1 Several precautions must be observed when taking and handling liquid samples for analyses as the character of the sample may be affected by a number of common conditions. These precautions concern the following: (a) The composition of the container; (b) cleanliness of the container; and, (c) manner in which the sample is taken.

1804.2 In taking such samples, the following procedures are to be followed in all cases:

1804.2-1 Glass or other appropriate containers of suitable size shall be used. The portion of the closure (sealing gasket or cap liner) which may come into contact with the sample in the container is of considerable importance. When oil or petroleum hydrocarbons are to be sampled, the closure should be made of glass, aluminum foil, or teflon. Pollutants other than oil may require special precautions such as jacketing of glass containers or different closure material. The analysis laboratory should be consulted whenever a question arises as to the appropriateness of any packaging material.

1804.2-2 Previously unused containers are preferred. Containers that have been cleaned with a strong detergent, thoroughly rinsed and dried may be used.

1804.2-3 Some explanatory notes covering the above procedures are as follows: (a) Glass or other appropriate containers always must be used because plastic containers, with the exception of teflon, have been found in some cases to absorb organic materials from water and, in other cases, compounds have been dissolved from plastic containers; (b) as it is desirable to take a large sample of the pollutant, proper skimming techniques should be used to obtain a sufficient amount of oil for analysis; and, (c) because pollution conditions change rapidly, samples should be taken promptly, and the time sequences and locations noted.

1804.2-4 Consult with the analysis laboratory personnel relative to special samples and unusual problems.

1804.2-5 Samples collected are to be transmitted for analysis, using special courier or registered mail (return receipt requested) and observing the procedures outlined below. Appropriate analytical laboratories are designated in the regional plan. Reports of laboratory analysis will be forwarded to the appropriate RRT for transmittal to counsel.

1805 Photographic records.

1805.1 Photographs should be taken to show the source and the extent of pollution, if possible, using both color and black and white film. The following information should be recorded on the back of each photographic print: (a) Name and location of vessel or facility; (b) date and time the photo was taken; (c) names of the photographer and witnesses; (d) shutter speed and lens opening; and (e) type of film used and details of film processing. (The immediate developing type of photographic process may be of major assistance to the less-than-professional photographer by allowing on-the-spot inspection of results and "retakes" as needed to obtain an acceptable photograph.)

ANNEX IX—1900 FUNDING

1901 General.

1901.1 The primary thrust of this Plan is to encourage the person responsible for a discharge to take appropriate remedial actions promptly. Usually this will mean that the cost of removal of the discharge shall be borne by the person responsible for the discharge. The OSC and other officials associated with the handling of a pollution emergency shall make a substantial effort to have the discharger voluntarily accept this responsibility.

1901.2 If the discharger does not voluntarily act promptly to remove the discharge of oil or hazardous substances, Federal discharge removal actions may be initiated pursuant to section 311(c)(1) of the Act. The discharger, if known, is liable for the reasonable costs of such Federal removal actions in accordance with section 311(f) of the Act.

1901.3 Actions undertaken by the Primary Agencies in response to pollution emergencies shall be carried out under existing programs and authorities insofar as practicable.

1901.4 It is not envisioned that any Federal agency will make resources available, expend funds or participate in operations in connection with pollution emergency operations unless such agency can so respond in conformance with its existing authority. Authority to expend resources will be in accordance with agencies' basic statutes and, if required, through cross-servicing agreements.

1901.5 This Plan encourages interagency agreements whenever specific reimbursement agreements between Federal agencies are deemed necessary to ensure that the Federal resources will be available for a timely response to a pollution emergency.

1902 Funding responsibility.

1902.1 The funding of removal actions necessitated by a discharge from a Federally operated or supervised facility is the responsibility of the operating or supervising agency.

1902.2 Funding of response actions not associated with the removal activity, such as scientific investigations, law enforcement or public relations, is the responsibility of the agency having statutory or executive responsibility for those specific actions.

1903 Agency funding.

1903.1 The Environmental Protection Agency can provide funds to insure timely initiation of discharge removal actions in those instances where the OSC is an EPA representative. Funding of continuing Phase III and IV actions, however, shall be determined on a case-by-case basis by the Oil and Special Materials Control Division at EPA. Inasmuch as EPA does not have funds provided for this purpose by statute or regulation, initiation of Phase III and IV activities is funded out of operating program funds.

1903.2 The U.S. Coast Guard pollution control efforts are funded under "Operating Expenses." These funds are utilized in accordance with agency directives and applicable regional plans.

1903.3 The Department of Defense has two specific sources of funds which may be applicable to a pollution incident under appropriate circumstances. (This does not consider military resources which might be made available under specific conditions.)

1903.3-1 Funds required for removal of a sunken vessel or similar obstruction to navigation are available to the Corps of Engineers through Civil Functions Appropriations, Operations and Maintenance, General.

1903.3-2 The U.S. Navy has funds available on a reimbursable basis to conduct salvage operations.

1904 Disaster relief funds.

1904.1 Certain pollution control emergency response activities may qualify for reimbursement as disaster relief functions. In making a declaration of a "major disaster or emergency" for a stricken area, the President may allocate funds from his Disaster Relief Fund, administered by the Administrator, Federal Disaster Assistance Administration. After the President has declared a "major disaster or emergency" and authorized allocation of funds, the Administrator may authorize certain reimbursements to Federal agencies for assistance provided under direction of his office. Applicable policies and procedures are stated in Title 24, Chapter XIII, Part 2201, "Reimbursement of Other Federal Agencies" under Pub. L. 91-606 (For use under Pub. L. 93-288 until revised).

1904.2 The Administrator, FDAA, may also make financial assistance available to State governments and through the States to local governments in accordance with policies and procedures stated in Title 24, Chapter XIII, Part 2205, "Federal Disaster Assistance".

1905 Pollution revolving fund.

1905.1 A pollution revolving fund, administered by the Commandant, USCG, has been established pursuant to subsection (k) of section 311 of the Act. Regulations governing the administration and use of the fund are contained in 33 CFR 153.

1905.2 Pursuant to section 311(c)(2)(H) of Public Law 92-500, the State or States affected by a discharge of oil or hazardous substance may act where necessary to remove such discharge and may, pursuant to regulations which the Commandant, USCG, may prescribe, be reimbursed from the fund for the reasonable costs incurred in such removal.

1905.2-1 Removal by a State is necessary when the OSC determines that the owner or operator of the vessel, onshore facility, or offshore facility from which the discharge occurs does not effect removal properly and that:

1905.2-1.1 State action is required to minimize or mitigate significant damage to the public health or welfare which Federal action cannot minimize or mitigate, or

1905.2-1.2 Removal or partial removal can be effected by the State at a cost which is not significantly greater than the cost which would be incurred by the Federal departments or agencies.

1905.2-2 Nothwithstanding the above, State removal actions are not necessary if not in compliance with Annex X of this Plan.

1905.2-3 State removal operations are considered to be Response Phase III or Response Phase IV actions to the extent that the same operations undertaken by a Federal agency would be so considered.

1905.2-4 When supervised by the State agency designated pursuant to § 1510.23(a) of this Plan, removal operations of a local government are considered to be actions of the State for purposes of this section.

1906 Obligations of funds.

1906.1 Care must be exercised to ensure that misunderstandings do not develop about reimbursement of funds expended for removal activities. The OSC should not knowingly request services for which reimbursement is mandatory unless reimbursement funds are known to be available. Similarly, the agency supplying a reimbursable service should determine the source of reimbursement before committing resources necessitating reimbursement.

1906.2 OSC shall exert adequate control of removal operations so that he can certify that reimbursement from the fund is appropriate.

1906.3 Detailed instructions on utilization of the fund are contained in USCG Comptroller Manual.

1907 Planning.

1907.1 The availability of funds and requirements for the reimbursement of expenditures by certain agencies must be included in resource utilization planning. Regional and subregional contingency plans should show what resources are available under what conditions and cost arrangements.

1907.2 Local interagency agreements may be necessary to specify when reimbursement is required.

ANNEX X—SCHEDULE OF CHEMICALS AND OTHER ADDITIVES TO REMOVE OIL AND HAZARDOUS SUBSTANCES DISCHARGES

2001 General.

2001.1 This Schedule has been prepared by the U.S. Environmental Protection Agency pursuant to section 1(2), Executive Order 11735 and applies to the waters of the United States and adjoining shorelines, and the waters of the contiguous zone.

2001.2 This Schedule applies to the use of any chemicals or other additives as hereinafter defined that may be used to remove oil and remove or neutralize hazardous substances discharges. Any chemical agent or other substance not specifically defined in this schedule will be considered by EPA on a case by case basis for use in the removal of oil and hazardous substances discharges.

2001.3 This Schedule advocates development and utilization of sorbents, skimmers, booms and other mechanical control methods to remove or mitigate oil and remove, mitigate, or neutralize hazardous substances discharges from the environment with subsequent proper disposal.

2001.4 It is the intent of this Schedule that no harmful quantities of any substances be applied to the waters to remove or mitigate the effects of oil or hazardous substances discharges.

2001.5 In implementing this schedule and in maintaining its relationship with other Federal and State agencies, EPA shall recognize that some States may have more stringent laws, regulations or written policies regulating the use of chemicals in the removal of oil and hazardous substance discharges, in which case such laws, regulations or policies shall govern.

2001.6 It has been determined that because of the overriding need for prompt initiation of discharge removal actions no formal permit, as provided for by section 402 of the Act, shall be required before application of chemicals to mitigate the effects of a discharge. The provisions of § 1510.2(g) of this Plan shall apply.

2002 Definitions. Materials applied to oil or floating hazardous substances discharges are defined as follows:

2002.1 Chemical Agents are those elements, compounds, or mixtures that disperse, dissolve, emulsify, neutralize, precipitate, reduce, solubilize, oxidize, concentrate, congeal, entrap, fix, gell, make the pollutant mass more rigid or viscous, or otherwise facilitate the mitigation of deleterious effects or removal of the pollutant from the water.

2002.2 Dispersing Agents are those chemical agents which emulsify, disperse, or solubilize oil into the water column or act to further the surface spreading of oil slicks in order to facilitate dispersal of the oil into the water column.

2002.3 Surface Collecting Agents are those chemical agents which are a surface film forming chemical for controlling oil layer thickness.

2002.4 Biological Agents are microbiological cultures, enzymes, or nutrient additives that are deliberately introduced into an oil or hazardous substance spill for the specific purpose of encouraging biodegradation to mitigate the effects of a spill.

2002.5 Burning Agents are those materials which, through physical or chemical means, improve the combustibility of the materials to which they are applied.

2002.6 Sinking Agents are those materials which are applied to oil and hazardous substance spills to sink floating pollutants below the water surface.

2002.7 Mechanical removal methods include the use of pumps, skimmers, booms, earthmoving equipment, and other mechanical devices.

2002.8 Sorbents are essentially inert and insoluble materials which are used to remove oil and hazardous substances from water through a variety of sorption mechanisms. Examples include: straw, expanded perlite, polyurethane foams, reclaimed paper fibers, peat moss.

2003 Dispersing agent program for spills of oil and applicable hazardous substances.

2003.1 Authorization for use of dispersing agents.

2003.1-10 Major and medium discharges. Dispersing agents may be used in any place, at any time, and in quantities designated by the OSC when their use will:

2003.1-1. In the judgment of the OSC, prevent or substantially reduce hazard to human life or limb or substantially reduce explosion or fire hazard to property;

2003.1-1.2 In the judgment of the EPA RRT member on a case by case basis, in consultation with appropriate State or Federal agencies, prevent or reduce substantial hazard to a major segment of the population(s) of vulnerable species of waterfowl; or,

2003.1-1.3 In the judgment of the EPA RRT member on a case by case basis, in consultation, whenever possible, with appropriate State and Federal agencies, result in the least overall environmental damage, or interference with designated water uses.

2003.1-2 Minor discharge. The provisions of section 203.1-1.1 shall apply.

2003.2 Special restrictions on dispersing agent use:

2003.2-1 Chemical agents shall not be considered for use as dispersing agents unless technical product data has been provided and accepted in accordance with 2003.3 except when in the judgment of the On-Scene Coordinator the hazards discussed in 2003.1-1.1 are so imminent that the time delay for obtaining a dispersant agent that is in compliance with 2003.3 would be excessive.

2003.2-2 Federal officials responsible for oil and hazardous substance spill response activities at all levels shall develop effective programs to insure that dispersants that are available for use in appropriate spill response actions are dispersants with adequate technical data on file with EPA. This effort will help preclude the avoidance of the EPA technical data program by manufacturers or suppliers who might wish to take advantage of the emergency conditions provisions of 2003.2-1.

2003.2-3 For all situations where dispersants are used, accurate records shall be kept on dispersant types, brands, application rates and methods, effectiveness, environmental impacts, plus any other pertinent observations.

2003.3 Technical product data for dispersing agents.

2003.3-1 Technical product data as outlined in 2003.3-4 on the physical, chemical and toxicity characteristics of a dispersing agent shall be submitted to the Division of Oil and Special Materials Control (WH-488), Environmental Protection Agency, Washington, D.C. 20460, at least 60 days prior to the use of the agent. Within 60 days of receipt of the data, EPA will inform in writing the submitter on the adequacy of the data provided. If additional information is requested or EPA desires to perform tests, the dispersing agent may not be considered for use until the additional needs have been satisfied and the submitter so notified.

2003.3-2 Information furnished in accordance with 2003.3-4 shall be maintained on file by the Environmental Protection Agency, Oil and Special Materials Control Division, Washington, D.C. 20460 to provide technical guidance to OSC's on the acceptable circumstances of use and dosage rates for dispersing agents. Any changes in the composition or formulation of the dispersing agent that will affect any of the data being requested in 2003.3-4 shall be immediately brought to the attention of EPA and testing of the agent will be repeated prior to the use of the revised dispersing agent.

2003.3-3 The acceptance and maintenance of product data by EPA does not constitute approval of the dispersing agent nor does it imply compliance with any EPA criteria or minimum standards for such agents. The OSC will determine which dispersing agent may be used for a spill event on a case by case basis using all available information in making such a decision. To avoid possible misinterpretation and misrepresentation of the EPA's role in this technical product data program, the manufacturer's representatives may use only the EPA letter

advising compliance with 2003.3–4 in any advertisements or technical literature on the dispersing agent. The EPA letter must be used in its entirety. Failure to comply with these restrictions or any other improper reference to EPA in attempting to demonstrate EPA approval of the dispersing agent for use on spills of oil or hazardous substances shall constitute grounds for removing the technical product data from EPA files which would preclude use of the dispersing agent except as noted in 2003.2–3 for imminent hazards.

2003.3–4 Required technical product data.

2003.3–4.1 Name, brand, or trademark, if any, under which the chemical agent is sold.

2003.3–4.2 Name, address and telephone number of the manufacturer, importer or vendor.

2003.3–4.3 Name, address and telephone number of primary distributors or sales outlets.

2003.3–4.4 Special handling and worker precautions for storage and field application. Maximum and minimum storage temperatures to include optimum ranges as well as temperatures that will cause phase separation, chemical changes or otherwise damage effectiveness of the chemical agent.

2003.3–4.5 Shelf life.

2003.3–4.6 Recommended application procedure(s), concentration(s) and conditions for use depending upon water salinity, water temperature and types and ages of the pollutants.

2003.3–4.7 Dispersant toxicity. Use standard toxicity test methods described in EPA Report "Standard Dispersant Effectiveness and Toxicity Test" (EPA R2–73–201, May 1973) pages 22–34. This report may be obtained from the Division of Oil and Special Materials Control (AW–448), EPA, Washington, D.C. 20460.

2003.3–4.8 Dispersant Effectiveness. Use standard effectiveness test methods in EPA R2–73–201, May 1973, pages 11–21.

2003.3–4.9 Flash Point—select appropriate method from the following:

ASTM D 56–70
ASTM D 92–72
ASTM D 93–72
ASTM D 1310–67

2003.3–4.10 Pour point. Use ASTM D 97–66.

2003.3–4.11 Viscosity. Use ASTM D 445–72.

2003.3–4.12 Specific gravity. Use ASTM D 1298–67.

2003.3–4.13 pH. Use ASTM D 1293–65.

2003.3–4.14 Ionic activity. Use Weatherburn Test as described below:

IONIC ACTIVITY TESTS (WEATHERBURN TEST)

Reagents:

1. Dye solution: 0.03 grams methylene blue, 12 grams concentrated sulfuric acid, 50 grams anhydrous sodium sulphate dissolved in water to make a total of one liter solution.

2. Anionic surfactant solution—0.05 percent Aerosol OT (Sodium dioctyl sulfo succinate).

3. Chloroform.

Procedure:

1. Into a 25 ml. test tube, place 8 ml. of dye solution and 5 ml. chloroform. Add anionic surfactants solution drop by drop, shaking vigorously between drops and allowing phases to separate. Continue adding dropwise until the two layers are equal in color and intensity viewed in reflected light. Usually 10 to 12 drops of anionic solution are required.

2. Now add 2 ml. of 0.1 percent solution of the unknown and shake vigorously.

Results:

1. Chloroform phase (lower) is deeper in color and aqueous phase is mostly colorless—anionic is positive.

2. Water phase (upper) is deeper in color than the chloroform phase—cationic is positive.

3. Both phases are more or less the same color—probably a nonionic.

4. If the aqueous phase has become milky and hence slightly lighter in color, it may still be nonionic. Soaps do not react in this procedure. If both anionics and nonionics are present, the reaction of this test will be anionic positive.

2003.3–4.15 Miscibility. Use the test described below which is a modification of military specification MIL–C–22230 (ships):

One part of the dispersing agent is mixed with 100 parts of synthetic sea water. The solution is agitated for one hour and any visible separation of the dispersing agent should be noted after this period of agitation. The test is to be performed with water temperatures at both 20 C and 0 C. The synthetic sea water shall be formulated as follows:

Sodium chloride	150.0	grams.
Magnesium chloride, hexahydrate	66.0	grams.
Calcium chloride dihydrate	9.6	grams.
Sodium sulfate anhydrous	24.0	grams.
Distilled water to make a total of	6.0	liters.

2003.3–4.16 Dispersing agent components. Itemize by chemical name and percentage by weight of each component of the total formulation. The percentages will include maximum, minimum and average weights in order to reflect quality control variations in manufacture or formulations. At least the following major components shall be identified in complying with 2003.3–4.16.

(a) Surface active agents.
(b) Solvents.
(c) Additives.

If requested by the submitter, information from 2003.3–4.16 will be handled as trade secrets under provisions of Pub. L. 90–23, the Administrative Procedure Act.

2003.3–4.17 Heavy metals and chlorinated hydrocarbons. Using reliable analytical chemistry techniques, state the concentrations or upper limits of the following materials:

Arsenic, cadmium, chromium, copper, lead, mercury, nickel, zinc, plus any other metals that may be reasonably expected to be in the sample. Atomic absorption methods should be used and the detailed analytical methods and sample preparation shall be fully described;

Cyanide using standard colorimetric procedures;

Chlorinated hydrocarbons. Gas chromatography should be used and the detailed analytical methods and sample preparation shall be fully described.

2003.3–5 Analytical Laboratory Requirements for Technical Product Data:

2003.3–5.1 The required tests shall be performed by a qualified laboratory.

2003.3–5.2 The technical product data submission shall include the identity of the laboratory, the qualifications of the laboratory staff including professional biographical information for individuals responsible for any tests, and laboratory experience with similar tests. Laboratories performing bioassay tests for dispersant or surface collecting agent toxicity must demonstrate previous biossay experience in order for their results to be accepted. EPA will not approve the selection of laboratories by intended submitters of technical product data prior to submission of the data. It is the responsibility of the submitter to select component analytical laboratories based on the guidelines contained herein.

2003.3–5.3 EPA reserves the right to refuse to accept a submission of technical product data because of lack of qualifications of analytical laboratory, significant variance between submitted data and any laboratory confirmation performed by EPA, or other circumstances that will result in inadequate or inaccurate environmental information on the dispersing agent.

2004 Surface collecting agent program for spills of oil and applicable hazardous substances.

2004.1–1 Authorization for use of surface collecting agents: Major, medium and minor discharges.

The OSC may authorize use of surface collecting agents on a case-by-case basis when their use will:

2004.1–1.1 Result in the least overall environmental damage or interference with designated water uses, and

2004.1–1.2 Provide a key element in the most effective system for removing oil or hazardous substances discharges from the water environment.

2004.1–2 Mechanism for authorizing use—The OSC may authorize the use of a surface collecting agent verbally when on scene or by telephone prior to arriving on scene. In all cases, the OSC is obligated to comply with the provisions of 2004.2 prior to making such authorization. A review of the capabilities and expertise of the owner or operator or cleanup contractor prior to the occurrence of the spill incident would be most beneficial in situations where telephone authorization is desired or contemplated.

2004.2 Restrictions on surface collecting agent use.

2004.2–1 The OSC may authorize the use of surface collecting agents only after being informed of the environmental conditions at the point of intended use. These environmental conditions include air and water temperatures, wind conditions, wave and current conditions, presence and relative density of debris and other floating matter on the water, type and condition of the oil or hazardous substance spilled, special biological factors such as waterfowl sanctuaries, wildlife refuges, spawning or nursery grounds, shellfish beds, swamp areas, etc., and the availability of removal equipment that could be employed to remove the collected material from the water. Information on environmental conditions should be evaluated by the OSC from the standpoint that conditions such as strong winds, choppy waters, low temperatures, debris, and aquatic vegetation can adversely affect the performance of collecting agents or complicate further removal operations. The performance can also vary with types of oils or hazardous substances. The agents can be effective with thin films of light oils but have little value with thick layers of heavy, viscous oils. The agents should not be used unless adequate removal equipment is available to remove the collected oil.

2004.2–2 A chemical agent shall not be used as a surface collecting agent unless the provisions of 2004.3 are complied with and EPA has informed the manufacturer's representative that the product is acceptable for use as a surface collecting agent.

2004.3 Technical product data for surface collecting agents.

2004.3–1 Technical product data as specified in 2004.3–4 shall be provided to the Oil and Special Materials Control Division (WH–448), EPA, Washington, D.C. 20460, at least 60 days prior to the use of the agent. The use of existing surface collecting agents may be authorized by the OSC without complying with 2004.3 for 120 days from the effective date of this Annex. Within 60 days of receipt of the data, EPA will inform, in writing, the submitter of the adequacy of the data submitted. If additional data are requested or EPA desires to perform additional tests, the surface collecting agent may not be used until these additional needs

have been satisfied and the submitter so notified.

2004.3–2 Information furnished in accordance with 2004.3–4 shall be maintained on file by the EPA, Oil and Special Materials Control Division, Washington, D.C. 20460, to provide technical guidance to OSC's on the acceptable circumstances of use, dosage rates and special problems in the use of surface collecting agent. Any changes in the composition or formulation of the surface collecting agent that will affect any of the data requested in 2004.3 shall be immediately brought to the attention of EPA and testing of the agent will be repeated prior to the use of the revised formulation of the surface collecting agent.

2004.3–3 EPA will review technical product data for surface collecting agents and will issue approvals for agents meeting certain criteria. At present, the only minimum criterion established is for solubility which is described in 2004.3–4.13. This criterion classifies the substance as a surface collecting agent but is not an indication of the effectiveness or toxicity of the material. Other product data such as toxicity, chemical components, and physical characteristics will be reviewed and, if the combined effects of this data and other factors will result in excessive hazard to the aquatic life, work safety, or other elements of the environment in the judgment of EPA, EPA may refuse to approve the use of the agent.

EPA may, from time to time, establish minimum criteria for the data being requested and may also require additional data to assist in arriving at a judgment on the environmental acceptability of collecting agent usage.

To avoid possible misinterpretation and misrepresentation of the EPA's role in the surface collecting agent technical product data program, the manufacturer's representatives may use only the EPA letter advising compliance with 2004.3–4 in any advertisements or technical literature on the collecting agent. The EPA letter must be used in its entirety. Failure to comply with these restrictions or any other improper reference to EPA in attempting to demonstrate EPA approval of the surface collecting agent beyond that stated in the letter for use on spills of oil or hazardous substances shall constitute grounds for removing the technical product data from EPA files which would preclude use of the surface collecting agent.

2004.3–4 Required technical product data.

2004.3–4.1 Name, brand, or trademark, if any, under which the surface collecting agent is sold.

2004.3–4.2 Name, address and telephone number of the manufacturer, importer or vendor.

2004.3–4.3 Name, address and telephone number of primary distributers or sales outlets.

2004.3–4.4 Special handling and worker precautions for storage and field application. Maximum and minimum storage temperatures to include optimum ranges as well as temperatures that will cause phase separation, chemical changes, or otherwise damage effectiveness of the surface collecting agent.

2004.3–4.5 Shelf life.

2004.3–4.6 Recommended application procedure(s), concentration(s) and conditions for use depending upon water salinity, water temperature and types and ages of the pollutants.

2004.3–4.7 Surface collecting agent toxicity. Use standard toxicity test methods described in EPA Report "Standard Dispersant Effectiveness and Toxicity Test" (EPA R2–73–201, May 1973) pages 22–34. This report may be obtained from the Division of Oil and Special Materials Control (WH–448), EPA, Washington, D.C. 20460.

2004.3–4.8 Flash point. Select appropriate method from the following:

ASTM D 56–70
ASTM D 92–72
ASTM D 93–72
ASTM D 1310–67

2004.3–4.9 Pour Point. Use ASTM D 97–66.

2004.3–4.10 Viscosity. Use ASTM D 445–72.

2004.3–4.11 Specific gravity. Use ASTM D 1298–67.

2004.3–4.12 pH. Use ASTM D 1293–65.

2004.3–4.13 Interim test to distinguish between surface collecting agents and other spill cleanup chemicals.

In order to distinguish between surface collecting agents and other chemical materials, this interim test procedure was developed. This test procedure is not an efficiency test. This test is to be used only to distinguish between surface collecting agents and dispersants.

Scope.—1. Procedure to be used to determine the solubility in water under standard conditions of oil spill control chemicals.

Method summary.—2. Five (5) milliliters of the chemical under test are intimately mixed with ninety-five (95) milliliters of distilled water, allowed to stand undisturbed for one hour, and then the volume of the upper phase is determined to the nearest 1 milliliter.

Apparatus.—3. (a) Mixing cylinder, 100 milliliter subdivisions and fitted with glass stoppers.

(b) Pipettes: Volumetric pipette, 5.0 milliliter.

(c) Timers.

Procedure.—4. Add 95 milliliters of distilled water at 72 F±5 F to a 100 milliliter mixing cylinder. To the surface of the water in the mixing cylinder, add 5.0 milliliters of the chemical under test. Insert the stopper and invert the cylinder 5 times in 10 seconds. Set upright for one (1) hour at 72 F±5 F and then measure the chemical layer at the surface of the water. The major portions of the chemical added (75% +) should be at the water surface as a separate and easily distinguished layer.

2004.3–4.14 Surface collecting agent components. Itemize by chemical name and percentage by weight of each component of the total formulation. The percentages will include maximum, minimum and average weights in order to reflect quality control variations in manufacture or formulations. As least the following major components shall be identified:

(a) Surface active agents.
(b) Solvents.
(c) Additives.

If requested by the submitter, information for 2004.3–4.14 will be handled as trade secrets under provisions of Pub. L. 90–23, the Administrative Procedures Act.

2004.3–4.15 Heavy metals and chlorinated hydrocarbons.

Using reliable analytical chemistry techniques, state the concentrations or upper limits of the following materials:

Arsenic, cadmium, chronimum, copper, lead, mercury, nickel, zinc, plus any other metals that may be in the sample. Atomic absorption methods should be used and the detailed analytical methods and sample preparation shall be fully described;

Cyanide using standard colorimetric procedures;

Chlorinated hydrocarbons. Gas chromatography should be used and the detailed analytical methods and sample preparation shall fe fully described.

2004.3–5 Analytical laboratory requirements for technical product data: Follow stipulations in 2003.3–5.

2005 Biological additive program for spills of oil and applicable hazardous substances.

2005.1 Authorization for use of biological agents.

2005.1–1 All Discharges. The OSC may authorize the use of biological additives on water or shorelines only after obtaining the approval of the EPA representative to the RRT. The EPA RRT representative is required to consult with the EPA representative to the NRT on the environmental priorities of the subject incident. The manufacturer or supplier of microbiological cultures or enzymes must obtain approval from State and local public health and pollution control officials and furnish evidence of such approval to the EPA RRT representative.

2005.2 Special restrictions on biological additive use.

2005.2–1 Microbiological cultures and enzyme mixtures shall not be considered for use as biological additives unless technical product data has been provided and accepted in accordance with 2005.3.

2005.2–2 The OSC must be supplied with the chemical composition and ratios of primary nutrients for nutrient additives prior to seeking approval for their use.

2005.3 Technical product data for biological additives.

2005.3–1 Technical product data as outlined in 2005.3–4 on the constituents of a biological additive shall be submitted to the Division of Oil and Special Materials Control (WH–448), Environmental Protection Agency, Washington, D.C. 20460, at least 60 days prior to the use of the additive. Within 60 days of receipt of the data, EPA will inform in writing the submitter on the adequacy of the data provided.

If additional information is requested or EPA desires to perform tests, the biological additive may not be used until the additional needs have been satisfied and the submitter so notified.

2005.3–2 Information furnished in accordance with 2003.3–4 shall be maintained on file by EPA to provide technical guidance to OSC's on the acceptable circumstances of use and application rates for biological additives. Any changes in the composition of the biological additive that will affect any of the data being requested in 2005.3–4 shall be immediately brought to the attention of EPA and testing of the additive will be repeated prior to the use of the revised biological additive.

2005.3–3 The acceptance and maintenance of product data by EPA does not constitute approval of the biological additive nor does it imply compliance with any EPA criteria or minimum standards for such additives. The OSC will determine which biological additive may be used for a spill event on a case-by-case basis using all available information in making such a decision. To avoid possible misinterpretation and misrepresentation of EPA's role in this technical product data program, the manufacturer's representatives may use only the EPA letter advising compliance with 2005.3–4 in any advertisements or technical literature on the biological additive. The EPA letter must be used in its entirety. Failure to comply with these restrictions or any other improper reference to EPA in attempting to demonstrate EPA approval of the biological additive for use on spills of oil or hazardous substances shall constitute grounds for removing the technical product data from EPA files which would preclude use of the biological additive.

2005.3–4 Required technical product data.

2005.3–4.1 Name, brand, or trademark, if any, under which the biological additive is sold.

2005.3–4.2 Name, address and telephone number of the manufacturer, importer or vendor.

2005.3–4.3 Name, address and telephone number of primary distributers or sales outlets.

2005.3–4.4 Special handling and worker precautions for storage and field application.

Maximum and minimum storage temperatures.

2005.3–4.5 Shelf life.

2005.3–4.6 Recommended application procedure(s), concentration(s) and conditions for use depending upon water salinity, water temperature and types and ages of the pollutants.

2005.3–4.7 Statements on the expected effectiveness of the agent including degradation rates and the test conditions and data on effectiveness.

2005.3–4.8 For microbiological cultures furnish the following information:

Listing of all microorganisms to species.[1]

Percentage of each species in the composition of the additive.[1]

Optimum pH and temperature range for use of the additive.

Special nutrient requirements, if any.

Separate listing of the following and test methods for such determinations:

Salmonella, fecal coliform, shigella, staphylococcus coagulase positive, and beta hemolytic streptococci.

2005.3–4.9 For enzyme additives furnish the following information:

Enzyme name(s).

International Union of Biochemistry (I.U.B.) number(s).

Source of the enzyme.

Units.

Specific activity.

Optimum pH and temperature range for the use of the agent.

2005.3–5 Laboratory requirements for technical product data: Follow stipulations in 2003.3–5.

2006 Burning agent program for spills of oil and applicable hazardous substances.

2006.1 Authorization for use of burning agents.

2006.1–1 All discharges. The OSC may authorize the use of burning agents only when their use: 2006.1–1.1 will prevent or substantially reduce imminent threats to human life or limb or property;

2006.1–1.2 will result in the least environmental harm when compared to other removal or disposal methods.

2006.1–1.3 Prior to authorizing use under 2006.1–2, the OSC must obtain the approval of the EPA RRT representative and all applicable State and local public health and pollution control officials.

2006.2 Special restrictions on burning agent use.

2006.2–1 The OSC will evaluate the suitability of burning agents on a case-by-case basis. Burning agents should be inert materials that will not, in themselves, be a water pollutant. The addition of oils (such as gasoline or solvents) as an igniter shall be avoided unless it is necessary under 2006.1–1.

2006.2–2 A technical data program for burning agents will not be established at this time.

2007 Sinking agent program for spills of oil and applicable hazardous substances.

2007.1 Authorization for use of sinking agents.

2007.1–1 All discharges. Sinking agents shall not be applied to discharges of oil or hazardous substances on the navigable waters of the United States and the contiguous zone.

2008 Mechanical methods and sorbents program for spills of oil and hazardous substances.

2008.1 Authorization for use of mechanical methods and sorbents.

2008.1–1 All discharges.

2008.1–1.1 As stated in 2001.3, it is the policy of this schedule to advocate the use of mechanical methods and sorbents for removal of oil and hazardous substances spills. The OSC has the authority to use or prohibit specific mechanical methods and sorbents on a case-by-case basis. The OSC will select methods and materials that in his judgment, will be most effective in expeditiously removing the spilled material and mitigating the related damages, and will minimize secondary pollution from the removal or mitigation operation. Prior to authorizing the use of sorbents, the OSC shall take into consideration hydrographic and meteorological conditions as well as the characteristics of the sorbent and the availability of adequate containment and removal equipment.

2008.1–1.2 A technical data program for mechanical methods and sorbents will not be established at this time.

ANNEX XI—2100 NON-FEDERAL INTERESTS

2101 General policy.

2101.1 The policy of the Federal government is to initiate discharge removal operations when required and action is not being taken by the discharger or other private or public organization.

2110 Planning and preparedness.

2110.1 The planning and preparedness functions incorporated in regional contingency plans also apply to non-Federal resources. The State and local governments and private interests are to be encouraged to participate in Regional planning and preparedness functions.

2110.2 State and local government agencies are encouraged to include contingency planning for discharge removal in existing and future emergency and disaster planning activities. States are invited to provide observers to the planning activities of the appropriate RRT. (§1510.34(c) of the Plan)

2120 Pollution emergency response operations.

2120.1 State agencies may be reimbursed from the fund established by section 311(k) of the Act for reasonable costs incurred in the removal of oil and hazardous substances discharges from the waters and shorelines of the United States. The procedures to be followed are detailed in section 1905, Annex IX of this part.

2120.2 Regional Contingency Plans should provide for coordination with local government organizations such as as county and city or town governments. This is especially important for purposes of traffic control, land access and disposal of pollutants removed in response operations.

2130 Volunteers.

2130.1 In many pollution emergency situations in the coastal areas, volunteers desiring to assist in mitigating the effects of the pollution discharge response effort present themselves at the scene. Regional contingency plans should provide for this possibility and through the direct participation of State observers in plan development, should establish procedures that will result in organized and worthwhile employment of these persons.

2130.2 Regional plans should provide for the organization and directing of volunteers by USCG, other Federal, local or State officials knowledgeable in contingency operations and capable of providing mature, responsive and practical leadership.

2130.3 Regional plans should also provide specific areas in which volunteers should be used such as: Beach surveillance, logistical support, bird and other wildlife treatment and scientific investigations. Normally they should not be used for physical removal of pollutants. Specifically, if a substance is toxic to humans, volunteers should not be permitted at on-scene operations.

2130.4 Information for and education of volunteer personnel on general contingency operations and procedures as well as specific details of the discharge is mandatory if response efforts are to be effective and conclusive. Regional plans should provide for this volunteer education and training program for rapid, on-site use.

2130.5 During contingency plan operations, information on the discharge and removal efforts should be provided to volunteers frequently to insure coordinated effort and a sense of meaningful participation.

ANNEX XV—2500 TECHNICAL INFORMATION

2501 Technical library.

2501.1 A technical library of pertinent pollution control technical documents will be maintained in the NRC and in each RRC. Such information should be useful as reference information to the experienced OSC and instructional to less experienced personnel.

2502 Specific references.

2502.1 As a minimum, the following reference documents will be maintained in the NRC and in each RRC technical library.

2502.1–1 Current National Oil and Hazardous Substances Pollution Contingency Plan.

2502.1–2 Current Regional and State Oil and Hazardous Substances Pollution Contingency Plan.

2502.1–3 Current Directory of the American Council of Independent Laboratories.

2502.1–4 Encyclopedia of Chemical Technology, 22 Vols., Kirkothmer, 2nd edition c1963–1971, John Wiley & Sons, New York, New York.

2502.1–5 Chemical Data Guide for Bulk Shipment by Water (U.S. Coast Guard CG–388).

2502.1–6 U.S. Corps of Engineers' Regulations ER 500–1–1 and ER 500–1–8 Emergency Employment of Army Resources (Natural Disaster Activities).

2502.1–7 Federal Disaster Assistance Program—Handbook for Applicants FDAA 3300.1, July 1973.

2502.1–8 Federal Disaster Assistance Program—Eligibility Handbook 3300.2, July 1973.

2502.1–9 Federal Disaster Assistance Program—Handbook for State and Federal Officials 3000.4, December 1973.

2502.1–10 Handbook of Toxicology (National Academy of Sciences/National Research Council).

2502.1–11 46 CFR–146. Transportation or Storage of Explosives or other Dangerous Articles or Substances, and Combustible Liquids on Board Vessels.

2502.1–12 33 CFR, 3, 6, 121, 122, 124–6. Security of Vessels and Waterfront Facilities (USCG CG 239).

2502.1–13 33 and 40 CFR parts implementing section 311 of the Federal Water Pollution Control Act, as amended.

2502.2 In addition to the library specified above, the RRC should have provision, either in publications or by computer terminal, for access to the EPA Technical Assistance Data System (TADS) and the USCG Chemical Hazard Response Information System (CHRIS).

2503 Definitions of terms.

2503.1 *API Gravity.* An empirical scale for measuring the density of liquid petroleum products, the unit being called the "degree API".

2503.2 *Ash.* Inorganic residue remaining after ignition of combustible substances determined by definite prescribed methods.

2503.3 *Asphalts.* Black, solid or semisolid bitumens which occur in nature or are ob-

[1] If requested by the submitter, these items will be handled as trade secrets under provisions of Pub. L. 90–23, the Administrative Procedure Act.

tained as residues during petroleum refining.

2503.4 *Bilge Oil.* Waste oil which accumulates, usually in small quantities, in the lower spaces in a ship, just inside the shell plating. Usually mixed with larger quantities of water.

2503.5 *Blowout.* A sudden violent escape of gas and oil from an oil well when high pressure gas is encountered and preventive measures have failed.

2503.6 *Boiling Point.* The temperature at which the vapor pressure of a liquid is equal to the pressure of the atmosphere.

2503.7 *Bunker "C" Oil.* A general term used to indicate a heavy viscous fuel oil.

2503.8 *Bunker Fuel.* A general term for heavy oils used as fuel on ships and in industry. It often refers to No. 5 and 6 fuel oils.

2503.9 *Bunkering.* The process of fueling a ship.

2503.10 *Coker Feed (or fuel).* A special fuel oil used in a coker furnace, one of the operating elements of a refinery.

2503.11 *Conversion tables.*

Knowing	Gallon U.S.	Multiply by factor below to obtain			
		Barrel U.S.	Gallon imperial	Cubic feet	Litre
Gallon (U.S.)	1.000	0.023810	0.83268	0.13368	3.7853
Barrel	*42.0	1.0000	34.9726	5.6146	158.984
Gallon (Imp.)	1.2009	0.02859	1.000	0.1605	4.546
Cubic Feet	7.4805	0.1781	6.2288	1.000	28.316
Litres	0.2641	0.00629	0.2199	0.03532	1.000
	Pound	Ton (short)	Ton (long)	Ton (metric)	
Pounds	1.00	0.00050	0.000446	0.0045359	
Ton (Short)	*2000.0	1.0000	0.89286	0.90718	
Ton (Long)	*2240.0	1.120	1.0000	1.0160	
Ton (Metric)	2204.6	1.1023	0.98421	1.000	

One Hectolitre equals 100 Litre.
One Ton (Metric) equals 1000 Kilograms.
Conversions marked (*) are exact by definition.

2503.12 *Approximate conversions.*

Material	*Barrels Per Ton (Long)*
crude oils	6.7–8.1
aviation gasolines	8.3–9.2
motor gasolines	8.2–9.1
kerosenes	7.7–8.3
gas oils	7.2–7.9
diesel oils	7.0–7.9
lubricating oils	6.8–7.6
fuel oils	6.6–7.0
asphaltic bitumens	5.9–6.5

(As a general rule-of-thumb use 6.5 barrels or 250 gallons per ton of oil.)

2503.13 *Crude oil.* Petroleum as it is extracted from the earth. There may be several thousands of different substances in crude oil, some of which evaporate quickly while others persist indefinitely. The physical characteristics of crude oils may vary widely. Crude oils are often identified in trade jargon by their regions of origin. This identification may not relate to the apparent physical characteristics of the oil. Commercial gasoline, kerosene, heating oils, diesel oils, lubricating oils, waxes, and asphalts are all obtained by refining crude oil.

2503.14 *Demulsibility.* The resistance of an oil to emulsification, or the ability of an oil to separate from any water with which it is mixed. The better the demulsibility rating, the more quickly the oil separates from water.

2503.15 *Density.* Density is the term meaning the mass of a unit volume. Its numerical expression varies with the units selected.

2503.16 *Emulsion.* A mechanical mixture of two liquids which do not naturally mix as oil and water. Water-in-oil emulsions have the water as the internal phase and oil as the external. Oil-in-water emulsions have water as the external phase and the internal phase is oil.

2503.17 *Fire Point.* The lowest temperature at which an oil vaporizes rapidly enough to burn for at least 5 seconds after ignition, under standard conditions.

2503.18 *Flash Point.* The lowest temperature at which an oil gives off sufficient vapor to form a mixture which will ignite, under standard conditions.

2503.19 *Fraction.* Refinery term for a product of fractional distillation having a restricted boiling range.

2503.20 *Fuel oil grade.* Numerical ratings ranging from 1 to 6. The lower the grade number, the thinner the oil is and the more easily it evaporates. A high number indicates a relatively thick, heavy oil. No. 1 and No. 2 fuel oils are usually used in domestic heaters, and the others are used by industry and ships. No. 5 and 6 oils are solids which must be liquified by heating. Kerosene, coal oil, and range oil are all No. 1 oil. No. 3 fuel oil is no longer used as a standard term.

2503.21 *Innage.* Space occupied in a product container.

2503.22 *In personem.* An action *in personem* is instituted against an individual, usually through the personal service of process, and may result in the imposition of a liability directly upon the person of a defendant.

2503.23 *In rem.* An action *in rem* is one in which the vessel or thing itself is treated as offender and made defendant without any proceeding against the owners or even mentioning their names. The decree in an action *in rem* is enforced directly against the *res* by a condemnation and sale thereof.

2503.24 *Load on top.* A procedure for ballasting and cleaning unloaded tankers without discharging oil. Half of the tanks are first filled with seawater while the others are cleaned by hosing. Then oil from the cleaned tanks, along with oil which has separated out in the full tanks, is pumped into a single slop tank. The clean water in the full tanks is then discharged while the freshly-cleaned tanks are filled with seawater. Ballast is thus constantly maintained.

2503.25 *Oil films.* A slick thinner than .0001 inch and may be classified as follows:

Standard Term	Gallons of Oil Per Square Mile	Appearance
"barely visible"	25	barely visible under most favorable light conditions
"silvery"	50	visible as a silvery sheen on surface water
"slightly colored"	100	first trace of color may be observed
"brightly colored"	200	bright bands of color are visible
"dull"	666	colors begin to turn dull brown
"dark"	1332	Much darker brown

NOTE: Each one-inch thickness of oil equals 5.61 gallons per square yard or 17,378,709 gallons per square mile.

2503.26 *Outage.* Space left in a product container to allow for expansion during temperature changes it may undergo during shipment and use. Measurement of space not occupied.

2503.27 *pH.* Term used to express the apparent acidity or alkalinity of aqueous solutions; values below 7 indicate acid solutions and values above 7 indicate alkaline solutions.

2503.28 *Pour Point.* The lowest temperature at which an oil will flow or can be poured under specified conditions of test.

2503.29 *Residual oil.* A general term used to indicate a heavy viscous fuel oil.

2503.30 *Scuppers.* Openings around the deck of a vessel which allow water falling onto the deck to flow overboard. Should be plugged during fuel transfer.

2503.31 *Sludge oil.* Muddy impurities and acid which have settled from a mineral oil.

2503.32 *Specific gravity.* The ratio of the weight of a given volume of the material at a stated temperature to the weight of an equal volume of distilled water at a stated temperature.

2503.33 *Spontaneous ignition temperature (S.I.T.).* The temperature at which an oil ignites of its own accord in the presence of air oxygen under standard conditions.

2503.34 *Stoke.* The unit of kinematic viscosity.

2503.35 *Tonnage.* There are various tonnages applied to merchant ships. The one commonly implied is gross tonnage although in these days tankers and other bulk-carriers are often referred to in terms of deadweight.

2503.35–1 *Gross tonnage.* 100 cubic feet of permanently enclosed space is equal to one gross ton—nothing whatever to do with weight. This is usually the registered tonnage although it may vary somewhat according to the classifying authority or nationality.

2503.35–2 *Net tonnage.* The earning capacity of a ship. The gross tonnage after deduction of certain spaces, such as engine and boiler rooms, crew accommodation, stores, equipment, etc. Port and harbor dues are based on this tonnage.

2503.35–3 *Displacement tonnage.* The actual weight in tons, varying according to whether a vessel is in light or loaded condition. Warships are always spoken of by this form of measurement.

2503.35–4 *Deadweight tonnage.* The actual weight in tons of cargo, stores, etc., required to bring a vessel down to her load line, from the light condition. Cargo deadweight is, as its name implies, the actual weight in tons of the cargo when loaded, as distinct from stores, ballast, etc.

2503.36 *Ullage.* The amount by which a tank or vessel lacks being filled. (See also Outage)

2503.37 *Viscosity.* The property of liquids which causes them to resist instantaneous change of shape, or instantaneous rearrangement of their parts, due to internal friction. The resistance which the particles of a liquid offer to a force tending to move them in relation to each other. Viscosity of oils is usually expressed as the number of seconds at a definite temperature required for a standard quantity of oil to flow through a standard apparatus.

2503.38 *Viscous.* Thick, resistant to flow, having a high viscosity.

2503.39 *Volatile.* Evaporates easily.

[FR Doc.75-2729 Filed 2-7-75;8:45 am]

federal register

MONDAY, FEBRUARY 10, 1975

WASHINGTON, D.C.

Volume 40 ■ Number 28

PART III

GENERAL SERVICES ADMINISTRATION

■

PUBLIC AND PRIVATE HIGHER EDUCATION INSTITUTIONS, HOSPITALS, AND NONPROFIT ORGANIZATIONS

Proposed Uniform Administrative Standards

GENERAL SERVICES ADMINISTRATION

[34 CFR Part 258]

UNIFORM ADMINISTRATIVE STANDARDS FOR AGREEMENTS WITH PUBLIC AND PRIVATE INSTITUTIONS OF HIGHER EDUCATION, PUBLIC AND PRIVATE HOSPITALS, AND OTHER PUBLIC AND PRIVATE NONPROFIT ORGANIZATIONS

Notice of Proposed Rulemaking

This notice offers interested parties an opportunity to comment on a proposed regulation concerning standard administrative requirements for Federal grants, contracts, and other agreements with public and private institutions of higher education, public and private hospitals, and public and private nonprofit organizations (hereinafter referred to as recipients). It is issued in accordance with the provisions of the Federal Property and Administrative Services Act of 1949 and Executive Order 11717.

The proposed regulation is the product of an interagency task force, and its purpose is to provide one set of requirements in place of the multitude of varying and often conflicting requirements which have been burdensome to recipients.

Generally, the proposed regulation does not permit Federal agencies to impose additional requirements without the approval of the General Services Administration. However, there may be some grant recipients which may not have adequate management systems. For these recipients, it may be necessary to establish more rigid requirements until the management deficiencies are corrected. We invite interested parties to provide comments as to how these grant recipients which need help should be identified and to describe what additional requirements would be needed for these recipients.

Interested persons should submit their comments in duplicate to the General Services Administration (AMF), Washington, DC 20405. All relevant material should be received on or before March 12, 1975.

NOTE.—The forms mentioned in Appendix G are on file with the original document.

Dated: February 3, 1975.

R. E. ZECHMAN,
Associate Administrator.

This is a Federal Management Circular requiring all Federal agencies to adopt standard administrative requirements for certain grants, contracts, and other agreements with public and private institutions of higher education, public and private hospitals, and other public and private nonprofit organizations. Authority for issuance of such standards is provided under provisions of Executive Order 11717.

As proposed, 34 CFR Part 258 would read as follows:

PART 258—UNIFORM ADMINISTRATIVE STANDARDS FOR AGREEMENTS WITH PUBLIC AND PRIVATE INSTITUTIONS OF HIGHER EDUCATION, PUBLIC AND PRIVATE HOSPITALS, AND OTHER PUBLIC AND PRIVATE NONPROFIT ORGANIZATIONS

Sec.
258.1 Purpose.
258.2 Effective date.
258.3 Cancellation/recession/supersession.
258.4 Policy intent.
258.5 Applicability and scope.
258.6 Definitions.
258.7 Requests for exceptions.
258.8 Responsibilities.
258.9 Inquiries.

AUTHORITY: Executive Order 11717.

§ 258.1 Purpose.

This part promulgates standards for obtaining consistency and uniformity among Federal agencies in the administration of agreements including grants, contracts, and other agreements as defined in § 258.6c with public and private institutions of higher education, public and private hospitals, and other public and private nonprofit organizations (hereinafter referred to as recipients).

§ 258.2 Effective date.

The standards in the appendixes to this part will be applied for grants and certain other agreements as soon as practicable but not later than October 1, 1975. For contracts, the standards will be published in the Federal Procurement Regulations and Armed Services Procurement Regulations.

§ 258.3 Cancellation / rescission / supersession.

This part rescinds and replaces Parts III and IV of the Appendix to Part 253.

§ 258.4 Policy intent.

The uniform standards and requirements included in the appendixes to this part replace the varying and often conflicting and burdensome requirements which have been imposed by Federal agencies upon recipients as conditions of agreements with recipients.

§ 258.5 Applicability and scope.

Except as provided below, the standards promulgated by this part are applicable to agreements with recipients, as defined in § 258.6(b). If the enabling legislation for a specific project or program prescribes policies or requirements that differ from the standards provided herein, the provisions of the enabling legislation shall govern. Except as otherwise provided, the provisions of this part shall also supply to all subrecipients performing substantive work under the agreement.

§ 258.6 Definitions.

For the purposes of this part:

(a) The term "grant" means money or property provided in lieu of money paid or furnished by the Federal Government to recipients under programs that provide financial assistance and support for basic research. The term does not include technical assistance programs which provide services instead of money or other assistance in the form of general revenue sharing, loans, loan guarantees, or insurance. Also the term does not apply to direct payments or direct loans to individuals.

(b) The term "recipient" includes the following types of organizations which are receiving Federal funds:

(i) Public and private institutions of higher education,

(ii) Public and private hospitals, and

(iii) Other public and private nonprofit organizations, such as (but not limited to) community action agencies, Head Start agencies, research institutes, educational associations, and health centers.

The term does not include foreign or international organizations (such as agencies of the United Nations and Government-owned facilities (GOCO) or research centers providing continuing support for mission-oriented, large scale programs which are (usually) Government-owned or controlled, or are designed as federally-funded research and development centers.

(c) The term "agreement" means a cooperative agreement, grant, contract or other types of instruments used to reflect a relationship between the Federal Government and the recipient but does not include procurements for goods and services which are normally conducted through solicited competitive bidding or provide for a payment of a fee or profit to the recipient.

§ 258.7 Requests for exceptions.

The General Services Administration shall grant deviations from the requirements of this part when deviations are permissible under existing laws. However, in the interest of keeping maximum uniformity, deviations from the requirements of the part will be permitted only in exceptional cases.

§ 258.8 Responsibilities.

Agencies responsible for administering programs shall issue the appropriate regulations necessary to implement the provisions of the part and shall, upon request, furnish such regulations or implementing instructions to the Office of Federal Management Policy (AMF), GSA. They shall also designate an official to serve as the agency representative on matters relating to the implementation of this part. The name and title of such representative shall be furnished to the Office of Federal Management Policy (AMF), GSA, not later than 30 days after the date of final publication in the FEDERAL REGISTER.

§ 258.9 Inquiries.

Further information concerning this part may be obtained by contacting:

General Services Administration
Office of Federal Management Policy (AMF)
Washington, D.C. 20405

TABLE OF CONTENTS FOR APPENDIXES

Cash depositories	A
Bonding and insurance	B
Retention and custodial requirements for records	C
Program income	D
Cost sharing and matching	E
Standards for financial management systems	F
Financial reporting requirements	G
Monitoring and reporting program performance	H
Payment requirements	I
Revision of financial plans	J
Closeout procedures	K
Suspension and termination procedures	L
Reserved for application forms	M
Property management standards	N
Procurement standards	O

APPENDIX

Cash Depositories. 1. This appendix sets forth standards governing the use of banks and other institutions as depositories of funds advanced under agreements.

2. Except for situations described in 2., 3., and 4., no Federal sponsoring agency shall:

(a) Require physical segregation of cash depositories for funds which are provided to a recipient.

(b) Establish any eligibility requirements for cash depositories in which funds are deposited by a recipient.

3. A separate bank account shall be required when letter-of-credit agreements entered into by the recipient, the Federal Government, and the bank involved provide that drawdowns will be made when the recipient's checks are presented to the bank for payment.

4. When no other method is feasible for providing the security required by Federal procurement statutes on advance payments under a contract, a special bank account with a lien in favor of the Government shall be required.

5. Any moneys advanced to a recipient which are subject to the control or regulation of the United States or any of its officers, agents or employees (public moneys as defined in Treasury Circular No. 176) must be deposited in a bank with Federal Deposit Insurance Corporation (FDIC) insurance coverage and the balance exceeding the FDIC coverage must be collaterally secured.

6. Consistent with the national goal of expanding the opportunities for minority business enterprises, recipients shall be encouraged to use minority banks (a bank at least 50 per cent of which is owned by minority group members).

APPENDIX B

Bonding and insurance. 1. This appendix sets forth bonding and insurance requirements for agreements with recipients. No other bonding and insurance requirements shall be imposed other than those normally required by the recipient.

2. The Federal sponsoring agencies may impose special requirements for liability insurance for cost reimbursement contracts for supplies and services (including construction) and for awards in which the Government obligates itself to indemnify the recipient for liabilities to third persons for loss of or damage to property, or for death or bodily injury, not compensated by insurance or otherwise, arising out of performance under the contract.

3. Except as otherwise required by law, an agreement which requires the contracting (or subcontracting) for construction or facility improvement shall provide for the recipient to follow its own requirements relating to bid guarantees, performance bonds, and payment bonds unless the construction contract or subcontract exceeds $100,000. For these contracts or subcontracts exceeding $100,000, the minimum requirements shall be as follows:

a. *A bid guarantee from each bidder equivalent to five percent of the bid price.* The "bid guarantee" shall consist of a firm commitment such as a bid bond, certified check, or other negotiable instrument accompanying a bid as assurance that the bidder will, upon acceptance of his bid, execute such contractural documents as may be required within the time specified.

b. *A performance bond on the part of the contract or for 100 percent of the contract price.* A "performance bond" is one executed in connection with a contract to secure fulfillment of all the contractor's obligations under such contract.

c. *A payment bond on the part of the contractor for 100 percent of the contract price.* A "payment bond" is one executed in connection with a contract to assure payment as required by law of all persons supplying labor and material in the execution of the work provided for in the contract.

4. Where the Federal Government guarantees or insures the repayment of money borrowed by the recipient, the Federal agency, at its discretion, may require adequate bonding and insurance if the bonding and insurance requirements of the recipient are not deemed adequate to protect the interest of the Federal Government.

5. The Federal sponsoring agency may require adequate fidelity bond coverage where the recipient has no coverage and the bond is needed to protect the Government's interest.

6. Where bonds are required in the situations described above, the bonds shall be obtained from companies holding certificates of authority as acceptable sureties (31 CFR Part 223).

APPENDIX C

Retention and custodial requirements for records. 1. This appendix sets forth record retention requirements for agreements with recipients. Federal sponsoring agencies shall not impose any other record retention requirements upon recipients other than those described below.

2. Financial records, supporting documents, statistical records, and all other records pertinent to an agreement shall be retained for a period of three years, with the following qualifications:

a. The records shall be retained beyond the 3-year period if any audit findings, litigations or claims involving the records have not been resolved.

b. Records for nonexpendable property which was acuired with Federal funds shall be retained for 3 years after its final disposition.

c. When records are transferred to or maintained by the Federal sponsoring agency, the 3-year retention requirement is not applicable to the recipient.

3. The retention period for agreements, other than contracts, starts from the date of the submission of the final expenditure report or, for agreements which are renewed annually, from the date of the submission of the annual expenditure report.

4. The retention period for contracts starts from the date of final payment.

5. Recipient organizations should be authorized by the Federal sponsoring agency, if they so desire, to substitute microfilm copies in lieu of original records.

6. The Federal sponsoring agency shall request transfer of certain records to its custody from recipient organizations when it determines that the records possess long-term retention value. However, in order to avoid duplicate record-keeping, a Federal sponsoring agency may make arrangements with recipient organizations to retain any records which are continuously needed for joint use.

7. The head of the Federal sponsoring agency and the Comptroller General of the United States, or any of their duly authorized representatives, shall have access to any books, documents, papers, and records of the recipient organization and their subrecipients to make audits, examinations, excerpts and transcripts.

8. Unless otherwise required by law, no Federal sponsoring agency shall place restrictions on recipient organizations which will limit public access to the records of recipient organizations except when the agency can demonstrate that such records must be kept confidential and would have been excepted from disclosure pursuant to the Freedom of Information Act (5 U.S.C. 552) if the records had belonged to the Federal sponsoring agency.

APPENDIX D

Program income. 1. Federal sponsoring agencies shall apply the standards set forth in this appendix in requiring recipient organizations to account for program income related to projects financed in whole or in part with Federal funds. Program income is defined in Appendix G, paragraph 2g.

2. Except as provided by the Intergovernmental Cooperation Act of 1968 (Public Law 90–577), for recipient organizations which are agencies or instrumentalities of a State, interest earned by a recipient organization on advances of Federal funds shall be remitted to the Federal agency.

3. Proceeds from the sale of real and personal property either provided by the Federal Government or purchased in whole or in part with Federal funds, shall be handled in accordance with Appendix N to this part pertaining to property management.

4. Royalties received as a result of copyrights or patents will normally be retained by the recipient unless the terms of the agreement provide otherwise.

5. All other program income earned during the project period shall be retained by the recipient and, in accordance with the agreement, shall be:

a. Added to funds committed to the project by the Federal sponsoring agency and recipient organization and be used to further eligible program objectives, or

b. Deducted from the total project costs in determining the net costs on which the Federal share of costs will be based.

APPENDIX E

Cost sharing and matching. 1. This appendix sets forth criteria and procedures for the allowability of cash and in-kind contributions made by recipients or third parties in satisfying cost sharing and matching requirements of Federal sponsoring agencies. This appendix also establishes criteria for the evaluation of in-kind contributions made by third parties, and supplements the guidance found in FMC 73–3 (34 CFR Part 211) with respect to cost sharing on federally-sponsored research.

2. The following definitions apply for the purpose of this appendix:

a. *Project costs.* Project costs are all allowable costs incurred by a recipient (as set forth in the applicable Federal cost principles) and the value of in-kind contributions made by third parties in accomplishing the objectives of the agreement during the project or program period.

b. *Cost sharing and matching.* In general, cost sharing and matching respresent that portion of project or program costs not borne by the Federal Government.

c. *Cash contributions.* Cash contributions represent the recipient's cash outlay, including the outlay of money contributed to the recipient by non-Federal third parties.

d. *In-kind contributions.* In-kind contributions represent the value of noncash contributions provided by the recipient and non-Federal third parties. Only when authorized by Federal legislation, may property purchased with Federal funds be considered as the recipient's in-kind contributions. In-kind contributions may be in the form of real property and non-expendable personal property, and the value of goods and services directly benefiting and specifically identifiable to the project or program.

3. General guidelines for computing cost sharing or matching are as follows:

a. Cost sharing or matching may consist of:

(1) Charges incurred by the recipient as project costs. (Not all charges require cash outlays by the recipient during the project period; examples are depreciation and use charges for buildings and equipment.)

(2) Project costs financed with cash contributed or donated to the recipient by other public agencies and institutions, and private organizations and individuals, and

(3) Project costs represented by services and real and personal property, or use thereof, donated by other public agencies and institutions, and private organizations and individuals.

b. All contributions, both cash and in-kind, shall be accepted as part of the recipient's cost sharing or matching when such contributions meet all the following criteria:

(1) Are verifiable from the recipient's records;

(2) Are not included as contributions for any other federally assisted program;

(3) Are necessary and reasonable for proper and efficient acomplishment of project objectives;

(4) Are types of charges which would be allowable under the applicable cost principles;

(5) Are not paid by the Federal Government directly or indirectly under another agreement (unless the agreement is authorized by Federal law to be used for cost sharing or matching); and

(6) Conform to other provisions of this appendix.

4. Values for recipient in-kind contributions will be established in accordance with the applicable cost principles.

5. Specific procedures for the recipients in establishing the value of in-kind contributions from non-Federal third parties are set forth below:

a. *Valuation of volunteer services.* Volunteer services may be furnished by professional and technical personnel, consultants, and other skilled and unskilled labor. Volunteer service may be counted as cost sharing or matching if the service is an integral and necessary part of an approved program.

(1) *Rates for volunteer services.* Rates for volunteers should be consistent with those paid for similar work in the recipient's organization. In those instances in which the required skills are not found in the recipient organization, rates should be consistent with those paid for similar work in the labor market in which the recipient competes for the kind of services involved.

(2) *Volunteers employed by other organizations.* When an employer other than the recipient furnishes the services of an employee, these services shall be valued at the employee's regular rate of pay (exclusive of fringe benefits and overhead cost) provided these services are in the same skill for which the employee is normally paid.

b. *Valuation of donated expendable personal property.* Donated expendable personal property includes such items as expendable equipment, office supplies, laboratory supplies or workshop and classroom supplies. Value assessed to expendable personal property included in the cost or matching share should be reasonable and should not exceed the market value of the property at the time of the donation.

c. *Valuation of donated, nonexpendable personal property, buildings and land or use thereof.* (1) The method used for charging cost sharing or matching for donated nonexpendable personal property, buildings, and land may differ according to the purpose of the grant or contract as follows:

(a) If the purpose of the agreement is to assist the recipient in the acquisition of equipment, buildings, or land, the total value of the donated property may be claimed as cost sharing or matching.

(b) If the purpose of the agreement is to support activities that require the use of equipment, buildings or land on a temporary or part-time basis, depreciation or use charges for equipment and buildings may be made. The full value of equipment or other capital assets and fair rental charges for land may be allowed provided that the Federal agency has approved the charges.

(2) The value of donated property will be determined in accordance with the usual accounting policies of the recipient with the following qualifications:

(a) *Land and buildings.* The value of donated land and buildings may not exceed its fair market value, at the time of donation, as established by an independent appraiser (e.g., certified real property appraiser or GSA representatives) and certified by a responsible official of the recipient.

(b) *Nonexpendable personal property.* The value of donated nonexpendable personal property shall not exceed the fair market value of equipment and property of the same age and condition at the time of donation.

(c) *Use of space.* The value of donated space shall not exceed the fair rental value of comparable space as established by an independent appraiser of comparable space and facilities in a privately-owned building in the same locality.

(d) *Loaned equipment.* The value of loaned equipment shall not exceed its fair rental value.

6. The following requirements pertain to the recipient's supporting records for in-kind contributions from non-Federal third parties.

a. Volunteer services must be documented and, to the extent feasible, supported by the same methods used by the recipient for its employees.

b. The basis for determining the valuation for personal services, material, equipment, buildings, and land must be documented.

APPENDIX F

Standards for financial management systems. 1. This appendix prescribes standards for financial management systems of recipients. Federal sponsoring agencies shall not impose additional standards on recipients unless specifically provided for in the applicable statutes or other attachments to this part. However, Federal sponsoring agencies are encouraged to make suggestions and assist recipients in establishing or improving financial management systems when such assistance is needed or requested.

2. Recipients' financial management systems shall provide for:

a. Accurate, current and complete disclosure of the financial results of each federally sponsored project or program in accordance with the reporting requirements set forth in appendix G to this part. When a Federal sponsoring agency requires reporting on an accural basis, the recipient shall not be required to establish an accrual accounting system (except to the extent prescribed by the Cost Accounting Standards Board for awards subject to the Board's requirements), but should develop its reports on the basis of best estimates through an analysis of the documentation on hand.

b. Records which identify adequately the source and application of funds for federally sponsored activities. These records shall contain information pertaining to Federal awards, authorizations, obligations, unobligated balances, assets, outlays, and income.

c. Effective control over and accountability for all funds, property, and other assets. Recipients shall adequately safeguard all such assets and shall assure that they are used solely for authorized purposes.

d. Comparison of actual outlays with budget amounts for each agreement. Whenever appropriate or required by the Federal sponsoring agency, financial information should be related to performance and unit cost data.

e. Procedures to minimize the time elapsing between the transfer of funds from the U.S. Treasury and the disbursement by the recipient, whenever funds are advanced by the Federal Government. When advances are made by a letter-of-credit method, the recipient shall make drawdowns from the U.S. Treasury through his commerical bank as close as possible to the time of making disbursements.

f. Procedures for determining the allowability and allocability of costs in accordance with the provisions of the applicable Federal cost principles and the terms of the agreement.

g. Accounting records which are supported by source documentation.

h. Examinations in the form of audits or internal audits, of the recipient's financial transactions made by individuals who are sufficiently independent of those who authorize the expenditure of Federal funds, to produce unbiased opinions, conclusions or judgments. These examinations are intended to ascertain the effectiveness of the financial management systems and internal procedures that have been established to meet the terms and conditions of the agreement. It is not intended that each agreement awarded to the institution be examined. Generally, examinations should be conducted on an organizationwide basis to test the fiscal integrity of financial transactions, as well as compliance with the terms and conditions of the Federal agreements. Such tests would include an appropriate sampling of Federal agreements. Examinations will be conducted with reasonable frequency, on a continuing basis or at scheduled intervals, usually annually, but not less frequently than every two years. The frequency of these examinations shall depend upon the nature, size, and the complexity of the activity.

i. A systematic method to assure timely and appropriate resolution of audit findings and recommendations.

3. Primary recipients shall require secondary recipients (recipients of grants and cost type contracts which are passed through or awarded by the primary recipient) to adopt the standards in paragraph 2, above, except for the requirement in paragraph 2.e. regarding the use of letter-of-credit method.

APPENDIX G

Financial reporting requirements. 1. This appendix prescribes uniform reporting procedures for recipients to summarize expenditures made and Federal funds unexpended for each award; report the status of Federal cash advanced; request advances and reimbursement when the letter-of-credit method is not used; and promulgates standard forms incident thereto.

2. The following definitions apply for purposes of this appendix.

a. *Accrued expenditures.* Accrued expenditures are the charges incurred by the recipient during a given period requiring the provision of funds for: (1) goods and other tangible property received; (2) services performed by employees, contractors, subrecipients, and other payees, and (3) other amounts becoming owed under programs for which no current services or performance are required.

b. *Accrued income.* Accrued income is the earnings during a given period which are a source of funds resulting from (1) services performed by the recipient; (2) goods and other tangible property delivered to purchasers; and (3) amounts becoming owed to the recipient for which no current services or performance are required by the recipient.

c. *Federal funds authorized.* Federal funds authorized represent the total amount of Federal funds authorized for obligation by the recipient. This amount may include any authorized carryover of unobligated funds from prior fiscal years.

d. *In-kind contributions.* In-kind contributions represent the value of noncash contributions provided by the recipient and non-Federal third parties. Only when authorized by Federal legislation may property purchased with Federal funds be considered as the recipient's in-kind contributions. In-kind contributions may be in the form of charges for real property and nonexpendable personal property, and value of goods and services directly benefiting and specifically identifiable to the project or program.

e. *Obligations.* Obligations are the amounts of orders placed, contracts and grants awarded, services received, and similar transactions during a given period, which will require payment during the same or a future period.

f. *Outlays.* Outlays or expenditures represent charges made to the project or program. They may be reported on a cash or accrual basis. For reports which are prepared on a cash basis, outlays are the sum of actual cash disbursements for direct charges for goods and services, the amount of indirect expense charged, the value of in-kind contributions applied, and the amount of cash advances and payments made to subrecipients. For reports prepared on an accrual basis, outlays are the sum of actual cash disbursements for direct charges for goods and services, the amount of indirect expense incurred, the value of in-kind contributions applied, and the net increase (or decrease) in the amounts owed by the recipient for goods and other property received, for services performed by employees, contractors, subrecipients and other payees and other amounts becoming owed under programs for which no current services or performances are required.

g. *Program income.* Program income represents earnings by the recipient realized from the federally supported activities. Such earnings exclude interest income and may include, but will not be limited to, income from service fees, sale of commodities, usage or rental fees, and royalties on patents and copyrights. Program income can be reported on a cash or accrued income basis.

h. *Unobligated balance.* The unobligated balance is the portion of the funds authorized by the Federal sponsoring agency which has not been obligated by the recipient and is determined by deducting the cumulative obligations from the cumulative funds authorized.

i. *Unliquidated obligations.* For reports prepared on a cash basis, unliquidated obligations represent the amount of obligations incurred by the recipient which have not been paid. For reports prepared on an accured expenditure basis, they represent the amount of obligations incurred by the recipient for which an outlay has not been recorded.

3. Only the following forms will be authorized for obtaining financial information from recipients. The forms mentioned below are filed as part of the original document.

a. *Financial Status Report (Exhibit 1).* (1) Each Federal sponsoring agency shall require recipients to use the standardized Financial Status Report to report the status of funds for all nonconstruction, projects or programs. The Federal sponsoring agencies may, however, have the option of not requiring the Financial Status Report when the Request for Advance or Reimbursement (paragraph 4a.) or Report of Federal Cash Transactions (paragraph 3b.) is determined to provide adequate information to meet their needs, except that a final Financial Status Report shall be required at the completion of the project when the Request for Advance or Reimbursement form is used only for advances.

(2) The Federal sponsoring agency shall prescribe whether the report shall be on a cash or accrual basis. If the Federal sponsoring agency requires accrual information and the recipient's accounting records are not normally kept on the accrual basis, the recipient shall not be required to convert his accounting system, but should develop such information through best estimates based on an analysis of the documentation on hand.

(3) The Federal sponsoring agency shall determine the frequency of the Financial Status Report for each project or program considering the size and complexity of the particular project or program. However, the report shall not be required more frequently than quarterly or less frequently than annually. When necessary to meet program needs, monthly reports may be authorized if approved by the General Services Administration. A final report shall be required at the completion of the agreement.

(4) Federal sponsoring agencies shall require recipients to submit the Financial Status Report (original and no more than two copies) no later than 30 days after the end of each specified reporting period for quarterly and semi-annual reports, and 90 days for annual and final reports. Extensions to reporting due dates may be granted upon request of the recipient.

b. *Report of Federal Cash Transactions (Exhibit 2).*

(1) When funds are advanced to recipients through letters of credit or with Treasury checks, the Federal sponsoring agencies shall require each recipient to submit a Report of Federal Cash Transactions. The Federal sponsoring agency shall use this report to monitor cash advanced to recipients and to obtain disbursement information for each agreement from the recipients.

(2) Federal sponsoring agencies may require forecasts of Federal cash requirements in the "Remarks" section of the report.

(3) When practical and deemed necessary, the Federal sponsoring agencies may require recipients to report in the "Remarks" section the amount of cash advances in excess of three days' requirements in the hands of subgrantees or subcontractors and to provide short narrative explanations of actions taken by the recipients to reduce the excess balances.

(4) Recipients shall be required to submit not more than the original and two copies of the Report of Federal Cash Transactions 15 working days following the end of each quarter. The Federal sponsoring agencies may require a monthly report from those recipients receiving advances totaling $1 million or more per year.

(5) Federal sponsoring agencies may waive the requirement for submission of the Report of Federal Cash Transactions when monthly advances do not exceed $10,000 per recipient, provided that such advances are monitored through other forms contained in this appendix, or the recipient's accounting controls are adequate to minimize excessive Federal advances.

4. Except as noted below, only the following forms will be authorized for the recipients in requesting advances and reimbursements.

a. *Request for Advance or Reimbursement (Exhibit 3).* (1) Each Federal sponsoring agency shall adopt the Request for Advance or Reimbursement as a standardized form for all nonconstruction programs when letters of credit or predetermined advance methods are not used. Federal sponsoring agencies, however, have the option of using this form for construction programs in lieu of the Outlay Report and Request for Reimbursement for Construction Programs (paragraph 5b.).

(2) Recipients shall be authorized to submit requests for advances and reimbursement at least monthly when letters of credit are not used. Federal sponsoring agencies shall not require the submission of more than the original and two copies of the Request for Advance or Reimbursement.

b. *Outlay Report and Request for Reimbursement for Construction Programs (Exhibit 4).* (1) Each Federal sponsoring agency shall adopt the Outlay Report and Request for Reimbursement for Construction Programs as the standardized format to be used for requesting reimbursement for construction programs. The Federal sponsoring agencies may, however, have the option of substituting the Request for Advance or Reimbursement Form (paragraph 4a.) when the Federal agencies determine that it provides adequate information to meet their needs.

(2) Recipients shall be authorized to submit requests for reimbursement at least monthly when letters of credit are not used. Federal sponsoring agencies shall not require more than the original and two copies of the Outlay Report and Request for Reimbursement for Construction Programs.

5. When the Federal sponsoring agencies need additional information in using these forms, the following shall be observed:

a. When necessary to comply with legislative requirements, Federal sponsoring agencies shall issue instructions to require recipients to submit such information under the "Remarks" section of the reports.

b. When necessary to meet specific program needs, Federal sponsoring agencies shall submit the proposed reporting requirements to the General Services Administration for approval under the exception provision of this part.

c. When a Federal sponsoring agency has determined that a nonprofit organization's accounting system does not meet the Standards for Financial Management contained in appendix F to this part, additional information to further monitor agreements may be obtained until such time as the system is brought up to standard.

d. The Federal sponsoring agency, in obtaining information as in paragraphs a. and

b. above, must also comply with report clearance requirements of the Office of Management and Budget Circular No. A-40, as revised.

6. Federal sponsoring agencies have the option of shading out any line item on any report that is unnecessary for decisionmaking purposes.

7. Federal sponsoring agencies should accept the identical information from the recipients in machine usable format or computer printouts in lieu of prescribed formats.

8. Federal sponsoring agencies may provide computer outputs to recipients when it will expedite or contribute to the accuracy of reporting.

9. Federal sponsoring agencies are authorized to reproduce these forms. The forms for reproduction purposes can be obtained from the General Services Administration.

APPENDIX H

MONITORING AND REPORTING PROGRAM PERFORMANCE

1. This appendix sets forth the procedures for monitoring and reporting program performance of recipients.

2. Recipients shall monitor the performance under agreements and, where appropriate, ensure that time schedules are being met, projected work units by time periods are being accomplished, and other performance goals are being achieved. This review shall be made for each program, function, or activity of each agreement as set forth in the approved application or award document.

3. Recipients shall submit a performance report (technical report) for each agreement that briefly presents the following information for each program, function, or activity involved as prescribed by the Federal sponsoring agency:

a. A comparison of actual accomplishments with the goals established for the period, the findings of the investigator, or both. If the output of programs or projects can be readily quantified, such quantitative data should be related to cost data for computation of unit costs.

b. Reasons why established goals were not met.

c. Other pertinent information including, when appropriate, analysis and explanation of cost overruns or high unit costs.

4. Except as provided in a. and b. below, recipients shall submit the performance or technical reports to Federal sponsoring agencies with the Financial Status Reports in the frequency established by Appendix G of this part and, where appropriate, a final technical or performance report after completion of the project on a date specified by the Federal sponsoring agency. The Federal sponsoring agency shall prescribe the frequency with which the performance reports will be submitted with the request for advance or reimbursement when that form is used in lieu of the Financial Status Report. Except as provided for in paragraph 5. below, performance reports shall not be required more frequently than quarterly or less frequently than annually. Federal sponsoring agencies may waive the requirement for recipients to submit performance reports with the financial reports under the following circumstances:

a. When the recipient is required to submit a performance report with a continuation or renewal application.

b. When the Federal sponsoring agency determines that on-site technical inspections and certified completion data will be sufficient to evaluate construction projects.

c. When the Federal sponsoring agency requests annual financial reports on a fiscal year basis but it is necessary to get annual progress reports on a calendar year basis.

5. Between the required performance reporting dates, events may occur which have significant impact upon the project or program. In such instances, the recipient shall inform the Federal sponsoring agency as soon as the following types of conditions become known:

a. Problems, delays, or adverse conditions which will materially affect the ability to attain program objectives, prevent the meeting of time schedules and goals, or preclude the attainment of project work units by established time periods. This disclosure shall be accompanied by a statement of the action taken, or contemplated, and any Federal assistance needed to resolve the situation.

b. Favorable developments or events that enable time schedules to be met sooner than anticipated or more work units to be produced than originally projected.

6. If any performance review conducted by the recipent disclosures the need for change in the budget estimates in accordance with the criteria established in Appendix J to this circular, the recipient shall submit a request for budget revision.

7. The Federal sponsoring agency shall make site visits as frequently as practicable to:

a. Review program accomplishments and management control systems, and

b. Provide such technical assistance as may be required.

APPENDIX I

Payment requirements. 1. This appendix establishes the required methods of making payments to recipients. These methods will minimize the time elapsing between the disbursement by these recipients and the transfer of funds from the United States Treasury to these recipients whether such disbursement occurs prior to or subsequent to the transfer of funds.

2. Payments can be made to recipients through a letter of credit, an advance by Treasury check, or a reimbursement by Treasury check. The following definitions apply for the purpose of this appendix:

a. *Letter of credit.* A letter of credit is an instrument certified by an authorized official of a Federal sponsoring agency which authorizes a recipient to draw funds when needed from the Treasury, through a Federal Reserve bank and the recipient's commercial bank, in accordance with the provisions of Treasury Circular No. 1075, as revised.

b. *Advance by Treasury check.* An advance by Treasury check is a payment made by a Treasury check to a recipient upon its request before outlays are made by the recipient, or through the use of predetermined payment schedules.

c. *Reimbursement by Treasury check.* A reimbursement by Treasury check is a Treasury check paid to a recipient upon request for reimbursement from the recipient.

3. Except for construction grants and other construction agreements for which optional payment methods are authorized, as described in paragraph 5, the letter-of-credit method shall be used by Federal sponsoring agencies if all of the following conditions exist:

a. If there is or will be a continuing relationship between a recipient and a Federal sponsoring agency for at least a 12-month period and the total amount of advance payments expected to be received within that period from the Federal sponsoring agency is $250,000 or more, as prescribed by Treasury Circular No. 1075.

b. If the recipient has established or demonstrated to the Federal sponsoring agency the willingness and ability to establish procedures that will minimize the time elapsing between the transfer of funds and their disbursement by the recipient.

c. If the recipient's financial management system meets the standards for fund control and accountability prescribed in Appendix F to this part, "Standards for Financial Management Systems."

4. The method of advancing funds by Treasury check shall be used, in accordance with the provisions of Treasury Circular No. 1075, when the recipient meets all of the requirements specified in paragraph 3, above, except those in subparagraph 3a.

5. The reimbursement by Treasury check method shall be the preferred method if the recipient does not meet the requirements specified in either or both of subparagraphs 3b. and 3c. At the option of the Federal sponsoring agency, this method may also be used on any construction agreement, or if the major portion of the program is accomplished through private market financing or Federal loans, and the Federal assistance constitutes a minor portion of the program. When the reimbursement method is used, the Federal sponsoring agency shall make payment within thirty days after receipt of the billing, unless the billing is improper.

6. When the letter-of-credit procedure is used, the recipient shall be issued one consolidated letter of credit whenever possible to cover anticipated cash needs for all grants and other agrements awarded by the sponsoring agency. Likewise, to the extent possible, when the advance by Treasury check method is used, advances should be consolidated (pooled) for all grants and other agreements made by the sponsoring agency to that recipient.

7. The preferred form of security for advance payments under contracts shall be a paramount lien in favor of the Government upon personal property acquired for or allocated to contract performance.

8. Unless otherwise required by law, Federal sponsoring agencies shall not withhold payments for proper charges made by recipients at any time during the project or program period unless (a) a recipient has failed to comply with the program objectives, award conditions, or Federal reporting requirements; or (b) the recipient is indebted to the United States, and collection of the indebtedness will not impair accomplishment of the objectives of a project or program sponsored by the United States.

Under such conditions, the sponsoring agency may, upon reasonable notice, inform the recipient that payments will not be made for obligations incurred after a specified date until the conditions are corrected or the indebtedness to the Federal Government is liquidated.

APPENDIX J

Revision of financial plans. 1. This appendix sets forth criteria and procedures to be followed by Federal sponsoring agencies in requiring recipients to report deviations from financial plans and to request approvals for financial plan revisions.

2. The financial plan is the financial expression of the project or program as approved during the application and/or award process. It may include both the Federal and non-Federal share or only the Federal share, depending upon sponsoring agency requirements. It should be related to performance for program evaluation purposes whenever appropriate and required by the Federal sponsoring agency.

3. For nonconstruction awards, recipients shall request prior approvals promptly from Federal sponsoring agencies whenever deviations from approved financial plans are necessary for the following reasons:

a. The revision results from changes in the scope or the objective of the project or program.

b. The revision indicates the need for additional Federal funding.

c. The revision involves the transfer of amounts budgeted for indirect costs to absorb increases in direct costs or vice versa, if approval is required by the Federal sponsoring agency.

d. The revisions pertain to expenditures which require approval in accordance with FMC 73-8 (34 CFR Part 254) (Cost Principles for Educational Institutions). No other requirements for specific items may be imposed unless a deviation has been approved by the General Services Administration.

e. When recipients plan to transfer funds allotted for training allowances (direct payments to trainees) to other categories of expense.

4. The Federal sponsoring agency may also, at its option, restrict transfers of funds among direct cost categories for awards in which the Federal share exceeds $100,000 when the cumulative amount of such transfers exceeds or is expected to exceed 5 percent of the total budget. The same criteria shall apply to the cumulative amount of transfers among programs, functions, and activities when budgeted separately for an award, except that the Federal sponsoring agency shall permit no transfer which would cause any Federal appropriation, or part thereof, to be used for purposes other than those intended.

5. All other changes to nonconstruction budgets, except for the changes described in paragraph 7., do not require approval. This includes the use of recipient funds in furtherance of program objectives over and above the recipient minimum share included in the approved budget.

6. For construction awards, recipients shall request prior approvals promptly from Federal sponsoring agencies for budget revisions wherever:

a. The revision results from changes in the scope or the objective of the project or program, and

b. The revision increases the budget amounts of Federal funds needed to complete the project.

7. When a Federal sponsoring agency makes an award which provides support for both construction and nonconstruction work, the Federal sponsoring agency may require the recipient to request prior approval from the Federal sponsoring agency before making any fund or budget transfers between the two types of work supported.

8. For both construction and nonconstruction awards, Federal sponsoring agencies shall require recipients to notify the Federal sponsoring agency promptly whenever the amount of Federal authorized funds is expected to exceed the needs of the recipient by more than $5,000 or 5 percent of the Federal award, whichever is greater. This notification will not be required when applications for additional funding are submitted for continuing grants or contracts.

9. When requesting approval for budget revisions which require forms, recipients shall use the budget forms which were used in the application.

10. Within 30 calendar days from the date of receipt of the request for budget revisions, Federal sponsoring agencies shall review the request and notify the recipient whether the budget revisions have been approved. If the revision is still under consideration at the end of 30 calendar days, the Federal sponsoring agency shall inform the recipient in writing of the date when the recipient may expect the decision.

APPENDIX K

Closeout procedures. 1. This appendix prescribes uniform closeout procedures for Federal agreements with recipients.

2. The following definitions shall apply for the purpose of this attachment:

a. *Closeout.* The closeout of an agreement is the process by which a Federal sponsoring agency determines that all applicable administrative actions and all required work of the agreement have been completed by the recipient and the Federal sponsoring agency.

b. *Date of completion.* The date of completion means when all work under an agreement is completed or the date in the award document, or any supplement or amendment thereto, on which Federal sponsorship ends.

c. *Disallowed costs.* Disallowed costs are those charges to an agreement which the Federal sponsoring agency or its representative determines to be unallowable, in accordance with the applicable Federal cost principles or other conditions contained in the agreements.

3. All Federal sponsoring agencies shall establish closeout procedures which include the following requirements:

a. Upon request, the Federal sponsoring agency shall make prompt payments to a recipient for allowable reimbursable costs under the agreement being closed out.

b. The recipient shall immediately refund any balance of unencumbered cash which the Federal sponsoring agency has advanced or paid and which is not authorized to be retained by the recipient for use in other agreements.

c. The Federal sponsoring agency shall obtain from the recipient within 90 calendar days after the date of completion of the agreement all financial, performance, and other reports required as the condition of the agreement. The agency may grant extensions when requested by the recipient.

d. When authorized by the agreement, the Federal sponsoring agency shall make a settlement for any upward or downward adjustments to the Federal share of costs after these reports are received.

e. The recipient shall acount for any property acquired with Federal funds, or received from the Government in accordance with the provisions of Appendix N to this part, Property Management Standards.

f. In the event a final audit is required and has not been performed prior to the closeout of the agreement, the Federal sponsoring agency shall retain the right to recover an appropriate amount after fully considering the recommendations on disallowed costs resulting from the final audit.

4. Suspension and termination procedures are contained in Appendix L to this part.

APPENDIX L

Suspension and termination procedures. 1. This appendix prescribes uniform suspension and termination procedures for Federal agreements with recipients.

2. The following definitions shall apply for the purpose of this appendix:

a. *Termination.* The termination of an agreement means the cancellation of Federal sponsorship, in whole or in part, under an agreement at any time prior to the date of completion.

b. *Suspension.* The suspension of an agreement is an action by a Federal sponsoring agency which temporarily suspends Federal sponsorship under the agreement pending corrective action by the recipient or pending a decision to terminate the agreement by the Federal sponsoring agency.

3. All Federal sponsoring agencies shall provide procedures to be followed when a recipient has failed to comply with the terms of the agreement and conditions or standards. When that occurs, the Federal sponsoring agency may, on reasonable notice to the recipient, suspend the agreement, and withhold further payments, or prohibit the recipient from incurring additional obligations of funds, pending corrective action by the recipient or a decision to terminate in accordance with paragraph 4. The Federal sponsoring agency shall allow all necessary and proper costs which the recipient could not reasonbaly avoid during the period of suspension provided that they meet the provisions of the applicable Federal cost principles.

4. Federal sponsoring agencies shall provide for the systematic settlement of terminated agreements including the following:

a. *Termination for cause.* The Federal sponsoring agency may reserve the right to terminate any agreement in whole or in part at any time before the date of completion, whenever it is determined that the recipient has failed to comply with the conditions of the agreement. The Federal sponsoring agency shall promptly notify the recipient in writing of the determination and the reasons for the termination, together with the effective date. Payments made to recipients or recoveries by the Federal sponsoring agencies under agreements terminated for cause shall be in accordance with the legal rights and liabilities of the parties.

b. *Termination for convenience.* (1) *Grants and other cooperative agreements.* The sponsoring agency or recipient may terminate grants and other cooperative agreements in whole or in part when both parties agree that the continuation of the project would not produce beneficial results commensurate with the further expenditure of funds. The two parties shall agree upon the termination conditions, including the effective date and, in the case of partial terminations, the portion to be terminated. The recipient shall not incur new obligations for the terminated portion after the effective date, and shall cancel as many outstanding obligations as possible. The Federal sponsoring agency shall allow full credit to the recipient for the Federal share of the noncancellable obligations, properly incurred by the recipient prior to termination.

(2) *Contracts.* The Federal contracting agency may terminate contracts, in whole, or in part, whenever for any reason the contracting officer shall determine that such termination is in the best interest of the Government.

APPENDIX M

[RESERVED FOR—APPLICATION FORMS]

APPENDIX N

Property management standards. 1. This appendix prescribes uniform standards governing management of property furnished by the Federal Government or acquired in whole or in part with Federal funds by recipients. Federal sponsoring agencies shall require recipients to observe these standards under agreements and shall not impose additional requirements unless specifically required by Federal law. The recipient may use his own property management standards and procedures provided he observes the provisions of this appendix.

2. The following definitions apply for the purpose of this appendix:

a. *Real property.* Real property means land, includng land improvements, structures, and and appurtenances thereto, but excluding movable machinery and equipment.

b. *Personal property.* Personal property means property of any kind except real property. It may be tangible—having physical existence, or intangible—having no physical

existence, such as patents, inventions, and copyrights.

c. *Nonexpendable personal property.* Nonexpendable personal property means tangible personal property having a useful life of more than one year and an acquisition cost of $300 or more per unit except that recipients subject to Cost Accounting Standards Board regulations may use the CASB standard of $500 per unit and useful life of two years. A recipient may use its own definition of nonexpendable personal property provided that the definition would at least include all tangible personal property as defined above.

d. *Expendable personal property.* Expendable personal property refers to all tangible personal property other than nonexpendable property.

e. *Excess property.* Excess property means property under the control of any Federal agency which, as determined by the head thereof, is no longer required for its needs.

f. *Acquisition cost of purchased nonexpendable personal property.* Acquisition cost of an item of purchased nonexpendable personal property means the net invoice unit price of the property including the cost of modifications, attachments, accessories, or auxiliary apparatus necessary to make the property usable for the purpose for which it was acquired. Other charges such as the cost of installation, transportation, taxes, duty or protective in-transit insurance, shall be included or excluded from the unit acquisition cost in accordance with the recipient's regular accounting practices.

g. *Exempt property.* Exempt property means tangible personal property which is acquired in whole or in part with Federal funds, and title to which is vested in the recipient without further obligation to the Federal Government except as provided in 4d. below. Such unconditional vesting of title will be pursuant to any Federal legislation which provides the Federal sponsoring agency with adequate authority.

3. *Real property.* Agencies shall follow existing regulations for acquisition and use of real property acquired under contracts. Each Federal sponsoring agency shall prescribe requirements for recipients concerning the use and disposition for real property acquired partly or wholly under agreements except contracts. Unless otherwise provided by statute, such requirements, as a minimum, shall contain the following:

a. Title to real property shall vest in the recipient subject to the condition that the recipient shall use the real property for the authorized purpose of the assistance, as long as it is needed.

b. The recipient shall obtain approval by the Federal sponsoring agency for the use of real property in other projects when the recipient determines that the property is no longer needed for the purpose of the original assistance project. Use in other projects shall be limited to those under other federally assisted projects (i.e., grants or other agreements) or programs that have purposes consistent with those authorized for support by the Federal sponsoring agency.

c. When the real property is no longer needed as provided in a. and b. above, the recipient shall request disposition instructions from the Federal sponsoring agency or its successor Federal sponsoring agency in interest. The Federal sponsoring agency shall observe the following rules in the disposition instructions.

(1) The recipient may be permitted to retain title after it compensates the Federal Government in an amount computed by applying the Federal percentage of participation in the cost of the original project to the fair market value of the property.

(2) The recipient may be directed to sell the property under guidelines provided by the Federal sponsoring agency and pay the Federal Government an amount computed by applying the Federal percentage of participation in the cost of the original project to the proceeds from sale (after deducting actual and reasonable selling and fix-up expenses, if any, from the sales proceeds). When the recipient is authorized or required to sell the property, proper sales procedures shall be established which would provide for competition to the extent practicable and result in the highest possible return.

(3) The recipient may be directed to transfer title to the property to the Federal Government provided that in such cases the recipient shall be entitled to compensation computed by applying the recipient's percentage of participation in the cost of the program or project to the current fair market value of the property.

4. *Nonexpendable personal property.* Standards and procedures governing management of nonexpendable personal property acquired with Federal assistance funds or furnished by the Federal Government, are set forth below.

a. *Exempt property.* When statutory authority exists, (e.g., Pub. L. 85-934, (42 U.S.C. 1892)), nonexpendable personal property acquired with Federal funds, title shall be vested in the recipient upon acquisition unless it is determined that to do so is not in furtherance of the objectives of the Federal sponsoring agency. When title is vested in the recipient, the recipient shall have no other obligation or accountability to the Federal Government for its use or disposition except as provided in 4d. below.

b. *Nonexempt, nonexpendable personal property acquired with contract funds.* Title to nonexempt, nonexpendable personal property acquired with contract funds shall vest in the Federal Government upon acquisition. The contractor shall (subject to the shared use rule in 4f. below) use the property for the contract under which it was acquired as long as needed. Upon completion or termination of the contract, the contractor and the Federal sponsoring agency will act in accordance with 4e. below.

c. *Nonexempt, nonexpendable personal property acquired with other than contract funds.* When nonexempt, nonexpendable personal property is acquired by a recipient wholly or in part with other than contract funds, title shall not be taken by the Federal Government except as provided in 4d., below, but shall vest in the recipient subject to the following conditions governing use and disposition of the property:

(1) The recipient shall (subject to 4f. below) use the property in the project or program for which it was acquired as long as needed, whether or not the project or program continues to be supported by Federal funds. When no longer needed for the original project or program, the recipient shall use the property in connection with its other federally assisted activities, in the following order of priority:

(a) Activities sponsored by the same Federal agency.

(b) Activities sponsored by other Federal agencies.

(2) When the recipient no longer needs the property as provided in (1) above, the property may be used for other activities in accordance with the following standards:

(a) *Nonexpendable property with a unit acquisition cost of less than $1,000.* The recipient may use the property for other activities without reimbursement to the Federal Government or sell the property and retain the proceeds.

(b) *Nonexpendable personal property with a unit acquisition cost of $1,000 or more.* The recipient may retain the property for other uses provided that compensation is made to the original Federal sponsoring agency or its successor. The amount of compensation shall be computed by applying the percentage of Federal participation in the cost of the original project or program to the current fair market value of the property. If the recipient has no need for the property and the property has further use value, the recipient shall request disposition instructions from the original sponsoring agency. The Federal sponsoring agency shall determine whether the property can be used to meet the agency's requirements. If no requirement exists within that agency, the availability of the property shall be reported to the General Services Administration (GSA) by the Federal agency to determine whether a requirement for the property exists in other Federal agencies. The Federal sponsoring agency shall issue instructions to the recipient not later than 120 days after the recipient's request, and the following procedures shall govern:

(i) If the recipient is instructed to ship the property elsewhere, the recipient shall be reimbursed by the benefiting Federal agency with an amount which is computed by applying the percentage of the recipient's participation in the cost of the original grant project or program to the current fair market value of the property, plus any reasonable shipping or interim storage costs incurred.

(ii) If the recipient is instructed to otherwise dispose of the property, the recipient shall be reimbursed by the Federal sponsoring agency for such costs incurred in its disposition. If the recipient is instructed to sell the property, he shall reimburse the Federal sponsoring agency in accordance with subparagraph 4b(iii) below.

(iii) If disposition instructions are not issued within 120 calendar days after the recipient's request, the recipient shall sell the property and reimburse the Federal sponsoring agency an amount which is computed by applying to the sales proceeds the percentage of Federal participation in the cost of the original project or program. However, the recipient shall be permitted to deduct and retain from the Federal share $100 or 10 percent of the proceeds, whichever is greater, for the recipient's selling and handling expenses.

d. *Transfer of title of recipient-owned, nonexpendable property with a unit acquisition cost of $1,000 or more.* With respect to items of nonexpendable personal property owned by recipients and acquired with Federal funds having a unit acquisition cost of $1,000 or more, the Federal sponsoring agency may reserve the right to require the recipient to transfer the title to the Federal Government or directly to a third party named by the Federal Government when such third party is otherwise eligible under existing statutes. Such reservation shall be subject to the following standards:

(1) The property shall be appropriately identified in the agreement or otherwise made known to the recipient.

(2) The Federal sponsoring agency shall issue disposition instructions within 120 calendar days after the end of the Federal support of the project for which it was acquired. If the Federal sponsoring agency fails to issue disposition instructions within the 120 calendar day period, the recipient shall apply the standards of subparagraphs 4c. and 4a. as appropriate.

(3) When the Federal sponsoring agency exercises its right to take title, it shall notify the recipient; the personal property shall be subject to the provisions of subparagraph 4e. below.

(4) When title is transferred either to the Federal Government or to a third party, the provisions of 4c(b)(i) should be followed.

e. *Federally owned nonexpendable personal property.* Title to federally owned property remains vested in the Federal Government. The Federal sponsoring agency may require property acquired under a contract to be reported to it upon acquisition. Recipients shall submit annually an inventory listing of federally owned property in their custody to the Federal sponsoring agency. Upon completion of the agreement or when the property is no longer needed, the recipient shall report the property to the Federal sponsoring agency for further agency utilization.

If the Federal sponsoring agency has no further need for the property, it shall be declared excess and reported to the General Services Administration. Appropriate disposition instructions will be issued to the recipient after completion of the Federal agency review.

f. *Shared use.* During the time that nonexpendable personal property is held for use on the project or program for which it was acquired, the recipient shall make it available for use on other projects or programs if such other use will not interfere with the work on the project or program for which the property was originally acquired. First preference for such other use shall be given to other projects or programs sponsored by the Federal agency which financed the property; second preference shall be given to projects or programs sponsored by other Federal agencies. If the property is owned by the Federal Government, use on other activities not sponsored by the Federal Government shall be permissible if authorized by the Federal agency. User charges should be considered if appropriate.

5. The recipient's property management standards for nonexpendable personal property shall include the following procedural requirements:

a. Property records shall be maintained accurately and shall include:

(1) A description of the property.

(2) Manufacturer's serial number, model number, Federal stock number, national stock number, or other identification number.

(3) Source of the property, including contract or grant number.

(4) Whether title vests in the recipient or the Federal Government.

(5) Acquisition date (or date received, if the property was furnished by the Federal Government) and cost.

(6) Percentage of Federal participation in the cost of the project or program for which the property was acquired (not applicable to property furnished by the Federal Government).

(7) Location, use and condition of the property and the date the information was reported.

(8) Unit acquisition cost.

(9) Ultimate disposition data, including sales price or the method used to determine current fair market value where a recipient compensates the Federal sponsoring agency for its share in accordance with 4c. above, and the date of disposal.

b. Property owned by the Federal Government must be marked to indicate Federal ownership. Any differences between quantities determined by the physical inspection and those shown in the accounting records shall be investigated to determine the causes of the difference.

c. A physical inventory of property shall be taken and the results reconciled with the property records at least once every two years. The recipient shall, in connection with the inventory, verify the existence, current utilization, and continued need for the property.

d. A control system shall be in effect to ensure adequate safeguards to prevent loss, damage, or theft of the property. Any loss, damage, or theft of nonexpendable property shall be investigated and fully documented; if the property was owned by the Federal Government, the recipient shall promptly notify the sponsoring Federal agency.

e. Adequate maintenance procedures shall be implemented to keep the property in good condition.

f. Where the recipient is authorized or required to sell the property, proper sales procedures shall be established which would provide for competition to the extent practicable and result in the highest possible return.

6. Standards for nonexempt, expendable personal property are as follows:

a. *Nonexempt, expendable personal property acquired with contract funds.* Title to nonexempt, expendable personal property acquired with contract funds shall vest in the Federal Government upon acquisition. Any residual inventory of such property, upon completion or termination of the contract, shall be reported to the Federal sponsoring agency, and shall be disposed of in accordance with instructions issued by the Federal sponsoring agency.

b. *Nonexempt, expendable personal property acquired with other than contract funds.* Title to nonexempt, expendable personal property acquired with other than contract funds shall vest in the recipient upon acquisition. If there is a residual inventory of such property exceeding $1,000 in total aggregate fair market value, upon termination or completion of the grant, and the property is not needed for any other federally sponsored project or program, the recipient shall retain the property for use on nonfederally sponsored activities, or sell it, but must in either case, compensate the Federal Government for its share. The amount of compensation shall be computed in accordance with 4c(2)(b) or, if sold, in accordance with 4c(2)(b)(iii), above.

7. Standards for control of intangible property are set forth below:

a. *Inventions and patents.* If any program produces patentable items, patent rights, processes, or inventions, in the course of work sponsored by the Federal Government, such fact shall be promptly and fully reported to the Federal sponsoring agency. Unless there is a prior agreement between the recipient and the Federal sponsoring agency on disposition of such items, the Federal sponsoring agency shall determine whether protection on the invention or discovery shall be sought. The Federal sponsoring agency will also determine how the rights in the invention or discovery—including rights under any patent issued thereon—shall be allocated and administered in order to protect the public interest consistent with "Government Patent Policy" (President's Memorandum for Heads of Executive Departments and Agencies, August 23, 1971, and statement of Government Patent Policy as printed in 36 FR 16889).

b. *Copyrights.* Except as otherwise provided in the terms and conditions of the agreement, the author or the recipient organization is free to copyright any books, publications or other copyrightable materials developed in the course of or under a Federal agreement, but the Federal sponsoring agency shall reserve a royalty-free, nonexclusive and irrevocable license to reproduce, publish, or otherwise use, and to authorize others to use, the work for Government purposes.

APPENDIX O

Procurement standards. 1. This appendix provides standards for use by recipients in establishing procedures for the procurement of supplies, equipment, construction, and other services with Federal funds. These standards are furnished to ensure that such materials and services are obtained in an effective manner and in compliance with the provisions of applicable Federal law and executive orders. The recipient shall rely on the private sector to provide goods and services to the maximum feasible extent. No additional procurement standards or requirements shall be imposed by the Federal sponsoring agencies upon recipients unless specifically required by Federal statute or executive orders.

2. The standards contained in this appendix do not relieve the recipient of the contractual responsibilities arising under its contracts. The recipient is the responsible authority, without recourse to the Federal sponsoring agency regarding the settlement and satisfaction of all contractual and administrative issues arising out of procurements entered into, in support of an agreement. This includes disputes, claims, protests of award, source evaluation, or other matters of a contractual nature. Matters concerning violation of law are to be referred to such local, State, or Federal authority as may have proper jurisdiction.

3. Recipients may use their own procurement policies and procedures. However, all recipients shall adhere to the standards set forth in paragraphs 3 and 4.

a. The recipient shall maintain a code or standards of conduct which shall govern the performance of its officers, employees, or agents in the awarding and administration of contracts using Federal funds. The recipient's officers, employees, or agents shall neither solicit nor accept gratuities, favors, or anything of monetary value from contractors or potential contractors. Such standards shall provide for disciplinary actions to be applied for violation of such standards by the recipients' officers, employees, or agents.

b. All procurement transactions shall be conducted in a manner to provide to the maximum extent practical, open and free competition. The recipient should be alert to organizational conflicts of interest or noncompetitive practices among contractors which may restrict or eliminate competition or otherwise restrain trade. Awards shall be made to the bidder/offeror with the lowest bid provided the bid/offer is responsive to the solicitation and is most advantageous to the recipient, price and other factors considered. Solicitations shall clearly set forth all requirements which the bidder/offeror must fulfill in order for his bid/offer to be evaluated by the recipient. Any and all bids/offers may be rejected when it is in the recipients' interest to do so.

c. All recipients shall establish procurement procedures which provide for, as a minimum, the following procedural requirements:

(1) Proposed procurement actions shall have a procedure to assure the avoidance of purchasing unnecessary or duplicative items. Where appropriate, an analysis shall be made of lease and purchase alternatives to determine which would be the most economical, practical procurement.

(2) Solicitations for supplies and services shall be based upon a clear and accurate description of the technical requirements for the material, product, or service to be procured. Such a description shall not, in competitive procurements, contain features which unduly restrict competition. "Brand name or equal" description may be used as a means to refine the performance or other salient requirements of a procurement, and when so used the specific features of the named brand which must be met by bidders/offerors shall be clearly specified.

(3) Positive efforts shall be made by the recipients to utilize small business and minority-owned business sources of supplies and services. Such efforts should allow these sources the maximum feasible opportunity to compete for contracts utilizing Federal funds.

(4) The type of procuring instruments used, e.g., fixed price contracts, cost reimbursable contracts, purchase orders, incentive contracts, shall be determined by the recipient to be appropriate for the particular procurement and for promoting the best interest of the program involved. The "cost-plus-a-percentage-of-cost" method of contracting shall not be used.

(5) Contracts shall be made only with responsible contractors who possess the potential ability to perform successfully under the terms and conditions of a proposed procurement. Consideration shall be given to such matters as contractor integrity, record of past performance, financial and technical resources, or accessibility to other necessary resources.

(6) All proposed sole source contracts in which the aggregate expenditure is expected to exceed $5,000 shall be subject to prior approval at the discretion of the Federal sponsoring agency.

(7) Procurement records and files for purchases in excess of $10,000 shall include the following:

(a) Basis for contractor selection.

(b) Justification for lack of competition when competitive bids or offers are not obtained.

(c) Basis for award cost or price.

(8) A system for contract administration shall be maintained to ensure contractor conformance with terms, conditions, and specifications of the contract, and to ensure adequate and timely followup of all purchases.

4. The recipient shall include, in addition to provisions to define a sound and complete agreement, the following provisions in all contracts. These provisions shall also be applied to subcontracts.

a. Contracts in excess of $10,000 shall contain contractual provisions or conditions that will allow for administrative, contractual, or legal remedies in instances in which contractors violate or breach contract terms, and provide for such remedial actions as may be appropriate.

b. All contracts in excess of $10,000 shall contain suitable provisions for termination by the recipient including the manner by which termination will be effected and the basis for settlement. In addition, such contracts shall describe conditions under which the contract may be terminated for default as well as conditions where the contract may be terminated because of circumstances beyond the control of the contractor.

c. In all contracts for *construction* or facility improvement awarded for more than $100,000, recipients shall observe the bonding requirements provided in Appendix B to this part.

d. All construction contracts awarded by recipients and their contractors or subgrantees having a value of more than $10,000, shall contain a provision requiring compliance with Executive Order 11246, entitled, "Equal Employment Opportunity," as amended by Executive Order 11375, and as supplemented in Department of Labor regulations (41 CFR Part 60).

e. All contracts and subgrants in excess of $2,000 for construction or repair awarded by recipients and subrecipients shall include a provision for compliance with the Copeland "Anti-Kick Back" Act (18 U.S.C. 874) as supplemented in Department of Labor regulations (29 CFR Part 3). This Act provides that each contractor or subgrantee shall be prohibited from inducing, by any means, any person employed in the construction, completion, or repair of public work, to give up any part of the compensation to which he is otherwise entitled. The recipient shall report all suspected or reported violations to the Federal sponsoring agency.

f. When required by the Federal program legislation, all construction contracts awarded by recipients and subrecipients of more than $2,000 shall include a provision for compliance with the Davis-Bacon Act (40 U.S.C. 276a to 276a-7) and as supplemented by Department of Labor regulations (29 CFR Part 5). Under this Act contractors shall be required to pay wages to laborers and mechanics at a rate not less than the minimum wages specified in a wage determination made by the Secretary of Labor. In addition, contractors shall be required to pay wages not less often than onec a week. The recipient shall place a copy of the current prevailing wage determination issued by the Department of Labor in each solicitation and the award of a contract shall be conditioned upon the acceptance of the wage determination. The recipient shall report all suspected or reported violations to the Federal sponsoring agency.

g. Where applicable, all contracts awarded by recipients in excess of $2,000 for *construction* contracts and in excess of $2,500 for other contracts which involve the employment of mechanics or laborers, shall include a provision for compliance with sections 103 and 107 of the Contract Work Hours and Safety Standards Act (40 U.S.C. 327–330) as supplemented by Department of Labor regulations (29 CFR Part 5). Under section 103 of the Act, each contractor shall be required to compute the wages of every mechanic and laborer on the basis of a standard work day of 8 hours and a standard work week of 40 hours. Work in excess of the standard work day or work week is permissible provided that the worker is compensated at a rate of not less than 1½ times the basic rate of pay for all hours worked in excess of 8 hours in any calendar day of 40 hours in the work week. Section 107 of the Act is applicable to construction work and provides that no laborer or mechanic shall be required to work in surroundings or under working conditions which are unsanitary, hazardous, or dangerous to his health and safety as determined under construction safety, and health standards promulgated by the Secretary of Labor. These requirements do not apply to the purchases of supplies or materials or articles ordinarily available on the open market, or contracts for transportation or transmission of intelligence.

h. Contracts or agreements, the principal purpose of which is to create, develop, or improve products, processes or methods; or for exploration into fields which directly concern public health, safety, or welfare; or contracts in the field of science or technology in which there has been little significant experience outside of work funded by Federal assistance, shall contain a notice to the effect that matters regarding rights to inventions, and materials generated under the contract or agreement are subject to the regulations issued by the Federal sponsoring agency and the recipient. The contractor shall be advised as to the source of additional information regarding these matters.

i. All negotiated contracts (except those of $2,500 or less) awarded by recipients shall include a provision to the effect that the recipient, the Federal sponsoring agency, the Comptroller General of the United States, or any of their duly authorized representatives, shall have access to any books, documents, papers, and records of the contractor which are directly pertinent to a specific program for the purpose of making audit, examination, excerpts, and transcriptions.

j. Contracts and subgrants of amounts in excess of $100,000 shall contain a provision which requires the recipient to agree to comply with all applicable standards, orders, or regulations issued pursuant to the Clean Air Act of 1970. Violations shall be reported to the Federal sponsoring agency and the Regional Office of the Environmental Protection Agency.

[FR Doc.75-3671 Filed 2-7-75;8:45 am]

30-year Reference Volumes
Consolidated Indexes and Tables

Presidential Proclamations and Executive Orders

Consolidated subject indexes and tabular finding aids to Presidential proclamations, Executive orders, and certain other Presidential documents promulgated during a 30-year period (1936–1965) are now available in two separately bound volumes, published under Title 3 of the Code of Federal Regulations, priced as follows:

Title 3, 1936–1965 Consolidated Indexes **$3.50**

Title 3, 1936–1965 Consolidated Tables **$5.25**

Compiled by Office of the Federal Register, National Archives and Records Service, General Services Administration

Order from Superintendent of Documents, U.S. Government Printing Office
Washington, D.C. 20402